



AUSTRALIAN FEDERATION OF DISABILITY ORGANISATIONS

SUBMISSION ON AVIATION POLICY

The Australian Federation of Disability Organisations (AFDO) is the peak national body of organisations of people with disability.

This response is based on consultation with and input from our member organisations:

- Australian Association of the Deaf
- Australian Mental Health Consumer Network
- Blind Citizens Australia
- Brain Injury Australia
- Deafness Forum Limited
- National Association of People living with HIV/Aids
- National Council on Intellectual Disability
- National Ethnic Disability Alliance
- Physical Disability Council of Australia
- Women with Disabilities Australia

AFDO wishes to address all the five broad themes from the Issues Paper about the National Aviation policy. In addition, this submission will raise some other recommendations about the aviation industry which have resulted from the deregulation of the airline industry and have impacted on the inclusion of people with disabilities in the aviation industry.

People with disabilities have not gained the potential benefits of increased competition in the airline industry. Rather than access to airline travel improving since 2002, it has become more difficult for people with disabilities to travel by air. Some passengers who travelled independently for many years now find that they are barred from travel or that they face the imposition of unreasonable conditions, such as an inability to travel with their own wheelchair.

People with disabilities have not experienced the benefits of micro-economic reforms in the Australian airline industry. The costs of failing to provide access to customers have been borne by the consumer, their families and the community. This includes direct and indirect costs such as the lack of access through higher ticket prices, the additional cost of a carer's ticket, cost to damaged aids and equipment, lost employment and professional development opportunities, reduced contact with family, and reduced respite options. In seeking to gain redress for the lack of access to airline services people with disabilities have the extra costs of taking direct action or pursuing costly legal avenues.

Additionally, people with disabilities and society as a whole have borne the more indirect costs of a failure to embrace social inclusion. By providing services which sometimes do not even meet the minimum needs of passengers with disabilities, the aviation industry has restricted their ability to socialise, obtain jobs which require significant long-distance travel, or to enjoy the same kinds of holidays and recreational activities as everyone else.

People with disabilities want this National Aviation Policy to provide an opportunity for the Federal Government to establish a policy framework to improve access and increase participation of people with disabilities in the economic and social life of Australia.

To support this policy framework there needs to be a system for ongoing consultation with people with disabilities and their advocacy organisations that is integrated into the design, policies and practices at each stage of the process of delivering a competitive, safe and secure aviation industry. This includes government as well as service provider processes.

1. The Australian Aviation Industry.

International Services.

The recent restrictions placed on people with disabilities will not assist the growth of trade, tourism or employment opportunities for Australians in either the aviation or tourism industry.

Recommendation 1.

The Australian Government should consider the regulatory practice of the European Union, Canada and the United States of America in the area of access by people with disabilities to services and with a view to improving competition for the airline international services as part of an airline licensing conditions. (see Appendix A for decision in relation to Canadian Airlines.)

Internationally, the European Union, Canada and the United States of America have separate regulations and standards for the airline industry, which are monitored by their respective transport agencies. This allows an agency with expertise in the transport mode to monitor the standards and incorporate compliance measures with other regulatory requirement

For example, the role of the Canadian Transportation Agency is to develop and administer accessibility standards under federal jurisdiction, address complaints and consult with stakeholders. It conducts periodic surveys to monitor the progress on the implementation of the codes of practice and provides reports to an advisory committee. Proposed amendments are provided to the public for comment. Operators prepare action plans and provide progress reports on implementation in their annual reports. The USA Accessibility and Transport Barriers Compliance Board operates a similar model.

Recommendation 2.

With the ratification of the UN Convention on Human Rights for People with Disabilities before the House of Representatives in the Federal Government, at present, the negotiations of air service agreements with airlines from other countries must be closely monitored and the Convention must impact on the provision of International Services.

When Tiger Airlines entered the Australian market in late 2007 and publicly stated that they would not carry people with disabilities, it took some time to begin resolving the issues this policy created because there did not seem to be any agency who would notify the new commercial airline of its Australian legal obligations under the Commonwealth *Disability Discrimination Act 1992* (DDA). The DDA prohibits discrimination in the provision of goods and services to people with disabilities unless providing the necessary adjustments causes unjustifiable hardship.

