



# Disability Standards for Accessible Public Transport Guidelines 2004 (No. 3)<sup>1</sup>

---

## Contents

<b>Part 1</b>	<b>General</b>	
<b>Division 1.1</b>	<b>Preliminary</b>	
1.1	Name of Guidelines	6
1.2	Guiding principles	6
<b>Division 1.2</b>	<b>Scope of Disability Standards</b>	
1.3	General	7
1.4	Discrimination	7
1.5	Application of Disability Standards	7
1.6	Community transport services	8
1.7	Rides in amusement parks	8
1.8	Issues not dealt with by Disability Standards	8
1.9	Other applicable requirements — Australian Design Rule 58	8
1.10	Other applicable requirements — Australian Standards (AS) and Australian/New Zealand Standards (AS/NZS)	8
1.11	Innovation beyond the Disability Standards	9
1.12	Multiple solutions	9
1.13	Design specifications	10
<b>Division 1.3</b>	<b>Range of disabilities</b>	
1.14	Disabilities covered by Disability Discrimination Act	10
1.15	Disabilities other than physical disabilities	11
<b>Division 1.4</b>	<b>Rights and responsibilities</b>	
1.16	Rights and responsibilities assumed in Disability Standards	11
1.17	Payment of fares	11
1.18	Explaining and understanding networks	11
1.19	Orientation and motion	12
1.20	Tolerating emissions	12
1.21	Supply of disability aids	12
1.22	Safety	12
1.23	Hidden disabilities	13
1.24	Carers, assistants and service animals	13

		Page
1.25	Education	13
1.26	Publicity	13
<b>Division 1.5</b>	<b>Amendments of draft Disability Standards</b>	
1.27	Amendments of draft Disability Standards and compliance timetable	14
1.28	Issues that required further investigation	14
1.29	References to Australian and Australian/New Zealand Standards	14
<b>Part 2</b>	<b>Access paths</b>	
2.1	General	15
2.2	Avoidance of hazards on access paths	15
2.3	Use for other purposes	15
2.4	Non-complying access paths	15
<b>Part 3</b>	<b>Manoeuvring areas</b>	
3.1	General	16
3.2	Use for other purposes	16
<b>Part 4</b>	<b>Passing areas</b>	
4.1	Width of passing areas	17
4.2	Passing on access paths	17
<b>Part 6</b>	<b>Ramps</b>	
6.1	External boarding ramps	18
6.2	Internal boarding ramps	18
6.3	Ramps connecting pontoon wharves	18
<b>Part 7</b>	<b>Waiting areas</b>	
7.1	General principle	19
<b>Part 8</b>	<b>Boarding</b>	
8.1	Kinds of boarding devices	20
8.2	Independent access	20
8.3	Kerbs	20
<b>Part 9</b>	<b>Allocated space</b>	
<b>Division 9.1</b>	<b>Allocated space</b>	
9.1	Assumptions underlying Disability Standards	21
9.2	Buses	21
9.3	Minimum dimensions	21
9.4	Accessible taxis	22

		Page
<b>Division 9.2</b>	<b>Restraints</b>	
9.5	Active and passive restraining systems	22
9.6	Active restraining systems	22
9.7	Passive restraining systems	22
<b>Part 10</b>	<b>Surfaces</b>	
10.1	Surfaces of access paths	23
10.2	Access path terminating at door of conveyance	23
<b>Part 11</b>	<b>Handrails and grabrails</b>	
11.1	Provision of handrails	24
11.2	Colour of handrails and grabrails	24
<b>Part 12</b>	<b>Doorways and doors</b>	
12.1	Kinds of doors	25
12.2	Activation of doors	25
12.3	Entry into conveyances	25
12.4	Accessible taxis	25
<b>Part 14</b>	<b>Stairs</b>	
14.1	Stairs not to be only means of access	26
<b>Part 15</b>	<b>Toilets</b>	
15.1	Size	27
<b>Part 18</b>	<b>Tactile ground surface indicators</b>	
18.1	Dimensions of indicators	28
<b>Part 26</b>	<b>Hearing augmentation — listening systems</b>	
26.1	Hearing augmentation — conveyances	29
<b>Part 27</b>	<b>Information</b>	
27.1	Assumption of minimum literacy and language standards	30
27.2	Formats for providing information	30
<b>Part 28</b>	<b>Booked services</b>	
28.1	Notice of passenger's requirements	31
<b>Part 30</b>	<b>Belongings</b>	
30.1	Transport of portable disability aid	32
30.2	Disability aids to be cabin or accompanied luggage	32

		Page
	30.3 Entitlement to baggage allowance	32
	30.4 Transport of disability aid on same conveyance as passenger	32
	30.5 Assistance to stow or retrieve mobility aid	32
<b>Part 31</b>	<b>Priority</b>	
	31.1 Location of priority seats	33
	31.2 Vacating priority seats	33
<b>Part 32</b>	<b>Adoption</b>	
	32.1 New and imported items	34
	32.2 Specialised conveyances	34
	32.3 Upgrading of premises	34
	32.4 New and replacement equipment	34
	32.5 Alterations of ancillary services	34
	32.6 Revision of timetables and other information	35
<b>Part 33</b>	<b>Compliance</b>	
<b>Division 33.1</b>	<b>Time for compliance</b>	
	33.1 New public transport systems	36
	33.2 Existing public transport systems	36
	33.3 Order for compliance	36
	33.4 Compliance by retrofitting	37
	33.5 Compliance by each type of service run by an operator	37
<b>Division 33.2</b>	<b>Equivalent access</b>	
	33.6 Meaning of <i>equivalent access</i>	37
	33.7 Methods of providing equivalent access	37
<b>Division 33.3</b>	<b>Direct assistance</b>	
	33.8 Provision of direct access	38
	33.9 Assistance before or after travel	38
	33.10 Assistance during boarding and alighting	38
	33.11 Assistance while travelling	39
<b>Division 33.4</b>	<b>Exceptional cases</b>	
	33.12 Non-compliance due to unjustifiable hardship	39
	33.13 Maximum compliance required	39
	33.14 Matters to be taken into consideration	39
	33.15 Exemptions	40
<b>Part 35</b>	<b>Enforcement and action plans</b>	
<b>Division 35.1</b>	<b>Enforcement</b>	
	35.1 Complaint to HREOC	41
	35.2 Investigation of complaint	41

		Page	
	35.3	Complaint alleging discrimination	41
	35.4	Further information	41
<b>Division 35.2</b>		<b>Action plans</b>	
	35.5	Submission of action plan to HREOC	42
	35.6	Consultation by HREOC	42
<b>Part 36</b>		<b>Consultation</b>	
	36.1	Consultation with government and passengers	43
<b>Part 37</b>		<b>Customer service</b>	
	37.1	Attitude of staff	44
	37.2	Orientation and education programs	44
	37.3	Customer service programs	44
<b>Part 38</b>		<b>Due diligence and reasonable precautions</b>	
	38.1	Liability for conduct of agents or employees	45
	38.2	Discrimination in contracted services	45
	38.3	Discrimination by staff	46
<b>Part 39</b>		<b>Role of Transport Authorities</b>	
	39.1	Liability of transport authorities for discrimination	47
<b>Part 40</b>		<b>Assumptions about public transport mobility aids</b>	
	40.1	Criteria for mobility aids in Disability Standards	48
<b>Appendix 1</b>		<b>Amendments relating to physical access provisions, and provisions requiring further investigation</b>	49
Part 1		Amendments relating to physical access provisions	49
Part 2		Provisions amended as a result of the technical review	52

## **Part 1                    General**

### **Division 1.1           Preliminary**

#### **1.1           Name of Guidelines**

These Guidelines are the *Disability Standards for Accessible Public Transport Guidelines 2004 (No. 3)*.

