

## **BIC Column – June 2013**

### Accessible Transport Standards – Time for Review and Change

The Bus Industry Confederation recently provided an Industry submission to the second five year review of the Disability Standards for Accessible Public Transport 2002 (Standards).

The BIC raised concerns about the lack of progress on many of the issues raised by the industry as part of the first 5 year review of the Act and presented a strong view about the functionality of the legislation as it is currently operating out there on the road.

The real challenge identified in the BIC submission is the actual workings of the legislation and the things that Industry believes need to be fixed to make the Standards more practical and easier to deliver the accessibility outcomes that people with disabilities are seeking.

At the outset the BIC states that the Industry supports the spirit and intent of the Standards under the Disability Discrimination Act (1992).

The problem is, and it is a matter of significant concern for Industry is that the legislation has progressively begun to be interpreted much more literally than was intended or envisaged.

Worryingly, provisions and targets in the Standards are being interpreted by many members of the disability community, and sector advocates, as a blunt instrument to remove discrimination no matter what the cost.

Applying the Standards in a literal sense without consideration of reasonable practicability can work counterproductively, especially when compliance becomes physically, technologically or economically impossible for public transport providers.

The BIC submission takes the view such an approach is at odds with the intent of the legislation.

A concern is the gap between the intent of the legislation, the implementation of the legislation and the enforcement of the legislation. There is no body or responsible department that a bus operator can approach when an issue arises, that can clarify the intent, the implementation or enforcement of the Standards.

The complaints process through the Australian Human Rights Commission provides little clarity in relation to definition or interpretation and often results in expensive legal proceedings that do not resolve the issue.

We believe there is a need for a body to be able to “make the call” and provide clarity in relation to the interpretation and implementation of the Standards to all public transport providers. This should not be the courts.

The BIC also presents the view that a process should be established for industries, through their national peak bodies, to develop co-regulatory arrangements for the application and amendment of the Standards as they apply to their respective sector.

From a bus industry perspective, a “Code of Practice for Bus Operations and Accessible Transport Standards,” recognised in law, will provide practical advice and guidance to operators at a national level on how to meet the requirements of the Standards, and provide guidance on appropriate equivalent access provisions.

This will increase the consistency of approach being adopted by operators across Australia and provide people with disabilities greater confidence and certainty on the layout and operation of public transport services nationwide.

A range of other issues such as the conflict between the Standards and bus safety standards, the unrealistic compliance timeframe to meet the standards, the effectiveness of existing national committees and the role of the Australian Human Rights Commission are included in the submission.

I encourage you to read the full BIC submission at [www.ozebus.com.au](http://www.ozebus.com.au) and through your State Association and Federal and State members of Parliament make them understand that changes are required to make the Standards more workable and provide better outcomes for people with disabilities.