



# REVIEW OF THE DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT 2002

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COMMONWEALTH GOVERNMENT RESPONSE

JUNE 2011

Minister for Infrastructure and Transport

Attorney-General

## **REVIEW OF THE *DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT 2002***

### **COMMONWEALTH GOVERNMENT RESPONSE**

#### **Preamble**

The *Disability Standards for Accessible Public Transport 2002* (Transport Standards) took effect on 23 October 2002. The Transport Standards specify levels of service, measures and actions that public transport operators and providers must undertake to meet their obligations under the *Disability Discrimination Act 1992* (DDA). That is, the Transport Standards define how public transport – buses, taxis, trams, trains, ferries and commercial aircraft – are to be made ‘accessible’.

The Transport Standards apply to all new transport conveyances and infrastructure introduced into service after 23 October 2002. In addition, a progressively staged timetable for compliance, over a 20-30 year period, applies to conveyances and infrastructure in place before that date.

Part 34 of the Transport Standards requires the Minister for Infrastructure and Transport, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards within five years of their coming into effect, and each five years thereafter.

An independent review – the first five year review of the Transport Standards (the Review) – was undertaken on behalf of the Australian Government by the Allen Consulting Group.

The review process incorporated extensive public consultation through the development of the Review Terms of Reference, an accessible web site, an issues paper, an invitation for written submissions, public hearings and the release of a draft report for stakeholder comment.

The scope outlined in the Review Terms of Reference detailed the need for the consultant to assess the efficiency and effectiveness of the current Transport Standards and recommend options as to how the effectiveness and efficiency of the Standards could be improved. The Review was not required to assess the merits of the Transport Standards as such.

#### **Context**

Since the commencement of this Review, there have been several significant changes in the policy landscape to improve the lives of people with disability. Most notable are the National Disability Strategy and the accession of Australia to the United Nations Convention on the Rights of Persons with Disabilities. Future work on transport accessibility, including progressing the outcomes of this Review, will take place within this changed context.

On 17 July 2008, Australia ratified the United Nations Convention on the Rights of Persons with Disabilities (Convention) and acceded to the Optional Protocol on 21 August 2009. The Convention aims to enhance opportunities for people with disability to participate in all aspects of social and political life including access to employment, education, health care, information, justice, public transport and the built environment.

In implementing the Convention the Australian Government has been considering how to appropriately enhance implementation through both formal and informal mechanisms. Australia's first report to the UN under the Convention was lodged with the UN on 3 December 2010.

The National Disability Strategy was endorsed by the Council of Australian Governments (COAG) in recognition that support for people with disability is a shared responsibility across the Commonwealth, states and territories. The National Disability Strategy is an important mechanism to ensure that the principles underpinning the Convention are incorporated into policies and programs affecting people with disability, their families and carers.

The National Disability Agreement (NDA), signed by all members of COAG in 2009, provides the framework for ongoing collaboration on policy development, service delivery and economic and social reform of national importance. The NDA includes a priority for: "*More consistent access to aids and equipment*". There is a strong association between the provision of mobility aids and equipment by the states and territory Governments and the need for compliance of access specifications with the Transport Standards.

While not directly considered in the Review, it is also noteworthy that the *Disability (Access to Premises Buildings) Standards 2010* (Premises Standards) commenced on 1 May 2011. Part H2 of the Premises Standards relates to buildings associated with public transport services. This component has been transferred from the Transport Standards to the Premises Standards. Part H2 covers all public transport buildings including railway stations, bus interchanges, and ferry terminals.

### **Key Findings of the Review and Recommendations**

The Review assessed the first five years of implementation of the Transport Standards against a number of broad effectiveness and efficiency criteria, before identifying particular recommendations which flow from these assessments. These issues are dealt with in turn, following the order of presentation in the report.

#### ***Effectiveness in removing discrimination for people with disability***

The Review concludes that the Transport Standards have significantly changed the way governments and public transport operators and providers think about and deliver access to public transport for people with disability. Obligations existed in the DDA prior to the introduction of the Transport Standards but the effort to remove discrimination was not approached systematically.