#### **1.2           Guiding principles**

- (1) The purpose of the *Disability Standards for Accessible Public Transport 2002* (referred to in these Guidelines as the ***Disability Standards***) is to remove discrimination on the basis of disability from public transport services over a 30-year period.
- (2) The Disability Standards specify how the objects of the *Disability Discrimination Act 1992* are to be achieved in the provision of public transport services. The following objects of the *Disability Discrimination Act 1992* are the guiding principles of the Disability Standards:
  - (a) to eliminate, as far as possible, discrimination against persons on the basis of their disabilities;
  - (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equity before the law as the rest of the community;
  - (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.
- (3) The Disability Standards prescribe national requirements that public transport service providers and facility operators must meet in order to comply with the *Disability Discrimination Act 1992* in these areas. The Disability Standards detail mandatory performance outcomes covering a range of accessibility issues. Due to the very specific requirements in the Disability Standards, they are the national authority for compliance with anti-discrimination legislation in the areas specified in the Disability Standards.
- (4) Under the Disability Standards, public transport services and facilities will become more accessible by:
  - (a) the replacement or upgrading of conveyances, premises and infrastructure in accordance with the compliance timetable outlined in Schedule 1 to the Disability Standards (usually at the end of their service lives); and
  - (b) the requirement that, from the commencement of the Disability Standards, all new items comply with the requirements of the Disability Standards.

- (5) The purpose of these Guidelines is to provide information and comment about the Disability Standards.
- (6) The numbering of the Parts in these Guidelines reflects the numbering of the Parts in the Disability Standards. Because these Guidelines do not deal with all the material covered by the Disability Standards, there are gaps in the numbering.

*Example*

Part 5 (Resting points) of the Disability Standards is not dealt with in these Guidelines so there is no Part 5 in these Guidelines.

## **Division 1.2      Scope of Disability Standards**

### **1.3      General**

The Disability Standards specify how public transport is to be made accessible. These Guidelines are to assist in understanding and interpreting the Standards.

### **1.4      Discrimination**

Discrimination can occur either directly or indirectly. Sections 5 and 6 of the Disability Discrimination Act 1992 define direct and indirect discrimination. In summary, direct disability discrimination arises if an operator or infrastructure provider treats a person with a disability less favourably than another person in a similar situation. Indirect disability discrimination arises when the impact of an operator's or provider's service is less favourable for a person with a disability than for a person without a disability.

### **1.5      Application of Disability Standards**

The Disability Standards apply to the operation or provision of public transportation services and facilities to persons with disabilities by all of the following:

- (a) the Commonwealth;
- (b) a State;
- (c) a Territory;
- (d) a public authority of the Commonwealth;
- (e) an agency of a State or Territory;
- (f) a private sector operator or provider;
- (g) any other person.

## Section 1.6

---

### 1.6      **Community transport services**

Community transport services are covered by the Disability Standards only if they:

- (a) use conveyances to which the Disability Standards apply (see the definitions in the Standards); and
- (b) provide a public transport service to the public in general rather than to targeted groups of people.

So a bus that provides a service for people with a specific type of disability would not need to comply with the Disability Standards. However, a bus that offers a public transport service, in addition to its targeted services, would need to comply with the Disability Standards.

### 1.7      **Rides in amusement parks**

A ride in an amusement park becomes public transport for the purposes of the Disability Standards if it serves to move the general public from one location to another distant location. For example, a monorail system that connects different areas within the park would need to comply with the Disability Standards.

### 1.8      **Issues not dealt with by Disability Standards**

If the Disability Standards do not deal with an issue in relation to public transport, the requirements of the Disability Discrimination Act 1992 apply in relation to the issue.

### 1.9      **Other applicable requirements — Australian Design Rule 58**

The Disability Standards operate in conjunction with other laws, regulations and codes that apply to public transport. For example, buses must comply with Australian Design Rule 58 as well as the Disability Standards. However, adherence to the Disability Standards is not a ground for exemption from other statutory requirements, including fire or safety regulations.

### 1.10     **Other applicable requirements — Australian Standards (AS) and Australian/New Zealand Standards (AS/NZS)**

- (1) It is intended that the Disability Standards be read in conjunction with certain industry guidelines such as Australian Standards (AS) and Australian/New Zealand Standards (AS/NZS). In some States and Territories, **AS1428.1 (2001)** has the force of regulations for premises and infrastructure by being incorporated into the Building Code of Australia.
- (2) If provisions of **AS1428.1 (2001)** or **AS1428.2 (1992)** are applied by the Disability Standards, they must be complied with by public transport services in all States and Territories.



- (3) The following Australian Standards and Australian/New Zealand Standard are relevant to the Disability Standards:

---

AS1428.1 (2001)	Design for access and mobility. Part 1: General requirements for access — New building work, 2001
AS1428.1 Supplement 1 (1993)	Design for access and mobility. Part 1: General requirements for access — Buildings — Commentary (Supplement to AS1428.1–1993), 1993
AS1428.2 (1992)	Design for access and mobility. Part 2: Enhanced and additional requirements — Buildings and facilities, 1992
AS1428.4 (1992)	Design for access and mobility. Part 4: Tactile ground surface indicators for the orientation of people with vision impairment, 1992
AS1735.12 (1999)	Lifts, escalators and moving walks. Part 12: Facilities for persons with disabilities, 1999 including Amendment 1 — 1999
AS2899.1 (1986)	Public information symbol signs. Part 1: General information signs, 1986
AS/NZS3856.1 (1998)	Hoists and ramps for people with disabilities — Vehicle-mounted. Part 1: Product requirements, 1998

---

- (4) Later and earlier versions of the above Standards are not recognised in the Disability Standards.
- (5) For ease of cross-reference, the Disability Standards use some relevant headings from **Australian Standard 1428**.

### **1.11 Innovation beyond the Disability Standards**

The Disability Standards specify the minimum requirements for public transport. Operators and providers are free to exceed the Disability Standards in their services, premises, infrastructure and conveyances. Operators and providers are also encouraged to adopt new technologies that give improved access to public transport.

### **1.12 Multiple solutions**

Although the Disability Standards apply generally to public transport, operational situations vary widely across modes of transport and between various parts of Australia. Accordingly, the Disability Standards assume that a variety of solutions will satisfy any particular set of requirements. However, public transport must provide non-discriminatory access for all passengers.

**Section 1.13**

---

**1.13      Design specifications**

- (1) The Disability Standards prescribe outcomes that public transport operators and providers must achieve to make their services non-discriminatory. The Disability Standards are not, in general, hardware specifications.
- (2) There is no impediment to operators, providers or manufacturers preparing specifications for particular categories of conveyances or infrastructure that incorporate the technical requirements of the Disability Standards. One example would be a new accessible taxi design. Another would be an Australian Standard for an accessible bus.
- (3) Conveyances manufactured, or infrastructure constructed, to such specifications should then be acceptable elements of non-discriminatory services. However, conveyances, premises or infrastructure, on their own, are only part of the public transport system, and matching elements need to be compatible for discrimination to be removed.
- (4) Further, a conveyance, premises or infrastructure is only a means to facilitate the provision of non-discriminatory services and the use of a 'standard' conveyance can not relieve operators of the obligation to comply with the Disability Standards for the conduct of their services.

**Division 1.3            Range of disabilities**

**1.14      Disabilities covered by Disability Discrimination Act**

- (1) Disabilities may be physical, intellectual, psychiatric, emotional or sensory in nature.
- (2) The *Disability Discrimination Act 1992* covers a range of disabilities, including the following:
  - (a) partial or total loss of sight;
  - (b) partial or total loss of hearing;
  - (c) partial or total loss of speech;
  - (d) disfigurements or deformities;
  - (e) difficulties in walking (including partial or total loss of use of legs);
  - (f) difficulties in fully using arms (including gripping);
  - (g) learning and orientation difficulties;
  - (h) sensitivity to chemicals causing malfunction of a person's body;
  - (i) chronic diseases, illnesses or other medical conditions;
  - (j) emotional or behavioural conditions.

