 January 2018

Ms Ella Kucharova
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By email: ella.kucharova@humanrights.gov.au

Dear Ms Kucharova

Re: Application for an exemption under the *Disability Discrimination Act 1992 (DDA)* and the *Disability Standards for Accessible Public Standards 2002 (DSAPT)*

I thank you for notifying me of an application made by the State of Queensland acting through the Department of Main Roads and Transport (TMR), and Queensland Rail (QR), for a temporary exemption to the *Disability Discrimination Act 1992* and the *Disability Standards for Accessible Public Standards 2002*, and for providing an opportunity to make a submission with respect to that application.

The Equal Opportunity Commission would consider it reasonable to grant a temporary exemption to the State of Queensland and Queensland Rail for a period of three years to enable the State of Queensland and Queensland Rail to progressively address DSAPT non-compliance issues with the New Generation Rollingstock trains (NGR).

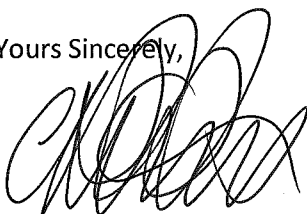
Our position is based on the following considerations:

- The Queensland Government has agreed to allocate funds for the rectification work required to resolve the non-compliances outlined above (as far as possible) and provide improved functionality across the NGR train.
- While the rectification work is underway, the NGR trains will enter passenger service in their current configuration to meet requirements for increased capacity for and beyond the 2018 Gold Coast Commonwealth Games.
- TMR and QR will work together to ensure that as many new NGR trains as possible are operational in time for the Gold Coast Commonwealth Games in April 2018.
- The proposed exemptions fit within the objects and scheme of the DDA by allowing an appropriate and reasonable time for the TMR and QR to address areas of non-compliance with the DSAPT that have been identified (as far as possible).
- That every measure possible to address the DDA key objectives to “eliminate, as far as possible, discrimination against any persons on the ground of disability” in among other things, through the provision of goods, facilities and services is adhered to.
- The proposed exemptions will also enable TMR and QR to achieve a superior accessibility outcome compared to the current NGR configuration in an orderly way while minimising disruption to passengers and the broader rail network.
- Legal certainty is sought in circumstances where the NGR trains are urgently required to replace an ageing fleet to be used for the 2018 Gold Coast Commonwealth Games.

- TMR and QR report to the Commission at least every six months during the period of this exemption on the progress of the rectification work, the impact of this exemption on passenger amenity, and the outcome of consultations with the Queensland Rail Accessibility Reference Group.
- All works are carried out to progressively resolve non-compliances and to improve the overall functionality of the NGR trains are done so in accordance with Part 2 to Part 22 of the Disability Standards for Accessible Public Transport 2002, made under the Disability Discrimination Act 1992.

If you require any further information or would like to discuss our position in more detail, please contact Amanda Underwood, acting Manager Strategy, Policy and Engagement on 08 8207 2273 or Amanda.underwood@sa.gov.au.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Niki Vincent', written over the 'Yours Sincerely,' text.

Dr Niki Vincent PhD
Commissioner for Equal Opportunity