While a quantitative estimate of progress against the five year milestones is not possible due to the lack of detailed and comparable reporting, the Review reports evidence of increased investment in accessible public transport, and growth in accessible services and infrastructure. It concludes that the Transport Standards have been effective in bringing forward investment in accessible infrastructure and conveyances, and has facilitated the removal of discrimination being experienced by people with disability, the ultimate objective of the Transport Standards.

Notwithstanding these observations, the Review notes that many stakeholders were critical of the implementation of the Transport Standards in the first five years. This dissatisfaction was characterised by three main concerns:

- uneven improvements in accessibility (across modes and between urban and rural regions);
- a lack of ‘whole of journey’ accessibility (although this is due, in most part, to the agreed policy of staged compliance targets); and
- a lack of confidence in the reliability of accessible services.

### ***Effectiveness of the regulatory approach***

The DDA, and supporting Standards, are the regulatory means by which governments seek to remove, as far as practicable, discrimination against people with disability. The rationale for government intervention, through regulation, is based on the broader social benefits through greater access to services for people with disability, and the goals of social inclusion and equity.

The Transport Standards are mainly prescriptive regulations, with a small number of performance-based measures. In comments to this Review, many stakeholders had differing views regarding the appropriate level of prescription in many areas of the Transport Standards.

The Review notes that the current approach of referencing Australian Standards in the Transport Standards can make interpretation of the requirements difficult for operators and providers and people with disability. In addition, many of the Australian Standards referenced are not purpose-designed for the transport sector and often do not translate well for transport conveyances and infrastructure.

### ***Scope of the Transport Standards***

The scope of the Transport Standards determines the extent to which they have an influence, and thus is a determinant of their effectiveness. Exclusions, exemptions, claims of unjustifiable hardship and the use of equivalent access provisions all influence the extent to which particular sectors, modes of transport or components of public transport systems are covered by the Transport Standards.

#### **Exclusions**

The Review notes that exclusions apply to certain types of services (such as limousines and small charter boat services). Although current exclusions from the Transport Standards are predominantly supported by stakeholders, exclusions for dedicated school buses and targeted forms of community transport are not as well supported. In both cases, the Review concludes that the basis for the exclusion needs to be tested against the potential costs and benefits of removing the exclusions. It is also important to note that the currently excluded forms of public transport remain subject to the DDA.

#### **Exemptions**

An operator or provider can apply for an exemption from compliance with the Transport Standards from the Australian Human Rights Commission (AHRC). Exemptions may be subject to conditions that are set by the AHRC but are temporary, limited to a term of not more than five years. Exemptions have primarily been utilised by smaller regional operators and providers, and the Australasian Railway Association.

### Unjustifiable hardship

The Transport Standards include specific provision for public transport operators and providers to claim unjustifiable hardship, for example, in cases where the costs associated with making adjustments are unreasonable. Such a claim can only be used as a defence against a discrimination complaint. The determination of unjustifiable hardship is made by the Federal Court or Federal Magistrates Court, although the AHRC can advise on the validity of the claim during conciliation.

The Review notes that current utilisation of unjustifiable hardship provisions is uncertain because there is no registration or other means to lodge a claim, other than in the process of defending a legal action. As such, it is likely that there are operators and providers who currently believe that they could legitimately make a claim of unjustifiable hardship, but have not, as yet, been required to make one.

### Equivalent access

Equivalent access means providing accessibility by means other than those specified in the Transport Standards. The Review found that some operators and providers are utilising equivalent access provisions, including through staff assistance or substitution of one type of service for another accessible one. Operators and providers did, however, comment that there is a disincentive to use equivalent access provisions because there is currently no mechanism to confirm that these provisions are compliant with the Transport Standards.