### **1.15 Disabilities other than physical disabilities**

While the Disability Standards include specific criteria for some physical disabilities, operators and providers need to be equally mindful of removing discrimination against people with medical, intellectual, behavioural and emotional disabilities. In this regard, operators and providers should avoid attitudinal or informational barriers that limit the accessibility of public transport for some passengers.

## **Division 1.4 Rights and responsibilities**

### **1.16 Rights and responsibilities assumed in Disability Standards**

- (1) The Disability Standards assume certain rights and responsibilities for operators, providers and passengers.
- (2) The Disability Standards assume that operators and providers will use their best endeavours to respect and promote the dignity and independence of all passengers.
- (3) The Disability Standards assume that passengers will accept the constraints that are part of the safe and effective operation of public transport services. They also accept that there are limits on what may be practicable for providers and operators to supply in some circumstances.
- (4) Specific rights and responsibilities are set out in the following sections of this Part.

### **1.17 Payment of fares**

All passengers must be prepared to pay fares when required. This does not prevent concessions being made available to passengers. Anyone who has difficulty with standard payment systems may expect special arrangements to be made.

### **1.18 Explaining and understanding networks**

- (1) Non-discriminatory access to public transport may require some adjustments by operators and providers to existing methods of service delivery.
- (2) Operators have an obligation to ensure that information about their service is presented in a way that passengers can understand. However, operators may also choose to give assistance to individuals.
- (3) The Disability Standards assume that passengers:
  - (a) can understand information given in spoken, written, tactile or diagrammatic form; and
  - (b) have the capacity to use a mass transit system; and

### **Section 1.19**

---

- (c) are competent to select their destinations, modes and times of travel;  
and
- (d) can communicate their destinations where necessary.

#### **1.19 Orientation and motion**

- (1) Operators may determine the orientation of passengers in conveyances but should note that many people have a preference for facing forwards.
- (2) Public transport necessarily involves motion such as acceleration, deceleration, cornering and pitching. The Disability Standards assume that passengers and their mobility aids are capable of tolerating such motion.

#### **1.20 Tolerating emissions**

- (1) Many forms of transport involve emissions, including the following:
  - (a) noise;
  - (b) gases;
  - (c) electromagnetic radiation from motors;
  - (d) power supplies;
  - (e) other substances, such as dust and smoke.
- (2) The Disability Standards assume that passengers are able to tolerate such emissions within the limits set by relevant environmental and occupational health and safety regulations.
- (3) It is assumed that operators and providers will carefully consider the selection, use and maintenance of materials used in public transport in accordance with established standards to eliminate or minimise chemical sensitivity reactions in passengers.

#### **1.21 Supply of disability aids**

Passengers sometimes need disability aids such as breathing apparatus, body supports, glasses and hearing aids. Operators are not responsible for the supply or operation of this kind of equipment under the Disability Standards, but some may choose to give assistance as an ancillary service.

#### **1.22 Safety**

- (1) The Disability Standards do not address matters of safety that are dealt with by Commonwealth, State or Territory Governments. However, the Disability Standards do require that all passengers be able to travel with the same level of safety.
- (2) The Disability Standards assume the following:
  - (a) mobility aids have effective braking systems;
  - (b) their users can apply the brakes;
  - (c) mobility aids are stable under normal conveyance manoeuvring forces;

- (d) passengers will ensure that their wheelchairs and similar mobility aids comply with relevant safety requirements such as criteria for belt anchorage points.
- (3) Regulations that require passengers to wear safety belts apply equally to all passengers.

### **1.23 Hidden disabilities**

- (1) Some passengers' disabilities are not visible. The Disability Standards assume that passengers of this kind will identify their disabilities to the operator or provider so that their needs can be accommodated. In particular, such passengers need to identify their needs when making bookings by telephone.
- (2) The Disability Standards also assume that operators or providers will arrange assistance for passengers who identify their needs.

### **1.24 Carers, assistants and service animals**

Some passengers may need to be accompanied by a carer, assistant or service animal. A service animal is an animal trained by a recognised individual or agency and is not subject to a fare. A carer or assistant should be prepared to pay a fare.

### **1.25 Education**

- (1) The Disability Standards assume that operators' and providers' staff are proficient in interacting with passengers in a way that avoids discrimination. Unfortunate experiences have the potential to be a major barrier to access for individuals.
- (2) Similarly, it is assumed that passengers who are unfamiliar with public transport are willing to participate in familiarisation programs if necessary.

### **1.26 Publicity**

Information is an essential component of any public transport system. The Disability Standards assume that information about accessible public transport services will be readily available.

**Section 1.27**

---

**Division 1.5                      Amendments of draft Disability Standards**

**1.27              Amendments of draft Disability Standards and compliance timetable**

- (1) There have been a number of amendments of the draft Disability Standards to take into account recommendations by the Australian Transport Council and Government decisions to do the following:
  - (a) exclude limousines, hire cars, and charter boats from the Disability Standards;
  - (b) exclude dedicated school bus services, small aircraft (less than 30 seats), and airports that do not accept regular public transport services from the physical access provisions of the Disability Standards as set out in Part 1 of Appendix 1 to these Guidelines;
  - (c) deal with unresolved technical issues (see section 1.28);
  - (d) vary the requirements for boarding devices and electronic notices.
- (2) The compliance timetable will also be amended to reflect a change from 90% compliance at 15 years to 80% compliance at 15 years for buses, and to extend the train and tram timetable for compliance to take place over 30 years.

**1.28              Issues that required further investigation**

When the Disability Standards were originally formulated, a number of unresolved technical issues that related to conveyances were removed from the Standards. The Department of Transport and Regional Services convened a technical review committee to examine these matters. The technical review also made recommendations about issues in addition to those excluded from the original Disability Standards. Amendments made to the Disability Standards and these Guidelines as a result of the technical review are listed in Part 2 of Appendix 1 to these Guidelines.

**1.29              References to Australian and Australian/New Zealand Standards**

Throughout the Disability Standards and these Guidelines, minor amendments have been made to the references to particular Australian Standards and an Australian/New Zealand Standard. See, in particular, section 1.6 of the Disability Standards and section 1.10 of these Guidelines.

## **Part 2                      Access paths**

### **2.1            General**

- (1) The concept of an ‘access path’ is used in the Disability Standards to specify requirements for independent movement of passengers through premises and infrastructure. The existence of an access path is implicit in many sections of the Disability Standards.
- (2) Because the Disability Standards cater for people with many types of disabilities, and a variety of services, some sections are relevant only to particular situations.
- (3) The consequence is that while a common path is preferable, an access path may have to be duplicated in some locations.

### **2.2            Avoidance of hazards on access paths**

Operators should avoid hazards created by poles, columns, stanchions, bollards and fixtures alongside access paths. For example, operators and providers should avoid the use of short posts to prevent delivery vehicles from driving onto parts of pedestrian areas. Similarly, they should avoid having commercial signs projecting from walls or portable ‘sandwich’ advertising boards.

### **2.3            Use for other purposes**

Access paths are often used for other purposes, such as standing areas, but it is expected that passengers will be able to transit them and that they will be cleared for people with disabilities when required.

### **2.4            Non-complying access paths**

An access path that departs in minor ways from the Disability Standards may be regarded as satisfying the Disability Standards if it meets the performance requirements of **AS1428.2 (1992) Clause 7** with equivalent effectiveness, amenity, availability, convenience, dignity and safety. However, direct assistance may be required to ensure that a non-conforming access path of this kind is available to all passengers.

**Section 3.1**

---

## **Part 3                      Manoeuvring areas**

### **3.1            General**

- (1) The Disability Standards recognise that the space restrictions and design limitations of many conveyances can inhibit the movement of passengers using mobility aids such as manual and powered wheelchairs, scooters, walkers, braces, artificial limbs, canes and crutches. These design limitations include driver location, engine position and roof height restrictions.
- (2) However, it is the intent of the Disability Standards to ensure that passengers of that kind can gain independent access.
- (3) The Disability Standards therefore outline in performance terms how operators are to accommodate people using mobility aids.