1.2 Domestic Services.

Recommendation 3.

a. A specific code of practice should be developed for the airline industry and administered by a Federal Government Transport agency.

b. The overall regulatory framework for the airline industry would be enhanced through development of a consultation obligation.

a. A specific code of practice for the airline industry is needed to cover all services, equipment, infrastructure, safety, information, security and consumer protection matters throughout the airline industry. This code should be designed to ensure that access for people with disabilities is included in all applicable areas. It would allow for regulatory agencies with responsibility for airlines to administer their monitoring and reporting functions in a coordinated fashion.

b. People with disabilities are not currently consulted regarding the design or service delivery of airline transport. Their needs are seldom considered as a core requirement, but legislative requirements under the DDA and the growing numbers of people with acquired disabilities because of our ageing population make their needs an important consideration. There should be regular, direct input from people with disabilities and their advocacy organisations as the impact of changes on people with disabilities are not generally apparent to designers and planners.

Encouraging and enabling the participation of people with disabilities and their advocacy organisations in the planning process should be a mandatory requirement when developing policies or engineering changes. A national advisory committee could advise industry on design, training and professional development for the airline industry to ensure that decision making matches regulatory processes.

Recommendation 4.

Mandatory monitoring and reporting through a relevant Federal transport agency to ensure national consistency.

People with disability have not benefited from recent changes to practices by air transport providers. Deregulation of the domestic market has not:

- increased responsiveness to consumer needs;
- developed a wider range of fares and types of services to provide enhanced travel opportunities, nor
- increased competition or price flexibility, leading to greater economic efficiency;

The deregulated domestic airline market has not been the best model to deliver access for people with disabilities to the delivery of Australia's interstate airline services. As a consequence, inconsistent approaches by airlines have limited the choice of provider for customers and reduced competition. Without accountability, there is no incentive to improve service delivery.

The lack of monitoring and reporting obligations have given rise to the absence of any requirement to consider any code of practice when purchasing new equipment and implementing services. Such considerations should be built into the overall regulatory framework for the airline industry, and would be enhanced through development of a consultation obligation.

In relation to other modes of transport, state, territory and local government agencies are involved in ownership or regulation of aspects of service delivery. There is no corresponding agency with responsibility for air transport.

In the vast majority of cases, a nominal or minimal investment from airlines to improve service would increase economic participation by assisting people to gain and retain employment, undertake training and professional development, increase respite options, maintain family relationships, and support the tourism industry. Implementing these recommendations would also make airline travel more accessible for all people who need assistance, such as the growing numbers of older people.

1.3 Regional and general aviation.

Recommendation 5.

The development of better facilities for people with disabilities at regional airports would assist with the development of regional aviation.

The exclusion of people with disabilities from regional services, the limitations imposed by the size of mobility aids on larger aircraft and the inability of people with disabilities to use point to point services have arguably decreased the accessibility of regional airline services for people with disabilities in recent years.

The particularly strong decline in access to airline services at the regional level has been highlighted by exemptions sought from the Transport Standards by operators which exclusively service regional areas, such as Kendal Airlines and Rex Airlines (see Appendix B). This issue should be revisited in light of technological advances in manual lifting and passenger transfer in larger aircraft; these new solutions may potentially be adapted to suit the smaller aircraft used by regional providers.

Recommendation 6.

The recreation sector of the airline industry needs to examine its provision of access to people with disabilities.

Recreational aviation providers appear to be less well-educated about the needs of customers with disabilities and their legal obligations to meet those needs. In particular, there is anecdotal evidence to suggest that people with disabilities are often refused service by recreational aviation providers if they have not disclosed their disability prior to travel.

According to statistics there are more people with disabilities and their families who use tourism facilities than there are golfers.

Recommendation 7.

The Australian Government should require that airlines and airports ensure staff are trained and regularly updated in the provision of appropriate assistance for a range of people with disabilities. The training program schedule should be available to the public and list the general content, plus there should be an annual release of the training outcomes achieved by airlines

As part of this requirement there should be a mandatory minimum level of competency for all staff with regards to disability awareness. In particular, this minimum standard should include an ability to respect the judgement of the customer with a disability when it comes to the type and amount of assistance they need. Staff should be able to take advice from customers in this regard, and to negotiate the best possible solution.