### ***Efficiency of implementation of the Transport Standards***

The Review notes that public transport operators and providers have found the first five years of implementing the Transport Standards challenging. This experience has highlighted several gaps in the information and support processes for the Transport Standards. The Transport Standards Guidelines provide guidance on how to interpret the Transport Standards, but do not cover every issue encountered by operators and providers. The Review concluded there is currently no authoritative source of information to advise operators and providers on how to deal with ambiguity, conflicts with other regulations or uncertainty in their obligations, and they have often sought to make their own interpretations, set their own policies, or sought guidance from state and territory governments. The Review notes that the result is an uneven implementation of requirements in the Transport Standards, which impacts on their effectiveness.

Implementation of the Transport Standards is also impacted by costs for public transport operators and providers. The Review considered areas where costs in the first five years were higher than estimated by the cost-benefit analysis of the Transport Standards conducted prior to their implementation. The Review found that the costs which most impede the capacity for implementation of Standards are those of bus stop upgrades by local governments and the provision of services in rural and regional areas, particularly in relation to bus services.

### ***Efficiency of administration of the Transport Standards***

While not directly monitored, compliance with the Transport Standards can be achieved through industry involvement and consultation and a mutual commitment to eradicating discrimination. Where this does not occur, there is a complaints-based mechanism that can be pursued. Complaints about compliance with the Transport Standards can be made to the AHRC, and managed through the AHRC complaints and conciliation process. Where this process does not resolve the issue, individuals can progress their complaint by application to the Federal Court or Federal Magistrates Court.

The Review reports that some stakeholders consider this approach places unreasonable cost and responsibility on people with disability in identifying non-compliance, and incurring the time and financial costs to obtain a resolution. Disability representative organisations also reported concerns that the current system discourages complaints and thus does not drive compliance with the Transport Standards. The complaints-based approach to compliance reflects the DDA framework and is not specific to the Transport Standards.

The Review notes that reporting on elements of accessibility and compliance against milestones in the Transport Standards is conducted by most state and territory governments, though not in a uniform framework.

### ***Areas Requiring Attention***

Against the background of this discussion of effectiveness and efficiency issues, the Review identifies areas requiring attention in two broad categories:

- “systemic” issues – Recommendations 1-9 – which impact on the effectiveness of the Transport Standards across the majority of modes of transport and stakeholders; and
- “mode specific” issues – Recommendations 10-15 – which impact on particular modes of transport.

The key systemic issues relate to:

- shortcomings in data required to measure performance;
- deficiencies in the operation and applicability of the current standards;
- barriers in identifying compliant mobility aids;
- insufficient information sharing on best practice examples;
- costs of upgrades in rural and regional areas that may delay compliance;
- compliance processes reliant on complaints being initiated by people with disability; and
- shortcomings in current governance arrangements.

The key mode specific issues identified can be broadly summarised as:

- problems with some current and future compliance targets;
- safety concerns with mobility aids in buses, coaches and taxis;
- impact of exclusions limiting current and future provision of services; and

- need for improved guidance on appropriate conditions for air travel.

### **Response to the Recommendations**

The Review makes 15 recommendations (9 systemic and 6 mode-specific). Some technical amendments to the Transport Standards have also been proposed in Appendix E of the Review.

The Australian Government welcomes the Review. As already noted, there have been significant changes in the policy landscape for people with disability. These changes are anticipated to contribute toward future activities arising from this Review.

The Review conveys a strong sense that the Transport Standards have had a range of positive impacts although improvements can be made to continue to improve outcomes over time.

Before addressing each of the recommendations, some observations are appropriate in respect of governance/consultation mechanisms, resourcing implications and regulatory impact assessment issues.

### ***Governance/Consultation Mechanisms***

The legislative framework of the DDA, and the Transport Standards made under this legislation, are formally the responsibility of the Attorney-General. However, responsibility for implementation, monitoring and improving outcomes in relation to improved accessibility of transport, is a shared responsibility of many agencies and stakeholders, including the Commonwealth Department of Infrastructure and Transport and state and territory transport portfolios.

Australian Transport Ministers have key policy and regulatory responsibilities for consulting, advising on and developing amendments for the Transport Standards. This work is undertaken through the leadership of the Australian Transport Council (ATC). The ATC is the Council of Australian Governments Ministerial Council with responsibility for transport issues.