### **3.2            Use for other purposes**

Manoeuvring areas may be used for other temporary purposes, such as fare payment, as long as they remain available for use, if required, by passengers using mobility aids.



## **Part 4                      Passing areas**

### **4.1            Width of passing areas**

The intent of the Disability Standards is that passing areas be wide enough for 2 passengers, each using a mobility aid, to pass one another.

### **4.2            Passing on access paths**

The Disability Standards assume that a passenger using a mobility aid should not have to move more than 6 metres along an access path to allow another passenger using a mobility aid to pass.

**Section 6.1**

---

**Part 6 Ramps****6.1 External boarding ramps**

Slope dimensions are given for external boarding ramps on conveyances. The gradients are taken from Australian Standards for ramps of limited length.

**6.2 Internal boarding ramps**

Internal ramps are considered a separate part of the access path and the slopes stipulated in **AS1428.2 (1992) Clause 8** should be applied.

**6.3 Ramps connecting pontoon wharves**

Tides affect the slope of ramps connecting pontoon wharves to land. On occasions, an unusually high tide may cause the ramp to be too steep for unassisted access.

## **Part 7                      Waiting areas**

### **7.1                      General principle**

The general principle is that operators and providers should make seats and space available to passengers with disabilities wherever waiting areas are provided. Examples of waiting areas are departure lounges in airports or coach terminals.

**Section 8.1**

---

## **Part 8                      Boarding**

### **8.1            Kinds of boarding devices**

Boarding devices include hoists, gangways, ramps, scissor lifts, aerobridges or any other means of getting a passenger on or off a conveyance.

### **8.2            Independent access**

- (1) If the Disability Standards are observed, passengers with disabilities will be able to board and alight from conveyances without assistance. However, the design constraints of some conveyances are such that the operator or provider may choose to give equivalent access by providing assistance.
- (2) Although operators would normally be responsible for activating boarding devices, this should not be seen as diminishing the principle that independent access is desired under the Disability Standards.

### **8.3            Kerbs**

- (1) If kerbs are in place, bus and coach operators, but not taxi operators, may assume that the boarding point will be at least 150 mm higher than the road surface. Consequently, operators and providers may need to consult on matching conveyances with infrastructure or providing equivalent access.
- (2) If there is no kerb, it may be assumed that the boarding point will be flat and stable.

## **Part 9                      Allocated space**

### **Division 9.1              Allocated space**

#### **9.1                      Assumptions underlying Disability Standards**

- (1) Two assumptions underlie the Disability Standards. First, that some passengers will use large mobility aids such as powered wheelchairs and, second, that passengers using mobility aids often wish to travel with a companion who may also be using a mobility aid.
- (2) Thus, the Disability Standards require that specific space be allocated on conveyances to accommodate passengers using wheelchairs or similar mobility aids.
- (3) Mobility aid users may not be able to enter or exit an allocated space in a single manoeuvre, given the internal configurations of a conveyance.

#### **9.2                      Buses**

- (1) There is a market niche for high frequency services by ‘smaller’ buses with only one allocated space.
- (2) The most practical way to distinguish between bus sizes is the actual number of fixed seats.
- (3) Thirty-two (32) fixed seats was selected as the most practical dividing line between one and 2 allocated spaces on buses.
- (4) Any passenger seat that is not in the allocated space is considered a ‘fixed’ seat.
- (5) The ‘allocated’ spaces may be used for other purposes. For example, if an allocated space is not required by a passenger with a disability, folding seats may be used to convert the allocated space to general seating.
- (6) The threshold of 32 seats should be jointly reviewed by operators and consumers 2 years after the Disability Standards take effect. The review should consider whether local experience has confirmed 32 fixed seats as an adequate boundary.

#### **9.3                      Minimum dimensions**

- (1) The Disability Standards use the minimum 800 mm by 1300 mm dimensions for allocated space from **AS1428.2 (1992)** even though it was accepted, at the time of preparing the Disability Standards, that the source data may have been dated.

## **Section 9.4**

---

- (2) Although the introduction of these limits on public transport may mean that manufacturers will restrict the dimensions of their product wherever possible, operators and providers should be equally prepared for a future revision of Australian Standards to increase the dimensions.
- (3) Consequently, the Taskforce strongly recommends that operators and providers offer additional area in allocated spaces, particularly extra length, and take care to ensure that manoeuvring areas involving awkward angles of approach are similarly generous.

### **9.4 Accessible taxis**

Although, at the time of taking effect, the Disability Standards specify 1410 mm in accessible taxis as the minimum internal headroom, it is anticipated that manufacturers will develop vehicles suitable for taxis with headroom of at least 1500 mm by 1 January 2013. The headroom is distinct from the minimum vertical opening of the entrance (see Part 12, Doorways and doors).

## **Division 9.2 Restraints**

### **9.5 Active and passive restraining systems**

The Disability Standards recognise the use of both active and passive restraining systems.

### **9.6 Active restraining systems**

- (1) An active restraint anchors a wheelchair or similar mobility aid into an allocated space. Anchorage belts are an example of active restraints.
- (2) Regulations that normally require passengers to wear safety belts apply equally to all passengers. This means that operators of services on which safety belts are mandatory must provide restraints for use by people with disabilities. Similarly, passengers need to use safety belts if they are compulsory, unless the passengers have a dispensation through normal channels.

### **9.7 Passive restraining systems**

- (1) A passive restraining system contains movement of a wheelchair to within an allocated space. A vertical surface that restricts the movement of a wheelchair is an example of a passive restraint.
- (2) An operator may rely on the sides of a conveyance, or a padded rail, to act as passive restraints against excessive sideways movement of a mobility aid. The allocated space could be located behind a bulkhead to prevent forward movement. The passive restraints bounding an area of this kind would then prevent a wheelchair from rolling or tipping.

## **Part 10                      Surfaces**

### **10.1        Surfaces of access paths**

The Disability Standards require access paths to be stable and level across their width and slip resistant.

### **10.2        Access path terminating at door of conveyance**

The surfaces of an access path that terminates at the door of a conveyance must be stable, slip resistant and of a texture that does not impede mobility.

**Section 11.1**

---

**Part 11 Handrails and grabrails****11.1 Provision of handrails**

- (1) The Disability Standards require handrails to be provided to assist passengers to cope with changes of level, ramps, a narrowing or a change of direction of an access path.
- (2) It is not expected that handrails will be universally provided inside conveyances. Grabrails should be considered where handrails cannot be installed.

**11.2 Colour of handrails and grabrails**

Handrails and grabrails would normally be colour contrasted with their background and should not intrude into the minimum accessible path of travel.



## Part 12 Doorways and doors

### 12.1 Kinds of doors

- (1) The Disability Standards allow for doors that are automatic, power assisted or manual.
- (2) Automatic doors are preferable along an access path.

### 12.2 Activation of doors

- (1) On conveyances, it is acceptable for passengers or staff to activate only particular doors at stops rather than have all doors open unnecessarily. In such cases, and if not all doors are accessible, the Disability Standards provide that the accessible doors be clearly identified.
- (2) It is recognised that some conveyance doors, such as on aircraft, buses and coaches, will have to be opened by the operator.

### 12.3 Entry into conveyances

The intent of the Disability Standards is that passengers using mobility aids should be able to enter conveyances without having to lower their heads or change their normal posture.

### 12.4 Accessible taxis

Although, at the time of taking effect, the Disability Standards accept 1400 mm as the minimum vertical opening (as distinct from internal headroom) for an accessible taxi, the expectation is built into the Disability Standards that manufacturers will develop vehicles with vertical openings of at least 1500 mm by 1 January 2013.

