# AllAboardLogo_Colour_CMYK_tiny

All Aboard Network
Postal address:
86 Barry St
Reservoir

VIC 3073
0411 612457
rrev@optusnet.com.au

23 July 2015

The Legal Section

legal@humanrights.gov.au

Australian Human Rights Commission

Level 3, 175 Pitt Street

SYDNEY

NSW 2000

**Supplementary submission on the application by the Australasian Railway Association (ARA) for temporary exemptions from Parts of the Disability Standards for Accessible Public Transport (DSAPT)**

This supplementary submission has been prompted after several members of the All Aboard network have observed that there is some cross-over between the membership of the Australasian Railway Association and the Accessible Public Transport Jurisdictional Committee.

Whilst All Aboard is aware that the Commission is familiar with the structure and role of the APTJC, for the public record and information we submit the following excerpt from “Accessible Public Transport Jurisdictional Committee, Recommendation Report, Temporary Exemption Application, Sydney-Coffs Harbour Travel and Tour Service, 17 August 2004”

*The Accessible Public Transport Jurisdictional Committee (APTJC) provides a forum for State and Territory and Australian Governments to discuss transport issues affecting people with disabilities. APTJC also provides cross-jurisdictional transport advice to HREOC on exemptions from the Transport Standards. APTJC assumed the role that the National Transport Secretariat (NTS) had in advising HREOC on applications for exemption from the Transport Standards. The NTS ceased operation on 8 May 2003.*

*Subsection 55(1C) of the DDA provides that if the regulations prescribe a body as a body that HREOC must consult in relation to the kinds of public transportation services or facilities that will be dealt with in an application for exemption under subsection 55(1A), HREOC must consult that body before granting an exemption. Regulation 5 of the Disability Discrimination Regulations 1996 (Principal Regulations) formerly prescribed the NTS as a body to be consulted in relation to all kinds of public transportation services and facilities. The Disability Discrimination Amendment Regulations 2004 (No.1) amended the Principal Regulations to substitute the existing reference to the NTS with reference to APTJC as a body that HREOC must consult before granting an exemption to public transport service operators from the operation of the Transport Standards.*

*APTJC membership includes the following:*

* *Representatives from State and Territory Transport or equivalent Departments.*
* *Representatives from the Australian Government Department of Transport and Regional Services (DOTARS).*

*The Australian Government Attorney-General’s Department (AGD) has observer status at the meetings.*

According to the following website, the APTJC has become a sub group of the newly formed (23 March 2015) National Accessible Public Transport Advisory Committee:

<http://www.finance.gov.au/resource-management/governance/register/body/60106/>

A search of government websites reveals no further information at this time.

Compare the membership of the APTJC (above) with some of the members of the ARA as copied from the ARA application or listed on the ARA website:

\* Capital Metro

\* Department of Planning Transport and Infrastructure (South Australia)

Gold Coast Light Rail

Great Southern Rail

Metro Trains Melbourne

\* Public Transport Authority Western Australia

\* Queensland Rail Limited

\* Transport for New South Wales (including Sydney Trains and NSW Trains)

Yarra Trams

V/Line

\* Public Transport Services (SA)

\* Public Transport Victoria

\* VicTrack

\* Australian Rail Track Corporation

The organisations marked with an asterisk are state government transport organisations.

It appears that there is a significant conflict of interest because effectively a group of ARA members (state government transport bodies) are charged with providing advice to the Commission on the application for temporary exemptions by the ARA.

In conclusion, All Aboard asks the Commission to bear in mind this conflict of interest when evaluating the submission and any other advice provided by the APTJC.

Thank you for your consideration.

Yours faithfully,

Ray Jordan

(Admin)

All Aboard Network