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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

The Local Government Association of Tasmania (LGAT) welcomes the opportunity to comment and provide feedback in relation to the review of the Disability Standards for Accessible Public Transport ("the Standards").

Incorporated under the Local Government Act 1993, the LGAT is the representative body for Tasmanian councils, fostering relationships between Local Government with both State and Federal Governments and promoting the efficient administration and operation of councils.

Comments regarding the 2012 Review of Disability Standards for Accessible Public Transport 2002 - Issues Paper

The Association agrees that since the last review of the Standards in 2007, accessibility to transport for the disability sector has significantly improved. However, it is also acknowledged, in accordance with the findings of the review, that there are continuing issues that will need to be addressed by Government at Federal, State and Local Government levels in order to ensure continued compliance and improvement in the implementation of the Standards' objectives in future.

Funding

Funding and resources are a significant issue for Local Government bodies, as well as for private service providers, in relation to ensuring future compliance with the Standards as they currently stand. The introduction of the Transport Standards was not accompanied with any additional resources for implementation, nor was a process established to allow the full impact or cost-shifting implications on Local Government to be fully assessed; indeed, it is understood that concerns have been raised from within the Local Government sector that the scale and cost of implementation of the Standards may overall be beyond the capability of Local Government.

The scale of the challenge for a state such as Tasmania to continue to meet each of the targets contained in the Transport Standards is considerable. Whilst all jurisdictions face significant obstacles in achieving compliance, Tasmania's position is particularly adverse

because capital expenditure on land-based public transport infrastructure by State and Local Government is constrained by the need to distribute scarce resources to reach a highly dispersed population with a relatively large number of small communities compounded by a small budget due to the overall low population.

Councils continue to struggle in meeting their objectives set out by the Standards beyond current levels achieved, in significant part due to a lack of State and Federal financial support; for example, it is understood from discussions with the Tasmanian State Government that the State's original endorsement of the Standards in April 1999 was conditional on the Australian Government funding the implementation. Despite a request for funding of \$10 million in 2005, no assistance has yet been forthcoming. This lack of funding has flow on effects that impact on the ability of councils to provide the necessary infrastructure to meet the requirements of the Standards.

It is recommended that discussions between governments at the Local, State and Federal levels continue to occur, in consultation with private service providers, to cooperatively provide solutions and resources to improve accessibility to transport services and infrastructure, improved provision of information to the public, improved enforcement of compliance and reporting mechanisms, and to continue to promote the removal of discrimination against the disability sector generally.

Transport Infrastructure: Bus Stops

A significant issue for councils within Tasmania has been and continues to be accessibility in relation to the installation of transport infrastructure - namely, bus shelters.

In Tasmania, there remains confusion in many areas around responsibility for the funding and maintenance of bus shelters, which in turn impedes the roll-out of accessible infrastructure; this is the situation despite previous attempts between Local Government, the State Government and Metro Tasmania (a government-owned metropolitan bus transport provider) to address the issue.

As a result of the current impasse, there has been no determination of who should fund the required works to ensure that bus stops are compliant with the Standards. Instead, there has been an uncoordinated and ad hoc approach at various times from the respective parties regarding funding improvements, and there is little confidence that the State will reach the compliance targets set out by the Standards.

The LGAT understands that the issues of ownership, funding responsibility and compliance for bus stops are common challenges being faced by Local Government nationally. The LGAT supports the comments made by Local Government New South Wales in its submission to the 2012 Review, suggesting that in order to develop an evidence base by which to understand the extent of compliance, there ought to be a nationally coordinated collection of data to establish an overall picture of the size of the infrastructure task facing Local Government, its progress in the implementation of the Transport Standards, and the sector's ability to adequately fund these requirements.

Comments regarding the Review of the Disability for Accessible Public Transport 2002 Draft Report ("the Draft Report")

Recommendation 1: National Reporting on Compliance

The Association agrees in principle with the conclusion of the Draft Report that for improved assessment of compliance in future, new measures need to be introduced to ensure that adequate reporting mechanisms are set up for not only government contracted operators, but for private service providers, and for Local and State Governments.

Improving the system for reporting on compliance with the Transport Standards will increase the information available to the Federal Government on whether or not discrimination is continuing to be removed from public transport generally, and will assist in ensuring future compliance and improvement in the stated aims of the Transport Standards, which is to remove, as far as possible, discrimination from public transport services.

Recommendation 2: Modernise the Transport Standards

The Association welcomes Recommendation 2 of the Draft Report; that the Australian Government, jointly with State and Territory governments, commence a process for updating and modernising the Transport Standards. It is important that the Standards are updated to reflect current legislation. The Association strongly encourages continued public consultation and more specifically continued consultation at the Local Government level, the private service provider level and with the disability sector for any amendments to be considered in future.

Recommendation 3: The complaints process

It is noted that the current processing of complaints occurs through the Australian Human Rights Commission (AHCR), usually resulting in resolution through conciliation. It is acknowledged that the process of conciliation is cost effective, informal and 'user friendly'; however, it should also be recognised that as with other alternative dispute resolution processes, there can be some deficiencies with conciliation, in that it is not always seen as successfully providing the independence and finality that court action and litigation might otherwise provide.

The Association supports the consideration of further consultation and legislative reform to enhance the complaints process generally, but in particular:

- to improve on the provision of information to the disability sector and the public generally in making complaints;
- to allow for complainants to be given greater support for representative complaints on behalf of people with a disability, where conciliation does not succeed. It is noted that the Australian Government responded to the 2007 review by introducing the Human Rights and Anti-Discrimination Bill 2012. However, this did not succeed in being approved by Parliament. The Association would support further legislative initiatives, developed in consultation with State and Local Government, towards facilitating the pursuit of legitimate complaints where conciliation does not prove a successful avenue.
- further legislative reform would be supported to review the current complaints process to provide improved procedures, either through provision of additional resources to the AHRC to further facilitate litigation where conciliation is deemed unsuccessful, or the results unsatisfactory, or alternately to set up an independent judicial body that can determine serious complaints.

The Association does not support the idea that legislative reform should include making breach of the Transport Standards unlawful. Instead it agrees with the findings of the Draft Report that any unlawful conduct in relation to discrimination against the disability sector is covered, in the case of Tasmania, by section 32 of the *Disability Discrimination Act 1992 (Tas)*, whereby a complainant may make a complaint under the appropriate processes provided for by that Act.

Recommendation 4: Whole of Journey Process

The Draft Report recommends that State and Territory Government actively engage with Local Governments, who "need to ensure that the building and infrastructure approval mechanisms are in place to take the needs of people with disability into consideration." The LGAT supports this suggestion. Further, it is considered that continued discussions need to occur in relation to financial and resourcing support from the State and Federal Government levels to assist with future improvements or action plans that Local Government may be required to implement.

The Association also supports in principle the recommendation from the Draft Report outlining that accessibility guidelines be developed by the Australian Government in consultation with relevant stakeholders; namely, State and Local Governments, and private transport service providers.

Thank you for the opportunity to comment on the Draft Report. Should you wish to discuss any of the comments within this submission, please contact Melanie Brown, Senior Policy Officer, on [REDACTED] or at [REDACTED].

Yours sincerely

A handwritten signature in black ink, appearing to read 'Allan Garcia', with a stylized flourish extending downwards.

Allan Garcia
CHIEF EXECUTIVE OFFICER