



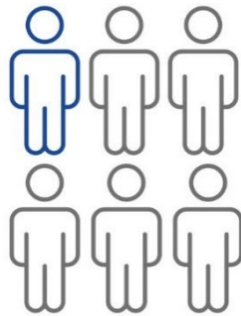
Discussion paper—2022 Review of the Disability Standards for Accessible Public Transport 2002

December 2022

Introduction

This discussion paper supports the Australian Government’s 2022 Review (Review) of the Disability Standards for Accessible Public Transport 2002 (Transport Standards). This paper explains what the Transport Standards are and their purpose, what previous reviews told us and why we are reviewing the Transport Standards.

This paper outlines the scope of the Review, what we want feedback on, and how you can have your say on how the Transport Standards are working to support you. You should read this discussion paper to assist your response to the Review. We are seeking your feedback by 30 June 2023.



One in six people aged 15 years and over with disability have difficulty using public transport.¹

The challenges people with disability may face when using public transport can include:

- poor access to stations, stops and terminals
- difficulty in accessing information suitable to their needs
- safety challenges in planning and completing a public transport journey.

Access to public transport enables Australians to participate in the community. The Transport Standards help people to travel to work or study, connect with family, friends and their community, and access healthcare services. Where a person with disability is not afforded equitable access this can result in discrimination.

¹ Australian Government Australian Institute of Health and Welfare, People with Disability in Australia 2020, 15 November 2021, <https://www.aihw.gov.au/getmedia/ee5ee3c2-152d-4b5f-9901-71d483b47f03/aihw-dis-72.pdf.aspx?inline=true>

Role of the Transport Standards

The *Disability Discrimination Act 1992* (DDA) seeks to eliminate discrimination, as far as possible, against people with disability. Public transport is a service covered by the DDA.

The DDA is supplemented by a series of Disability Standards. These provide more detail on rights and responsibilities under the DDA about equal access and opportunity for people with a disability.

The following Disability Standards have been made under the DDA:

- Disability Standards for Accessible Public Transport 2002 (Transport Standards)
- Disability Standards for Education 2005
- Disability (Access to Premises – Buildings) Standards 2010.

The purpose of the Transport Standards is to enable public transport operators and providers to remove discrimination from public transport services. The Transport Standards came into effect on 23 October 2002.

Public transport services covered by the Transport Standards include buses, coaches, trains, trams (including light rail), ferries, taxis, rideshare and airlines. Public transport infrastructure is also covered, including bus stops, train stations, tram and light rail stops, ferry terminals and airports.

Standards are legally binding regulations set by the Attorney-General under the DDA. Public transport operators and providers must comply with the Transport Standards.

Guidelines

The Transport Standards are accompanied by Guidelines and guidance material. Passengers, operators and providers need to consult the Disability Standards for Accessible Public Transport Guidelines 2004 (Transport Standards Guidelines) when interpreting the Transport Standards.

The Transport Standards Guidelines are available on the Federal Register of Legislation website at: legislation.gov.au/Details/F2005B01059/Supporting%20Material%203/Text.

The Department of Infrastructure, Transport, Regional Development, Communication and the Arts (the Department) published guidance to help ensure a passenger's whole journey is accessible. This guidance document is titled *The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys* (The Whole Journey Guide).

The Whole Journey Guide is available on the Department's website at: infrastructure.gov.au/infrastructure-transport-vehicles/transport-accessibility/whole-journey-guide.

Making a complaint

If a person believes a public transport operator or provider is not complying with the DDA or Transport Standards, they can make a complaint to the Australian Human Rights Commission (AHRC). The AHRC investigates and conciliates complaints of discrimination. If this process is unsuccessful, an individual can commence legal proceedings in the Federal Court of Australia or the Federal Circuit Court of Australia.

Further information on the AHRC complaints process is available on the AHRC website at: humanrights.gov.au/complaints/make-complaint or by contacting the AHRC National Information Service on 1300 656 419 or (02) 9284 9600.

