



# Australian Human Rights Commission

## COMPLAINT FORM

The Australian Human Rights Commission investigates and conciliates complaints about discrimination and breaches of human rights.

We will need to contact you about your complaint, so please provide your name and contact details, including one contact number if possible. If you do not provide this information we may not be able to deal with your complaint.

### Part A – About you, the complainant

Title: Ms

First name: Hanyu

Last name: Liu

Address: [REDACTED]

Suburb: [REDACTED]

State/Territory: Western Australia

Postcode: [REDACTED]

Email: Helloluna520@gmail.com

Mobile: [REDACTED]

Phone (AH):

Phone (BH):

If you require assistance to participate in the complaint process, please outline the assistance you require: Written rather than verbal communication preferred; extra time for responses if needed.

**If you are complaining on behalf of someone else, please provide the following details about this person.**

Title: Mr

First name: [REDACTED]

Last name: [REDACTED]

Email: Helloluna520@gmail.com

What is their relationship to you? Mother

Please advise if they need assistance to participate in the complaint process and the kind of assistance they need: My two sons, [REDACTED] and [REDACTED], are both Autistic and non-verbal. I am lodging this complaint on their behalf as their parent and legal representative.

**If someone is assisting you with the complaint, for example, a legal representative, advocate or union representative, please provide the following details about this person.**

Title:

First name:

Last name:

Position:

Organisation:

Address:

Suburb:

State/Territory:

Postcode:

Email:

Phone (BH):

Mobile:

Please advise if they need assistance to participate in the complaint process and the kind of assistance they need:

## **Part B – Who is the complaint about?**

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### **Respondent 1**

Name of person or organisation: Public Transport Authority of Western Australia

ABN/ACN of organisation (if relevant):

Address: Public Transport Centre, West Parade

Suburb: Perth

State/Territory: WA

Postcode: 6000

Email: schoolbuses@pta.wa.gov.au

Phone (BH): 0893262625

Mobile:

What is your relationship to this respondent?    Government service provider (school bus transport)

## **Respondent 2**

Name of person or organisation:

ABN/ACN of organisation (if relevant):

Address:

Suburb:

State/Territory:

Postcode:

Email:

Phone (BH):

Mobile:

What is your relationship to this respondent?

Note: If you are complaining about more than two people or organisations, please provide information about each additional person or organisation.

## **Part C – What are you complaining about?**

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For information about the types of complaints the Commission can consider, please go to our [website](#).

I am complaining because I believe:  
(Please select at least one reason below)

- I have been discriminated against because of my**
- Age  
What is your age?
- Disability  
What is your disability? My son [REDACTED] has Autism Spectrum Disorder
- Association with a person with a disability  
What is the person's disability?
- Status as a person with a disability who uses an assistance animal or disability aid or has a carer
- Sex  
What is your sex?
- Pregnancy
- Breastfeeding

- Marital or relationship status  
What is your marital or relationship status?
- Family responsibilities
- Sexual orientation  
What is your sexual orientation?
- Gender identity  
What gender do you identify as?
- Intersex status
- Race (this includes colour, national origin, descent or ethnic origin)  
What is your race/national or ethnic origin/descent?

- I have been sexually harassed**
- I have experienced sex based harassment**
- I have been subjected to a hostile workplace on the ground of sex**
- I have experienced racial hatred**

What is your race/national or ethnic origin/descent?

- I have been discriminated against in my employment because of my**
  - Trade union activity
  - Criminal record  
What is your criminal record?
  - Religion  
What is your religion?
  - Political opinion  
What is your political opinion?
- My human rights have been breached by a Commonwealth government body.**
- I have been victimised because I made, or tried to make, a complaint about discrimination**

When did the alleged event(s) happen? **Between June 2022 and October 2025**

Note: The President of the Commission can decide not to investigate into a complaint alleging unlawful discrimination where the complaint is lodged more than twenty four

(24) months after the alleged events(s) happened. If the event(s) being complained about happened more than twenty four (24) months ago, please explain the reasons for the delay in making a complaint to the Commission.

For complaints alleging human rights breaches and discrimination in employment under the ILO Convention, the relevant time frame is twelve (12) months.

Reason(s) for delay:

### **What happened?**

Describe the event(s) that you want to complain about. We need to know what you say happened, where it happened and who was involved. Please give us all the dates and other details that you can remember.

If you are complaining about employment, please tell us when you commenced employment, your job title and whether you are still employed.

### **COMPLAINT UNDER DISABILITY DISCRIMINATION ACT 1992 (CTH)**

#### **1. COMPLAINANT AND AFFECTED PERSON**

I, Hanyu Liu, am lodging this complaint on behalf of my son [REDACTED] (██████████), who has Autism Spectrum Disorder and requires support with daily activities including school transportation.

