

18 June 2008



Arts Access Australia

The Hon Anthony Albanese MP
Minister for Infrastructure,
Transport, Regional Development
and Local Government
GPO Box 594
CANBERRA ACT 2601
aviationstatement@infrastructure.gov.au

91 Canal Road Lilyfield NSW 2040
Phone: 02 9518 0561 Fax: 02 9560 9035
ed@artsaccessaustralia.org
www.artsaccessaustralia.org
ACN 084 007 321

Dear Minister

RE: Response to Towards a National Aviation Policy – Issues Paper

Arts Access Australia is the peak body for arts and disability. We advocate to increase the low levels of cultural participation by the one in five Australians with a disability. The proposed National Aviation Policy could have a positive impact on cultural tourism, employment and volunteerism in our sector.

Our comments, relating specifically to Section 4.4 Disability Standards of the Issues Paper, are as follows:

1) Current Transport Standards

The experience of our Board, employees of our member organizations and participants and attendees of arts and cultural events is that air travel for disabled people has become more difficult over the last 5 years.

We note the airlines feel otherwise and that there is inconsistency between Civil Aviation Safety regulations, The Disability Discrimination Act and the Current Transport Standards.

It follows that Current Transport Standards are not meeting the needs of either the aviation industry or its customers.

2) Recommendations from Transport Standards Review

The Review's suggested change to the Human Rights and Equal Opportunity Commission's (HREOC) role to self initiate and refer cases of breaches of the Transport Standards directly to the Federal Court is one solution. This would at least remove the onus of complaining from the individual with a disability.

We note concern about HREOC gaining this power as it may undermine HREOC's impartiality between complainants.

3) Complaint and Compliance Mechanisms

The Disability Discrimination Act requires disabled individuals to complain to have their rights upheld which is fundamentally inequitable. People then wishing to take legal action are often rightly worried about the significant personal financial cost, and impact on their own health, of entering a potentially lengthy process with an uncertain outcome.

Improvements to the current system could include reforming the Disability Discrimination Act to simplify the process for advocacy groups to make complaints in their own right with the status of a 'person aggrieved' without needing to represent a specific individual. Another improvement would be to increase funding available for public interest cases to be tested in the Federal Court.

While it only covers the public sector we look to models like the UK Disability Equality Duty and its positive onus on upholding rights as a better model. Arts Access Australia would like to see discussion on how such a model could be implemented in Australia and extended to include the private sector.

We would also like to see further discussion around compliance certification processes for major commercial entities, like airlines, who can afford it.

With an ageing population driving increasing numbers of people with a disability there is scope to articulate and support the clear societal and cost benefit to leading independent, productive and healthy lives.

Yours sincerely



Gareth Wreford
Executive Director