



Australian
Human Rights
Commission

Review of the Disability Standards for Accessible Public Transport 2002

Australian Human Rights Commission

Submission to the Disabilities Transport Access Secretariat

Department of Infrastructure, Regional Development and Cities

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ABN 47 996 232 602
Level 3, 175 Pitt Street, Sydney NSW 2000
GPO Box 5218, Sydney NSW 2001
General enquiries 1300 369 711
Complaints info line 1300 656 419
TTY 1800 620 241

Australian Human Rights Commission
www.humanrights.gov.au

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1 Introduction

1.1 The Australian Human Rights Commission

1. This submission is made by the Australian Human Rights Commission (the Commission). The Commission is Australia's national human rights institution, established by the *Australian Human Rights Commission Act 1986* (Cth) (Australian Human Rights Commission Act),¹ with recognised independent status and roles in United Nations human rights fora. The Commission's operations are determined independently of the government through the President and Commissioners.²
2. The Commission undertakes a range of policy development and research tasks that aim to promote compliance with Australia's human rights obligations, while also investigating and conciliating complaints of unlawful discrimination and breaches of human rights.

1.2 The purpose of the submission

3. This submission is provided to the Department of Infrastructure, Regional Development and Cities (the Department) for the purpose of the third review of the *Disability Standards for Accessible Public Transport 2002* (the Transport Standards).³ The Transport Standards were formulated under section 31 of the *Disability Discrimination Act 1992* (Cth) (Disability Discrimination Act). The review is currently being conducted by the Department, under Part 34 of the Transport Standards, and in consultation with the Attorney-General's Department, the National Accessible Public Transport Advisory Committee, and the Aviation Access Forum.⁴
4. The Commission thanks the Department for this opportunity to contribute to the national conversation regarding transport accessibility and the third review of the Transport Standards.

1.3 What does the submission address

5. As per the Terms of Reference for the review, this submission aims to provide advice and recommendations to review and improve the efficiency and effectiveness of the Transport Standards, including:
 - assessing whether discrimination has been removed, as far as possible, according to the requirements for compliance set out in Schedule 1 of the Transport Standards

- advising on any necessary amendments to the Transport Standards.⁵

2 Summary

6. The Commission recommends a human rights based approach to the current review of the Transport Standards. Based on recent consultations, the Commission considers that the Transport Standards need to be reviewed with a focus on issues such as accountability, transparency, compliance, enforcement, engagement and inclusion. This submission makes the following recommendations based on these themes.

3 Recommendations

Recommendation 1. The introduction of a national data collection and reporting framework, coordinated between the Commonwealth, state and territory governments, to enable the measurement of progression and compliance against the Transport Standards.

Recommendation 2. The Department should seek legal advice about the correctness of the decision in *Haraksin v Murrays Australia Limited (No 2)* as it relates to whether a breach of the Transport Standards can constitute 'unlawful discrimination' for the purposes of bringing a complaint under the Australian Human Rights Commission Act.

Recommendation 3. If the Department receives advice that it is reasonably arguable that a breach of the Transport Standards does not constitute 'unlawful discrimination' for the purposes of bringing a complaint under the Australian Human Rights Commission Act, then the Commission recommends making any necessary amendments to the Disability Discrimination Act, the Transport Standards and the Australian Human Rights Commission Act to ensure that a breach of the Transport Standards provides a standalone mechanism for lodging a complaint of unlawful discrimination under the Australian Human Rights Commission Act.

Recommendation 4. That the Australian Government consider additional enforcement mechanisms within the Transport Standards.

Recommendation 5. Increased community inclusion and engagement with the Transport Standards through such methods as:

- education regarding rights and responsibilities, particularly in the context of state and territory transport services.

- **increased engagement, information sharing and coordination between Commonwealth, state and territory governments and disability organisations.**

4 Consultation and community feedback

7. To inform this submission, the Commission consulted with people with disability and disability organisations through an Accessible Transport Forum held on 9 November 2018. The Commission co-hosted this consultative forum with the Australian Federation of Disability Organisations to discuss the current issues with transport accessibility for people with disability and the third review of the Transport Standards.
8. The following key themes regarding accessible transport and the Transport Standards emerged at the forum:
 - compliance and enforcement
 - engagement and inclusion with the community
 - transparency and accountability.
9. These themes are not mutually exclusive and are addressed in detail below.