ATC continues to be responsible for the cross jurisdictional working groups of transport agency officials tasked to deliver the various work programs. For this reason, the ATC is the key body to progress the Review's recommendations directed at particular working groups under its control.

That said, in most cases, responsibility for implementing agreed actions and preparing further policy and regulatory material for consideration and decision by Ministers, will likely rest with the existing consultative bodies that have been established by the ATC – the Accessible Public Transport Jurisdictional Committee (APTJC) and the Accessible Public Transport National Advisory Committee (APTNAC)<sup>1</sup>.

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<sup>1</sup> APTJC membership includes representatives from state and territory Transport or equivalent Departments, the Department of Infrastructure and Transport (DIT), and Attorney-General's Department (AGD – which has observer status). The Committee provides a forum for state and territory and Australian Governments to co-ordinate governments' positions on issues raised on the Transport Standards.

APTNAC membership comprises representatives from peak industry bodies, the disability community, all state and territory governments, the Australian Local Government Association and DIT. The Australian Human

### ***Resourcing Implications***

The Government notes that the Review recommendations raise resourcing implications for all stakeholders, not least by proposing a more extensive and detailed work program that would need to draw heavily on available expertise and may indeed require the development of new expertise to be fully delivered. Resource implications remain a challenge.

### ***Regulatory Impact Assessment Issues***

As noted in the Governance section above, the ATC is the key decision maker for most of the decisions flowing from the Review<sup>2</sup>. This role includes being the decision maker where recommendations potentially have regulatory implications (discussed further below). Consequently, this Commonwealth response to the Review and its recommendations seek to initiate appropriate processes to further develop analytical, policy and, as required, regulatory assessment material for subsequent consideration by ATC. No formal regulatory decisions are being made at this stage and any future regulatory action will be subject to the normal regulatory assessment processes, consistent with the COAG endorsed document *Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies*<sup>3</sup>.

It is envisaged the necessary work would be developed through the APTJC and APTNAC processes, with ongoing consultation with the Office of Best Practice Regulation as appropriate. This work would build on the preliminary regulatory analysis undertaken as part of the Review<sup>4</sup>.

Responses to the individual recommendations below need to be read against this context.

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Rights Commission and AGD have observer status. It provides a broad consultative framework to progress national accessible transport issues.

The Government notes that the Standing Committee on Transport (SCOT) – transport agency chief executives – has agreed that APTJC and APTNAC will report to SCOT through the Network Performance Standing Sub-Committee, which is chaired by DIT.

<sup>2</sup> Excluding Recommendations 2, 7 and 8, for which responsibility lies elsewhere.

<sup>3</sup> See: [www.finance.gov.au/obpr/proposal/coag-guidance.html](http://www.finance.gov.au/obpr/proposal/coag-guidance.html)

<sup>4</sup> The Review consultant has undertaken preliminary analysis of the recommendations against the Office of Best Practice Regulation guidelines for regulatory assessment. This material is included within Chapter 11 of the Review and Appendices G and H, as well as an initial stand alone analysis on school bus issues.

## **Response to Individual Recommendations**

### **Recommendation 1**

#### **Establish a national framework for Action Plan reporting and require annual reporting by each State and Territory government**

The Government supports this recommendation in principle, noting that it calls for the development of a common reporting framework and reporting timeline.

The Government agrees that establishing a national framework for the consistent reporting of public transport Action Plans<sup>5</sup> would benefit all stakeholders, in particular through improved understanding of current service provision and enhanced capacity for future reviews to have more consistent data on progress.

The Government proposes that such a national reporting framework, consistent with the objectives of the National Disability Strategy and COAG's regulatory impact assessment processes, be progressed through the ATC.

### **Recommendation 2**

#### **Request the ABS include questions on public transport patronage in their Disability surveys**

The Government agrees in principle with this recommendation and will ask the Australian Bureau of Statistics (ABS) about obtaining patronage data, consistent with its budget and technical constraints.