**Section 14.1**

---

**Part 14                      Stairs****14.1        Stairs not to be only means of access**

- (1) The requirement for an access path under the Disability Standards means that stairs cannot be the sole means of access in premises or infrastructure. However, stairs are acceptable as an optional route on an access path.
- (2) The intent of the Disability Standards is that stairs should not be the only means of access to a conveyance nor should they prevent passengers accessing essential on-board services such as food service or toilets. However, it is recognised that unavoidable differences in levels may mean that some sections of a conveyance might not be available to all passengers.

## **Part 15                      Toilets**

### **15.1      Size**

The intent of the Disability Standards is that there will be sufficient clear space in an accessible toilet to allow a person using a mobility aid to move between the various fixtures and to exit by moving in a forward direction. However, it is accepted that some larger mobility aids may have to exit by reversing. This implies that solutions, such as two-way swinging doors and remote locking controls, may need to be considered.

**Section 18.1**

---

**Part 18                      Tactile ground surface indicators****18.1      Dimensions of indicators**

The Disability Standards provide for an operator to define key areas on an access path with tactile ground surface indicators for people with vision impairment. The dimensions of the spaces to be defined are detailed in **AS1428.4 (1992)**.

## **Part 26                    Hearing augmentation — listening systems**

### **26.1    Hearing augmentation — conveyances**

If the requirements in the Disability Standards relating to hearing augmentation for conveyances cannot be met for technical reasons, the equivalent access provision of the Disability Standards (section 33.3) applies.

**Section 27.1**

---

**Part 27 Information****27.1 Assumption of minimum literacy and language standards**

- (1) The Disability Standards provide that operators or providers will supply all passengers with information necessary to use a transport service.
- (2) However, the Disability Standards assume that passengers have a minimum level of literacy and language skills.

**27.2 Formats for providing information**

- (1) Operators and providers should expect requests for information in formats such as standard or large print, Braille, audio, touch-tone telephone, TTY and on-line computer or disks.
- (2) Passengers should anticipate that certain formats may only be available from certain outlets. For example, while bus drivers may provide oral information on timetables and bus routes, they should not be expected to have alternative format timetables on hand.
- (3) If it is not possible for operators or providers to supply information in a particular format, passengers may expect assistance to be provided to enable them to use documentation in the available formats, for example, the provision of a photocopy enlargement of a timetable.
- (4) However, essential travel and safety information, such as emergency instructions on aircraft, must be available in an accessible format or direct assistance must be given.
- (5) Operators could choose to announce scheduled stops as one way of informing passengers of their whereabouts during a journey.

## **Part 28                      Booked services**

### **28.1      Notice of passenger's requirements**

- (1) The Disability Standards assume that booking arrangements will recognise that some passengers:
  - (a) have specific needs when they travel; or
  - (b) need to travel with some kind of disability or mobility aid.
- (2) It is accepted that operators of booked services may need advance notice to accommodate passengers with a disability and that these passengers will need to identify their particular requirements. Examples of such services include taxis, coaches or aircraft.
- (3) Passengers who require accessibility features should be prepared to identify their particular requirements when they book their travel. If advance bookings are not required, it may be assumed that the service will be fully accessible 20 years after the Disability Standards take effect (30 years for trains and trams).
- (4) If a passenger identifies a particular requirement in making a booking, the operator (other than a taxi operator) should inform the passenger fully of any relevant service options available. For example, the operator may advise the passenger of 2 different services on the one day, for example, one involving the use of an on-board wheelchair and the other enabling the person to travel in his or her own mobility device.

**Section 30.1**

---

## **Part 30 Belongings**

### **30.1 Transport of portable disability aid**

- (1) The Disability Standards require an operator to transport any portable disability aid that a passenger carries on board and normally requires for his or her wellbeing or mobility.
- (2) Disability aids include mobility, prosthetic and medical equipment. Examples of mobility aids are manual or powered wheelchairs, scooters, walkers, braces, canes and crutches. Examples of prosthetic and medical aids include hearing aids, communication devices, prostheses and breathing equipment.

### **30.2 Disability aids to be cabin or accompanied luggage**

Passengers may expect that, if possible, an operator will treat a disability aid as cabin or accompanied baggage. For example, on an overnight train, passengers could expect to bring their wheelchairs or other small aids into their sleeping compartments. On the other hand, it would not be possible to transport an electric wheelchair in the passenger compartment of an aircraft.

### **30.3 Entitlement to baggage allowance**

The carriage of a disability aid should not diminish a passenger's entitlement to normal baggage allowance. An operator should not charge for carrying a disability aid unless regulations set fees for luggage handling or for the time taken to load luggage. For example, in some States, taxis are permitted to have their meters running while drivers loads luggage.

### **30.4 Transport of disability aid on same conveyance as passenger**

- (1) An operator should expect to carry a passenger's disability aid on the same conveyance as the passenger.
- (2) If an operator needs to stow a passenger's disability aid in a compartment away from the passenger, the operator should expect to carry the aid as priority baggage.

### **30.5 Assistance to stow or retrieve mobility aid**

A passenger who needs assistance to stow or retrieve a mobility aid should be prepared to be asked to board or alight the service before or after other passengers. For example, a coach company might ask a passenger using a wheelchair to board before other passengers.



## **Part 31                      Priority**

### **31.1      Location of priority seats**

Passengers may anticipate that priority seating for people with disabilities will be near an entrance. This is to benefit those passengers with restricted movement or coordination difficulties.

### **31.2      Vacating priority seats**

The Disability Standards assume that operators will ensure that relevant passengers are informed of the need to vacate priority seats and spaces for persons with disabilities.

**Section 32.1**

---

## **Part 32                      Adoption**

### **32.1      New and imported items**

- (1) Public transport is primarily expected to become accessible by replacement or upgrading of conveyances, premises and infrastructure at the end of their service lives. All new items must comply with the Disability Standards so that non-conforming stock is gradually retired or upgraded.
- (2) Conveyances that are 'second-hand', but are imported for use as public transport in Australia, are considered to be new and must comply with the Disability Standards.

### **32.2      Specialised conveyances**

Specialised, niche market conveyances would not necessarily be expected to be fully accessible. However, the operator would need to make reasonable efforts to assist with an accessible service option.

### **32.3      Upgrading of premises**

- (1) It is expected that premises will be brought up to the requirements of the Disability Standards to the maximum extent possible whenever they are substantially upgraded, reconstructed, or refurbished. For instance, a train operator might install access ramps or lifts when replacing an overhead bridge. 'Substantial' upgrading means periodic major works on facilities but not routine maintenance.
- (2) Note that it is the particular upgrading, reconstruction or refurbishment that must comply with the Disability Standards and not the infrastructure as a whole. For instance, providers don't have to put in a lift if they are only upgrading their information system or constructing a waiting room.

### **32.4      New and replacement equipment**

Operators and providers are expected to comply with the Disability Standards when they install new or replacement equipment. For example, hearing loops should be included when a public address system is installed or replaced.

### **32.5      Alterations of ancillary services**

'Ancillary services' refers to facilities such as cafeterias and club lounges. It does not refer to new bus routes or increased levels of service. All changes or additions to ancillary services should comply with the Disability Standards. For example, a provider would need to make a new dining room accessible.

---

**Section 32.6****32.6 Revision of timetables and other information**

If operators make changes to timetables or other information in relation to a public transport service, the new timetables or information should be produced in alternative formats.

**Section 33.1**

---

## **Part 33 Compliance**

### **Division 33.1 Time for compliance**

#### **33.1 New public transport systems**

All new public transport systems must comply with the Disability Standards from the date on which the Disability Standards take effect.

#### **33.2 Existing public transport systems**

- (1) Existing public transport will progressively become accessible over a 20-year period with substantial access within 10 to 15 years (30 years for trains and trams).
- (2) The *Disability Discrimination Act 1992* obliges transport operators and providers to comply with the Disability Standards in relation to their services and to adhere to the compliance targets.
- (3) Operators and providers may comply with any provision of the Disability Standards earlier than stipulated.
- (4) The *Disability Discrimination Act 1992* does not provide for approvals of services. Compliance is the responsibility of operators and providers. Enforcement is by complaint to the Human Rights and Equal Opportunity Commission (*HREOC*) or, if a complaint to HREOC is terminated, an application to the Federal Court or the Federal Magistrates Service.

