

Second Five Year Review of the Disability Standards for Accessible Public Transport – Summary of BIC Submission

In April 2013 the Commonwealth Government announced the second five year review of the Standards as required by the legislation.

The purpose of this second five year review is to:

- Assess whether discrimination has been removed, as far as possible, according to the requirements for compliance set out in Schedule 1 of the Transport Standards
- Advise on any necessary amendments to the Transport Standards.

The Review will focus on:

- Reporting public views of people with disability, and the community generally, on progress towards achievement of targets set out in the Transport Standards
- Assessing compliance with the requirements set out in Schedule 1 of the Transport Standards, in particular those under Part 2 of Schedule 1
- Identifying initiatives and actions with respect to removing discrimination from public transport services undertaken by state and territory governments since the 2007 Review
- Assessing the progress of the implementation of the response to the 2007 Review.

In our submission to the review the BIC outlined the industry's concerns about the lack of progress on many of the issues raised by the industry as part of the first 5 year review.

The BIC outlined the following concerns with the way the Standards as they are being implemented and assessed in our submission:

- *The difference between equal access and discrimination.*

Applying the Standards in a literal sense without consideration of reasonable practicability can work against the best interests of the disabled passenger and the operator. Over the life of the Standards we have seen instances where compliance becomes physically, technologically or economically impossible for operator.

- *The gap between the intent of the legislation, the implementation of the legislation and the enforcement of the legislation.*

The BIC has proposed the development of a "Code of Practice for Bus Operations and Disability Standards", codified in legislation, to provide practical advice and guidance to operators at a national level on how to meet the requirements of the Disability Standards, and provide guidance on appropriate equivalent access provisions.

- *Conflict between the Disability Standards and other Health and Safety Standards*

The requirements of the Disability Standards can at times conflict with workplace health and safety standards, as well as other legislative and regulatory requirements, that bus operators are obliged to meet.

- *An unrealistic Compliance Timeframe*

The BIC has called for the Government to reconsider the Disability Standards' timetable, and as necessary, reprioritise certain elements and their associated target dates.

Some of the bus industry specific issues we have raised in this review are:

- *Mobility devices*

The BIC has called for a legislated requirement for mobility device manufacturers to ensure that all devices are appropriately identifiable as being safe and suitable to be carried on a public transport conveyance and that purchasers of such devices are made aware of the limitations that the standards impose, for example in the areas of size, mass and maneuverability.

- *Allocated Wheelchair Spaces*

The BIC has called for the requirement to provide one or two allocated spaces for wheelchairs to be relaxed. A reduction to one allocated wheelchair space would also assist in addressing the problem identified above and also provide greater scope to have holding devices and poles in place for standing passengers.

- *Regional and Remote Bus and Coach Operators*

The BIC has called for a review of actual operating circumstances and demand for accessible transport services needs to be undertaken to assess the most cost effective and sensible approach to removing transport discrimination in regional and remote areas.

- *Charter Services*

The BIC has called for the Australian Human Rights Commission confirm in the Standards that bus and coach charter services are excluded from the requirement to meet the accessible public transport standards.

- *Coach Tours*

The BIC has called for greater flexibility for coach operators to assess the suitability of publically available coach tours and destinations for people with disabilities.

- *School Buses*

The BIC has opposed the recommendation of the initial 5 year review to have school buses require disable access. We will lobby to have this recommendation revoked.

- *Workplace Injury and Practices*

The BIC has sought confirmation that Work Place Health and Safety regulations override the requirements of the Disability Discrimination Act.

- *State Government Contracts*

The BIC has called for the recommendation that contractual arrangements in each state be assessed, and where contracts do not provide incentives, or the financial support to renew the bus fleet and meet the compliance timeframe of the Act, as outlined above, consideration be given to providing a general exemption to the bus and coach industry in that State.

- *Whole of Trip Accessibility*

The BIS has raised concerns in relation to the provision of compliant infrastructure. Both State and Local Government have lagged behind in relation to investing in infrastructure that is compliant with the disability standards.

- *Grab Rails*

Since December 2012, operators are required to be 100% compliant with grab rails according to the standards. The BIC noted the recent 5 year exemption provided to Brisbane Transport for grab rails that are fitted to buses where retirement is within the 5 year timeframe. The BIC raised this in the context of any possible future complaints (unlikely) and future consideration of this along similar lines to Brisbane Transport for other operators if a complaint were to be made.

The full BIC submission to the second review is available at the Ozebus website www.ozebus.com.au. Copies of the BIC's Operator Guidelines to the Disability Standards for Accessible Transport are available to BIC members.