2.1 Airport Planning and development.

The following issues need to be considered:

- Land use planning and development approvals at major airports.
- Consultation with local authorities must include access for disabled parking and an allocated space for physical transfers from vehicles to the pavement by people with disability.
- Non aeronautical development on airport sites (eg shops).

Airports- transfer from one mode to another eg taxi, bus, car to airport. The access path can be affected by the interface of business and airline practice. Clear signage, information

Recommendation 8.

Consultation with State and local authorities and with the community must include people with disabilities.

It is necessary for the access paths from the entrance of the airport to the airplane seat to be as easily negotiable as possible in terms of assistance, infrastructure and facilities. Many people with disabilities have been informed that new restrictions on their access to airports, such as an inability to set down passengers at the front entrance and then leave a vehicle to assist them into the terminal, are because of security arrangements. While security at airports is important, in many instances negotiation and consultation could be used to reach a suitable compromise.

Recommendation 9.

Regulation, similar to that introduced in the European Union, should be developed in Australia. The European Regulation is CF1107-2006 and it specifies that:

a. The management of assistance for people with disabilities has been taken out of the hands of individual airlines and placed within the management of the airport authority.

b. That the responsibility for ensuring that all airport management are adhering to the CF1107-2006 regulation has been given to the Civil Aviation Authority in each European Country (see Attachment C).

In recent years the withdrawal of airline assistance for people with disabilities has made access to airport terminals more difficult.

The following detailed information comes from the report “Flight Closed” about the experience of people with disabilities in the aviation industry since 2002. This report was compiled by PIAC, with input from many peak disability organisations.

“Passengers’ experiences of the airport terminal environment will depend on their disability. For example:

- . Passengers who drive and park in the car park of Sydney airport can’t access the bus shuttle service to the terminal if they use a wheelchair.

- . There is no assistance from the drop-off point at the terminal to the check-in desk for a person who is blind or can walk only short distances.

- . Cars and specially booked accessible taxis waiting at the arrivals area are moved on if there are delays. (Delays are often experienced when assistance to disembark is not provided or wheelchairs are lost or damaged.) As there is often limited availability of accessible taxis this can cause significant further delays.
- . Passengers who have vision impairments rely on ‘meet and assist’ services to get to boarding areas, cafés and toilets. If these services are not provided, such as when they are transferring flights or there are delays, there is no access to facilities.

- Passengers who are transferred from their own purpose-built wheelchair to an airport wheelchair cannot independently access toilets and are dependent on someone to push the wheelchair.
- Passengers moving between areas where found lifts are locked to the floors they need, airport vehicles can't move to the boarding area and they are transferred to wheelchairs or moved on forklifts, including through kitchens.
- There is an ongoing problem with baggage carousels for most people with a disability”

3.1 Safety regulation and regulatory reform.

Recommendation 10.

The Civil Aviation Safety Authority in conjunction with the Australian Government and the airline industry should make their safety regulations consistent to allow for the inclusion of people with disabilities on aircraft.

All the new restrictions on people with disabilities have been explained to people with disabilities as safety practices that have been issued by the Civil Aviation Safety Authority (CASA). So far CASA has not considered the possibility of people with disabilities being able to have input into better safety practices.

The vital question here for people with disabilities is the identification of risk factors. The alignment of airspace classifications and the level of services and facilities provided to reduce risk to passengers operations.

Repeatedly people with disabilities are told that they are increasing the level of risk by travelling on passenger aircraft. Yet there are often simple and cost effective methods for overcoming risk. For example, people who are Deaf or hearing impaired may only require that staff are aware of their communication needs and able to meet them appropriately by facing the person when talking, and repeating any announcements which are not available through a hearing loop to someone who has identified their disability. Emergency situations could be made much safer for people who are Deaf or hearing impaired by providing visual alarms where audible ones are in use so that everyone has the same chance to be aware of the need to evacuate.