The Government notes that some aspects of this Review were impeded by a lack of baseline data. Obtaining additional information on public transport patronage, through ABS surveys, potentially helps governments understand public transport needs and would better inform future reviews.

In addition, the National Disability Strategy will facilitate enhanced data collection and provision of relevant national population indicators for accessibility in the community.

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<sup>5</sup> The DDA includes provisions relating to action plans. An action plan is a way for an organisation to plan the elimination, as far as possible, of disability discrimination from the provision of its goods, services and facilities. Developing and implementing an action plan is a voluntary, proactive approach to DDA compliance. The Review found that all state and territory government public transport operators and providers already publish some form of Action Plan through which information on accessibility is already being collected (see page 192 of the Review report).

### **Recommendation 3**

**A technical experts group be convened, with Standards Australia, to develop technical standards specifically suited to public transport conveyances and infrastructure. Once developed, these Standards should be referenced in the Transport Standards, and made available for public use.**

The Government agrees in principle with this recommendation and considers there is merit in examining the development of technical standards specifically suited to public transport conveyances and infrastructure which complement the Transport Standards. The Government acknowledges the issues around referencing certain Australian Standards which are not always appropriate in a transport context, and which have subsequently been updated or replaced since the introduction of the Transport Standards.

The establishment of specific transport-focussed technical standards potentially benefits all stakeholders. Public transport operators and providers could have greater clarity as to their obligations in providing a service which is compliant with the Transport Standards. Inclusion of the technical standards with the Transport Standards could also enable people with disability to more readily determine whether discrimination has occurred.

The Review notes that further RIS analysis may be required as part of the process of finalising any new technical standards.

Further, it is important to note that Standards Australia is an independent body and has established business rules regarding the preparation of new and revised standards. The Department of Infrastructure and Transport (DIT) will need to discuss with Standards Australia its capacity and willingness to participate in such an exercise, or whether it should be developed via a separate process.

The proposal to progress such technical standards work through convening a new working group is a matter for ATC to consider. The response to Recommendation 9 discusses this theme further.

### **Recommendation 4**

**Mode specific guidelines be developed by modal sub-committees. These guidelines would be a recognised authoritative source for providers which can be used during a complaints process.**

The Transport Standards Guidelines provide a measure of guidance in relation to the interpretation of the Transport Standards generally and address some mode specific issues in a limited way.

The Government supports in principle the development of mode specific guidelines, which could be useful for public transport operators and providers. In this context, guidance material may be developed for taxis, buses, coaches, trains, trams, ferries and commercial aircraft. The merits of establishing additional sub-committees to develop mode specific

guidance material, is a matter for the ATC to consider. The Response to Recommendation 9 discusses this theme further.

The Government acknowledges that modal specific groups have previously been established under the APTNAC to develop guidelines. An Aviation Access Working Group is already in place, chaired by the DIT.

The Government proposes that the ATC considers the most appropriate mechanism to progress this recommendation.

#### **Recommendation 5**

**A mobility labelling scheme be developed which identifies the weight of the aid and whether its dimensions fit within the dimensions for allocated spaces, boarding devices, access paths and manoeuvring areas on conveyances, as specified in the Transport Standards.**

The Government supports this recommendation in principle, noting that such a scheme would operate within the dimensions for allocated spaces currently specified in the Transport Standards.

The Government agrees that a mobility labelling scheme could be beneficial to public transport operators and providers and mobility aid users. The Government recognises that operators and providers can face difficulties in determining whether a particular mobility aid is compliant with the dimensional limitations set out in the Transport Standards. The introduction of such a scheme would also give mobility aid users some assurance as to what transport conveyances they can access.

As there may be some costs for mobility aid retailers and suppliers to implement such a scheme, and administration costs for governments in developing, implementing and maintaining a scheme, further consultation and analysis will be required.

The Government proposes this recommendation be referred to the ATC for consideration, noting that, the development of such a framework should include input from the relevant state and territory agencies responsible for the provision of aids and equipment.