#### **33.3 Order for compliance**

- (1) Operators and providers may decide the order in which their conveyances, premises and infrastructure become accessible. However, it is expected that they will give priority to main routes or key facilities to maximise the short-term community and commercial benefits. Operators may benefit from consulting with people with disabilities before making these decisions.
- (2) For example, a train operator might upgrade stations and carriages on the busiest lines first. Similarly, local government and a bus operator might cooperate to deploy new accessible buses on the busiest routes with bus stops on those routes upgraded as a local priority.
- (3) Bus stops are therefore treated separately to other infrastructure in the compliance schedule (see Schedule 1 to the Disability Standards) so that providers can upgrade all components of a particular bus stop at the one time.

### **33.4 Compliance by retrofitting**

- (1) The compliance requirements of the Disability Standards may be met by retrofitting premises, infrastructure and conveyances.
- (2) Operators and providers may elect to meet the target dates for accessible services through a combination of replacement and retrofitting.
- (3) If an operator will not achieve compliance with the Disability Standards through the purchase of new conveyances, premises and infrastructure by the twentieth year after the Disability Standards take effect (thirtieth year for trains and trams), retrofit will be required.

### **33.5 Compliance by each type of service run by an operator**

- (1) The reference to 'each type of service' in Schedule 1 to the Disability Standards means that an operator that runs services using several different modes must comply with the Disability Standards for each mode. For example, a rural train operator may also run feeder bus services.
- (2) Further, it also allows an operator to distinguish between discrete types of services even though the same conveyance may be used. For example, a rural bus operator may run route services using a coach that is available for charter tours.
- (3) In many cases, each timetable entry would be considered a service. In other situations, the operator may need to comply according to the number of conveyances making up an unscheduled service or the number of facilities that have been made accessible.

## **Division 33.2 Equivalent access**

### **33.6 Meaning of *equivalent access***

- (1) 'Equivalent access' refers to alternative methods of assisting passengers with disabilities to use public transport where there are unavoidable constraints on unassisted access.
- (2) For example, when a station upgrade in one location presents engineering difficulties, a rail network operator may choose to upgrade a nearby station as a priority and take reasonable interim steps for passengers to use the accessible station until the difficult location has been made accessible.

### **33.7 Methods of providing equivalent access**

- (1) The Disability Standards do not allow for equivalent access to be provided by a segregated or parallel service such as an accessible taxi service substituting for an inaccessible bus service.

### **Section 33.8**

---

- (2) The Disability Standards are intended to remove discrimination from public transport services. They do not impose particular technical solutions where other methods are equally effective and appropriate.
- (3) For example, there is no impediment to an operator using a high floor bus with a boarding platform rather than a low floor bus with a ramp.

## **Division 33.3 Direct assistance**

### **33.8 Provision of direct access**

- (1) An operator or provider will be regarded as giving equivalent access to public transport when assistance is provided to the person in a way that gives an equivalent level of access to the service. The level of assistance provided should be in response to the person's independence and should enable the person to preserve his or her dignity. This assistance can be given during or after the implementation period.
- (2) An operator or provider is permitted to give direct assistance in emergency situations such as evacuation.
- (3) An operator or provider may give equivalent access through direct assistance to a person over and above that provided to other passengers as follows:
  - (a) before and after travel;
  - (b) during boarding and alighting;
  - (c) while travelling.

### **33.9 Assistance before or after travel**

If an operator can not provide services in a way that is accessible to all people with disabilities, they can assist passengers with:

- (a) information about the service; or
- (b) the purchasing and validation of a ticket.

### **33.10 Assistance during boarding and alighting**

- (1) People with disabilities can be assisted to board or alight from conveyances, such as coaches and aircraft, through the provision of:
  - (a) mobility aids on conveyances where design constraints prevent use of a person's own mobility aid; or
  - (b) assistance in moving from a wheelchair into a fixed seat if an allocated space is not provided.
- (2) In giving assistance, the operator may decide that passengers with disabilities should board before, and alight after, other passengers.

### **33.11 Assistance while travelling**

Once on board, passengers with disabilities may request assistance with:

- (a) information about the approach of their stop; or
- (b) moving to and from on-board facilities or toilets; or
- (c) information or advice if there is an unscheduled change to services, or the timeframe does not allow for information to be provided in a preferred format.

## **Division 33.4 Exceptional cases**

### **33.12 Non-compliance due to unjustifiable hardship**

- (1) The *Disability Discrimination Act 1992* recognises that an operator or provider need not comply with the provisions of the Act if it is proved that the operator or provider will be exposed to unjustifiable hardship. This defence is restated in the Disability Standards to ensure that it remains available in exceptional circumstances.
- (2) The definition of *unjustifiable hardship* is based on the definition in the *Disability Discrimination Act 1992*. This is consistent with the performance-based approach of the Disability Standards. If this definition expands on the definition in the *Disability Discrimination Act 1992*, it should be considered as being in addition to and, to the extent possible, consistent with the definition in that Act.

### **33.13 Maximum compliance required**

- (1) Notwithstanding an unjustifiable hardship defence, if an operator or provider cannot comply with all requirements of the Disability Standards, the Standards require compliance to the maximum extent possible.
- (2) In such a case, and if a complaint is lodged with the Human Rights and Equal Opportunity Commission, the operator or provider will be required to establish the grounds upon which full compliance with the Disability Standards imposes unjustifiable hardship on the operator or provider in relation to the operation of the service.

### **33.14 Matters to be taken into consideration**

- (1) The Disability Standards include a checklist of factors that may be taken into consideration in arguing unjustifiable hardship. The checklist is not exclusive.
- (2) It is intended that the checklist will assist the Human Rights and Equal Opportunity Commission, the Federal Court and the Federal Magistrates Service by outlining the major matters relevant to public transport.

### Section 33.15

---

- (3) An operator or provider that is seeking to prove unjustifiable hardship must also prove that the opportunities for providing equivalent access have been exhausted.
- (4) For example, after consulting with relevant authorities and passengers about equivalent access, a ferry operator may conclude that difficult topographical conditions at a wharf present unique problems and may choose to argue unjustifiable hardship.

### 33.15 Exemptions

- (1) Amendments to the *Disability Discrimination Act 1992* have been made to allow for applications to be made to the Human Rights and Equal Opportunity Commission (*HREOC*) for the granting of an up-front exemption, for example, on the basis that it may not be possible to fully comply with disability standards for financial, technical or other reasons. An operator or provider would have to comply with any terms and conditions specified, for the period specified, in the exemption instrument.
- (2) An exemption will protect an operator or provider from a complaint that might otherwise arise about a breach of the relevant disability standards. Exemptions can be granted for a maximum of 5 years and a further exemption application can be made.
- (3) Before granting an exemption from the Disability Standards, HREOC must take into account the advice of a body prescribed in the Regulations. The body prescribed for that purpose is the Accessible Public Transport Jurisdictional Committee. HREOC may also consult any other body or person about the exemption.



## **Part 35                    Enforcement and action plans**

### **Division 35.1            Enforcement**

#### **35.1            Complaint to HREOC**

- (1) The primary means of ensuring compliance with the Disability Standards is through a complaint to the Human Rights and Equal Opportunity Commission (*HREOC*).
- (2) If a person believes that a public transport service is failing to implement the requirements of the Disability Standards, or adhere to the compliance schedule set out in Schedule 1 to the Disability Standards, the person may lodge a complaint with HREOC.
- (3) A complaint may be lodged with HREOC by an aggrieved individual or any person or group on behalf of one or more aggrieved persons.

