# AllAboardLogo_Colour_CMYK_tiny

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The Legal Section

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Australian Human Rights Commission

Level 3, 175 Pitt Street

SYDNEY

NSW 2000

**Third 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 third submission specifically relates to the report by the external expert technical consultant, Michael Small.

All Aboard is very pleased that the Commission engaged an acknowledged and respected expert to examine the technical aspects of the application by the ARA and submissions by various stakeholders, including All Aboard, and to make recommendations.

All Aboard is in broad agreement with the recommendations of Mr Small, but we have comments or difference of opinion in a small number of areas as detailed below.

All Aboard would like the **definition** of terms **“new”** and **“existing”** (in relation to both conveyances and infrastructure) to be clarified. All Aboard is of the view that both of those terms should revolve around October 2002, the introduction of the Transport Standards. In other words, “existing” should mean prior to October 2002 and “new” should mean after October 2002 unless otherwise specified.

**2.1 Access paths – Unhindered passage – part 2**

All Aboard suggests that the first condition of the recommendation should take into account that many existing railway stations have a primary entry/exit that is presented as accessible, but elements of it do not comply with either the Transport Standards or the Premises Standards (for example where the ramp is greater that 14:1 gradient).

**6.4 Slope of external boarding ramps**

All Aboard disagrees with the recommendation that “ARA members are not required to provide staff assistance in ascending or descending the ramp” where the ramp gradient is between 1:8 and 1:4.

All Aboard also believes that the condition “any ARA member utilising this exemption provide free travel for any assistant accompanying a person with disability who requires assistance boarding a train as a result of non-compliance with clause 6.4” is inadequate.

In effect, the recommended exemption and condition may require a person to travel with an assistant, who may be an employed assistant, in order to board or alight a railcar where the ramp gradient is anticipated to be between 1:8 and 1:4. The provision of a free travel pass would not begin to cover the additional cost to the affected person. An exemption would prevent an affected person from lodging a discrimination case on the grounds that they, unlike all other passengers, needed to have their own (employed or otherwise) assistant to help them board or alight a train.

Thank you for your consideration.

Yours faithfully,

Ray Jordan

(Admin)

All Aboard Network