Mr David Mason

Director Disability Rights Policy

HREOC

GPO 5218

SYDNEY NSW 2000

Dear Mr Mason

I am writing to you in regard to the application for temporary exemption lodged with you under Clause 31A of the Disability Standards for Accessible Public Transport (DSAPT) by Tasmanian Redline Coaches Pty Ltd.

Essential regular passenger transport services (public bus services) are delivered in Tasmania under contracts with the Transport Commission, a corporation sole established under the Tasmanian *Transport Act 1981*.

Following completion of a state-wide review of services in 2007, a new contract and remuneration formula was developed by the Tasmanian Department of Infrastructure, Energy and Resources and the Tasmanian Bus Association under a Memorandum of Understanding between the State Government and the Bus Association. The new contracts were rolled out to the industry in the latter half of 2008 and early 2009.

Among the features of the contracts for the provision of general access (as opposed to our student-only services) is a requirement that the contractor lodge with HREOC, within 6 months of the commencement date of the contract, an Action Plan describing the steps that the contractor is taking to comply with their obligations under the DSAPT. A number of these Action Plans appear on your site including the plan submitted by Redline in January 2009.

A further requirement of the contracts for general access services is that all vehicles entering service after the commencement date of the contract (replacement vehicles) must, among other things, meet all legislative requirements including satisfying the requirements of the *Disability Discrimination Act 1992 (Cwth)* and associated standards.

In regard to remuneration, among the elements that make up the contract payment is a capital payment linked to the bus capital value (BCV). The BCV is the ascribed value of a new large bus meeting the specifications of a replacement vehicle as determined every 6 months by the Transport Commission by reference to quotes obtained from no less than three bus building companies.

In summary, all replacement vehicles entering service under a Tasmanian Transport Commission contract for general access public bus services after the commencement date of the contract are required to comply with the DSAPT and the contract remuneration includes a capital component based on quotes from bus building companies for the supply of DSAPT-compliant vehicles. These matters are explicitly set out in the terms and conditions of the contracts.

I trust this context will assist the Commission in making a determination on the application for exemption now before it.

If you have any queries in regard to the above, the Manager Passenger Transport Services, Dr Bernard Carlington, whose contact details are listed above, would be pleased to assist you.

Yours sincerely

David Peters

COMMISSIONER FOR TRANSPORT

 June 2011