



Submission to the Department of Infrastructure, Transport, Regional Development and Local Government on its National Aviation Policy Statement Issues Paper

Air travel plays an increasingly important role in facilitating economic, social and community participation and engagement. FaHCSIA strongly supports efforts to improve access to air travel, particularly for Indigenous Australians in remote locations and people with a disability.

FaHSCIA's submission focuses on three issues:

- *Disability access and standards.* People with disability continue to encounter significant air transport access barriers. These barriers reflect the need for increased awareness within the aviation industry of the needs of people with disability. FaCHSIA's submission highlights a range of reasonable adjustment measures which could be taken to improve access, both by airlines and airports.
- *Servicing of remote Indigenous communities.* Reliable and accessible air transport services are vital for remote communities. Whilst efforts have recently been made to improve infrastructure maintenance arrangements, a service gap remains. FaHCSIA supports targeted measures to overcome this gap.
- *Disaster recovery and emergency management considerations.* In the event of a natural disaster or emergency, access to air transport may be vital. Remote Indigenous communities and people with disability should be assured that an appropriate level of service will be available for all residents. FaHCSIA supports ongoing consultation to develop need-sensitive disaster and emergency strategies.

In accordance with the request in the Issues paper, comments and suggestions are provided under relevant headings and questions. As FaHCSIA's submission has been informed by good practice models in comparable jurisdictions, a summary of these models has also been attached.

1.3 Regional and General Aviation

What should be the basis of government and industry policy towards air services to regional and remote communities?

Improved access to essential services such as air travel would stimulate economic and social participation in regional and remote communities.

In relation to disability access, there is a perception that regional service levels have declined with deregulation, and some regional airlines recently requested exemptions from Disability Discrimination Act (DDA).

Suggestions

Disability access:

- Both Government and industry should review the Disability Transport Standards with a view to providing greater accessibility for people with disability.
 - This should include an examination of what constitutes reasonable adjustment for an airline. The Standards state that by 31 December 2007 at least 25 percent of all services are compliant.
 - Existing lift technology could be modified for use in smaller aircrafts to permit access for people with disability.

Disaster recovery:

- The government could consider including clauses in procurement arrangements requiring airlines to make aircraft available in response to disasters or other community emergencies. This would be considered part of the aviation industry's broader community service obligations.

What role should all levels of government have in protecting secondary airport infrastructure and in providing for new infrastructure?

Servicing of remote Indigenous communities

Airstrips play an important community service function from a transport and access perspective for remote Indigenous communities. The primary concern with service delivery to remote areas is the inadequacy of existing infrastructure. There is a lack of suitable airstrips and properly-maintained supporting infrastructure such as roads- which in remote areas can be significantly affected by seasonal changes. Significant investment is required to make even minor improvements.

Considerable effort was expended in the late 1990s by the former Aboriginal and Torres Strait Islander Commission (ATSIC) and Department of Transport and Regional Services (DOTARS), in collaboration with the states and territories, to define the roles and responsibility of governments in maintaining adequate support for remote airstrips and aerodromes. No real resolution was achieved through this process.

To fill the resulting vacuum, funding from the former Community Housing and Infrastructure Program (CHIP) was sometimes used as a 'safety net' to ensure aerodromes in remote Indigenous communities continued to be maintained to reasonable standards.

The recent announcement by the Department of Infrastructure, Transport, Regional Development and Local Government (DITRD LG) of the Remote Aerodrome Safety Program (RASP) is welcome, and will assist with the upgrading of airstrips for remote and isolated aerodromes, to facilitate the provision of non-commercial essential community air services. However, the program is not Indigenous specific, and it does not provide for routine maintenance. Thus, it may perpetuate a service gap.

Suggestion:

- While it is envisaged that the RASP will address some of the outstanding service need, further consideration of the broader issue of funding responsibility is required.

1.4 Addressing skills needs in the aviation industry

What strategies should the industry adopt to attract, retain and plan for their future skills needs to remain competitive in a tight labour market, and how can these be improved?

What are the long-term training needs for the Australian aviation industry? Where will the future pressures lie? How do we ensure the industry remains internationally competitive in retaining key staff and in attracting new entrants to the workforce?

The ageing of the Australian community over the coming decades is likely to result in an associated increase in the numbers and needs of airline passengers with disabilities.

While the great majority of these passengers may continue to independently utilise airline services, there will also be an increasing number of air travellers with disabilities who need reasonable modifications and/or assistance from the aviation industry.

Suggestions:

- Disability awareness training should be provided to all air and ground staff, including security staff.
- In particular, airline and airport staff should be trained to assist passengers who have a disability to utilise airline services independently of companion assistance where possible and where chosen.
- Training in Meet and Assist services should also be offered to a wider range of staff, and these services should be broadened to include assistance at all points from kerbside to airside. This service could be provided by airport rather than airline employees.

2.1 Airport planning and development

How can we improve consultation with State and local authorities and with the community?

What mechanisms might be used to ensure an effective ongoing dialogue between airport operators and their local communities?

There are a range of mechanisms that can be employed to facilitate dialogue and consultation, the choice of which will be governed by local needs.