#### **Recommendation 6**

**A best practice clearinghouse be established in a government agency or research body to collect and disseminate best practice solutions and ideas relating to accessible public transport.**

The Government supports the principle of improving the gathering and dissemination of best practice solutions and ideas relating to accessible transport. This could be valuable for other public transport operators and providers in similar circumstances, and yield broader benefits in terms of improved information.

It is not clear, however, where this function might best be undertaken, or even whether such location is best established in a government agency or research body. Moreover, there

would be merit in considering the objectives of this recommendation in the development and implementation of the broader work program.

The Government proposes this recommendation be referred to the ATC for further consideration.

#### **Recommendation 7**

**Commonwealth, State and Territory governments provide funding for projects in regional and rural regions where local governments are unable to resource upgrades of public transport infrastructure.**

The Government notes this recommendation and the Review's conclusion that regional and rural areas, in most cases, are falling behind in the provision of accessible public transport services compared to those in urban areas.

However, the provision of funding for projects is a matter for each government to consider, including in the context of existing regional infrastructure programs and budget deliberations. For its part, the Australian Government will give consideration to the eligibility criteria for existing regional and rural transport and infrastructure programs, to ensure no inappropriate exclusions apply to projects that would support compliance with the Transport Standards.

#### **Recommendation 8**

**The AHRC be tasked to provide greater support for representative complaints on behalf of people with disability, reducing the legal cost burden on individuals.**

The Government notes the recommendation.

As part of Australia's Human Rights Framework, the Government is reviewing and consolidating Commonwealth anti-discrimination legislation, including considering gaps in protection and an effective complaints system.

#### **Recommendation 9**

**New governance arrangements be implemented to establish accountability for progressing recommendations from the five-year Review. APTJC should have coordinating responsibility for new initiatives (including modal committees and the technical experts group) in partnership with APTNAC.**

The Government supports this recommendation in principle.

As discussed above, the ATC has the key policy and regulatory advisory responsibility relating to the development of possible amendments to the Transport Standards, and for overseeing the governance of transport agency working groups to deliver the various work programs.

In May 2009, the ATC finalised a streamlined structure of sub-committees of the Standing Committee of Transport<sup>6</sup>. A key theme of this work was to rationalise the demands that complex working group structures impose on all stakeholders and to ensure that available resources are targeted to the most appropriate areas.

The transport governance framework that the ATC has put in place is broadly consistent with that identified in this recommendation, that is, a framework in which APTJC leads and coordinates, in consultation with APTNAC, progressing the response to the Review's recommendations. This will continue to be a matter for ATC to decide.

#### **Recommendation 10**

**The 2017 compliance milestone for tram conveyances and infrastructure be reduced from 90 per cent to 80 per cent to better reflect vehicle replacement cycles.**

The Government notes this recommendation and the Review's findings that current vehicle replacement schedules do not meet future compliance targets in 2017, for trams.

The Review notes this recommendation will reduce the uncertainty for tram operators and providers and governments in the management of their obligations under the Transport Standards. However, as the recommendation represents a regulatory change, further stakeholder consultation and regulatory analysis will be required prior to any decision by ATC.

#### **Recommendation 11**

**The taxi modal sub-committee be tasked with developing a staged implementation timeframe similar to that for other modes of transport, and an appropriate performance measure, to replace the 2007 milestone for WAT compliance.**

The Government notes this recommendation.

The Government notes the Review's findings that the current compliance target for Wheelchair Accessible Taxis (WATs) may not be met and should be replaced with a staged implementation timeframe, similar to that for other modes of transport. The Government recognises the difficulties in determining compliance with the target schedule of the Transport Standards but acknowledges that states and territories have significantly increased the provision for WATs within their respective taxi fleets.

The Government proposes that the ATC considers the most appropriate mechanism to progress the further action flowing from this recommendation.