#### **2. RESPONDENT**

Public Transport Authority of Western Australia (PTA), specifically its School Bus Services (SBS) division, which provides government-funded school transport for students with disabilities in Western Australia.

#### **3. DISCRIMINATORY CONDUCT**

##### **3.1 Use of Mechanical Restraints Without Clinical Oversight (2022-2025)**

In June 2022, PTA/SBS approved the use of "control devices" (harnesses) for [REDACTED] to travel on the school bus to [REDACTED] Education Support Centre. The approval was granted without:

A prescription from a qualified medical professional (occupational therapist, psychologist, or medical doctor);

An assessment of whether the harness was the least restrictive option;

A plan for regular review or eventual removal (fade-out plan).

The approval form was signed by:

SBS Contract Officer ([REDACTED])

School psychologist

Parent (myself)

No occupational therapist or disability specialist was consulted, despite harnesses being classified as mechanical restraints under the National Framework for Reducing and Eliminating Restrictive Practices (2014 COAG).

### 3.2 Failure to Review for Over Three Years (2022-2025)

According to PTA's own Student Transport Assistance Policy (STAP) 2020, Section 6.5:

"The use of control devices should be reviewed at a frequency of no less than once every three months."

However, in PTA's letter dated 20 October 2025 (Attachment 1), they admit:

"Although SBS did not follow up on the use of the restraint..."

This means ██████ used a mechanical restraint for over 36 months without a single review, in direct breach of PTA's own policy and the National Framework's requirement for regular clinical review.

### 3.3 Improper Delegation of Duty to Family (2024-2025)

When I raised concerns about the lack of review in 2025, SBS staff made the following statements:

Email from ██████, SBS Team Leader (7 August 2025) (Attachment 2):

"As the request originated from the parent, it would have been their responsibility to propose and discuss any transition or fade-out plan directly with the bus staff."

"Parents are usually responsible for purchasing the harness."

PTA Letter (20 October 2025) (Attachment 1):

"PTA is not funded or responsible for providing professional assessments or supplying non-standard child restraints."

"The responsibility for assessing suitability and developing any transition plans must rest with qualified health professionals. Families are responsible for initiating this process."

This constitutes unlawful disability discrimination because:

Families of non-disabled children using school buses are not required to:

Purchase safety equipment

Hire therapists to assess bus safety

Develop "transition plans" for bus services

By imposing these burdens exclusively on families of disabled children, PTA discriminated on the ground of disability contrary to the Disability Discrimination Act 1992 (Cth) Section 24 (discrimination in education and access to services).

### 3.4 Retrospective Policy Amendment (2024)

In July 2024, PTA amended the STAP by inserting Section 7.5 (Attachment 3), which now requires:

"Advice to Parent Form" completed by a qualified prescriber (occupational therapist, psychologist, or medical practitioner)

Regular reviews

PTA's letter (20 October 2025) acknowledges this policy change but attempts to evade responsibility for the 2022-2024 non-compliance period, during which [REDACTED] used harnesses for over 18 months without clinical oversight.

The policy amendment is an implicit admission that the prior approval process (2022-2024) was defective and non-compliant with disability service standards.

## 4. BREACH OF DISABILITY DISCRIMINATION ACT 1992 (CTH)

PTA's conduct breaches the following provisions:

### 4.1 Section 5: Discrimination on ground of disability

It is unlawful to discriminate against a person on the ground of disability by treating them less favourably than a person without the disability would be treated in the same circumstances.

PTA treated [REDACTED] less favourably by:

Subjecting him to mechanical restraints without the clinical oversight required under national disability standards;

Imposing on his family burdens (purchasing equipment, hiring therapists, developing plans) not imposed on families of non-disabled children.

### 4.2 Section 6: Indirect discrimination

It is unlawful to impose a requirement or condition that has the effect of disadvantaging persons with a disability.

PTA's policy of delegating all responsibility for assessment, equipment provision, and fade-out planning to families disproportionately disadvantages families of disabled children, as this burden does not apply to families of non-disabled children.

### 4.3 Section 24: Education

It is unlawful to discriminate against a student with a disability by denying them access to any benefit provided by the educational authority, or subjecting them to any other detriment.

School bus transport is an ancillary service necessary for [REDACTED] to access education. PTA's failure to provide this service with appropriate clinical oversight and reasonable adjustments constitutes discrimination in education access.

## 5. FAILURE TO PROVIDE REASONABLE ADJUSTMENTS

Under Section 5(2) of the Disability Discrimination Act and the Disability Standards for Education 2005, education providers (including transport authorities) must make "reasonable adjustments" for students with disabilities.

