



## Stage 2 Reforms of the Disability Standards for Accessible Public Transport 2002



# Reporting and compliance: Equivalent access

Public transport operators and providers are often reluctant to use equivalent access provisions. While they provide the flexibility to use innovative solutions to achieve an equivalent level of accessibility, operators don't have certainty the solution complies with the Transport Standards. Reviewing the current provisions aims to provide the assurance and flexibility to develop solutions that are fit for purpose and non-discriminatory.

## Reform options

### Maintain current requirements in the Transport Standards

Transport Standards *sections 1.16 and 33.3 Equivalent access*, would remain unchanged and no guidance would be issued.

### Non-regulatory option

The Australian Government would develop web-based repository of equivalent access successfully applied by operators and providers. The repository would provide a central collection point for examples of the application of equivalent access to inform stakeholders of possible applications in their own settings. The repository would also inform the disability community of where and how equivalent access is applied. The website would contain a disclaimer advising that the examples provided had not been legally tested and were not endorsed by governments.

The onus for providing examples would rest with operators and providers. Examples may include (but are not limited):

- The cohorts / groups that were involved in the process.
- Details surrounding processes where stakeholders reached agreement on the meanings of the equivalent access terms.
- The steps and tools used throughout the process to reach the agreed solution.
- Any other relevant documentation which would provide the community the confidence that the agreed outcomes were the result of a robust equivalent access process.

Guidance would be provided in the Transport Standards Guidelines and / or The Whole Journey Guide to assist operators and providers in using and navigating the repository.

## Regulatory option

The Transport Standards would be amended to include a new alternative approach for equivalent access, such as a performance solution process.

This alternative process would include co-design and consultation with the disability community and set out certification methods to provide operators and providers with legal certainty and assurance that an alternative solution is fit for purpose and not discriminatory.

The proposed process could be similar to the performance solution process utilised under the National Construction Code (NCC). A performance solution provides a tailored solution to meet the intended objective of performance requirements, must comply with these requirements and be verified by an assessment method.

Many of the NCC performance requirements that relate to accessibility could be modified to align with the Transport Standards, as well as developing new additional, more specific, performance requirements to address Transport Standards requirements not covered in the NCC (e.g. infrastructure, conveyances, connections between transport nodes, rest points, boarding areas, lighting, fixtures and fittings, fare gates, ticketing, information, etc.).

A process suitable for the development of performance solutions under the Transport Standards could include the following:

1. Prepare a performance-based design brief (a document developed in collaboration with key stakeholders) that will be used as the platform upon which the proposed design is constructed
2. Carry out analysis and co-design that includes consultation with relevant stakeholders, including the disability community
3. Evaluate results
4. Prepare draft report
5. Peer review draft report
6. Prepare final report
7. Certify the process

The detail and depth of analysis to support a performance solution should reflect the complexity and impact of the solution. Larger performance solution projects would require more comprehensive consultation and co-design to that of smaller performance solution projects.

Performance solution reports should be prepared by access professionals with appropriate expertise and qualifications in accessibility, building compliance and public transport to ensure appropriate accessibility outcomes are achieved. In conjunction with public transport operators and providers and members of the disability community, the access professionals would be required to:

- document the performance requirement to be achieved
- document the performance solution process undertaken to achieve the requirement
- demonstrate how co-design and consultation with the disability community was incorporated into the process steps.

An appropriate peer review, certification mechanism and certification body would be required to validate the performance solution process. This is to ensure the integrity of the process and appropriate accessibility outcomes are achieved with consistent decision making. Under a proposed new process, operators and providers could utilise their own accessibility experts to peer review the performance solution reports or seek an independent expert to undertake the peer review process on their behalf.

Additionally, a process for final certification would need to be developed. This may be achieved through establishing new certification bodies (such as a national body to oversee certification processes), utilising existing bodies (such as accessibility reference groups or technical committees) or through a process based on

state and territory governments nominating an appropriate existing jurisdictional body to certify performance solutions. Certification bodies would need to have flexibility in their terms of reference and governance processes to allow for scalability of performance solutions.

## Have your say

Public consultation on the Stage 2 reform of the Transport Standards will open from 15 March to 9 August 2022.

For further information:

- **Website:** <https://www.infrastructure.gov.au>
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- **Email:** DisabilityTransport@infrastructure.gov.au
- **Survey:** <https://edm.infrastructure.gov.au/survey.php?sid=28678&name=equivalent-access>