5 Human rights framework

10. The Commission notes Australia's obligations under national and international law. These obligations have an impact on the functioning of the Transport Standards.

5.1 *United Nations Convention on the Rights of Persons with Disabilities*

11. Australia's obligations in relation to the rights of people with disability are primarily enshrined in the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD), which was ratified by the Australian Government in 2008.⁶ The Commission notes the following articles as particularly relevant to the functioning of the Transport Standards:
 - Article 3 requires that Australia ensure that people with disability are afforded respect for individual autonomy, non-discrimination, and accessibility.⁷

- Article 4 refers to the general obligation to adopt all appropriate legislative, administrative and other measures for the implementation of rights within the CRPD.⁸
 - Article 9 further refers to the concept of accessibility and the importance of identifying and eliminating obstacles and barriers around such areas as transportation.⁹
 - Article 19 refers to the full inclusion and participation of people with disability living independently and being included in the community.¹⁰
 - Article 20 indicates that State Parties shall ensure personal mobility with the greatest possible independence for people with disabilities.¹¹
 - Article 31 requires State Parties to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to obligations under the CRPD.¹²
 - Article 33 refers to the importance of national coordination in State Party obligations, such as ensuring that there is a framework to promote, protect and monitor implementation of the CRPD.¹³
12. Australia has clear obligations under the CRPD to ensure that people with disabilities are afforded accessible transport.
13. The Council of Australian Governments' *National Disability Strategy 2010–2020* (NDS) outlines a coordinated approach and intergovernmental commitment to implement Australia's obligations under the CRPD.¹⁴ A key policy direction under the NDS is a public, private and community transport system that is accessible for the whole community.¹⁵
14. Accessibility is a human right. Accessible transport is fundamentally connected to the right to individual autonomy, non-discrimination, community inclusion and participation for people with disabilities. It is therefore critical that the review consider the Transport Standards against the CRPD framework.

5.2 Disability Discrimination Act 1992 (Cth)

15. The Disability Discrimination Act provides protection for everyone in Australia against discrimination on the basis of disability.¹⁶ It is unlawful to discriminate against a person in defined areas of public life, including employment, education, accessing public places and access to goods and services.¹⁷ The Disability Discrimination Act defines 'services' to include services relating to transport or travel.¹⁸

16. Section 31 of the Disability Discrimination Act provides the basis for the Transport Standards, ensuring that a legislative instrument under the Disability Discrimination Act may be formulated in relation to an area in which it is unlawful for a person to discriminate against another person on the grounds of a disability.¹⁹ The purpose of the Transport Standards is to enable public transport operators and providers to remove discrimination from public transport services.²⁰
17. The Commission notes that there are state and territory anti-discrimination laws that also prohibit disability discrimination and provide a mechanism to bring complaints to state and territory anti-discrimination authorities.²¹

6 The complaints process

6.1 Concerns raised through the 2012 review of the Transport Standards

18. The 2012 review summarised the concerns raised by the disability sector as follows:
 - the current complaints process is time-consuming, difficult, often exhausting and financially burdensome
 - the legislation should be amended to allow for organisations and advocacy groups to represent individual complainants in court
 - better provision of information on the complaints process is required to empower people with disability to make a complaint when needed
 - the legislation should be amended so that a breach of the Transport Standards is made unlawful.²²
19. The final report recommended that the Australian Government consider the concerns raised about the complaints process.²³

6.2 The current complaints process

20. The Commission offers the following data and information in response to the concerns expressed by the disability sector as outlined in the report for the 2012 review and to assist the current review in considering the efficiency and effectiveness of current processes.
21. The Commission's investigation and conciliation service is provided to parties free of charge. However, the Commission notes that there can be

significant cost implications for complainants who elect to pursue their unresolved complaint with either the Federal Court of Australia or the Federal Circuit Court of Australia.

(a) Timelines of the complaints process

22. In the 2017–2018 reporting year, the average time from lodgement to finalisation of a complaint was 4.6 months, with 35% of complaints finalised within three months.

