

25 June 2014

Disabilities Transport Access Secretariat  
Road Safety and Transport Access Branch  
Department of Infrastructure and Regional Development  
GPO Box 594  
CANBERRA ACT 2601

To whom it may concern

**Review of the Disability Standards for Accessible Public Transport – draft report**

Thank you for the opportunity to provide comments on the draft report.

The Local Government Association of Queensland (LGAQ) held its successful 117<sup>th</sup> Annual Conference in Cairns between 21 – 24 October 2013, with over 350 delegates attending and representing each of the 73 Queensland local governments.

At this Conference, a Resolution calling for a national level coordinated approach to the Disability Discrimination Act 1992 compliance and funding for the upgrading of public transport infrastructure was passed. Further information on this resolution is enclosed, as well as the subsequent response received from the Deputy Prime Minister.

Regarding the draft report, the LGAQ particularly welcomes the following recommendations:

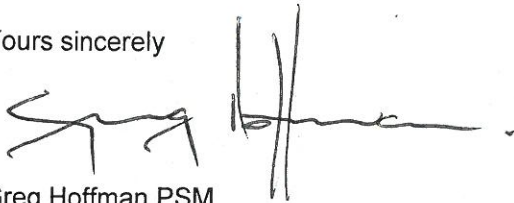
- Recommendation 2 – Modernise the Transport Standards – That the Australian Government, jointly with state and territory governments, commence a process for updating and modernising the Transport Standards. This work should be undertaken in close consultation with local government, industry and the disability sector, and include research on the technical issues raised in this review, the development of options, and assessment of the impact of any proposed changes to the standards, with this work to be completed by 30 June 2016.
- Recommendation 4 – Whole-of-journey accessibility – That the Australian Government, jointly with state, territory and local governments, develop accessibility guidelines for a whole-of-journey approach to public transport planning by 31 December 2015.

The LGAQ has also received specific comments from member councils regarding this review, and these are enclosed as attachment 1.

As the tier of government closest to the community, the LGAQ would like to emphasise the importance of consultation and collaboration with local governments on this issue.

Thank you for the opportunity to comment on the draft report.

Yours sincerely



Greg Hoffman PSM  
GENERAL MANAGER – ADVOCACY

#### Attachment 1

The following comments have been received from LGAQ member councils in relation to the Disability Standards for Accessible Public Transport, and are listed here for information and consideration:

- The Standards are prescriptive and are not performance based.
- As the requirements are inflexible, there is little or no option to address actual accessibility issues.
- For outdoor public transport infrastructure (such as ferry terminals and bus stops), the Transport Standards use specifications and rules developed for buildings, not external infrastructure.
- The Transport standards refer to specific clauses and editions of the Australian Standards. Consequently, if an Australian Standard is re-drafted, the disability requirements do not change accordingly, and become rapidly out of date.
- The Australian Standards are written to guide designers in developing appropriate design for a given site situation. The Disability Discrimination act legislates these guidelines as the only option – not as a guideline.
- The Transport Standards ignore and override other guidelines and standards that a council must also use when designing structures in the road corridor (such as Austroads).
- The Transport Standards provide very little opportunity to take into account actual physical site conditions, such as Brisbane's tidal riverine and hilly environment, apart from the use of "exception cases – unjustifiable hardship".
- The wording of the exceptional cases clause, and in particular the statement that "compliance is required to the maximum extent not involving unjustifiable hardship", provides very little support for a council to use this approach without significant hurdles.

## ATTACHMENT 4

**2013 LGAQ Annual Conference Resolution Number 74**

At the 2013 Local Government Association of Queensland (LGAQ) Annual Conference held in Cairns between 21-24 October 2013, the following motion submitted by Brisbane City Council was adopted by resolution:

**Public Transport – National Public Transport Disability Discrimination Act 1992 Compliance and Funding Framework**

"The Local Government Association of Queensland call on the Federal Government to facilitate a national level coordinated approach to Disability Discrimination Act 1992 compliance and funding for the upgrading of public transport infrastructure."

The following back ground information was considered by the Conference in the adoption of this resolution.

*In a submission to the Australian Human Rights Commission (AHRC), Brisbane City Council recommended performance-based guidance on the outcomes intended to be achieved by the Federal Transport Standards – Disability Standards for Accessible Public Transport 2002 (DSAPT) – supporting the Disability Discrimination Act 1992 (DDA). Providing clear performance guidance will assist public transport providers and operators in finding consistent, innovative and flexible solutions at the national and State level.*

*Council has also recommended to the AHRC that there be close collaboration across all three levels of government to share information and key learnings, and to establish a consistent approach at the national level regarding the application of the DSAPT standards across all asset classes of public transport. Council has begun discussions with Queensland Government's TransLink Authority in this regard, but only in relation to bus stops.*

*Benefits of a nationally coordinated approach include:*

- A consistent approach to the delivery of accessible public transport infrastructure;*
- Consolidation of resources to achieve alternate innovative compliant accessibility solutions that can be shared nationally, supporting smaller operators and providers who have limited resources to undertake this work; and*
- Funding provision to enable the upgrade of all existing public transport infrastructure to the required standard, to achieve an efficient mechanism of compliance.*

In November 2012, the Department of Transport and Infrastructure released an Issues Paper to encourage responses to the Disability Standards for Accessible Public Transport 2002 (Transport Standards) review, and submissions closed on 23 April 2013. The Department also conducted open consultations across Australia between May-July 2013, and the outcomes of this Review have not yet been released.

