

Terms of Reference

Background

1. The *Disability Discrimination Act 1992* seeks to eliminate discrimination, as far as possible, against people with disability. Section 31 of the Act states that the Minister may formulate standards in relation to specified activities, including the provision of public transport services and facilities.
2. Division 1.2 of the *Disability Standards for Accessible Public Transport 2002* (the Transport Standards), which took effect on 23 October 2002, states that their purpose is to enable public transport operators and providers to remove discrimination from public transport services. Part 34 requires the Minister for Transport and Regional Services, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards within five years of their taking effect, with subsequent reviews every five years.
3. This review (the Review) will be undertaken by a consultant engaged by the Department of Transport and Regional Services. It will be oversighted by a Steering Committee comprising officers of the Department of Transport and Regional Services and the Attorney-General's Department. The consultant will provide a final written report by 14 December 2007 for consideration by the Minister for Transport and Regional Services in consultation with the Attorney-General.

Scope

4. The Review will review the efficiency and effectiveness of the Transport Standards and will:
 - a) 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.
 - b) Assess the need for any amendments to the Transport Standards.
 - c) Make recommendations for any necessary amendments to the Transport Standards.
5. The Review will be consistent with the Australian Government's Regulation Impact Statement (RIS) framework as outlined in the *Best Practice Regulation Handbook*.
6. In reviewing the efficiency and effectiveness of the Transport Standards, the Review will, among other things:
 - a) Consider the adequacy of the current structure and processes as well as the suitability of other approaches (such as outcomes-based regulation, co-regulatory approaches, action plans and compliance reporting) in achieving the purpose of the Transport Standards.
 - b) Assess the impact of the current incorporation of references to the Australian Standards, the Australian/New Zealand Standards and the Australian Design Rules in the Transport Standards.
 - c) Provide an assessment for each Part of the Transport Standards.
 - d) Assess the extent to which unjustifiable hardship or equivalent access provisions are being utilised by service providers and/or operators.
 - e) Take into account the issues of promoting national consistency, efficient regulatory administration and compliance.
7. In assessing whether discrimination has been removed as far as possible, the Review will, among other things:
 - a) Concentrate on compliance requirements at the initial 31 December 2007 target date for compliance (Schedule 1 Part 1 of the Transport Standards).
 - b) Collect and analyse the available data and other information on compliance.
 - c) Assess the scope and value of current compliance information and consider any implications for the assessment of whether discrimination has been removed.
8. In assessing and recommending necessary amendments to the Transport Standards, the Review will, among other things:
 - a) Identify amendments for each Part of the Transport Standards.
 - b) Identify costs and benefits to stakeholders.
 - c) Take into account the issues of promoting national consistency, efficient regulatory administration and compliance.

9. As the *Disability Standards for Accessible Public Transport Guidelines 2004 (No.3)* (the Guidelines) have been designed to accompany the Transport Standards as a tool for interpreting the content of the Standards, the Review will include appropriate recommendations for amendments to the Guidelines.

Considerations

10. In undertaking the Review, the consultant will:

- a) Advertise nationally and consult with all levels of government and affected parties (in particular people with disability and their representatives, community interest groups and industry).
- b) Invite submissions from stakeholders and make submissions publicly available as they are received by the consultant.
- c) Facilitate participation by people with disability by ensuring that any meeting for the purpose of the Review is held at an accessible venue and that documentation and information distributed during the Review are available in alternative formats.
- d) Prepare a list of stakeholders consulted, for inclusion in the final written report.

11. The Review will draw on any relevant background material, including:

- *Disability Discrimination Act 1992*;
- *Disability Standards for Accessible Public Transport 2002*;
- *Technical Review on Disability Standards for Accessible Public Transport 2002*;
- Productivity Commission Inquiry Report No 30, *Review of the Disability Discrimination Act 1992* and the Australian Government response;
- Applications for temporary exemptions under the Transport Standards and responses by the Human Rights and Equal Opportunity Commission, the Accessible Public Transport Jurisdictional Committee and other relevant parties;
- Web sites operated by the Attorney-General's Department (http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination_DisabilityStandardsforAccessiblePublicTransport) and the Human Rights and Equal Opportunity Commission (http://www.hreoc.gov.au/disability_rights/index.html#information);
- Web site operated by the Office of Best Practice Regulation (<http://www.pc.gov.au/orr/index.html>); and
- Public transport operator and provider compliance information.

MARK VAILE

Deputy Prime Minister and Minister for Transport and Regional Services

24 April 2007