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<sup>6</sup> ATC Ministers agreed to implement the future National Transport Policy work through a streamlined structure of Standing Sub-committees of the Standing Committee on Transport. The Standing Sub-committees will focus on Productivity, Safety, Environment, Security, Maritime and Network Performance agendas framed around ensuring transport infrastructure and operations can play their essential role in underpinning a return to economic growth. It has been further agreed that ATPJC and APTNAC work will be considered through the Network Performance Standing Sub-committee.

### **Recommendation 12**

**Government commission research into the safety of passengers travelling in conveyances whilst seated in mobility aids (including scooters). This research should make recommendations around whether there is a need for an Australian Standard addressing this aspect of safety for mobility aids.**

The Government notes this recommendation and acknowledges the importance of improving safety for travelling passengers, and the potential risks associated with passengers in mobility devices travelling on conveyances without restraints. The Government also recognises the value of appropriately targeted research and trials in achieving this safety objective.

The Government further notes that this recommendation has potential resourcing implications and the Review gives no consideration to what such research might cost or how it might compare with other transport safety research priorities.

The Government proposes that the ATC considers the most appropriate mechanism to progress the further assessment identified in this recommendation.

### **Recommendation 13**

**The Transport Standards be amended to require new community transport vehicles greater than 12 seat capacity to comply with the Transport Standards commencing in 2017, (with full compliance by 2032).**

The Government supports this recommendation in principle.

The Review found that the current exclusions relating to community transport vehicles limit the current and future provision of services for people with disability. The Government supports the objective of removing the exclusions over time.

The Government proposes that the ATC considers the most appropriate mechanism to progress this recommendation, noting that the potential impact on community transport operators and providers indicates that further consultation and analysis is likely to be required.

As part of this further analysis, there would be merit in examining the experience of the Home and Community Care Program within jurisdictions, and to also consider the potential benefits and costs of accelerating the phase-in of reform under this recommendation.

### **Recommendation 14**

**Phased application of dedicated school bus services to physical access requirements in the Transport Standards, commencing in 2029 and being fully required by 2044.**

The Government supports this recommendation in principle.

The Review found that the current exclusions to the physical access provisions of dedicated school buses limit the current and future provision of services for students with a disability.

The Government recognises the importance of providing students with a disability every opportunity to participate in community life, including being able to travel alongside students without disability on dedicated school bus services. The Government also considers there is merit in examining the potential consequences of this recommendation on existing complaints-based mechanisms of compliance.

The Government proposes that the ATC considers the most appropriate mechanism to progress this recommendation noting that the Review concludes that a full RIS would be required in light of the potential cost impact on school bus operators and providers. As part of the further analysis, there would be merit in examining the number of second-hand accessible buses that may currently be available for purchase by dedicated school bus operators (accessible buses have been in service since 1995) and, if possible, the scope to commence earlier or shorten the phase-in requirements.

#### **Recommendation 15**

**Air travel modal sub-committee (the Aviation Access Working Group) be tasked to develop guidance on the carriage of mobility aids on aircraft.**

The Government supports this recommendation.

The Government acknowledges the lack of guidance material on appropriate conditions for the carriage of mobility aids on aircraft. The introduction of such material would help to provide certainty on the carriage requirements for both mobility aid users and airline staff. To the extent that the guidance material once developed may impose costs and impose benefits, further consultation with the Office of Best Practice Regulation may be required.

The Government also notes that some smaller capacity airlines are unable to transport mobility aids above particular sizes and weights, due to significant safety risks related to the loading or carriage of these items.

The Aviation Access Working Group is currently engaged in discussions aimed at reaching a mutual understanding regarding the needs of passengers who rely on mobility aids and the operational realities of operators.

#### **Other Recommendations – Appendix E**

**Review proposals for Parts requiring amendment.**

The Review contains a number of proposals to make some mostly minor technical amendments to the Transport Standards, some of which are mode specific.<sup>7</sup>

The Government proposes that the ATC evaluates these proposals and considers the most appropriate mechanism to progress this recommendation.

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<sup>7</sup> Review proposals for parts requiring amendment (Table G.3 – page 311)