In addition, the AHRC has made available the following resources:

- Auslan presentation that explains how the complaint process works, available at: humanrights.gov.au/complaints/complaint-guides/complaint-information-auslan.
- Making a Complaint fact sheet translated into 63 languages and available in PDF and Word formats, available at: humanrights.gov.au/about/translated-information?_ga=2.122582603.1552785458.1639964315-1107795329.1639964314.

Previous reviews

Every five years, the Minister for Infrastructure, Transport, Regional Development and Local Government, in consultation with the Attorney-General, is required to review the efficiency and effectiveness of the Transport Standards.

Previous reviews identified a number of key barriers impacting the efficiency and effectiveness of the Transport Standards, including:

- A lack of clarity with certain requirements and misalignment or inconsistency with other standards or regulations.
- A need to reflect the current and future needs of Australian society, including:
 - Ensuring new and emerging forms of transport and technologies are adequately captured.
 - Reviewing references to older Australian Standards where they may be out-dated, not fit-for-purpose or inconsistent with modern versions of Australian Standards. (Australian Standards are documents referenced in the Transport Standards which contain design specifications, procedures and guidelines).
 - The prescriptive nature of some provisions, which may limit the ability for public transport operators to implement innovative solutions.

These barriers can lead to situations where:

- Certain provisions in the Transport Standards place further barriers, or fail to remove barriers, for people with disability to travel independently.
- It is impractical or unfeasible for transport operators and providers to comply with certain provisions in the Transport Standards.
- Inconsistent outcomes or errors in interpreting the Transport Standards occur. These inconsistencies may result in additional costs for people with disability and public transport operators and provider.

Public transport operators and providers are responsible for compliance with the Transport Standards. Previous reviews have recognised the difficulties with meeting compliance target dates in the Transport Standards. Submissions to previous reviews have said that it is unlikely that public transport services and infrastructure will be 100 per cent compliant by 31 December 2022 (except for trains and trams, which are required to be compliant by 2032).

It is difficult to monitor compliance with the Transport Standards because the Standards do not include national reporting requirements. Previous reviews of the Transport Standards have noted this issue, and potential solutions to implement a nationally consistent reporting framework are being developed and tested with stakeholders.

Modernisation of the Transport Standards

To address the recommendations of past reviews and other stakeholder feedback, governments are progressing Reforms to the Disability Standards for Accessible Public Transport (the reform process).

In August 2019, Infrastructure and Transport Ministers agreed to reform the Transport Standards to ensure they remain efficient and effective, are fit for purpose and meet the current needs of Australian society. Public consultation on Stage 2 of the reform process, which covers 54 areas of potential reform, closed on 9 August 2022. A Decision Regulation Impact Statement with recommended reforms will be prepared for Infrastructure and Transport Ministers to consider in mid-2023. This builds on Stage 1 of the reform process, where Ministers agreed to 16 areas of reform to the Transport Standards in February 2022.

The modernisation reform process has its own objectives and guiding principles, and is separate to this Review.

The Australian Government acknowledges there are linkages between the reform process and the Review. Findings and feedback from the reform process will be incorporated into the Review.

Further information on the reform process is available on the Department's website at: infrastructure.gov.au/transportaccessibility.

Scope of the 2022 Review

We want to hear from you. We want to understand whether the Transport Standards are doing their job, and we need to hear every day experiences of people with disability, their families and carers, advocates, public transport operators and providers, and state and territory governments.

The key question for this Review is whether the Transport Standards are reducing discrimination for people with disability on public transport services. When thinking about your experiences, we want to hear if your concerns are being addressed through the current reform process. If there are issues not covered by the current reforms, we want to hear about these to help us understand future changes to the Transport Standards.

Terms of reference

The Review will consider the efficiency and effectiveness of the Transport Standards, including:

1. whether discrimination has been removed, as far as possible, according to the requirements for compliance set out in Schedule 1 of the Transport Standards
2. any necessary amendments to the Transport Standards.

