



# Administrative Appeals Tribunal

ADMINISTRATIVE APPEALS TRIBUNAL )

GENERAL ADMINISTRATIVE DIVISION )

No: 2012/4276 )

Re: Tasmanian Redline Coaches  
Applicant

And: Australian Human Rights Commission  
Respondent

And: Paraquad Tasmania  
Other Party

**TRIBUNAL:** Ms A F Cunningham (Senior Member)

**DATE:** 23 April 2013

**PLACE:** Hobart

In accordance with subsection 34D(1) of the *Administrative Appeals Tribunal Act 1975*:

1. in the course of an alternative dispute resolution process, the parties have reached an agreement as to the terms of a decision of the Tribunal that is acceptable to the parties; and
2. the terms of the agreement have been reduced to writing, signed by or on behalf of the parties and lodged with the Tribunal; and
3. seven days have passed after lodgement and none of the parties has notified the Tribunal in writing that he or she wishes to withdraw from the agreement; and
4. the Tribunal is satisfied that a decision consistent with those terms is within the powers of the Tribunal and is appropriate to make.

Pursuant to subsection 34D(2) of the *Administrative Appeals Tribunal Act 1975*, the Tribunal:

Makes the following order pursuant to section 55 of the *Disability Discrimination Act 1992* (Cth) and section 33A.1 of the *Disability Standards for Accessible Public Transport 2002*:

## **1 Exemption**

1.1 The Applicant is granted an exemption from sections 23 and 24 of the *Disability Discrimination Act 1992* (Cth)(DDA) and the *Disability Standards for Accessible Public Transport 2002* (Transport Standards) so that it may provide a public transport service with buses purchased after October 2002 and before the date of these orders that do not comply with the Transport Standards (the Non-compliant Buses) in the manner outlined below. The exemption is granted subject to the following conditions.

## **2 Conditions**

- 2.1 The Applicant adheres to, and shall continue to adhere to, Schedule 1 of the Transport Standards.
- 2.2 The Applicant shall use the Non-compliant Buses solely to provide a 'follow behind' service, as described below:
- 2.2.1 the Non-compliant Buses may only be used to follow immediately behind a scheduled public transport bus service that is compliant with the Transport Standards (Compliant Bus). The 'follow behind' bus must depart each timetabled stop as close as practicable to the time at which the Compliant Bus departs the bus stop. In no circumstances may a Non-compliant Bus depart from a bus stop any later than five (5) minutes after the Compliant Bus that it is following behind departs the bus stop;
- 2.2.2 the Applicant may only use the Non-Compliant Buses in circumstances where a special event has taken or will take place and there is an additional need for the Applicant's services as a result of this special event. Examples of special events include AFL football games, the Wooden Boat festival and the Falls Music and Art festival. There must be no more than twenty five (25) special events per year; and
- 2.2.3 for every one Compliant Bus that the Applicant uses to provide a public transport service to a special event, a maximum of two Non-compliant Buses may follow behind a Compliant Bus.
- 2.3 Within twenty eight (28) days after the conclusion of each six (6) month period of the exemption, the Applicant will provide a report to the Respondent that outlines when it used the Non-compliant Buses, why it used the Non-compliant Buses and how many of the Non-compliant buses it used on each occasion. The Respondent may publish the Applicant's reports on its website.
- 2.4 Within twenty eight (28) days of the date of these orders, the Applicant will amend its website as follows:

- 2.4.1 the Applicant will create a page on its website that outlines the services that it provides to people with a disability. This page will state that the Applicant is committed to providing a service to people with a disability consistent with the objects and requirements of the DDA and the Transport Standards and will outline the steps that a person with a disability is required to take in order to book travel on a service operated by the Applicant;
- 2.4.2 the Applicant will ensure an accessible (non-PDF) copy of its current Disability Action Plan is available on its website; and
- 2.4.3 the Applicant will provide information on how customers may make a complaint to the Applicant about the service provided by the Applicant.
- 2.5 Within twenty eight (28) days of the date of these orders, the Applicant will register as a Companion Card Industry Affiliate with the Tasmanian Department of Premier and Cabinet - Disability Bureau. The Applicant agrees to comply with the Companion Card Affiliate terms and conditions.
- 2.6 Within six (6) months of the date of these orders, the Applicant will ensure that all bus drivers engaged by the Applicant have undertaken disability awareness training conducted by the Office of the Anti-Discrimination Commissioner, Tasmania with assistance and from the Other Party.

### 3 Term

- 3.1 The exemption takes effect from the date on which these orders are made by the Tribunal pursuant to section 34D(2) of the *Administrative Appeals Tribunal Act 1975* (Cth) and remains in force for a period of five (5) years.