(b) Adjustments to the investigation and conciliation service

23. The Commission delivers a flexible and impartial investigation and conciliation process which can be modified to address the needs of participants. Adjustments can be made to accommodate the needs of persons with disability or those with other vulnerabilities, including:

- providing information about what the law covers, how to make a complaint and the information required in a complaint
- assistance to enable individuals with a range of support needs to put a complaint in writing
- use of a range of communication methods and interpreters, as appropriate
- modification of process timeframes to accommodate identified needs
- referral for support and representation
- a range of formats for facilitating a conciliation process (e.g. telephone, in-person or shuttle negotiation)
- modifications to the conciliation process to accommodate a range of party needs (e.g. timing of conciliation, attendance, venue type, changes to how conciliation is conducted).

(c) Lodging a complaint as a representative

24. Section 46P(2)(c) of the Australian Human Rights Commission Act states that a complaint may be lodged by a person or trade union on behalf of one or more other persons aggrieved by acts, omissions or practices alleged to constitute unlawful discrimination. For more information on representative complaints, including those lodged by organisations representing people with disability, see Chapter 6 of *Federal Discrimination Law*, which is available online at www.humanrights.gov.au/our-work/legal/publications/federal-discrimination-law-2016.

6.3 Complaint statistics

(a) Complaints under the Transport Standards

25. In the past five reporting years,²⁴ the Commission has received approximately 250 complaints alleging disability discrimination in the provision of public transport. During the same time period, a total of 3,944 complaints were lodged under the Disability Discrimination Act alleging discrimination in a range of areas, including employment, education, provision of services and access to premises.
26. Of the 869 complaints lodged under the Disability Discrimination Act in 2017–2018, approximately 54 complaints alleged disability discrimination in public transport and also appeared to allege a contravention of the Transport Standards.
27. Of the complaints alleging disability discrimination in public transport lodged in 2017-2018 finalised as at May 2019, 59% were resolved by conciliation and only 15% were terminated. The Commission must terminate a complaint before a complainant is able to make an application to the court for the court to hear the allegations. Of the complaints alleging disability discrimination in public transport received in the 2017-2018 reporting year, none of the complaints that have subsequently been terminated (eight in total), have resulted in applications to court, as far as the Commission is aware.
28. Some of the issues raised by complainants included:
 - service refusal to passengers accompanied by assistance animals
 - failure to offer ramp access to conveyance to passengers using walking frames or scooters
 - lack of physical access to train stations and bus stops (e.g. lack of wheelchair access, barriers blocking access paths, broken-down lift, lack of grab rails, uneven ground surfaces)
 - lack of physical access in conveyances (e.g. inaccessible aisles/corridors or bathrooms)
 - lack of transport options accessible to passengers using wheelchairs between airport terminals
 - failure to make stop announcements
 - failure of wheelchair accessible taxi to arrive following a booking or refusal to accept fare for passengers using a wheelchair

- inaccessibility of booking and ticket validation systems (e.g. websites not accessible to passengers with print disability, 'tap-on, tap-off' systems not accessible to passengers who are blind or have a vision impairment)
- banning of passengers displaying behaviours associated with disability
- poor customer service (e.g. rude behaviour or inappropriate comments towards passengers with disability, refusal to provide assistance).

(b) Enquiries and complaints received

29. The following points provide an overview of the number of enquiries and complaints received by the Commission for 2017–2018:

- 14,164 enquiries were received through the National Information Service, of which 21% related to disability discrimination
- 2,046 complaints were made, of which 42% were lodged under the Disability Discrimination Act.

(c) Outcomes of complaints

30. The following points provide an overview of the outcomes of complaints for 2017–2018:

- The Commission finalised 2,111 complaints. Of all matters where conciliation was attempted, 74% were resolved. This represented successful dispute resolution for more than 1,862 people and organisations involved in complaints before the Commission.
- Information on the outcomes of conciliated complaints indicates that 31% of outcomes included terms which have benefits for people beyond the individual complainant (for example, development and review of policies, delivery of staff training and modifications to buildings or services).
- In relation to complaints of disability discrimination, 74% were resolved where conciliation was attempted.
- Data provided to the Commission indicates that in 2017–2018, less than 3% of complaints alleging unlawful discrimination proceeded to court.

(d) Satisfaction with the complaints process and service

- The Commission seeks feedback from complainants and respondents regarding aspects of the complaint process, irrespective of the outcome of a complaint. Of those who responded to the survey, 91% reported that they were satisfied with the service they received.