If possible, the LGAQ asks for consideration of this resolution as part of the current Review, noting the potential cost benefits and streamlined processes if a nationally coordinated approach to the Disability Discrimination Act 1992 compliance and funding for the upgrading of public transport infrastructure was implemented.





Local Govt. Assn. Qld  
RECEIVED

18 FEB 2014

**The Hon Warren Truss MP**

Deputy Prime Minister  
Minister for Infrastructure and Regional Development  
Leader of The Nationals  
Member for Wide Bay

13 FEB 2014

*Reference: 05921-2013*

Mr Greg Hallam PSM  
Chief Executive Officer  
Local Government Association of Queensland  
PO Box 2230  
FORTITUDE VALLEY BC QLD 4006

Dear Mr Hallam *Greg*

Thank you for your letter dated 3 December 2013 about the Local Government Association of Queensland's (LGAQ) 2013 conference resolutions.

The Australian Government is aware of the needs of local councils and provides considerable assistance to address the issues raised at the 2013 conference. I am responding to resolutions 8, 38, 53 and 74, and have referred Late Motion 1 to the Minister for Agriculture, the Hon Barnaby Joyce MP, as the National Drought Program Reform and associated drought packages are within his portfolio responsibility.

We recognise the immense challenges that natural disasters place on the nation and understand the importance of providing support measures to strengthen communities, individuals and business. State and territory governments have primary responsibility for disaster relief and recovery, and the Commonwealth assists them to meet these costs through the Natural Disaster Relief and Recovery Arrangements (NDRRA). Commonwealth funding includes reimbursement of costs for repair and recovery of essential public assets, as well as payments to individuals and communities to aid their recovery.

In relation to the request for additional Commonwealth funding under Resolution 8, an unprecedented level of funding is being provided in response to disasters that occurred in Queensland in recent years. For the disaster events between 2010 and 2013, \$4.15 billion is being provided to local councils under the NDRRA. Additional measures have also been put in place, such as the reimbursement of some of the internal labour costs incurred by councils for reconstruction and recovery works, as well as \$80 million jointly funded by the Australian and Queensland Governments for betterment works. Should the LGAQ and councils have concerns around areas lacking funding, I encourage you to submit them to the Productivity Commission inquiry into national disaster funding, which was recently announced by the Australian Government.

Regarding the methodology used by the Queensland Local Government Grants Commission to distribute funding, this is a matter for the Queensland Government and I encourage you to work with the relevant parties to raise your concerns.

We are committed to improving the safety and productivity of Queensland's transport network and understand the importance of funding rural and remote roads projects in sustaining workforces and communities, which you address in Resolution 38. We will continue to assist with the funding of local roads, however it should be noted that primary responsibility for these roads falls within the jurisdiction of councils and the Queensland Government.

The Australian Government has allocated over \$10.8 billion to major infrastructure projects throughout the State over the next decade. These commitments include \$6.7 billion for the Bruce Highway, \$1 billion to upgrade the Gateway Motorway North and \$279 million towards the Ipswich Motorway. The Warrego Highway will also be receiving \$508 million towards a \$635 million package of upgrade works and \$700 million is being put towards the Toowoomba Second Range Crossing.

In addition to investing in specific projects such as those outlined above, the Australian Government has committed to a range of transport programmes which provide funding directly to councils.

The Government is investing \$1.75 billion in the Roads to Recovery programme between July 2009 and June 2014; and this programme will be extended for a further five years to 2018-19, maintaining funding at the current rate of \$350 million per annum.

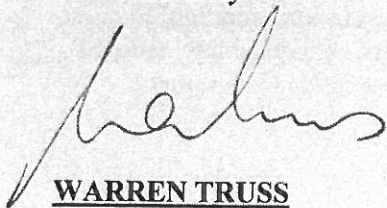
We are also providing \$60 million per annum from 2014-15 to 2018-19 for Black Spot funding and have committed to continue the Heavy Vehicle Safety and Productivity Programme. In addition, councils receive over \$2 billion per annum of Australian Government Financial Assistance Grants that are untied in the hands of local government, allowing grants to be spent according to local priorities.

Resolution 53 recommends the introduction of a Bridges to Recovery Programme. As you are aware, the Australian Government recently committed \$300 million over the next five years to a Bridges Renewal Programme. The programme will provide up to 50 per cent of the cost of bridge projects to state, territory and local governments.

In regard to Resolution Number 74, the former Australian Government commenced the second review of the *Disability Standards for Accessible Public Transport 2002 (Transport Standards)* in October 2012. The review will assess the effectiveness and efficiency of the standards in making public transport more accessible for people with disability. This review is in progress and it is my intention to release the draft report in the near future for public comment.

I thank you again for taking the time to write and inform me of the outcomes of your annual conference.

Yours sincerely



**WARREN TRUSS**