

Information Bulletin

PT 601/05.16

Disability Standards for Accessible Public Transport 2002

What are the benefits of having Disability Standards for Accessible Public Transport?

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 may help operators minimise the risk of complaints.

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. They apply to the widest possible range of people with disabilities as defined by the DDA.

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. For all existing transport services and infrastructure, the Transport Standards outlines target dates for increased levels of compliance with full accessibility to be achieved by the end of 2032.

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** need to comply with the Transport Standards, including second-hand vehicles that are new to your operation.
- 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 (see page 5).
- **All new public transport systems** must comply with the Transport Standards.
- If an operator is unable to meet the 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.
- **Consultation about proposals for equivalent access.** If an operator is considering providing equivalent access, you must consult with passengers with disabilities who use the service, or with organisations representing people with disabilities, about any proposal for equivalent access.

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. The DDA also makes it unlawful not to comply with the Transport Standards
- 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. They will try to conciliate the complaint. If that is unsuccessful, the complainant may have recourse to the courts and you may be ordered to pay damages and / or remedy the area of noncompliance.

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. However compliance is required to the maximum extent not involving unjustifiable hardship.
- If a complaint is lodged with the Australian Human Rights Commission, the operator or provider would need to establish the grounds upon which full compliance with the Transport Standards imposed an unjustifiable hardship.

- It is also possible to apply to the Australian Human Rights Commission for a temporary exemption. The maximum period for which an exemption may be granted is five years.
- As outlined above, you can also provide equivalent access.

Particular exclusions from the Transport Standards

Limousines, hire cars and charter boats

Limousines, hire cars and charter boats have been exempted from the operation of the Transport Standards. They 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 and Small Aircraft

Both dedicated school buses and small aircraft are exempt of the physical access requirements of the Transport Standards. This means that both of these conveyances are not required to be physically accessible to users of wheelchairs or mobility scooters.

*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'.*

*A **small aircraft** is an aircraft with less than 30 seats for the carriage of passengers.*

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** 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. Once provided to them, the Commission must make your action plan available to the public.

Useful Web Links

The Australian Human Rights Commission - <https://www.humanrights.gov.au/>

Department of Transport and Main Roads – <http://www.tmr.qld.gov.au/Travel-and-transport/Disability-access-and-mobility/Accessible-public-transport-standards>

The information contained in this information bulletin has been produced as a guide to assist in the understanding of the legislation and is an interpretation of the relevant Acts, Regulations and Standard and should not be used as a reference to a point of law.

Readers of this bulletin 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.

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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%