31. More information is available as a supplement to the Commission's Annual Report for 2017–2018 at www.humanrights.gov.au/our-work/commission-general/publications/annual-report-2017-2018.

6.4 Addressing concerns about the power imbalance between conciliation parties

32. Representatives of people with disability reported concerns about perceived power imbalances between parties to complaints alleging contravention of a disability standard. The Commission is proactive in taking steps to minimise perceived power imbalances between parties, including by:

- providing additional information and assistance to unrepresented and/or vulnerable parties
- making appropriate referrals, including to representative groups, advocacy bodies, community legal centres and pro bono legal assistance
- accommodating the needs of vulnerable parties in conciliation, such as allowing attendance by a support person or representative, changing the format of the conciliation process or limiting the role of representatives for the other party in the process.

6.5 Improving the provision of information on the complaints process.

33. Information about the investigation and conciliation of complaints by the Commission is provided on the Commission's website at www.humanrights.gov.au/complaint-information. In the 2017–2018 reporting year, there were 252,718 views of this page. Information on the page includes:

- What is covered by federal human rights and anti-discrimination law.
- How to make a complaint.
- The investigation and conciliation of complaints.

- Outcomes of conciliated complaints.
 - How to contact the Commission for more information.
34. The Commission's investigation and conciliation Service delivers information sessions on the laws administered by the Commission and the investigation and conciliation of complaints. These sessions are delivered free of charge (pending staff and resource availability) to community groups, legal and other representatives, organisations and other members of the community. In 2017–2018, the Commission's investigation and conciliation delivered 21 such information sessions across Australia.
35. The Commission operates a National Information Service, which responds to enquiries from prospective complainants, prospective respondents, their representatives and others in the community. The majority of enquiries (55%) were received through the National Information Hotline.
36. The Commission provides those involved in the complaint process with information about the investigation and conciliation of complaints throughout the process. In the 2017-2018 reporting year, of those who participated in the Commission's service satisfaction survey:
- 91% of complainants and 98% of respondents felt that Commission staff explained things in a way that was easy for them to understand.
 - 90% of complainants and 98% of respondents felt that forms and correspondence from the Commission were easy to understand.

7 Observations and recommendations to improve the efficiency and effectiveness of the Transport Standards

7.1 Assessing whether discrimination has been removed

37. The Commission acknowledges the significant work that has been done by the Commonwealth, state and territory governments and private providers to improve transport accessibility since the introduction of the Transport Standards.
38. Specifically, the existence of the Transport Standards has resulted in raising awareness regarding Australia's obligations around transport accessibility under the CRPD. In addition, the Commission notes the

finalisation of the Department's report, the *Whole Journey*, a significant step for transport accessibility.²⁵ This piece of work by the Department sent an encouraging message to the community in relation to thinking beyond compliance and considering accessibility.

7.2 Issues with assessing compliance

39. There is limited data and statistical analysis to inform current compliance with the Transport Standards.
40. The Commission's recent Accessible Transport Forum consultation highlighted relevant observations about data collection, such as:
 - The requirement for a national reporting framework for operators and providers would be beneficial in ensuring data collection and assessing compliance.
 - The importance of collecting data and analysing the impact of new technologies on transport accessibility (e.g. the impact of smartcards and contactless payments on people with disability).
 - The value of engaging with the academic sector to ensure that large data sets on transport are properly analysed.
41. Improved data collection would also enable better transparency and accountability by transport operators and providers under the Transport Standards.
42. Without current and accurate data about the reality of experiences of discrimination in accessing public transport faced by people with disability on both an individual and collective national basis, it is difficult to assess the progress and compliance of the Transport Standards.
43. Under Article 31 of the CRPD, Australia is obligated to collect appropriate information, including statistical and research data, to enable the government to formulate and implement policies that give effect to obligations under the CRPD, including in the provision of transport.²⁶

Recommendation 1. The introduction of a national data collection and reporting framework, coordinated between the Commonwealth, state and territory governments, to enable the measurement of progression and compliance against the Transport Standards.