#### **35.2            Investigation of complaint**

- (1) The Human Rights and Equal Opportunity Commission must investigate and, if appropriate, attempt to conciliate the complaint. If conciliation is inappropriate or unsuccessful, HREOC will terminate the complaint. The complainant may then make an application to the Federal Court or the Federal Magistrates Service alleging unlawful discrimination.
- (2) If the Federal Court or the Federal Magistrates Service is satisfied that there has been unlawful discrimination, the Court or the Service may make any orders it considers fit, including directing the respondent not to repeat, or continue, the unlawful discrimination and to pay damages.

#### **35.3            Complaint alleging discrimination**

Any issues not covered by the Disability Standards remain subject to the existing provisions of the *Disability Discrimination Act 1992*. It should be noted also that a complaint of discrimination may still be made even though there has been compliance with the Disability Standards. However, if the operator or provider has complied with the requirement of the Disability Standards complained about, a complaint of discrimination would fail.

#### **35.4            Further information**

See the *Disability Discrimination Act 1992* and the *Human Rights and Equal Opportunity Commission Act 1986* for a fuller understanding of the obligations and processes involved in making a complaint in relation to non-compliance with the Disability Standards.

**Section 35.5**

---

**Division 35.2 Action plans**

**35.5 Submission of action plan to HREOC**

- (1) Operators or providers may indicate their intention to comply with the Disability Standards by submitting an action plan to the Human Rights and Equal Opportunity Commission. An action plan would be an important consideration in any subsequent hearing of a complaint.
- (2) For example, after consultation with the community, an operator or provider may believe there will be overall advantage to passengers by proposing a compliance strategy that differs from the compliance schedule set out in Schedule 1 to the Disability Standards. However, full compliance would still be required within 20 years (30 years for trains and trams).
- (3) Similarly, an operator who is not able to acquire new conveyances, but relies on the second-hand market for replacement conveyances, could prepare an action plan indicating a deferred replacement date. The action plan might propose a method to deliver equivalent access in the meantime.

**35.6 Consultation by HREOC**

The Human Rights and Equal Opportunity Commission (*HREOC*) may consult with Commonwealth, State and Territory transport administrations for technical and commercial advice about public transport services. In dealing with an application for exemption from the requirements of the Disability Standards, HREOC will consult the Accessible Public Transport Jurisdictional Committee and may consult with any other person or body.

## **Part 36                      Consultation**

### **36.1      Consultation with government and passengers**

- (1) The Disability Standards encourage consultation between operators, providers, all levels of government and the community to ensure that accessible public transport initiatives will reflect local and regional needs.
- (2) Operators and providers are encouraged to appoint access coordinators to facilitate liaison with user groups.
- (3) The most important consultation is expected to be between operators, local government and passengers. These consultations will allow operators and providers to develop cooperative implementation plans that ensure the introduction of accessible services according to locally set priorities.

**Section 37.1**

---

**Part 37 Customer service****37.1 Attitude of staff**

- (1) The Disability Standards assume that operators of public transport premises and infrastructure will ensure that their staff are proficient in interacting with passengers in ways that do not discriminate against people with disabilities.
- (2) Attitude is one of the main barriers to non-discriminatory access for people with disabilities. To counter any inherent discrimination in the provision of public transport services, it is recommended that staff orientation and education programs include components on disability awareness and rights.

**37.2 Orientation and education programs**

Staff orientation and education programs should enable staff to provide assistance that is helpful without being patronising in language, attitude or actions.

**37.3 Customer service programs**

Some appropriate inclusions in customer services programs are:

- (a) awareness education of the difficulties a passenger with a disability may face at different stages of a journey; and
- (b) training in the use and upkeep of accessible features such as boarding ramps, wheelchair lifts, hearing loops and tactile tiling.

---

## Part 38 Due diligence and reasonable precautions

### 38.1 Liability for conduct of agents or employees

- (1) Section 123 of the *Disability Discrimination Act 1992* provides that an operator or provider is liable for unlawful conduct by its agents or employees unless the operator or provider has exercised 'due diligence' and taken 'reasonable precautions' to avoid the unlawful conduct. This includes unlawful acts defined by the Disability Standards.
- (2) In such cases, the transport operator or provider would bear the onus of demonstrating that reasonable precautions had been taken and due diligence had been exercised.
- (3) The *Disability Discrimination Act 1992* does not explain what constitutes due diligence or reasonable precautions. This will be considered by the Human Rights and Equal Opportunity Commission, the Federal Court or the Federal Magistrates Service in respect of individual complaints.
- (4) It might be noted that the Federal Court has previously held that the concepts of reasonable precautions and due diligence require active measures. An operator who has done nothing to prevent or remove discrimination simply because it was not known that it was occurring is not likely to be able to establish the defence under section 123 of the *Disability Discrimination Act 1992*.

### 38.2 Discrimination in contracted services

- (1) Operators and providers sometimes arrange for delivery of public transport services under a contract with other individuals or organisations, rather than by providing the services directly. In these cases, the direct service provider would be considered an agent. The principal operator would be liable under section 123 of the *Disability Discrimination Act 1992* for any discrimination in the course of the provision of the service by the agent unless reasonable precautions have been taken and due diligence exercised.
- (2) As a minimum, reasonable precautions and due diligence, in this context, may include prompt and effective action being taken in response to any indications that such specifications are not being complied with.
- (3) Where reasonably available, auditing or reporting mechanisms and establishment or promotion of consumer grievance procedures may also be required and should be considered.

---

**Section 38.3**

---

**38.3 Discrimination by staff**

A single model of reasonable precautions and due diligence against discrimination cannot be prescribed for all transport operators. However, the following elements of an effective strategy should be considered:

- (a) making all relevant staff aware of the need to avoid discrimination. Depending on the nature of the enterprise, this might include issuing a formal policy statement on compliance with the *Disability Discrimination Act 1992* and more direct advice to staff;
- (b) taking reasonable measures to ensure that staff have sufficient information and expertise in relation to non-discriminatory methods of service delivery. Depending on the nature of the enterprise, and the role of staff concerned, this may include providing formal training;
- (c) establishing or using and promoting existing complaint procedures regarding discrimination;
- (d) ensuring that complaints are properly and effectively dealt with;
- (e) implementing other reasonably available monitoring strategies, additional to complaint mechanisms, including internal monitoring through supervisory and management responsibilities and external monitoring through customer reference groups.

## Part 39                      Role of Transport Authorities

### 39.1      Liability of transport authorities for discrimination

- (1) Section 122 of the *Disability Discrimination Act 1992* provides that a person who ‘causes, instructs, induces, aids or permits’ another person to do an unlawful act is also liable for that act. ‘Permitting’ an unlawful act may include failing to exercise a power reasonably available to prevent the act, as well as giving direct permission to do an unlawful act.
- (2) The fact that a transport authority licenses or regulates transport services does not in itself establish a relationship of principal and agent so as to make the authority liable under section 123 of the *Disability Discrimination Act 1992* for discrimination by the operator. However, licensing and regulatory authorities need to be aware of these provisions in exercising their powers. For example, if a Government authority fails to investigate a complaint that an operator or provider is ignoring conditions of a licence and discrimination results, the authority may be liable to a complaint under the *Disability Discrimination Act 1992*.

## Section 40.1

## Part 40 Assumptions about public transport mobility aids

### 40.1 Criteria for mobility aids in Disability Standards

The following criteria reflect assumptions underlying the Disability Standards. They are useful as a guide for designers of mobility aids. Intending passengers should also consider these criteria when purchasing a mobility aid for use on public transport.

