

D20/1695395

**Ms Prabha Nandagopal**  
**Australian Human Rights Commission**  
[legal@humanrights.gov.au](mailto:legal@humanrights.gov.au)

Dear Ms Nandagopal,

**Re: application temporary exemption under the *Disability Discrimination Act 1992 (Cth)***

The Disability Council NSW (the Council), is a statutory body that provides independent advice to the NSW Government on policies and advances the equality, inclusion and interests of people with disability. The Council would like to thank the Australian Human Rights Commission for inviting the Council to provide comments.

The Council submits the following comments and recommendations for your consideration:

- The Council supports the commitment of Australian Railway Association (ARA) in its pursuit of improving the Disability Standards for Accessible Public Transport 2002 (Cth) (DSAPT) and seeking a commitment from the Government to have the reform completed by 2023.
- The Council notes that operators have either developed or are developing formalised disability accessibility plans to outline the process they will take to improve accessibility, including upgrades to infrastructure and rolling stock to comply with DSAPT and/or provide functional access outcomes. This is a positive sign; however, it is important to ensure that all plans are current and are available to overcome any accessibility issues. The plans should also be reviewed in line with the DSAPT reform which is expected to be completed 2023.
- The Council understands that some complications may need mitigation strategies to ensure that all parties benefit from accessibility adaptations. For instance - accessibility should take precedence over a lack of community support regarding romantic affiliation with older buildings such as railway stations.
- The Council recommends the ARA to invest in education workforce to ensure they are skilled in order to remain compliant with the DSAPT.
- The Council suggest ARA to request all States and Territories to ensure that their accessibility plan (Disability Inclusion Action Plan for NSW) at a minimum should include the following commitments and outcomes as stated in the request:
  - Railway operators will continue to upgrade and improve railway level crossings where possible as well as trial new products and technologies to minimise the gap.

- Improve communications to passengers as to the location of the one access path for alighting the train. Some members of the Council have seen confusion among passengers and the platform rail staff, particularly in situations where the passenger is already on board and requires assistance to disembark.
- As per the DSAPT Clause 6.4, the Council recommends all States and Territories should follow NSW Transport in its progress toward making all stations accessible. The Council also wishes to emphasize that if it is unsafe for transport staff to assist a person using a mobility aid in any circumstances (for example - where the ramp is too high or where there is wider gap between the rolling stock and the platform), they should not be expecting the companion/carer to be placing themselves at the same level of risk.

The Council thanks the Australian Human Rights Commission once again for allowing us to comment on such an important matter.

Yours sincerely,



**Mark Tonga**

Chair – The Disability Council

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