

Article Information

Author: Maria Capati, Peter Dwyer

Service: Commercial Contracts, Corporate & Commercial

Sector: Transport & Logistics

Bus Disability Access Requirements Due 31 December 2022: Are You Ready?

The *Disability Standards for Accessible Public Transport* (Transport Standards) were implemented in 2002 and established minimum accessibility requirements to be met by public transport providers and operators over target dates from 2007 to 2022.

All low-floor buses, bus stops and interchanges must be 100% compliant with all the Transport Standards by 31 December 2022.

While the Transport Standards have been in place for 20 years, with the target date now looming many bus service providers and operators remain unaware of the full extent of their obligations.

How do the Transport Standards affect you?

The Transport Standards set out requirements in relation to, for example, access paths, ramps, boarding devices, allocated space for people with disabilities, and access to information.

All low-floor buses must provide at least two allocated wheelchair spaces in a bus with more than 32 fixed seats and one allocated space in a bus with less than 33 fixed seats. At least two priority seats must be clearly identified as well. Buses must also have adequate manoeuvring space to allow wheelchair passengers to enter and exit the bus and all boarding ramps must be compliant.

All bus stops must include uninterrupted access paths, tactile ground surface indicators, sufficient circulation space for manoeuvring, a level non-slip boarding point, and have at least two allocated wheelchair spaces where a waiting area is provided.

What happens if you do not comply by 31 December 2022?

Under the *Disability Discrimination Act 1992* (DDA), it is unlawful to not comply with the Transport Standards. Most bus operator contracts require compliance with the DDA legislation or compliance with all laws as a condition of contract. This means that you could be in breach of your contracts if you fail to implement the Transport Standards by 31 December 2022.

Additionally, a complaint may be made to the Australian Human Rights Commission by a person with a disability that cannot access your services due to non-compliance. If the complaint is not conciliated, an action may be brought against you in the courts and you may be ordered to pay compensation and remedy the non-compliance.

However, there are a number of situations in which non-compliance will not be unlawful: (1) where equivalent access is provided; (2) where full compliance would result in an unjustifiable hardship; or (3) where a temporary exemption was obtained.

If you are unable to meet the specifications set out in the Transport Standards, you may provide equivalent access without discrimination. If you are considering this, you must consult with your passengers with disabilities or organisations representing them about any proposals.

In the case of a complaint, you may be able to prove that compliance would have caused unjustifiable hardship, however this would be limited to extreme circumstances.

A temporary exemption for up to five years may also be obtained where you commit to complying within the extended timeframe.