

## ***Disability Standards for Accessible Public Transport 2002***

### **What are the benefits of having Disability Standards for Accessible Public Transport? (referred to in this bulletin as the Transport Standards)**

Access to public transport is crucial to the ability of people with disability, and their families and carers, to participate fully in community life. The *Disability Standards for Accessible Public Transport 2002* (Transport Standards) also benefit many older Australians and parents with infants in prams who use public transport services.

The Commonwealth *Disability Discrimination Act 1992* (DDA) seeks to eliminate discrimination against people with disability as far as possible. The Transport Standards provide transport operators and providers with certainty about their obligations under the DDA. Compliance with the relevant requirements will provide operators with protection from a complaint of unlawful discrimination.

### **What do the Disability Standards for Accessible Public Transport do?**

The Transport Standards establish minimum accessibility requirements to be met by providers and operators of public transport conveyances, infrastructure and premises. The Transport Standards take into account the range of disability covered by the DDA and apply to most public transport.

The Transport Standards set out requirements in relation to issues such as access paths, manoeuvring areas, ramps and boarding devices, allocated spaces, handrails, doorways, controls, symbols and signs, the payment of fares and the provision of information.

All conveyances, premises and infrastructure brought into use for public transport after the commencement of the Transport Standards must comply with the Standards. A compliance timetable allows between 5 to 30 years for existing facilities to be made compliant.

The *Disability Standards for Accessible Public Transport Guidelines 2004 (No 3)* accompany the Transport Standards. The aim of the Guidelines is to assist in understanding and interpreting the Transport Standards.

## How do the Transport Standards affect you?

- Between now and the year 2032, there are certain parts of the Transport Standards that **must be met** by vehicles operating as public transport.
- **All new vehicles** (including second-hand vehicles that are new to your operation) need to comply with the Transport Standards.
- Vehicles currently in operation (that were purchased before the Transport Standards came into operation on 23 October 2002) need to comply with the Transport Standards by the target dates (page 4).
- **All new public transport systems** must comply with the Transport Standards.
- If an operator is unable to meet the exact specifications set out in the Transport Standards, you may provide **equivalent access without discrimination** as far as is possible.
- Equivalent Access means that you can provide alternative means of access to your public transport service, with equivalence of amenity, availability, comfort, convenience, dignity, price and safety.

## What happens if you don't comply with the Transport Standards by the target dates?

- The DDA makes it **unlawful** to discriminate against a person (directly or indirectly) because of their disability.
- If a person with a disability tries to access your services and cannot because you do not comply with the Transport Standards, they can make a complaint to the Australian Human Rights Commission (previously known as the Human Rights and Equal Opportunity Commission). If a complaint is successful, it could mean a fine for your business. Outcomes are on a case-by-case basis.

## Are there any exemptions for not complying with the Transport Standards?

- If implementing the Transport Standards would cause **unjustifiable hardship**, it would not be unlawful to fail to comply with them.
- In this case, you may apply to the Australian Human Rights Commission for a temporary exemption.
- As stated above, you can also provide equivalent access without exactly complying with the Transport Standards.

## Particular exclusions from the Transport Standards

### Limousines

- Limousines are exempted from the operation of the Transport Standards. Limousines provide a pre-booked and unique service and at least in some cases it is unlikely that the service they provide is a 'public transport service' for the purposes of the Transport Standards.

### Dedicated School Bus Services

- A dedicated school bus service is defined in the Transport Standards to mean 'a service that operates to transport primary or secondary students to or from school or for other school purposes'.

### Small aircraft

- The exemption relates to small aircraft with fewer than 30 seats. There are many technical problems associated with making a small aircraft accessible, such as the restricted confines of the aircraft cabin, insufficient luggage space and the limited weight carrying capacity of some aircraft.

### Airports that do not accept regular public transport services

- Many small airports do not have a regular staff and are mostly used by non-commercial or charter flights. Many are not licensed to accommodate regular public transport services. Also, a large proportion of airports do not generate the volume of revenue necessary for capital improvements.

## What about action plans?

- The DDA makes a provision for providers of services to prepare and implement an **action plan**. An Action Plan may help your case in the event of a complaint to the Australian Human Rights Commission.
- An Action Plan outlines how you are planning on meeting the Transport Standards. You can lodge it with the Australian Human Rights Commission as proof of your intentions, and may help in the event of a complaint.

## Additional information

This is a general information sheet only and is published by the Department of Transport and Main Roads in good faith. Readers of this information sheet should seek independent advice concerning the interpretation and application of the provisions of the *Disability Standards for Accessible Public Transport 2002* and the relevant legislation.

The State of Queensland disclaims all responsibility and all liability (including without limitation, negligence) for all expenses, losses, damages and costs any person might incur as a result of the information contained in this information sheet being inaccurate or incomplete in any way.

Additional information about public passenger services is available on the Department of Transport and Main Roads internet site at [www.tmr.qld.gov.au/Travel-and-transport/Disability-access-and-mobility](http://www.tmr.qld.gov.au/Travel-and-transport/Disability-access-and-mobility).

# Target Dates for Implementation of the Transport Standards

Part	Part No	Percentage of compliance required by target date			
		31 Dec, 2007	31 Dec, 2012	31 Dec, 2017	31 Dec, 2022
Alarms	19	100%			
Belongings	30	100%			
Booked Services	28	100%			
Food and Drink Services	29	100%			
Hearing Augmentation	26	100%			
Information	27	100%			
Lighting	20	100%			
Priority Seating	31	100%			
Signs	17	100%			
Symbols	16	100%			
Handrails and Grabrails	11		100%		
Payment of Fares	25		100%		
Surfaces	10		100%		
Access Paths	2	25%	55%	90% 80% (buses only)	100%
Allocated Space	9	25%	55%	90% 80% (buses only)	100%
Boarding Devices	8	25%	55%	90% 80% (buses only)	100%
Controls	21	25%	55%	90% 80% (buses only)	100%
Doorways and Doors	12	25%	55%	90% 80% (buses only)	100%
Manoeuvring Areas	3	25%	55%	90% 80% (buses only)	100%
Ramps	6	25%	55%	90% 80% (buses only)	100%
Stairs	14	25%	55%	90% 80% (buses only)	100%
Toilets (or stops)	15	25%	55%	90%	100%