State and Local Government departments have disability sections which are able to provide airport operators with information regarding accessibility for people with disability. Disability peak bodies, such as the Australian Federation of Disability Organisations, are also a good source of information and advice.

Suggestions

Disability issues:

- Disability organisations or peak bodies should be included in consultations when building development applications are being considered.
- Disability access issues extend beyond the flight and aircraft, into the airport and on-ground public transport infrastructure. Consultation with local authorities and state and territory

disability agencies must include issues of access to disabled parking, and transfer for people with disability.

Disaster and Emergencies:

- All recognised airports should have contingency plans to deal with disasters or emergencies. The plan should be developed in conjunction with the local communities and communicated to all residents on an ongoing basis to ensure all residents are informed and prepared should a situation arise.

4.4 Disability Standards

Are the current Transport Standards adequate to ensure the removal of discrimination from air travel?

The Transport Standards are designed to remove discrimination in providing public transport for people with disability and allow their full participation in the community.

There are concerns in the disability advocacy field that cutting costs in the airline industry may result in reduced services for people with disability.

The Government is concerned about the number of difficulties facing people with disability in accessing air travel. In a report prepared for FaHCSIA in March 2008¹, the Physical Disability Council of Australia Ltd (PDCA) stressed that more work needs to be done to ensure that Australia has an accessible transport system. Barriers include exclusion from some airlines for people with disabilities, restrictions on travelling without a carer, and a lack of knowledge of some staff about disability equipment and facilities. The Public Interest Advocacy Centre's December 2007 report *Flight Closed*² is based on an analysis of the air travel experiences of 110 people with a disability, and highlights a range of issues people with a disability face with accessing and using domestic airline travel, including problems in accessing information, airport facilities, boarding aircraft and complaint processes. The impacts of these access barriers include direct and indirect costs such as higher ticket prices, cost to damaged aids and equipment, lost employment and professional development opportunities, reduced contact with family, and reduced respite options (p5).

The Parliamentary Secretary for Disabilities and Children, the Hon. Mr Bill Shorten MP, has met with the Disability Discrimination Commissioner to work toward achieving a resolution on this matter. On 7 April 2008, the Parliamentary Secretary co-chaired a forum with the Commissioner which brought together stakeholders from government, the aviation industry and the disability sector to discuss the issues facing people with disability when travelling by air.

From this forum a working group is being formed with representatives from major airlines, airport operators and government departments to work on the issues identified during the forum.

Letters have been written to airlines and major airport operators seeking information on how many people with disability are employed and utilise air travel.

¹ Egan, Sue(2008), *Public Transport: A Key to Inclusion for People with a Disability*, Report prepared for FaHCSIA, Physical Disability Council of Australia Ltd

² Bailey, B (2007). *Flight Closed: Report on the Experiences of People With Disabilities in Domestic Airline Travel in Australia*, Public Interest Advocacy Centre, http://www.apo.org.au/linkboard/results.shtml?filename_num=187724

The current standards could be considered inadequate in ensuring the removal of discrimination for the following reasons:

- There is a need to increase staff awareness and sensitivity to people with disability.
- Standards governing access for a person needing a guide dog are not covered. Some airlines limit the number of guide dogs on each flight.
- Inadequate access to information, both in the terminal and on the flight. This includes signage, flight departure and arrival information, and navigation aids such as changes in ground surface.
- Inadequate provision of tactile indicators on exit doors, menus in accessible formats, or tactile controls on arm rests in aircraft.

Suggestions:

- Disability awareness training should be provided to all air and ground staff including security staff. This could be as simple and cost effective as a short video presentation which is purchased from a disability provider. Refresher courses would also be important. These video presentations can be purchased from the many disability awareness providers across Australia.
- Guidelines for the carriage of guide dogs should be clear and concise to ensure airlines do not have avenues to refuse carriage due to issues such as the requirement for an absorbent mat.
- Airport redevelopments and new airport infrastructure should include the use of both new and existing technology to provide better access to information and services by people with disability. This should include:
 - the installation of induction hearing loop systems in airports
 - the use of a non auditory pager-style system for people with a hearing impairment or who are deaf
 - the use of live text based messaging for flight changes
 - the provision of dedicated pen and paper at every check-in counter and information counter, for communication purposes.
- Self-service electronic check-in kiosks should be made accessible for a person who is blind or has low vision by including an audio or Braille component.
- The level of support provided by airlines to unaccompanied minors could also be provided to people with disabilities.
- Ensure emergency evacuation procedures for all aircraft are established by the aircraft manufacturer and approved by CASA that will ensure adequate arrangements for the emergency egress of people with a disability, such as large emergency exits, appropriate restraint devices, and planning and training.

Are there recommendations arising from the recent Transport Standards Review that might be implemented to improve services for people with a disability?

Recommendation 5 from the Transport Standards Review suggests the development of a national scheme to label mobility aids.

Suggestions:

- Upon implementation of Recommendation 5, prescribed mobility aids should not be classified as baggage by airlines if they comply with the standards.

Are current complaint and compliance mechanisms effective?

