



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



Reporting and compliance: Implementation approach

If Transport Ministers decide to implement new regulatory requirements in the Transport Standards, public transport operators and providers will need to comply with them. Compliance can be complicated for existing transport assets, creating uncertainty in relation to legal responsibility and service provision for operators and providers. There is an opportunity to develop a compliance schedule with fit-for-purpose provisions and mechanisms to manage the compliance of existing assets. How, when and what requirements will apply could be outlined in a new compliance schedule.

Reform options

If new regulatory requirements are agreed as part of this reform process, three implementation options are proposed.

1. Existing assets would need to comply with new regulatory requirements based on a new compliance schedule. Compliance target dates **for individual sections of the Transport Standards** would be developed.
2. Existing assets would need to comply with new regulatory requirements based on a new compliance schedule. Compliance target dates for **transport assets** (e.g. trams, bus stops, taxi ranks, websites and digital information etc.) would be developed.
3. Existing assets would only need to comply with new regulatory requirements when certain circumstances are met, triggering compliance obligations with the new requirements.

New compliance schedule: Compliance target dates for individual sections of the Transport Standards

Regulatory amendments would apply retrospectively and existing assets would need to comply with these requirements based on a new compliance schedule.

A new compliance schedule would be inserted in the Transport Standards that outlines compliance target dates for **individual sections** of the Transport Standards. Compliance target dates would be developed through consultation with state and territory governments, public transport operators and providers and the disability community, for any new or amended sections of the Transport Standards that have been agreed through this reform process.

This option would ensure that bespoke target compliance dates for each individual amendment to the Transport Standards are fit-for-purpose.

A bespoke compliance schedule may introduce different compliance target dates for different individual amendments, taking into consideration the impact of retrospective application of each amendment. A schedule may also introduce staggered compliance dates (as per Schedule 1) for different sections of the Transport Standards.

For example:

- [New or amended requirements] must be 25 per cent compliant within five years, 55 per cent compliant within 10 years, 80 per cent compliant within 15 years and 100 per cent compliant within 20 years.

Transport Standards, section 32.1 Effect and application of these Standards, would remain unchanged. That is, if an existing asset has undergone substantial refurbishment or alteration, or meets any other trigger outlined in section 32.1, prior to the compliance target date, the asset must be made 100 per cent compliant during this activity.

New compliance schedule: Compliance target dates for transport assets covered under the Transport Standards

Regulatory amendments would apply retrospectively and existing assets would need to comply with these requirements based on a new compliance schedule.

A new compliance schedule would be inserted in the Transport Standards that outlines compliance target dates for transport assets (for example trams, bus stops, taxi ranks, websites and digital information etc.) covered under the Transport Standards.

Compliance target dates and a defined list of transport assets to be measured would be developed through consultation with state and territory governments, public transport operators and providers and the disability community.

The list of measurable assets would need to be exhaustive to ensure all public transport infrastructure, premises and conveyances are covered.

A bespoke compliance schedule may introduce different compliance target dates for different transport assets, taking into consideration the impact of retrospective application for each asset. A schedule may also introduce staggered compliance dates (as per the current Schedule 1) for different transport assets under the Transport Standards.

For example:

- [Transport asset X] must be 25 per cent compliant within five years, 55 per cent compliant within 10 years, 80 per cent compliant within 15 years and 100 per cent compliant within 20 years.

Transport Standards section 32.1 Effect and application of these Standards, would remain unchanged. That is, if an existing asset has undergone substantial refurbishment or alteration, or meets any other trigger outlined in section 32.1, prior to the compliance target date, the asset must be made 100 per cent compliant during this activity.

No compliance schedule: Trigger mechanism for compliance with the Transport Standards

Regulatory amendments would apply to all new assets.

Existing assets would only need to comply with new regulatory requirements when the circumstances set out in Transport Standards section 32.1 Effect and application of these Standards, are met. That is, where an existing asset meets one of the conditions in section 32.1 (such as substantial refurbishment or alteration, additional or replacement equipment, new or revised ancillary services, or the provision of new or updated information) the asset will be required to comply with the new regulatory requirements in the Transport Standards.

Meeting one of the conditions of section 32.1 will trigger compliance obligations with the new regulatory requirements.

For example:

- An operator or provider substantially refurbishes a group of tram cars. As a result, conditions under Transport Standards section 32.1 have been met that trigger **new** regulatory requirements for existing assets.

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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- **Survey:** <https://edm.infrastructure.gov.au/survey.php?sid=28687&name=implementation-approach>