<b>Weight</b>	The total weight to be supported by a boarding device needs to be not more than 300 kg
<b>Width</b>	The overall width of the mobility aid needs to be less than 800 mm.
<b>Head height</b>	Until 31 December 2012, the maximum door clearance into a taxi is 1400 mm while the internal head height is 1410 mm. These heights both increase to 1500 mm after that date
<b>Manoeuvrability</b>	The mobility aid would need to be capable of turning through 180 degrees within an area of 2070 mm by 1540 mm
<b>Allocated space</b>	The space for stationary mobility aids is 800 mm wide by 1300 mm long
<b>Wheels</b>	A mobility aid should be able to: <ul style="list-style-type: none"> <li>(a) cross a horizontal gap up to 40 mm wide; and</li> <li>(b) mount a vertical rise (bump) up to 12 mm; and</li> <li>(c) cross grating gaps up to 13 mm wide and 150 mm long</li> </ul>
<b>Brakes</b>	Mobility aids need to have effective braking systems to maintain stability and be able to withstand acceleration, braking, cornering and pitching of conveyances
<b>Anchoring devices</b>	If anchoring devices are required by regulation, mobility aids need to be able to accept and travel with anchoring devices fitted
<b>Ramps</b>	Mobility aids should be able to negotiate: <ul style="list-style-type: none"> <li>(a) a 1 in 14 ramp unassisted; and</li> <li>(b) a 1 in 8 grade where the ramp is less than 1520 mm</li> </ul>
<b>Batteries</b>	Electric mobility aids may need to comply with regulations governing the carriage of batteries on public transport. Batteries need to be adequately secured while gel or solid state options should be considered



---

## Appendix 1      Amendments relating to physical access provisions, and provisions requiring further investigation

(sections 1.27 and 1.28)

### Part 1      Amendments relating to physical access provisions

#### 1.1      Dedicated school buses

*Dedicated school buses* have been excluded from the operation of the following physical access provisions of the Disability Standards:

Provision	Details
3.2	Access for passengers in wheelchairs
6.2	Boarding ramps
6.3	Minimum allowable width (ramps)
6.4	Slope of external boarding ramps
8.2	When boarding devices must be provided
8.3	Use of boarding devices
8.4	Hail-and-ride services
8.5	Width and surface of boarding devices
8.6	Maximum load to be supported by boarding device
8.7	Signals requesting use of boarding device
8.8	Notification by passenger of need for boarding device
9.1	Minimum size for allocated space
9.4	Number of allocated spaces to be provided — buses
9.7	Consolidation of allocated spaces
9.9	Use of allocated space for other purposes
9.11	Movement of mobility aid in allocated space
10.1	Compliance with Australian Standard (surfaces)
11.3	Handrails on steps
11.4	Handrails above access paths
11.5	Compliance with Australian Standard (grabrails)
11.6	Grabrail to be provided where fares are to be paid

Appendix 1	Amendments relating to physical access provisions, and provisions requiring further investigation
Part 1	Amendments relating to physical access provisions

---

Provision	Details
11.7	Grabrails to be provided in allocated spaces
12.1	Doors on access paths
12.4	Clear opening of doorways
12.6	Automatic or power-assisted doors
14.1	Stairs not to be sole means of access
14.4	Compliance with Australian Design Rule 58 — conveyances (stairs)

---

## 1.2 Small aircraft

*Small aircraft* have been excluded from the operation of the following physical access provisions of the Disability Standards:

Provision	Details
3.3	Limited on-board manoeuvring
6.2	Boarding ramps
6.3	Minimum allowable width (ramps)
6.4	Slope of external boarding ramps
8.2	When boarding devices must be provided
8.3	Use of boarding devices
8.5	Width and surface of boarding devices
8.6	Maximum load to be supported by boarding device
9.1	Minimum size for allocated space
9.8	Allocated spaces in aircraft and coaches
11.3	Handrails on steps
11.4	Handrails above access paths
11.5	Compliance with Australian Standard (grabrails)
11.6	Grabrail to be provided where fares are to be paid
12.1	Doors on access paths
12.6	Automatic or power-assisted doors
14.1	Stairs not to be sole means of access

---

### 1.3 Airports that do not accept regular public transport services

*Airports that do not accept regular public transport services* have been excluded from the operation of the following physical access provisions of the Disability Standards:

Provision	Details
2.1	Unhindered passage (access paths)
2.2	Continuous accessibility
2.3	Path branching into 2 or more parallel tracks
2.4	Minimum unobstructed width (access paths)
2.5	Poles and obstacles, etc (access paths)
3.1	Circulation space for wheelchairs to turn in
4.1	Minimum width (Passing areas)
4.2	Two-way access paths and aerobridges
5.1	When resting points must be provided
6.1	Ramps on access paths
7.2	Minimum number of allocated spaces to be provided (waiting areas)
8.1	Boarding points and kerbs
8.8	Notification by passenger of need for boarding device
9.1	Minimum size for allocated space
10.1	Compliance with Australian Standard (surfaces)
11.1	Compliance with Australian Standard — premises and infrastructure (handrails)
11.2	Handrails to be provided on access paths
11.5	Compliance with Australian Standard (grabrails)
11.6	Grabrail to be provided where fares are to be paid
12.1	Doors on access paths
12.2	Compliance with Australian Standard — premises and infrastructure (doorways and doors)
12.3	Weight activated doors and sensors
13.1	Compliance with Australian Standard — premises and infrastructure (lifts)
14.1	Stairs not to be sole means of access
14.2	Compliance with Australian Standards— premises and infrastructure (stairs)
15.1	Unisex accessible toilet — premises and infrastructure

Appendix 1	Amendments relating to physical access provisions, and provisions requiring further investigation
Part 2	Provisions amended as a result of the technical review

---

<b>Provision</b>	<b>Details</b>
15.2	Location of accessible toilets
21.1	Compliance with Australian Standard — premises and infrastructure (controls)
23.1	Seats (street furniture)
24.1	Gateways and checkouts
25.4	Circulation space in front of vending machine (payment of fares)
29.2	Distance around accessible tables (food and drink services)

---

## **Part 2 Provisions amended as a result of the technical review**

### **2.1 Implementation of technical review recommendations**

- (1) When the Disability Standards were originally formulated, a number of unresolved technical issues that related to conveyances were excluded from the Standards. The Department of Transport and Regional Services convened a technical review committee to examine these matters. The following provisions of the Disability Standards have been amended to implement the recommendations of the technical review with respect to these matters:
  - (a) Part 2 Access paths (sections 2.6, 2.7, 2.8 and 2.9);
  - (b) Part 4 Passing areas (section 4.3);
  - (c) Part 20 Lighting (sections 20.2 and 20.3);
  - (d) Part 26 Hearing augmentation — listening systems (section 26.2).
- (2) The technical review also made recommendations about issues in addition to those excluded from the original Disability Standards. Amendments of the following provisions of the Disability Standards give effect to these additional recommendations:
  - (a) Part 8 Boarding (sections 8.6 and 8.8);
  - (b) Part 18 Tactile ground surface indicators (sections 18.1 and 18.2);
  - (c) Part 19 Alarms (section 19.1).
- (3) A consequential amendment has also been made to section 1.7 of the Disability Standards.
- (4) Consequential amendments have been made to the following provisions of these Guidelines to reflect changes made to the Disability Standards:
  - (a) Part 1 General (section 1.28);
  - (b) Part 8 Boarding (section 8.4);
  - (c) Part 9 Allocated space (subsection 9.1 (3));

- 
- (d) Part 18 Tactile ground surface indicators (section 18.1);
  - (e) Part 26 Hearing augmentation — listening systems (new Part);
  - (f) Part 40 Assumptions about public transport mobility aids (section 40.1).
- (5) In addition, a minor change has been made to section 33.1 of these Guidelines to remove an inconsistency with the Disability Standards.
- (6) Minor amendments have been made throughout the Disability Standards and these Guidelines to:
- (a) correct references to particular Australian Standards and an Australian/New Zealand Standard, and clarify their application; and
  - (b) implement the wording recommended as a result of the technical review for the maximum load requirement for a boarding device mentioned in section 8.6 of the Disability Standards.

---

## Note

1. These Guidelines supersede the *Disability Standards for Accessible Public Transport Guidelines 2004 (No. 2)*.