



Australian Federation of  
Disability Organisations

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(Insert date)

The Hon. Michael McCormack  
Federal Minister for Transport  
and Infrastructure  
Parliament House  
Canberra

Dear Minister,

I am writing on behalf of the undersigned in regard to the *Disability Standards for Accessible Public Transport 2002* (Transport Standards), in light of its upcoming five-year legislated review.

Firstly, we would like to applaud the Commonwealth Government for taking up Recommendation 4 of the Report of the 2012 Review regarding the whole of journey planning. The publishing and implementation of "*The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys*" provide essential governance in encouraging planners, providers and all levels of government to address the accessible public transport needs of people with disability across services and governmental boundaries.

As you are no doubt aware, lack of access to public transport is a continuing problem for people with disability in Australia, despite the Transport Standards being in place now for 16 years. Indeed, in your electorate of Riverina, public transport in the cities of Ardlethan, Cowra, Forbes, Grenfell, Gundagai, Harden, Peak Hill, Temora, Ungarie, Wagga Wagga, West Wyalong and Young are still not completely accessible.

AFDO and a delegation of supporting disability organisations are seeking to meet with you in order to discuss a number of concerns relating to the upcoming 2017 legislative review of the Transport Standards. The lack of progress in implementing the Transport Standards is of concern to a number of organisations in the disability sector. These include as key partners, Physical Disability Australia, All Aboard network and the Disability Resource Centre. There are many more who are also supporting our request and have, along with our key partners, included their endorsement to this request below.

On behalf of all these organisations we would like to bring to your attention two key issues related to the Transport Standards;

Our primary concern is how compliance with the Transport Standards is not effectively enforceable. Currently, the only mechanism for ensuring compliance with the Transport Standards is through a complaints process which necessitates this being instigated by people with disability and mirrors the complaints process under the Disability Discrimination Act.

This primarily places an unnecessary administrative burden and also an onerous financial risk on people with disabilities who should have equitable access to Australia's public transport infrastructure as required by the Transport Standards as with any other service user.

The complaints process, which is mediated by the Australian Human Rights Commission, brings the complainant, normally a person with disability, and a respondent, normally a public transport operator or provider, together to negotiate a settlement. The person with disability is normally only able to represent themselves, while the respondent often has a team of lawyers. Because of the inherent unfairness of this system, the resulting negotiated settlement, if one is reached, may still not result in compliance with the Transport Standards.

Recently, the Australian Human Rights Commission's decision to deny the Queensland Government and Queensland Rail a temporary exemption from parts of the Transport Standards for their New Rolling Stock (NGR) trains, and their plan to use the non-compliant trains regardless, cogently illustrates the lack of legislative teeth of both the Transport Standards and the HRC in this area.

As noted above, the complaints system can only be used to seek compensation for discriminatory conduct. It cannot stop public transport operators from purchasing and using non-compliant conveyances for considerable lengths of time.

This inability for the Transport Standards (and the anti-discrimination legislation it is embedded in) to enforce any compliance in the operation of public transport services also means it has no force at the design, tender/quotation stage, or development and building stage, leading to accessibility oversights that require costly rectification works or that are simply ignored.

The other key concern is the lack of a detailed and comparable reporting mechanism to allow for the measuring of compliance with the Transport Standards across all jurisdictions. Recommendation 1 of the Report of the 2012 Review provided that "the Commonwealth Government, jointly with state and territory governments, establish a national framework for reporting on progress against the Transport Standards".

We are concerned that the lack of a nationally consistent reporting standard is preventing the review from measuring progress against compliance targets with any accuracy; an issue that was recognised by the Commonwealth Government back in the first 2007 Review.

We are also concerned about the lack of implementation of a significant number of recommendations from the two previous reviews of the Transport Standards.

Before commencing work on writing another submission to the Transport Standards review, we would appreciate the opportunity to speak with you about these two fundamental issues, other transport issues and discuss possible strategies the Government could adopt to bring about uniform access to public transport services for all Australians.

In summary, we are asking for a new strategy for the Transport Standards, one that contains an effective mechanism for enforcing compliance, as well as the necessary monitoring and nationally consistent data collection to ensure it is being implemented and targets set are known and are being met.

We are seeking the opportunity for a delegation of our supporting organisations to meet and discuss these matters directly with you along with the appropriate Departmental staff.

Our delegation looks forward to meeting with you shortly, at a mutually convenient time.

Kind regards,



Ross Joyce  
**Chief Executive Officer**

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