4 CUSTOMERS and COMMUNITY PROTECTION

Addressing the impacts of aviation.

4.1 Aviation emissions and climate change.

Recommendation 11.

That a more effective system than the carbon offset schemes to help reduce greenhouse gas emissions is investigated by the Department of Infrastructure, Transport and Regional Development and Local Government.

The present carbon offsets schemes appear to be just another unsubstantiated program whose processes are not transparent.

4.2 Aircraft Noise

Recommendation 12

To address the requirement for one hundred per cent access to information by overcoming aircraft noise issues for passengers who are hearing impaired, airlines should provide portable neck loops available upon request during a flight.

For passengers who are hearing impaired aircraft noise poses a significant problem. It often creates a level of background noise which makes it difficult to hear speech either in person or through the sound systems in the airplane. As a result, people who are hearing impaired miss out on critical safety information, and lose the opportunity to interact with on-board staff in ways which might significantly increase their comfort. Having several portable neck loops available on any given flight is a simple and cost effective way to improve service and safety.

4.3 Consumer Protection

Standard form contracts and provision of information

Recommendation 13.

That the standard conditions of carriage is revised against the Transport Standards and the *Disability Discrimination Act 1992*; and, a plain English version of the suitably revised conditions of carriage be prepared.

Complaints about terms and conditions represent a third of all complaints about air transport services.

The model/standard contract is extremely long and difficult to understand. People with limited literacy skills are unlikely to be able to give informed consent to the contract without additional assistance. For example, picture-based information may be necessary for some passengers with disabilities to be able to understand what the contract says.

People who are Deaf or hearing impaired are also disadvantaged in situations where information is only provided in an aural format. While arrival and departure information is provided in written format, notices for passenger information are often not. For example, announcements over the public address system requesting that a person go to the ticket counter. It is vital that all passengers have access to essential information related to boarding, delays and emergency situations. (see **Attachment D**)

Transferability of tickets

Recommendation 14.

**Airlines should not be permitted to restrict the transferability of tickets, except where absolutely necessary; and,
Airlines should be required to offer passengers refunds instead of credits where a passenger is unable to travel for reasons beyond their control.**

Air tickets cannot be transferred to another passenger nor can passengers be provided with refunds of tickets.

These limitations are particularly restrictive for people with disability who may be unable to reschedule travel for reasons related to their impairment. For example, a person may have arranged to be accompanied by a carer who is not available at a rescheduled time. In such cases, it is unreasonable to only offer the person a credit for their and the carer's ticket, particularly where the airline is responsible for the cancellation or rescheduling of the flight. Many people with disabilities are on low incomes and forfeiting the cost of two tickets may cause ongoing financial stress.

Travel insurance may not be sufficient protection for consumers in these situations as many people with disability are unable to purchase travel insurance because of their impairment.

Scheduling, re-scheduling, cancellation

Recommendation 15.

**Airlines be required to expand the grounds on which a person may be eligible for a refund; and,
The compensation available to people with disability for cancelled or rescheduled flights should be increased**

Certainty of flying time is important to many people with disability. People may have to make arrangements to accommodate their disability that are not readily altered. For example, a person may take medication that causes them to be fatigued and unable to travel in the morning. A person who is reliant on accessible taxis may be unable to travel to or from an airport at times when demand for these taxis is greatest, for example before and after school.

As these examples demonstrate, relatively minor changes of schedule can have significant impacts on the capacity of a person with disability to travel.

The compensation provided by airlines when flights are delayed or cancelled is generally inadequate, particularly as it relates to costs such as meals and accommodation. It is even less adequate for people with disability who have support needs related to their disability such as assistance with self-care or mobility. People with disability who have been delayed may also face extra out of pocket expenses which are above those incurred by other people who have been similarly delayed, as a result of their impairment. For example, a person who uses incontinence pads may

not have packed sufficient pads in their carry-on luggage and may be forced to purchase more (at the inflated airport lounge price).

Disclosure of terms and conditions

Recommendation 16.