7.3 Amendments to legislation

44. On 14 March 2013, the Federal Court of Australia handed down a decision in *Haraksin v Murrays Australia Limited (No 2)*.²⁷ In this matter, the applicant claimed that the respondent had discriminated against her on the ground of disability by failing to allow her to book a wheelchair accessible seat on a coach service operated by the respondent. She claimed, among other things, that this was in contravention of the Transport Standards. Nicholas J held that this claim was based on a 'misconception as to the scope of section 46P and section 46PO(1) of the AHRC Act' because '...non-compliance with the Transport Standards does not of itself constitute unlawful discrimination.'²⁸
45. In arriving at this view, Nicholas J did not refer to section 32 of the Disability Discrimination Act which provides that it is unlawful to contravene a disability standard, or to the definition of 'unlawful discrimination' in section 3 of the Australian Human Rights Commission Act, which specifically includes 'acts, omissions or practices that are unlawful ... under Part 2 of the [DDA]'—which includes section 32.
46. For the reasons above, the Commission queries the conclusions reached in *Haraksin*. However, notwithstanding the legal correctness of this decision, there is now judicial authority for the proposition that non-compliance with the Transport Standards does not itself provide a sufficient basis for a person to lodge a complaint alleging unlawful discrimination under the Australian Human Rights Commission Act.
47. To ensure that the Transport Standards are enforceable, it is essential that a breach of the Transport Standards (and therefore, a breach of Section 32 of the Disability Discrimination Act) provides a standalone mechanism for lodging a complaint of unlawful discrimination with the Commission.

Recommendation 2. The Department should seek legal advice about the correctness of the decision in *Haraksin v Murrays Australia Limited (No 2)* as it relates to whether a breach of the Transport Standards can constitute 'unlawful discrimination' for the purposes of bringing a complaint under the Australian Human Rights Commission Act.

Recommendation 3. If the Department receives advice that it is reasonably arguable that a breach of the Transport Standards does not constitute 'unlawful discrimination' for the purposes of bringing a complaint under the Australian Human Rights Commission Act, then the Commission recommends making any necessary amendments to the Disability Discrimination Act, the Transport Standards and the Australian Human

Rights Commission Act to ensure that a breach of the Transport Standards provides a standalone mechanism for lodging a complaint of unlawful discrimination under the Australian Human Rights Commission Act.

7.4 Enforcing the Transport Standards

48. The Commission's investigation and conciliation function ensures that people with disability have an avenue of redress against unlawful discrimination by transport operators and providers. The Commission's complaints process remains the primary form of enforcement to address breaches of compliance.
49. In addition to the complaints process, the Disability Discrimination Act provides that an organisation, such as a transport operator and provider, may submit an action plan to the Commission at their discretion.²⁹ However, as a discretionary measure, this is more a form of expressing compliance than an enforcement mechanism.
50. The Commission's recent Accessible Transport Forum highlighted the current limitations in enforcing the Transport Standards:
- An inherent and historical power imbalance between the person with a disability and the transport industry.
 - There would be benefit in providing additional avenues of enforcement for individuals under the Transport Standards.
 - There is a need to align the Transport Standards with state and territory legislation in order to ensure a greater degree of accountability.
 - State and territory based contractual arrangements with transport operators and providers which are aligned to the Transport Standard outcomes.
51. Under Article 4 of the CRPD, Australia has obligations to ensure all appropriate legislative, administrative and other measures for the implementation of rights.³⁰ The Commission's consultations with people with disability have indicated that there is potential difficulty in ensuring that rights are upheld with respect to transport accessibility, in the absence of additional enforcement mechanisms for the Transport Standards.

Recommendation 4. That the Australian Government consider additional enforcement mechanisms within the Transport Standards.

7.5 Community inclusion and engagement

52. The Commission considers that the engagement, consultation and inclusion of people with disability is a vital consideration for this review of the Transport Standards. The recent consultations highlighted the importance of community inclusion and engagement in relation to the Transport Standards:

- There is a current trend of people with disability feeling disengaged from the process of transport accessibility.
- The inconsistency of engagement and information sharing between Commonwealth, state and territory governments and disability organisations.
- The need for community education around the rights and responsibilities of people with disability in the context of state and territory transport services.