The Review will focus on:

- assessing and reporting public views
- progress towards removing discrimination for people with disability on public transport services
- identifying areas of reform to the Transport Standards
- assessing public transport operator and provider compliance with the requirements set out in Schedule 1 of the Transport Standards, including target dates for compliance in Schedule 1, Part 4 of the Transport Standards.

Advice to governments

Your feedback to the Review will help us assess whether the Transport Standards are reducing discrimination against people with disability.

If we find the Transport Standards are not working well, or where particular areas of improvement could be made, we will make recommendations on what needs to change, and how to change it.

Collaborative action between people with disability, the Australian Government, states and territories and the public transport industry is vital to ensure progress and implementation of review recommendations. This will provide opportunity for joint action and to identify any future amendments to the Transport Standards.

The Review report will be provided to the Minister for Infrastructure, Transport, Regional Development and Local Government and the Attorney-General in late 2023.

Have your say

You can have your say by making a submission, answering the questions below or participating in public consultations.

We have provided the following questions to help you provide your input to the Review. You don't have to answer all of the questions, they are a guide to help us understand your views and experiences on different areas of the Transport Standards. You are encouraged to share any other experiences that are important to you.

When providing a response, please let us know whether you are a person with disability, a family member or carer, disability or industry advocate, a public transport operator or provider, State or Territory government stakeholder or other.

Questions for people who use public transport

We want to know what you think about the Transport Standards

- Are you familiar with the Transport Standards and what they are designed to do? If so, where did you find out about the Transport Standards? Do we need to increase awareness of the Transport Standards? If so, how?
- To what extent do you think the Transport Standards have removed discrimination from public transport services?
- In the past five years, have you seen improvements in accessibility and safety for people with disability on public transport services? What improvements have you seen?
- Do barriers still exist for people with disability using or wanting to use public transport? If so, how do you think the Transport Standards could be improved to help address those barriers?
- Do the Transport Standards need changing? If so, please tell us how you think the Transport Standards could be changed and why?
- Are you aware of the Guidelines to support passengers, operators and providers when interpreting the Transport Standards? If so, do you find them useful? If not, why not?

Tell us about your experience accessing and using public transport

- **Planning your journey** – Tell us about your experience accessing information about public transport routes, timetables, any required connections, and information at the destination in a form that suits your needs. How do your circumstances affect planning a public transport journey?
- **Public transport stops, stations or terminals** – Tell us about your experience at public transport stops, stations, terminals, wharfs, airports and other boarding locations, from the time you arrive until you board. Are you able to easily identify suitable and safe boarding points and waiting areas? Is information readily available in your preferred format?
- **On-board the public transport service** – Tell us about your experience during your public transport journey on the vehicle. Are you able to board independently, quickly and effectively, have a safe, secure and comfortable experience on board the vehicle? If not, why not?
- **Disruption to your journey** – Tell us about your experience with planned and unplanned disruptions to the usual operation of public transport. When disruption occurs, how does this impact you and what do you need to make sure you can continue to travel safely and confidently?
- **Complaints** – If you considered a public transport operator or provider was not meeting their obligations, how do you deal with this situation? Do you know how to make a complaint? If so, tell us about your experience.

Questions for public transport operators and providers

We want to know what you think about the Standards

- Are you familiar with the Transport Standards and what they are designed to do? If so, where did you find out about the Transport Standards? Do we need to increase awareness of the Transport Standards? If so, how?
- Do you provide any training about disability awareness or the Transport Standards? What does this involve?
- Do you understand your obligations when it comes to removing discrimination from public transport services? How have the Transport Standards helped you to understand your obligations?
- Do you think the Transport Standards have removed discrimination from public transport services? Why, or why not?
- Are you aware of the Guidelines to support passengers, operators and providers when interpreting the Transport Standards? Do you consult the Guidelines to assist you to interpret the Transport Standards? If not, why not?
- Do barriers still exist for people with disability wanting to use public transport? If so, how do you think the Transport Standards could be improved to help address these barriers?
- Do the Transport Standards clearly articulate how to address barriers to ensure you comply with your obligations under the DDA?
- Do the Transport Standards need changing? If so, please tell us how you think the Transport Standards could be changed and why?