As required by the Transport Standards, air transport providers should offer information to consumers in plain English and make available the full terms and conditions in alternate formats, on request

The methods of disclosing terms and conditions to passengers offer people with disability inadequate protection. As stated above, the terms and conditions are not written in simple or plain English and are difficult to understand for people with cognitive impairments and people for whom English is a second language. The format in which the terms and conditions are provided cannot be read by people who are vision impaired.

Making the terms and conditions available via the internet does not overcome the limitations identified above. Many people with disability do not have internet access because of their low incomes and websites which do not comply with minimum rules for website accessibility can be impossible for people reliant on assistive technology and people with cognitive impairments to navigate.

Refusal to carry passengers

Recommendation 17.

Operators review the restrictions they place on carriage to ensure they are consistent with the Transport Standards and the *Disability Discrimination Act 1992*.

Provisions used by airlines to exempt passengers are too broad and are not consistent with the obligations placed on operators by the *Disability Discrimination Act 1992* and the Transport Standards.

The Transport Standards require air transport operators to “transport any portable disability aid that a passenger carries on board and normally requires for his or her wellbeing or mobility” (p 31, *Guidelines*).

The Department would be aware of the decision by airlines to refuse to load certain types of electric wheelchairs into some aircraft, including Boeing 737s, on the basis that loading the chairs presents an OH&S risk to staff.

These decisions discriminate against people with disability, particularly those living in regional areas which are only serviced by smaller aircraft. The airlines should be working to develop a loading practice that overcomes the risk to staff and retains access to air travel for people with disability. It is our understanding that a ramp system could be used to resolve this issue but as yet none of the airlines have implemented such a solution.

AFDO is also concerned that the grounds on which an operator may refuse to carry a person are too broad and may lead to discriminatory behaviour particularly in relation to people with conditions that cause behaviours that are not dangerous but which other people may find confronting, and people with conditions that attract significant stigma. The exclusions also allow operators, who do not have expertise in understanding the impact of disability, to judge a person's capacity to assist themselves.

4.4 Disability Standards

Recommendation 18.

The airline industry should develop Disability Action Plans under the *Disability Discrimination Act 1992* and the *Accessible Public Transport Standards 2002*. This should be done in consultation with people with disabilities

Since 1996 the airline industry has avoided discussing the matter of Disability Action Plans with the various Accessible Public Transport Committees which include representatives of industry, government and people with disabilities. During the period of drafting, redrafting, costing and enactment of the Accessible Public Transport Standards 2002 the airline industry and regulators of the industry did not contribute to the development or implementation of accessible public transport. The aviation industry has only begun to attend meetings of the Accessible Public Transport National Advisory Committee (APTNAC) over the past two years, largely in an attempt to explain the imposition of severe restrictions upon the ability of people with disabilities to use their aircraft.

Members of the airline industry, including airlines and regulatory bodies, should be compelled to develop Action Plans and be made aware of the provisions of the Disability Discrimination Act 1992 and the Accessible Public Transport Standards 2002. There must be consultation with people with disabilities as part of the development and implementation of Disability Action Plans. In the past, disability advocacy groups have attempted to approach the aviation industry so that they might work collaboratively to improve accessibility. These efforts have met with little success. For example, groups advocating on behalf of people who are blind or vision impaired have approached several companies regarding the availability of passenger safety cards in alternative formats, with little or no change in circumstances.

Complaints System.

Recommendation 19.

An industry-based complaints process that is accessible to all consumers, which can provide timely outcomes and result in systemic improvements to service delivery

Complaint processes should be established within the airline industry that meet the *United Nations Guidelines for Consumer Protection* enabling consumers to obtain redress. That is, the process should be 'expeditious, fair, inexpensive and

accessible' and take into account of the needs of low-income consumers

A complaint process should be established that allows consumers and their representative bodies to seek changes to transport infrastructure and practices based on compliance with the Standards. It should not rely on an individual seeking redress for a specific occasion.

Complaint systems should clearly allow compensation for individuals where applicable as well as ensuring the imposition of obligations on the industry to correct infrastructure or service delivery practices.

Recommendation 20.

That the Department of Infrastructure, Transport, Regional Development and Local Government and the airline industry incorporate the proposals developed by the Public Interest Advocacy Centre's publication "Flight Closed" into the regulatory system needed to improve the conditions for people with disabilities in the airline industry.