Compliance with the Transport Standards needs to be better enforced, with appropriate penalties for non-compliance. Recommendation 6 of the Review of the Disability Standards for Accessible

Public Transport report calls for the Human Rights and Equal Opportunity Commission to have powers to refer cases of breaches to the Federal Court. Airlines should review existing policies regarding restrictions to carriage of people with disability.

Suggestions:

- The airline industry should develop Disability Action Plans in consultation with people with disability and disability peak bodies.
- Operators should review existing restrictions placed on carriage to ensure they are consistent with the DDA and Transport Standards.

5. Aviation Security

Passenger Experience

Do we adequately address the requirements of people with special needs?

Some people with disabilities find increased security screening requirements difficult to comply with. Where security staff have not undergone disability awareness training, problems can result, particularly on occasions when a person with disability is not aware of an auditory alarm at a security checkpoint.

Suggestions:

- Security alarms should be both visual and auditory at security checkpoints.

Attachment A: Good Practice Models for improving disability access to air services

In support of the suggestions provided in FaHCSIA's submission in respect of disability access, the following international policies have been considered.

1) Canada

The *Canadian Transportation Act* was introduced in 1996. It recognises that a 'competitive, economic and efficient national transportation system... is essential to serve the needs of its users, advance the well-being of Canadians and enable competitiveness and economic growth in both urban and rural areas throughout Canada'. This objective is most likely to be achieved when 'the transportation system is accessible without undue obstacle to the mobility of persons, including persons with disabilities'.

The *Transportation Regulations* passed pursuant to the Act require air travel service providers to meet minimum accessibility standards.

The Act also establishes a Canadian Transportation Agency to investigate allegations of non-compliance with the Act or Regulations. Over time, the Agency has developed a number of core principles, which include:

- people with disability enjoy equal rights to participate in society, and access to appropriate transport is critical to the realisation of these rights;
- there should be no discrimination between people with disability in the provision of transport services;
- people with disability should not be placed at an economic disadvantage when utilising federal transportation networks.

These principles are informed by the Canadian Charter of Rights and Freedoms, as interpreted by the Canadian Supreme Court. They were applied in the recent 'One Person One Fare' decision, handed down in January 2008.

In response to a complaint brought by disability advocates, CTA ruled that the respondent airlines (Air Canada and WestJet) were obliged to provide free travel for companions of persons with a disability in circumstances where the presence of a companion is essential. The cost of implementing this measure was held not to be unduly burdensome for the airlines, in light of the limited pool of eligible persons.

The decision will contribute significantly to the welfare of Canadians living with disability, and aligns with the core objectives of the Transportation Act.

Please see:

Canada Transportation Act (1996)

Online: <http://laws.justice.gc.ca/en/ShowTdm/cs/C-10.4//en>

Air Transportation Regulations, Part VII: Terms and Conditions of Carriage of Persons with Disabilities

Online: <http://laws.justice.gc.ca/en/showtdm/cr/SOR-88-58//?showtoc=&instrumentnumber=SOR-88-58>

Canadian Transportation Agency, Decision No 6-AT-A-2008

Online: http://www.cta-otc.gc.ca/rulings-decisions/decisions/2008/A/AT/6-AT-A-2008_e.html

2) European Union

Regulations were adopted in 2006 by the European Union to improve air travel access for persons with disability. The second half of the provisions came into effect on 26 July 2008. These regulations cover three main areas:

- *Equal access to services.* European air carriers subject to the regulation cannot refuse carriage on the basis of a person's disability.
- *Airport assistance.* European airports are required to provide mobility assistance to persons with disability moving from the entrance gate to the boarding gate.
- *On board assistance.* European air carriers are required to provide a range of services, including free carriage of wheelchairs and assistance animals, if the appropriate notice is given.

Member states of the EU are required to take measures implementing the regulation, including the introduction of a system of penalties for non-compliance.

Please see:

Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

Online: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_204/l_20420060726en00010009

The United Kingdom provides an example of national-level implementation of the EU scheme. Responsibility for administering and enforcing the regulation falls to the Civil Aviation Authority. Further information is provided in the *Code of Practice for Access to Air Travel for People With Disability and Reduced Mobility*, a helpful plain English guide setting out both legal requirements and good practice recommendations.

Department for Transport, *Access to Air Travel for Disabled Persons and Persons with Reduced Mobility- Code of Practice* (July 2008).

Online:

<http://www.dft.gov.uk/transportforyou/access/aviationshipping/accesstoairtravelfordisabled.pdf>

3) United States

The *Air Carrier Access Act* of 1986 contains a general prohibition on discrimination against persons on the basis of disability. Regulations passed pursuant to the Act contain detailed provisions regarding minimum standards of service.

A feature of particular interest is the requirement that an airline provide travel free of charge to a companion of a person with disability, if the airline believes (contrary to the views of the person with disability) that the presence of the companion is necessary.

The Act also requires all staff interacting with members of the public to undergo disability awareness training.

Please see:

Air Carrier Access Act [49 U.S.C. § 41705](#) and *Regulations* [14 C.F.R. Part 382](#).

Online: http://www.bcm.edu/ilru/dlrp/html/guide_to/aca.html