



Creating
an inclusive
community
together

Australia's Disability Strategy Advisory Council

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2022 Review of the Transport Standards
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Submission to the 2022 Review of the Disability Standards for Accessible Public Transport

Australia's Disability Strategy Advisory Council (the Council) was established in December 2021 when Australia's Disability Strategy 2021-2031 (the ADS) was launched. The Council's role is to advise Australian governments and disability ministers on the Strategy's implementation. It is responsible for reviewing and advising on progress of Strategy features that aim to drive actions and improvements for people with disability.

The ADS sets a vision for an inclusive Australian society that ensures people with disability can fulfil their potential, as equal members of the community. Policy Priority 5 sets the priority that transport systems are accessible for the whole community. This recognises that being able to use public, private and community transport to move around the community underpins all aspects of life for all people. It has positive impacts on everyone's health, social life, education and employment. Under the Safety, Rights and Justice area of the ADS, Policy Priority 4 sets the priority that the rights of people with disability are promoted, upheld and protected.

This submission provides feedback in relation to the experiences of people with disability accessing and using public transport and on the effectiveness of the Disability Standards for Accessible Public Transport (the Transport Standards). It also sets out three key recommendations.

The focus of this submission is on conveyances, premises and infrastructure related to air travel, reflecting recent considerations by the Advisory Council. The issues raised, however, should be considered in the context of all public transport.

The views expressed in this submission reflect discussions of the Advisory Council and are informed by the views of members of the disability community.

Experiences of People with Disability

The disability community continue to report significant barriers and discrimination in relation to air travel.

In February 2023, the Chair of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the DRC), the Hon Ronald Sackville AO KC, [wrote to the chief executive officers of Australia's airlines and domestic airports](#) outlining concerns people with disability have reported to the Royal Commission based on their experiences with air travel. This captured feedback from people with disability through two [Air travel workshops](#) convened by the DRC.

The workshops highlighted a broad range of very concerning and longstanding issues faced by people with disability. These issues are consistent with the lived experience of multiple members of the Council and many others who have raised concerns with the Council. Issues include:

- Airport and airline infrastructure and equipment that is not fully accessible and/or is not designed to ensure people with disability are afforded dignity and respect when travelling. This includes inadequate airport restrooms and general airport facilities; a lack of, or inadequate access to, safe ramps and hoists to accommodate wheelchair users; and inaccessible, rigid and unsafe use of aisle chairs.
- Experiences of discrimination against people with disability who use assistance dogs.
- Lack of properly trained and qualified in-flight airline staff and airport security personnel leading to inappropriate behaviours and inconsistency in processes, actions and outcomes.
- Australian domestic carriage liability limits for passengers, baggage and mandatory insurance is not adequate to compensate for loss or damage to mobility equipment.
- Extended and unreasonable wait times and hold times when checking into flights to ensure accessibility requirements are met and disproportionate impacts on people with disability associated with flight cancellations.
- Media attention being the current mechanism to seek recourse and promote the conversation for inclusivity for people with disability who travel by air.

The Council notes that additional concerns have been raised by people with disability in relation to air travel to and from regional and remote parts of Australia, both in relation to airport operators and airlines.

The Transport Standards and compliance

The Transport Standards are intended to provide requirements for public transport operators and providers to make their services accessible and eliminate discrimination, as far as possible, against people with disability, consistent with Disability Discrimination Act 1992 (the DDA). Under the DDA, it is unlawful for a person to contravene a disability standard.

The Transport Standards also help to ensure Australia meets its international obligations. The ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2008 reflects the Australian Government's commitment to promoting and supporting the equal and active participation by people with disability in economic and social life.

Part 34 of the Transport Standards requires the Minister for Infrastructure, Transport and Regional Development, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards within 5 years of them taking effect, with subsequent reviews to be undertaken every 5 years.

Despite successive reviews of the Transport Standards in 2007, 2012, and 2017, and the establishment of transport-related commitments under the ADS in 2021, Australian airlines, domestic airports and the Australian Government have failed to adequately invest in, and implement, the necessary accountability structures, infrastructure, processes and cultural reforms that would facilitate inclusive and accessible travel for all people with disability.

The absence of regulatory stewardship; lack of public reporting by airports and airlines on the level of compliance with existing duties under the Transport Standards; and absence of target dates for achieving effective compliance, means the everyday experiences of inaccessible services and discrimination against people with disability is largely hidden. If you can't measure it, you can't manage it. The status quo is unacceptable.

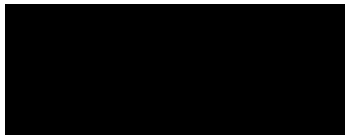
The Council acknowledges as important the reform areas recently considered by Transport Ministers that are now expected to proceed through an Australian Government approval process. However, these reforms fall short of responding to many of the core issues identified in this submission.

The 2022 review of the Transport Standards needs to result in substantive reform that drives necessary and overdue change across regulators, airport operators, airlines, and contracted third party service providers.

Recommendations

1. In identifying areas of reform to the Transport Standards, the Review should have particular regard to the transport related issues raised in hearings and workshops of the DRC, the contents of this submission and other submissions by people with disability.
2. The Review should ensure that all actions are implemented with an intersectional and diversity lens, including tailored approaches designed to enable and include people and groups who face intersectional barriers. This includes, for example, ensuring that:
 - a. accessible access to air travel is not restricted to higher fare, full service airlines, which has the effect of inhibiting access to people with disability from lower socio-economic backgrounds from air travel; and
 - b. people in regional and remote parts of Australia have equal access to air travel, regardless of the size of aircraft or airport.
3. The review should give specific consideration to substantive change in how airlines and airport operators are regulated such that:
 - a. specific enforceable standards are introduced as a priority; and
 - b. airport operators and airlines are required to report at least annually on compliance with the Transport Standards, with independent certification.
 - c. new regulatory arrangements are developed in consultation with the disability community.
4. The Aviation Access Forum, convened by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, should be reinvigorated to be more than a forum that provides an opportunity for information exchange to a forum that secures substantive commitments to change.

The Advisory Council will continue to consider these issues and would welcome the opportunity to engage further in relation to this submission.



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Required information

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Confirmation whether or not your submission can be made public: Yes