These issues are well covered in the Public Interest Advocacy Centre publication, "Flight Closed", which can be accessed from:

http://www.piac.asn.au/publications/pubs/flightclos_20070831.html

5. AVIATION SECURITY

International development.

Threat.

Efficiency and Cost

Growth and Industry Development.

Technology (see recommendation 3)

Passenger Experience.

Recommendation 21.

Security divisions at airports should undertake security checks in a timely manner, so that passengers can get to their flights. They should also review their processes and policies in regard to people with disabilities. In the review process they should consult people with disabilities.

Air Cargo

Recommendation 22.

That the procedure for accessing information about wheelchair details be reviewed.

The level of detail necessary to check in a wheelchair is out of all proportion to other items of baggage. Consultation with passengers with disabilities and their advocacy organisations has not been adequate, and in particular has not occurred at critical times when changes have been developed to baggage-handling arrangements, when new policies are being developed or existing policies are under review.

Identity and background Checking.

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Federal Court of Appeal Denies Airline Application to Overturn Historic Disability Transport Decision

The Federal Court of Appeal has denied Air Canada and Westjet's application for leave to appeal a historic decision of the Canadian Transportation Agency (CTA) that allows Canadians with disabilities to travel by air without having to pay for a second seat to accommodate their disabilities, whether for themselves or their attendant.

In January 2008 the CTA ruled on a complaint launched by the Council of Canadians with Disabilities (CCD), the late Eric Norman and Joanne Neubauer seeking to ensure that persons with disabilities traveling by air would not have to pay for a second seat for their attendant or because of the nature of their disability. Train, bus and marine services do not charge for additional seats. Only the airlines made people with disabilities effectively pay double what others pay to fly.

"CCD is ecstatic over the decision of the Federal Court of Appeal." said Marie White, Chair of CCD. "We knew the airlines did not have a legal argument. They were simply trying to stall implementation of the CTA decision and thus save money by continuing to discriminate against people with disabilities," said White.

"Canadians with disabilities have been raising this issue for over 20 years and the decision of the Federal Court of Appeal says to the airlines they must abide by the CTA decision. Finally this issue is put to rest and once again the courts have made it clear that people with disabilities must be accommodated," said Pat Danforth, Chair of CCD Transportation Committee.

CCD thanks David Baker our legal counsel for his long and determined support. CCD also thanks the CTA for understanding the importance of this issue and the strong decision they handed down.

CCD calls upon the Minister of Transport to regulate access to federal transportation systems thus making it clear that carriers must remove barriers to the mobility of Canadians with disabilities. "It is time for the Department of Transport to show some leadership and lessen the burden disabled persons and their organizations are having to bear through long hard fought legal battles like this and VIA Rail," said Laurie Beachell, CCD National Coordinator

ATTACHMENT B

Treaties Committee supports UN Convention on the Rights of Persons with Disabilities

The Federal Parliament's Treaties Committee has recommended that Australia ratify the United Nations Convention on the Rights of Persons with Disabilities.

'The Committee has taken the slightly unusual step of tabling its recommendation prior to the final report on this inquiry to allow ratification of this Convention to proceed as quickly as possible' Committee Chairman Kelvin Thomson said.

'The Attorney General and the Human Rights Commissioner represented to the Committee the advantages that early ratification of this treaty will provide for Australia. Through timely ratification, Australia will have the opportunity to participate in selection of the Committee on the Rights of Persons with Disabilities.

Comprised of individuals with recognised competence and experience, this Committee will monitor and promote implementation of the Convention.' 'As an active party in Convention negotiations, the Committee considered it was important that Australia continue to take a leading role in promoting the rights of people with disabilities. One way to do this is to ensure we can participate in the nomination process for the Committee on the Rights of Persons with Disabilities' Mr Thomson said.

The Convention will promote, protect and ensure the human rights and fundamental freedoms of people with disabilities. Parties to the Convention will be obliged to eliminate discrimination on the basis of disability and to enhance the inclusion and participation of people with a disability in society.

The Convention reflects and affirms the protections already existing under Australia's domestic laws and has received widespread support.

