



# Blind Citizens Australia

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## Australian Human Rights Commission

[disabdis@humanrights.gov.au](mailto:disabdis@humanrights.gov.au)

GPO Box 5218

Sydney NSW 2001

Wednesday, May 11, 2022

**Dear Australian Human Rights Commission,**

**Re: submission in response to an application for temporary exemptions under the Disability Standards for Accessible Public Transport 2002 (DSAPT) in relation to bus stops**

Blind Citizens Australia (BCA) is the national representative organisation of Australians who are blind or vision impaired. Our mission is to inform, connect and empower Australians who are blind, or vision impaired and the broader community.

This letter forms the response to an application by the City of Ryde Council (the Council) for an exemption of five years from the requirement to upgrade all bus stops to comply with the requirements under the DSAPT before 31 December 2022. We have several significant concerns about the application by the Council and the exemption report prepared by Morris Goding Consulting (MGAC) and believe it does not meet the criteria for reasonableness set by the Commission's own guidelines for exemption applications. It is the firm position of BCA that the exemption should not be granted.

Our first area of concern goes to the lack of data provided in the exemption application. The report by MGAC gives very little detail on concrete steps that have been taken by the Council to eliminate discrimination and is vague on information about what progress they have made with the updates required under the DSAPT. We also question the strength and validity of the stakeholder consultation

that was done in preparation for the exemption report, given no Disability Representative Organisations were included in this process. Further, even the small group of service providers and community groups involved in the consultation referred to the level of functionality of the bus stops as being 'tolerable', and only as a result of people with disability and their carers developing 'transport strategies'. This is an unacceptably low bar and is no reason to be given an exemption from the requirements of the DSAPT.

Secondly, we have concerns about the priority given to compliance with the requirements of the DSAPT, given the approach taken by the City of Ryde Council throughout this process. While we can understand that the proposed (and ultimately abandoned) council amalgamation in 2015-16 would have created some unforeseen delays, the inclusion of a set of four 'clarification' questions in an application for a five-year exemption to the DSAPT, a mere seven months from the legislated competition date, indicates this process has been neglected for a long time. Similarly, while we recognise the challenges posed by the Covid-19 pandemic, this cannot be used as a catch-all excuse and does not warrant the five-year exemption the Council is seeking. We also question the appropriateness of spending council funds engaging MGAC to produce an exemption report when it is clear that much of the base line work has not yet been completed. We are surprised at the boldness of the Council in suggesting they should be praised for their leadership in this issue compared with other jurisdictions, given their lack of progress on the necessary upgrades – compliance with the DSAPT is a matter of yes or no and any comparison with other jurisdictions should be considered irrelevant.

Finally, we believe the application and attached exemption report demonstrates a fundamental lack of understanding by the City of Ryde of their responsibilities under the DSAPT and the objectives of the Disability Discrimination Act 1992 (DDA). While we welcome the fact that work is being done by the Council to develop and adopt a new four-year Disability Inclusion Action Plan (DIAP) and align it with the Transport for NSW DIAP (2018-2022), this update should not be necessary in order to complete the set of bus stop upgrades and fulfil their obligations under the DSAPT. We are concerned that planned measures to reduce hardship for members of the community during the delays appears to be no more than a communications strategy about the progress of the upgrades, and a process for complaints management, not a concrete plan to reduce discrimination. We also note that the exemption report refers to comments made during the limited stakeholder consultations that the outdated design of bus stops and their deficiencies were not a major concern, and that the stakeholders involved were more concerned about the frequency of services and coverage of routes.

However, while we agree with the idea that more should be done to improve on the poor availability of services and to reduce cancellations, this does not absolve the Council of their responsibilities to make the prescribed upgrades under the DSAPT by 31<sup>st</sup> December 2022.

For these reasons, BCA believes it is not reasonable for an exemption to be granted from the requirement to upgrade all bus stops to comply with the DSAPT, and certainly not for the maximum possible exemption period of five years. If the Commission does deem it appropriate to grant an exemption in this instance, we respectfully ask that such an extension is for no longer than 18 months and contingent on the City of Ryde Council providing firm plans on the details – including timelines and costings – of the work to be undertaken.

We thank the Commission for the opportunity to respond to this application. If you require any further information regarding this matter, please contact me on at [Sally.Aurisch@bca.org.au](mailto:Sally.Aurisch@bca.org.au) or at 1800 033 660

Sincerely,

A handwritten signature in black ink, appearing to read 'Sally Aurisch', written in a cursive style.

**Sally Aurisch**

Chief Executive Officer  
Blind Citizens Australia