Recommendation 5. There needs to be increased community inclusion and engagement with the Transport Standards through:

- **education regarding rights and responsibilities, particularly in the context of state and territory transport services.**
- **increased engagement, information sharing and coordination between Commonwealth, state and territory governments and disability organisations.**

- ¹ *Australian Human Rights Commission Act 1986* (Cth) s 7.
- ² Australian Human Rights Commission, *A Future Without Violence: Quality, safeguarding and oversight to prevent and address violence against people with disability in institutional settings*, 2018, <www.humanrights.gov.au/our-work/disability-rights/publications/future-without-violence-2018>.
- ³ *Disability Standards for Accessible Public Transport 2002* (Cth).
- ⁴ Department of Infrastructure, Regional Development and Cities, *The Third Review of the Disability Standards for Accessible Public Transport 2002*, 2018, <www.infrastructure.gov.au/transport/disabilities/third_review_tor.aspx>.
- ⁵ Department of Infrastructure, Regional Development and Cities, *The Third Review of the Disability Standards for Accessible Public Transport 2002*, 2018, <www.infrastructure.gov.au/transport/disabilities/third_review_tor.aspx>.
- ⁶ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, A/RES/61/106, (entered into force 3 May 2008).
- ⁷ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, A/RES/61/106, (entered into force 3 May 2008) art 3.
- ⁸ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, A/RES/61/106, (entered into force 3 May 2008) art 4.
- ⁹ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, A/RES/61/106, (entered into force 3 May 2008) art 9.
- ¹⁰ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, A/RES/61/106, (entered into force 3 May 2008) art 19.
- ¹¹ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, A/RES/61/106, (entered into force 3 May 2008) art 20.
- ¹² *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, A/RES/61/106, (entered into force 3 May 2008) art 31.
- ¹³ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, A/RES/61/106, (entered into force 3 May 2008) art 33.
- ¹⁴ Council of Australian Governments, *National Disability Strategy 2010-2020*, 2011, <www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020>.
- ¹⁵ Council of Australian Governments, *National Disability Strategy 2010-2020*, 2011, 32, <www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020>.
- ¹⁶ Australian Human Rights Commission, *Disability Discrimination Act Guide: What's it all about*, <www.humanrights.gov.au/dda-guide-whats-it-all-about>.
- ¹⁷ Australian Human Rights Commission, *Disability Discrimination*, 2014, <www.humanrights.gov.au/employers/good-practice-good-business-factsheets/disability-discrimination>.
- ¹⁸ *Disability Discrimination Act 1992* (Cth) s 4.
- ¹⁹ *Disability Discrimination Act 1992* (Cth) s 31.
- ²⁰ Department of Infrastructure, Regional Development and Cities, *Review of the Disability Standards for Accessible Public Transport 2002, Final Report*, 2012, 8, <www.infrastructure.gov.au/transport/disabilities/review/2012.aspx>.
- ²¹ See *Discrimination Act 1991* (ACT); *Anti-Discrimination Act 1977* (NSW); *Anti-Discrimination Act 1996* (NT); *Anti-Discrimination Act 1991* (Qld); *Equal Opportunity Act 1984* (SA); *Anti-Discrimination Act 1998* (Tas); *Equal Opportunity Act 2010* (Vic); *Equal Opportunity Act 1984* (WA).

- ²² Department of Infrastructure, Regional Development and Cities, *Review of the Disability Standards for Accessible Public Transport 2002, Final Report*, 2012, 118–22, <www.infrastructure.gov.au/transport/disabilities/review/2012.aspx>.
- ²³ Department of Infrastructure, Regional Development and Cities, *Review of the Disability Standards for Accessible Public Transport 2002, Final Report*, 2012, 13, <www.infrastructure.gov.au/transport/disabilities/review/2012.aspx>.
- ²⁴ From 1 July 2013 to 30 June 2018.
- ²⁵ Department of Infrastructure, Regional Development and Cities, *The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys*, 2017, <www.infrastructure.gov.au/transport/disabilities/whole-journey/index.aspx>.
- ²⁶ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, A/RES/61/106, (entered into force 3 May 2008) art 31.
- ²⁷ *Haraksin v Murrays Australia Limited (No 2)* [2013] FCA 217.
- ²⁸ *Haraksin v Murrays Australia Limited (No 2)* [2013] FCA 217 at [86].
- ²⁹ *Disability Discrimination Act 1992 (Cth)* ss 59–64.
- ³⁰ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, A/RES/61/106, (entered into force 3 May 2008) art 4.