Report 92 and background information on the Convention is available on the Committee's website:
www.aph.gov.au/house/committee/isct.htm or by contacting the Committee Secretariat

ATTACHMENT C.

The exemption provided to Kendell Airlines in August 2000.

A condition of that exemption was:

“That Kendell report to HREOC within 12 months:

- confirming completion of delivery of aircraft aisle wheelchairs to all relevant ports
- confirming completion of relevant staff training programs
- advising on need for, feasibility of, and any progress in fitting movable armrests to additional seats in the Saab aircraft
- advising on technological progress or other developments (whether in Australia or overseas) affecting the feasibility of access to aircraft and seats for people with mobility impairments where space constraints of aircraft currently present safe manual lifting and transfer
- reporting on progress in discussions with the Civil Aviation Safety Authority with a view to use of these seats being permitted if possible in appropriate cases.

As an advocate who was involved in complaints against Kendell airlines prior to this exemption, I am interested in knowing whether Kendell Airlines ever provided a report to HREOC within that 12 month period and, in particular, whether they or Regional Airlines Association have followed up regarding lifting devices that can be implemented in smaller aircrafts. This issue was also raised when we met with the airlines and airport authorities in 2006.

Access to regional and smaller aircrafts is vital for many people with a disability who live in rural areas around Australia, I therefore ask that if the report was received in 2001, is HREOC able to seek an update from Kendell Airlines.

Given that the exception was for a 5 year period from August 2000, what is the status of the exemption at this point in time?

ATTACHMENT C.

CF1107-2006 REGULATION.

Under the European Union regulations, the management of assistance for people with disabilities has been taken out of the hands of individual airlines and placed within the management of the airport authority.

That the responsibility for ensuring that all airport management are adhering to the CF1107-2006 regulation, has been given to the Civil Aviation Authority in each European Country. This stops cost cutting measures and staff shortages etc. by airport authorities because a complaint can be made directly to the Civil Aviation Authority. Part of the recommendation could be that if a passenger with a disability gives notice that they require assistance on arrival at the airport or at the check-in counter and it is not available within 10 minutes then there is a monetary compensation available.

They cover the following details of assistance which HAS to be offered to all travellers with disabilities:

"When a person with disability or reduced mobility arrives at an airport for travelling on a flight, the airport managing body will assume responsibility for ensuring the provision of assistance so that the person can take the flight for which there is a reservation made."

The assistance that the airport managing body should provide, consists of the following essential obligations:

- Assistance and necessary measures to enable PMR all tasks regarding the various steps of taking a flight between two airports: Communication arrival at the airport and request of assistance at designated points inside and outside the terminals.
- Moving from these points to the corresponding check-in desk.
- Checking of the ticket and check-in.
- Moving from the check-in desk to the plane, through the relevant checks.
- Boarding the plane with the technical means the manoeuvre requires.
- Moving around inside the plane from the door of the same until the allocated seat.
- Location and Recovery of hand luggage on the plane.
- Moving around inside the plane from the seats until the plane's door.
- Landing of the plane, providing the technical means and equipment required to do so.
- Moving from the plane to the baggage claim hall, through the corresponding controls.
- Moving from baggage claim hall to the designated point.
- Connection with other flights for passengers in transit, with assistance on land and air, as well as in terminals and between them.
- Moving to services.
- Permission for providing assistance on behalf of their companions at the airport, boarding and landing.
- On land handling of the whole mobility equipment, upon notification 48 hours before and depending on availability of space and legislation on dangerous goods.
- Temporary replacement of damaged or lost equipments.
- Assistance to guide dogs.

-Communication in the most appropriate format of the information needed to access to flights.

The characteristics of service and the conditioning factors that the Regulation proposes affect, in a different way, to a large number of agents connected within the airport operational. These specific implications for each of the affected profiles define the new scene in which the operational of attention at airports will be developed.



Issues for Deaf people traveling on airlines

1. Access to information:

- a) Audio announcements about flight status, boarding etc
Large airports generally have visual information boards that show when a flight is boarding, but not all airports have them. Deaf people are put into a situation where they just have to “follow the crowd” and hope they are doing the right thing. Information about which rows are boarding are completely lost to them.