Tell us about your experience with people accessing and using public transport

- **Planning a journey** – What is your experience supporting people with disability, including their family and carers, to plan a public transport journey? Do the Transport Standards provide sufficient clarity to enable your organisation to remove discrimination for people with disability when planning a public transport journey?
- **Public transport stops, stations or terminals** – What is your experience supporting people with disability, including their family and carers, at public transport stops, stations, terminals, wharfs and other boarding locations? Do the Transport Standards provide sufficient clarity to enable your organisation to remove discrimination for people with disability arriving and waiting to board?
- **On-board the public transport service** – What is your experience supporting people with disability, including their family and carers, during a public transport journey (on the vehicle). Do the Transport Standards provide sufficient clarity to enable your organisation to remove discrimination for people with disability during a public transport journey?
- **Disruption to your journey** – What is your experience supporting people with disability, including their family and carers, with planned and unplanned disruptions to the usual operation of public transport. Do the Transport Standards provide sufficient clarity to enable your organisation to remove discrimination for people with disability during planned and unplanned disruptions?
- **Complaints** – In the past five years, have you received any complaints from passengers that said you were not meeting your obligations under the Transport Standards? How did you address these concerns?

Compliance with the Transport Standards

- As required under Transport Standards (Schedule 1, Part 4), 100 percent of all public transport services and infrastructure (except rolling stock, which is set at 90 percent) must be compliant with the Transport Standards by 31 December 2022.
 - What sections of the Transport Standards are you having challenges complying with, and why?
 - For each public transport asset relevant to your organisation, what simple and reliable points of reference (qualitative or quantitative) can you provide as the basis for assessing the extent of compliance against the requirements in the Transport Standards?
 - In the past five years, what improvements have you made to accessibility and safety of public transport services for people with disability?
- As at 31 December 2022, to what extent are the public transport assets of your organisation compliant with the requirements in the Transport Standards? Please respond for all assets relevant to your organisation.

The table below may assist with your response. How you provide this information can be flexible and be provided in a way that is relevant to your organisation (for example in line with how you currently monitor compliance information and define assets). In the event you are unable to provide quantitative data please provide estimates so that our analysis can be as complete as possible.

Asset	% of compliance with the DSAPT (note this should cover all relevant sections pertaining to this asset)	If not fully compliant, please identify areas of the DSAPT that are challenging to meet compliance	Supporting comments and reasons for non-compliance
Example Buses / Platforms / Visual displays etc.	80%	Sections pertaining to handrails and lighting	Compliance relating to handrails and lighting is challenging due to... Compliance in these areas will be met by XX... Equivalent access is used in situations where XXX cannot be provided

Please list assets that are applicable to your organisation only and define each asset as they relate to you, including parameters around how you would define each asset. This could be conveyance type (e.g. buses, trains, ferries etc.), parts of infrastructure (e.g. platforms or bus stops) or information provision (e.g. information displays, communication). For example, you may consider train platforms as one asset which include tactile ground surface indicators, access paths, hearing augmentation etc.

Making a submission

You can respond to the Review and share your experiences with us:

- in writing, or via video or audio recording by email to DisabilityTransport@infrastructure.gov.au
- by telephone (free call) to [1800 621 372](tel:1800621372)
- by mail to:

Director
Disability and Transport Standards
Land Transport Policy
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
GPO Box 594
Canberra ACT 2601

- through an online survey available on the Department's website in 2023, or
- by attending a public consultation event in 2023. Further information on public consultation events will be available in early 2023. You can register to receive updates on the public consultation events by emailing DisabilityTransport@infrastructure.gov.au.

We are seeking your feedback by 30 June 2023.

Contacts

For queries about the Review, including this paper, please contact the Department at DisabilityTransport@infrastructure.gov.au.