Reasonable adjustments in this case would include:

Clinical assessment by an occupational therapist before approving harness use;

Regular reviews (as required by PTA's own 2020 policy);

A fade-out plan developed in consultation with therapists, parents, and school staff;

Provision or funding of necessary equipment (harnesses) rather than delegating this to families.

PTA's refusal to provide these adjustments—and its attempt to shift all responsibility to families—constitutes a failure to comply with the Disability Standards for Education.

## 6. HARM CAUSED

The discriminatory conduct has resulted in:

[REDACTED] being subjected to mechanical restraints for over 36 months without professional review, potentially causing psychological harm and violating his right to the least restrictive support;

Our family being forced to assume responsibilities (purchasing equipment at our own cost, attempting to arrange therapist consultations, developing transition plans) not required of families of non-disabled children;

Denial of equal access to school bus services, as [REDACTED]'s disability was treated as a "problem to be restrained" rather than a characteristic requiring appropriate support.

## 7. STATE COMPLAINT ATTEMPTS

On 7 August 2025, I lodged a complaint with Ombudsman Western Australia (Complaint Reference: C/53598) regarding SBS's conduct. Instead of investigating, the Ombudsman referred the matter to PTA on 23 September 2025.

Despite multiple requests for a formal investigation under Section 17 of the Parliamentary Commissioner Act 1971 (WA), the Ombudsman has not commenced an investigation.

PTA's "final response" (20 October 2025) was prepared in response to the Ombudsman's referral, not as part of an independent investigation. This demonstrates a systemic failure of state oversight, necessitating federal intervention under the Disability Discrimination Act.

### **Supporting documents**

If you would like the Commission to consider any further relevant information, please list out the documents you have that you believe support the claims in your complaint. If the Commission wants you to provide this information, we will ask you for it.

Attachments (key supporting documents):

1. PTA Final Letter – 20 Oct 2025

Written admission that SBS "did not follow up on the use of the restraint" and that "families are responsible for initiating assessments."

2. Email chain – [REDACTED] (SBS) – Feb–Aug 2025

Confirms PTA's position that parents, not professionals, must manage fade-out planning.

3. Email chain – [REDACTED] (SBS) – Jun–Aug 2022

Shows harness approval was made by non-clinical SBS staff without professional prescription.

4. Student Transport Assistance Policy (STAP) – May 2020 edition

Demonstrates absence of review or therapist oversight requirements (§6.5 only mentions quarterly review, never implemented).

5. Student Transport Assistance Policy (STAP) – July 2024 edition

New §7.5 added: "Safety Control Devices must be prescribed by qualified health professionals." Indicates retrospective correction.

6. Ombudsman WA Complaint C/53598 – 2025

Initial complaint and follow-up correspondence requesting Section 17 investigation.

7. Ombudsman correspondence – Aug–Oct 2025

Shows Ombudsman refused to investigate, forwarding the matter to PTA instead.

8. [REDACTED] – Transport Assistance Approval Letter – 12 Aug 2022

9. [REDACTED] – Transport Assistance Approval Letter – 12 Aug 2022

### **How do you think this complaint could be resolved?**

For example, a complaint may be resolved with an agreement that a respondent will change its procedures, introduce training or policies on anti-discrimination, take other action to prevent possible discrimination and/or by payment of compensation.

#### **Proposed Resolution through Conciliation**

I am not seeking financial compensation. I would like this complaint to be resolved by practical and systemic steps that ensure my son, and other children in similar situations, receive lawful and professionally supported transport services.

A. Individual Outcomes for [REDACTED]

1. Development of a professionally designed fade-out plan for [REDACTED]’s harness use, overseen by a qualified occupational therapist or behaviour specialist, with clear milestones and regular reviews.
2. PTA to arrange or fund the therapeutic support necessary to implement this plan.
3. A written apology from PTA acknowledging that the earlier approval process lacked proper clinical oversight and reasonable adjustments.

#### B. Systemic Outcomes for All SBS Users with Disability

1. Review and amendment of SBS policy so that:
  - Control devices (harnesses, restraints) are only prescribed by qualified health professionals;
  - Reviews occur at least every three months and are documented;
  - Families are not required to purchase or organise professional assessments on their own.
2. Appointment of clinical consultants (occupational therapists or behaviour specialists) to provide oversight, approve applications, and train staff.
3. Staff training for all SBS officers and bus personnel on:
  - Disability rights under the Disability Discrimination Act 1992;
  - The principle of least restrictive practice;
  - Working collaboratively with families.
4. PTA to consider providing periodic data to AHRC or the WA community about restraint use and review outcomes, to demonstrate compliance and transparency.