Information on visual boards at boarding gates is not always updated. This is particularly a problem when several flights are leaving from the same gate and the information is not up to date.

When flights are delayed, there is usually no or little visual information at boarding gates. Deaf people are often confused about what is happening.

When flight departures are moved from one departure gate to another and the change is announced over the PA system, there is often no visual information for Deaf people. This can be disastrous for the Deaf traveler.

- b) Safety demonstrations on flights. Some flights have safety information with captions on TV monitors. However, many do not, and these safety demonstrations are not accessible for Deaf people.

Safety information is also available in picture format on a card in the seat pockets, but we are unsure whether this is clearly understandable by most Deaf people – a member has commented that he found it difficult to understand. Airlines need to trial this type of information with people who will be using it to make sure it is clear.

- c) On-board announcements. There are generally no flights that provide in flight announcements in visual format so this information is not accessible to Deaf people. In certain circumstances – eg delays, diversions, severe weather conditions, it can be frightening for Deaf people to not know what is going on and why.
- d) Security staff are usually not well trained in recognizing and communicating with Deaf people. This can create problems when a Deaf person sets off the alarm at the security checks and does not realize it because they have not heard it.

This has led to situations such as the Deaf person who was physically tackled on an escalator by a security guard because he had not heard or heeded the security screen beeping and was not aware there was any problem.

It would be helpful if security alarms had visual signals that are visible to the person going through the checkpoint as well as to the security staff.

- e) Delays at security checkpoints. Announcements advising the reasons for delays are not accessible to Deaf people. This is confusing and can be stressful especially if the person is rushing to catch a plane.
- f) Long queues at check-in counters. Often airline staff walk along the rows talking to the people waiting in the queue and people leave the queue to join another queue for faster check-in. This is difficult for Deaf people to work out what is happening.

The principle is that all information at airports should be provided in both audible and visual form.

2. Access to entertainment

- a) In-flight entertainment. Qantas provides captioning on some of its video programs, but generally captioning on in-flight entertainment is very poor.
- b) When captions are available (on safety videos as well as entertainment/info) the screens and/or the captions are often too small for ease of reading.
- c) Captioning is not available on TV/video in lounges. It should be.

3. Seating arrangements

- a) Some airlines (in the case reported to us it was Virginblue) appear to have a policy of not allowing two Deaf people to be seated together even if they are eg a married couple traveling together. The rationale was that this is for safety/emergency purposes, but no explanation was given as to why.

4. Staff

- a) Some airline staff are very well trained and handle communication with Deaf travelers very well. However, many are not trained and have little idea of appropriate communication strategies. Many also behave impatiently with Deaf travelers. This has led to Deaf people having unpleasant experiences eg they can't understand check in staff asking if they have any dangerous goods and staff don't think to write it down for them, instead the staff person opens and searches their hand luggage.

There have also been situations where a Deaf person has told the check in staff they are deaf, and then later the staff have called them over the PA so that they can board first. Of course the Deaf person cannot hear this. There is also no reason for a Deaf person to be boarded first.

- b) Staff are not always helpful – eg a Deaf woman lost in an unfamiliar airport could not find someone to do more than just point her in the general direction she needed to go.
- c) Staff sometimes provide inappropriate help – eg:
 - i. The case of the young, fit Deaf man who was treated as if he was both intellectually and physically disabled – he was told to wait for someone to help him, led by the hand, taken on passenger carts as if he could not walk.
 - ii. The case of the Deaf woman who was boarded first and treated like a 5 year old who could not manage to look after herself.

5. Accepting Deaf people to travel

- a) We have heard of a case of an airline refusing to carry a Deaf person who also has cerebral palsy unless he had a personal carer with him.

6. Terminology

- a) Some airlines are sometimes still using inappropriate terminology – eg “deaf and dumb” printed on boarding passes.

7. Contact information

- a) Deaf people use text telephones. When giving their contact information, there is not space (eg on website form) to record SMS or TTY to indicate that their contact phone numbers are for SMS or TTY only. The airlines then ring them on a voice call to let them know flight changes and they can't receive these calls.

