

## **Explanatory Statement**

Issued by the Authority of the Attorney-General

*Disability Discrimination Act 1992*

*Disability Standards for Accessible Public Transport Amendment 2010 (No.1)*

### **Authority**

1. The *Disability Standards for Accessible Public Transport 2002* (Transport Standards) are formulated under section 31 of the *Disability Discrimination Act 1992* (the Act). Subsection 31(1) provides that the Minister may, by legislative instrument, formulate standards in relation to any area in which it is unlawful to discriminate against another person on the ground of a disability of the other person under Part 2 of the Act.
2. The Transport Standards came into effect on 23 October 2003. They apply to operators and providers of public transport services, and set out requirements for accessibility of the premises, conveyances and infrastructure that are used to provide those services.

### **Consultation**

3. Information about the consultation undertaken in the development of these amendments can be found in the Explanatory Statement to the *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

### **Provisions**

#### ***Section 1***      ***Name of Standards***

4. Section 1 provides that this legislative instrument is to be known as the *Disability Standards for Accessible Public Transport Amendment 2010 (No.1)*.

#### ***Section 2***      ***Commencement***

5. Section 2 provides that this legislative instrument will commence on the commencement of the *Disability (Access to Premises – Buildings) Standards 2010*.

#### ***Section 3***      ***Amendment of Disability Standards for Accessible Public Transport 2002***

6. Section 3 provides the Transport Standards are amended by the items set out in Schedule 1 to the *Disability Standards for Accessible Public Transport Amendment*.

## Schedule 1 – Amendments

7. Schedule 1 amends the Transport Standards to ensure that access requirements covered within the Premises Standards are no longer covered by the Transport Standards.

### *Item 1*

8. This item removes current section 1.21 of the Transport Standards and replaces it with a new section 1.21, which includes a definition of the premises to which the Premises Standards apply, for the purpose of the Transport Standards.
9. Subsection 1.21(1) defines premises as structures, buildings or attached facilities that an operator provides for passenger use as part of a public transport service.
10. Subsection 1.21(2) provides that the Premises Standards applies to premises covered by Part H2 of the Access Code. Part H2 applies to public transport buildings that are new buildings, or new parts or affected parts of buildings, within the meaning given in the Premises Standards. For a provision in Schedule 1 of the Transport Standards, Part H2 also applies to existing public transport buildings, within the meaning of the Premises Standards, which are still in use on the target date mentioned in the table in section 3.1 of the Premises Standards.
11. Subsection 1.21(3) defines the Premises Standards and the Access Code for the purposes of the Transport Standards. The Premises Standards means the *Disability (Access to Premises - Buildings) Standards 2010*. The Access Code means the Access Code for Buildings, published by the Australian Building Codes Board, which is set out in Schedule 1 of the Premises Standards.

### *Item 2*

12. This item removes Schedule 1, Parts 1 to 4 of the Transport Standards and replaces it with a new Schedule 1, Parts 1 to 4. A number of provisions have been modified (see para 12), new provisions inserted (see para 13), and provisions renumbered (see para 15).
13. Replacement clauses 1.1, 1.4, 2.1, 2.4, 3.1, 4.1, which modify existing provisions 1.1, 1.3, 2.1, 2.3, 3.1 and 4.1 respectively, remove the requirement under the Transport Standards for all public transport premises to comply with those access requirements that are now contained in the Premises Standards. These amendments are necessary because access requirements for existing public transport premises are now contained in the Premises Standards.
14. Clauses 1.2, 1.5, 2.2, 2.5, 3.2 and 4.2, which are new provisions, have been inserted to preserve the application of these access requirements in premises *not* governed by the Premises Standards.
15. These amendments ensure that all current access requirements will continue to be required in existing public transport premises which are *not* governed by the Premises Standards in accordance with the existing policy of the Transport Standards.
16. As a consequence of these amendments clauses 1.2, 1.3, 1.4, 2.2, 2.3, 2.4, 3.2 and 3.3 have been renumbered to be 1.3, 1.4, 1.6, 2.3, 2.4, 2.6, 3.3 and 3.4 respectively.

***Item 3***

17. This item inserts the words ‘except premises to which the Premises Standards apply’ into sections 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 6.1, 10.1, 11.1, 11.2, 11.5, 12.2, 13.1, 14.2, 15.1, 15.2, 16.1, 16.2, 16.3, 17.1, 17.2, 18.1, 18.2, 19.1, 20.1, 21.1, and 26.1 of the Transport Standards. This ensures that the access requirements imposed by these sections apply to all premises except where those access requirements would be required by the Premises Standards.