



Director  
Disability and Transport Standards  
Department of Infrastructure, Transport, Regional Development and Communications  
GPO Box 594  
Canberra ACT 2601

Submitted by email: [DisabilityTransport@infrastructure.gov.au](mailto:DisabilityTransport@infrastructure.gov.au)

30 June 2023

Dear Director,

**Re: Submission to 2022 Review of the *Disability Standards for Accessible Public Transport 2002***

Canberra Community Law (CCL) welcomes the opportunity to provide a submission in response to the 2022 Review of the *Disability Standards for Accessible Public Transport 2002 (Transport Standards)*.

### About Canberra Community Law

CCL provides legal advice, assistance, and representation to people in the ACT on low incomes for matters relating to tenancy, public housing, social security, and disability discrimination law. The following CCL programs provide specialist discrimination law assistance to people with disability, as well as associates, parents, carers and guardians of people with disability:

- **Disability Discrimination Law**, for clients experiencing discrimination due to their disability.
- Our **Mental Health Justice Clinic**, providing targeted legal assistance to people with lived experience of mental ill-health, with a focus on discrimination, employment, social housing, Centrelink, health and disability services complaints, and vulnerable persons complaints.

CCL also operates:

- The **Dhurrawang Aboriginal Human Rights Program**, which provides free legal services to Aboriginal and Torres Strait Islander communities in the ACT.
- The **Parachute Program**, providing legal assistance with public Housing and Centrelink matters for women experiencing domestic violence in the ACT.
- **Housing Law**, for clients having problems with Housing ACT or other ACT community housing providers.
- The **Night Time Legal Advice Service**, providing information, referral or one-off legal advice in most areas of law.

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Canberra Community Law acknowledges the traditional custodians of the land on which we work in the ACT and surrounding region and pay our respect to their elders past, present and future for they hold the memories, traditions, the cultures and the hopes of Australia's First Peoples. We are grateful that we share this land and express our sorrow for the costs of this sharing to Australia's First Peoples. We will continue to acknowledge the legacy of our history and strive in our goals to empower our community through social justice. We hope that our efforts can contribute to a realisation of equity, justice and partnership with the traditional custodians of this land.

- Our **Public Housing Duty Lawyer** at the ACT Civil and Administrative Tribunal each Thursday for the public housing list.
- **Social Security Law**, for assistance with Centrelink and Social Security matters people living in the ACT.
- The **Socio-Legal Practice Clinic**, providing intensive legal and social work support.
- **Street Law**, providing a generalist outreach legal service for people who are homeless or at risk of homelessness.

CCL assists people with disability across all of its programs. 60% of CCL clients identify as having a disability across all of our programs. Our commitment to supporting people with disability, and parents and carers of people with disability is detailed in our fourth [Disability Action and Inclusion Plan](#). Further information about how CCL helps people with disability as well as parents and carers of people with disability is available at [https://canberracommunitylaw.org.au/fact\\_sheet/help-for-people-with-disabilities-brochure/](https://canberracommunitylaw.org.au/fact_sheet/help-for-people-with-disabilities-brochure/).

### **Our client experiences in accessing and using public transport**

CCL has provided legal assistance, including representation at the Australian Human Rights Commission and ACT Human Rights Commission, for people with disabilities who have had challenges in accessing public transport. Examples of unfair treatment that our clients with disability have been subjected to by transport providers include but are not limited to:

- Being denied access to air travel, as well as taxi, rideshare and bus services due to reliance on assistance animals
- Life-time bans on flights as a result of disability related communication challenges, and
- Rudeness and unfavourable treatment by taxi drivers for people with intellectual disability.
- Being mistreated on public transport due to communication challenges.

### **Recommendations**

CCL strongly endorses the submission of the Public Interest Advocacy Centre (**PIAC**) to the Transport Standards. Public transport must adequately meet the needs of people with disability in order to protect their human rights. In particular:

- The Transport Standards should be evaluated more frequently, noting the emerging new modes of transport and access issues that may present as a result.
- We are concerned that the 2012 Transport Standards Review recommendation to establish a national framework for reporting on progress against the Transport Standards has not been implemented to date. Introducing a national reporting framework would assist in encouraging improved public transport accessibility. It would also ensure greater accountability for transport providers, particularly if data is made publicly available.
- Stronger accountability mechanisms to prevent breaches of the Transport Standards should be implemented. This would include making a breach of the Transport Standards is unlawful discrimination, with the right to make a complaint for a breach of the Transport Standards to the Australian Human Rights Commission as a standalone complaint.
- We support the introduction of an 'equal access' costs model for discrimination claims in the Federal Court and Federal Circuit and Family Court. An equal access cost model will encourage the development of antidiscrimination jurisprudence, enhancing certainty and fairness for all those who are making or defending discrimination claims. In our view, there should be a presumption that a successful applicant is entitled to costs, in order to support people who have been discriminated against to pursue matters that have not resolved through the Australian Human Rights Commission's complaints process, and ensure that the costs of engaging in litigation do not outweigh any potential remedy.

- We support independent oversight and monitoring of industry compliance with the Transport Standards. The Australian Human Rights Commission should be funded properly to carry out this independent oversight function.
- The Transport Standards should have clear and broad coverage to all public transport operators and providers, including rideshare services.
- We support the establishment of specific minimum standards for air transport. These standards should be developed with people with disability to ensure the standards are fit for purpose and respond to the needs of the disability community.

Action is urgently required to address systemic discrimination against people with disability and ensure equal access to transport services to support their full participation in economic, social and cultural life.

Our experience is that transport operators and providers would benefit from targeted training on communicating with people with disability to access their services, to prevent some instances of discrimination from occurring. We would also support wider public education on the Transport Standards.

Thank you for the opportunity to provide input as part of the 2022 Review of the Transport Standards. We look forward to the outcomes of the review.

**Contact for this submission**

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