



HUMAN RIGHTS
COMMISSION

The Allen Consulting Group
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To The Allen Consulting Group

Submission for the review of the *Disability Transport Standards for Accessible Public Transport 2002 Draft Report*

The Human Rights Commission supports recommendations and action in relation to the *Disability Standards for Accessible Public Transport* (the Standards) that will assist to protect people with a disability from discrimination in the provision of services. Public transport provides people with disabilities with a means to access and participate in their communities, and also serves to promote full realisation of other related human rights. Accordingly, the Commission wishes to emphasise the importance of protecting and promoting human rights that are linked to the provision of accessible public transport.

Response to Draft Recommendations

The Commission supports the draft recommendations detailed in the Draft Report and the rationale on which they are based. The Commission notes the particular importance of any measures that will clarify standards to enhance consistency and make enforcement easier.

The Commission supports draft recommendations 1, 4 and 5 on the basis that technically accurate and specific Standards will better assist operators to meet accessibility requirements and will also assist passengers with accessibility requirements to better understand and assert their rights.

The Commission supports school buses being included in the Standards on a delayed compliance table and community transport for disability specific and older aged groups being included in the Standards as proposed in the second and third draft recommendations. The current exemptions are concerning for a range of reasons. The existing practice in education leans towards the mainstream integration of children with a disability. Therefore, it should not be assumed that students with a disability will only be travelling on buses to/from special education schools, nor should the educational choices of children be adversely affected by the availability of school bus services. Of equal importance is the fact that many people with a disability and/or who are older aged, rely on community transport for a range of reasons.

The Commission strongly supports draft recommendation 6, as the Commission believes that many complaints may not be progressed to the Federal Court due to the possible expense, impost and the length of time it takes to achieve an outcome. The Commission is of the view that the increase of powers to HREOC should result in more effective

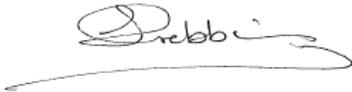
compliance monitoring and enforcement, which in turn should yield more positive outcomes for people with a disability.

The Commission also supports draft recommendations 7 and 8, relating to data collection and reporting. The current lack of data makes it hard to ascertain the effectiveness of the Transport Standards. It also limits the efficiency and effectiveness of the complaints-based approach to compliance, which leads to a disincentive for non-compliant parties from reporting on accessibility. The introduction of specific questions in Australian Bureau of Statistics collections will increase knowledge about transport patronage and barriers, will assist to develop more robust arguments for the introduction of universally accessible conveyances and will support government to direct resources more effectively in this area. In addition, as the Commission has previously noted, mandatory reporting has the potential to embed equality performance measures in service/agency planning, evaluation and accountability frameworks.

Conclusion

The Commission trusts that the outcome of the present review will be an increase in the efficacy, accuracy and applicability of the Transport Standards. The removal of the systemic issues and inaccuracies that have been identified through the review process will assist to provide increased clarity and understanding for both operators and patrons of public transport.

Yours sincerely,



Linda Crebbin
Disability and Community Services
Commissioner
Children and Young People Commissioner



Dr Helen Watchirs
Human Rights and Discrimination
Commissioner

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