#### Why These Outcomes Are Important

These actions would prevent recurrence of unreviewed restrictive practices in public transport for students with disabilities and ensure compliance with Commonwealth disability law. I believe these measures are achievable, constructive, and in the public interest.

#### **Have you made a complaint to another organisation?**

For example, a state anti-discrimination or equal opportunity agency, a worker’s compensation agency, an ombudsman or the Fair Work Commission.

If yes, you must provide the name of the agency, the date the complaint was made, the status of the complaint, or outcome of the complaint. Please also attach copies of relevant documents, including a copy of your complaint and any letters you have received from the agency.

Yes.

I previously lodged a complaint with Ombudsman Western Australia on 7 August 2025 (Complaint Reference: C/53598) regarding the same conduct by the Public Transport Authority’s School Bus Services (SBS).

On 23 September 2025, the Ombudsman referred the matter back to the PTA instead of investigating. Despite my written request for a formal investigation under Section 17 of the Parliamentary Commissioner Act 1971 (WA), the Ombudsman has not opened a case.

I also submitted a separate complaint to the Equal Opportunity Commission of Western Australia in October 2025, under the Equal Opportunity Act 1984 (WA), regarding the same discriminatory treatment. That complaint is currently under assessment.

Copies of my Ombudsman complaint, the Ombudsman's response emails, and the PTA's final letter (dated 20 October 2025) are attached to this application.

The state agencies have declined or failed to investigate the systemic disability discrimination issues raised, which is why I am now seeking the Commission's intervention under Commonwealth jurisdiction.

### **Were you referred to the Commission by another organisation?**

If so, what organisation? No.

I was not formally referred to the Australian Human Rights Commission by another organisation.

I am lodging this complaint on my own initiative after my state-level complaints to the Ombudsman Western Australia and the Equal Opportunity Commission of Western Australia did not result in an investigation or resolution.

## **Part D – Lodging the complaint**

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### **ICS Privacy Collection Notice**

The Australian Human Rights Commission (**Commission**) collects and handles personal information in accordance with the *Privacy Act 1988* (Cth), the *Archives Act 1983* (Cth) and our [Privacy Policy](#).

By completing this complaint form and providing us with your personal information and sensitive information as part of the Commission's complaints process under the *Australian Human Rights Commission Act 1986* (Cth) (**AHRC Act**), you consent to us collecting your personal information and sensitive information and using it for the purposes set out below.

We collect personal information about complainants, respondents and third parties in the course of receiving and handling complaints made under the AHRC Act. Personal information about an individual may be collected by the Commission from a complainant, respondent or third party and may be received in various ways, including through our online complaint form, responses to complaints, by email, by letter or by phone.

We will use the personal information provided to us for the purposes of administering our functions under the AHRC Act, including to assess, investigate and conciliate a complaint, analyse trends, prepare statistical data and report on complaints received by the Commission and maintain the Commission's conciliation register.

If we accept a complaint, we will usually provide a copy (excluding the complainant's contact details) to the person or organisation being complained about. Where necessary, we may also provide a copy to others who are related to, or are named in, the complaint. We may also share other information provided by a complainant, respondent or third party with other parties to the complaint and any third party who may be relevant to the complaint for the purposes of handling the complaint.

To properly handle a complaint, it may be necessary for us to disclose personal information we collect as part of our complaints function to an overseas recipient. For example, where:

- a party to a complaint is based overseas
- an Australian-based respondent is the related body corporate to an overseas company
- you have complained to an overseas entity and the Commission about the same or a related matter.

If we receive the personal information of third parties who are not a party to a complaint, we will also collect this information. We may not inform those third parties that their information has been collected and will only use their personal information to the extent necessary to perform our functions under the AHRC Act.

Information provided in making, responding to, or providing a contribution related to a complaint, including information about parties and allegations made in a complaint, may be used for statistical or research purposes, as case studies, as examples, and to improve our service delivery. This includes any survey responses related to the complaints process. Any published information, case study or example will not include names or information that may identify an individual.

Our [Privacy Policy](#) sets out how you can access or seek correction of your personal information, how you can make a complaint about how we have handled your information and how we will deal with your complaint.

## **Lodging the complaint form**

Please send the complaint form to the Commission by:

Post: Australian Human Rights Commission  
GPO Box 5218  
Sydney NSW 2001  
Fax: 02 9284 9611  
Email: [complaints@humanrights.gov.au](mailto:complaints@humanrights.gov.au)

Name: Hanyu Liu

Date: 24/October/2025