



3 June 2013

Disabilities Transport Access Secretariat
Transport Access Section
Road safety & Transport Access Branch
Department of Infrastructure & Transport
GPO Box 594
CANBERRA ACT 2601

Dear Sir/Madam,

RAAA Submission

2012 Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)

The Regional Aviation Association of Australia (RAAA) is appreciative of the opportunity to provide a submission to the 2012 Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards).

Introduction

The Regional Aviation Association of Australia (RAAA) is a not-for-profit organisation formed in 1980 as the Regional Airlines Association of Australia to protect, represent and promote the combined interests of its regional airline members and regional aviation throughout Australia.

The Association changed its name in July 2001 to the Regional Aviation Association of Australia (RAAA) and widened its charter to include a range of membership, including regional airlines, charter and aerial work operators, and the businesses that support them.

The RAAA has 30 Ordinary Members (AOC holders) and 74 Associate/Affiliate Members. The RAAA's AOC members directly employ over 2,500 Australians, many in regional areas. On an annual basis, the RAAA's AOC members jointly turnover more than \$1b, carry well in excess of 2 million passengers and move over 23 million kilograms of freight.

RAAA members operate in all States and Territories and include airlines, airports, freight companies, engineering and flight training companies, finance and insurance companies and government entities. Many of RAAA's members operate successful and growing businesses providing employment and economic sustainability within regional and remote areas of Australia.

Executive Summary

It is important to RAAA Members that persons with disabilities have an equal opportunity to travel by air. Critical to this for our members is that this travel allows them to travel with dignity. It is important to understand that the Australian domestic aviation industry is made up of a diverse range of Operators each with different capabilities not only due to the size of the operation but also due to the operating model they work under and the size of the aircraft used. Far too often when organisations or people think or talk about our industry in their minds are the larger operators with large jet aircraft operating the popular routes between major capital cities and to major tourist destinations as well as the larger aircraft operating international routes.

Serving regional aviation, and through it, the people and businesses of regional Australia

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The industry is, however, more diversified than this with many smaller operators (such as Airlines of Tasmania, Sharp Airlines, Brindabella Airlines, Regional Express, and Airnorth) operating much smaller turboprop aircraft into locations not achievable in larger jet aircraft due to the constraints of the runway or the number of passengers wishing to go to these locations. Additionally, the facilities available at these smaller regional and remote airports can be significantly less than those found at their large city counterparts.

It is critical that any thought of changing the current *Disability Standards for Accessible Public Transport 2002 (Transport Standards)* takes into consideration both the diversity in operators providing air services to the general public, the size and capabilities of the aircraft in use, the different operating models used by different operators, and the constraints of smaller airports located in regional and remote parts of Australia. The current Disability Standards for Accessible Public Transport 2002 acknowledges the logistical and engineering constraints to providing assistance to people with disability in smaller narrow-bodied aircraft by the exemption for “aircraft with less than 30 seats”. It is questionable, due to advances in technology around electronic mobility devices available to persons with disability, whether today this fully recognises these constraints within the industry.

Aviation is one of the most highly regulated industry in the world. It is critical that the Standards take into consideration the various legislation relating to aviation and the practicalities of airworthiness by not forcing operators to comply with a standard that may make them non-compliant with other legislation or cause modifications to aircraft that may jeopardise their airworthiness.

The RAAA would like to acknowledge the work of the Aviation Access Working Group (AAWG) formed in 2009. As an active participant we have seen a positive exchange of dialogue between Government Departments, Government Agencies, organisations representing disabled persons, and the aviation industry. Through our involvement with this group, we have seen all parties represented at the AAWG being enlightened as to the environmental aspects of the other that is allowing the group to ascertain what is possible taking into consideration the requirements of persons with a disability, industry capabilities and constraints, and legislative requirements or constraints. This does not mean that there is always agreement between the parties involved, but healthy debate leads to understanding and the ability to find solutions acceptable to the majority. It is noted that the resignation from the AAWG earlier this year by the Australian Human Rights Commission (AHRC) is seen as a backwards step for the endeavours of the AAWG and needs to be reversed. This is felt critical in light that the AHRC is a Federal Government funded statutory organisation charged with overseeing the issues on people with disabilities on behalf of the Government.

The RAAA submission to the 2012 Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards) Issues Paper will focus on Question 3, “Are there requirements that have proven to be impractical or difficult to implement? If so, please specify?” and includes 5 recommendations and Question 4, “Can you provide detail of any initiative and actions you have undertaken, not currently in the Transport Standards or other legislative requirements, in relation to removing discrimination against people with disabilities?” and includes 2 recommendations.

Question 3 - Are there requirements that have proven to be impractical or difficult to implement? If so, please specify?

Recommendation 1 – Assistance Animals

Operators of aircraft are in the business and have expertise in providing safe air travel to the general public and do not have the expertise in assessing whether a particular type of animal has gained sufficient training to be carried in the main cabin of an aircraft.

From an all of transport perspective, at a minimum we would like to see a national register available of approved organisations for trained assistance animals. The register should ideally take into consideration the different environments that that the animal may encounter. For example, general public areas (open spaces), taxis (short trips semi confined), rail (longer trips but not overly restrictive for the animal), aircraft (animal may be in an extremely confined space, and experience turbulence or other emergency, for either a short or long period of time). This register could then be referenced in other legislation.

Currently the *Civil Aviation Regulation 256A* directly permits “a dog accompanying a visually impaired or hearing impaired person as a guide or an assistant”. If another type of assistance animal is wished to be carried the operator must apply on a case by case basis to have the animal approved for in the cabin (ie an assistance animal which can detect if their owner is about to have a seizure). We do understand that the Civil Aviation Safety Authority (CASA) is in the process of providing our industry with greater certainty via changes to *CAR 256A* which is expected to be released to industry later this year for comment.

During the 2012 Review of the Disability Standards for Accessible Public Transport 2002 consultative meeting held in Canberra the above was taken one step further by other industries and disabled organisation representatives indicating that a national training standard that takes into consideration the transportation industry is required. This has been their request for 30 years and desired outcome.

Additionally we would like to see in the *Disability Standards for Accessible Public Transport 2002 (Transport Standards)* provide a concise definition of what constitutes an assistance animal. Does an assistance animal just relate to domesticated dogs or are there other types of domesticated (or undomesticated) animals that are covered under this term.

We believe that the only assistance animals that should be allowed to be carried in the cabin and taking up the space of a revenue seat are those that actually provide a service in the cabin, such as a guidance animal, medical alert animal or post-traumatic stress assistance animal. We do not believe that an animal which provides a fetching assistance or opens doors and turns lights on or off, for example, should be carried in the cabin as this type of service cannot be undertaken by the animal in the aircraft.

Recommendation 2 – Electronic Mobility Device Exemption

A fact is that passenger aircraft are built with the transportation of people in mind and not the transport of electronic mobility devices (EMDs) such as electronic wheelchairs and electronic scooters. As noted above in the “Executive Summary”, aircraft with less than 30 seats are currently exempt from certain parts of the Standards. However, we believe that the current Standard does not take into consideration the changes occurring in the area of EMDs and, from what we understand, an unprecedented increase in the use and size of these devices.

We would like to see that an aircraft with a cargo hold less than 9.5m³ in size are exempted from mandatorily having to carry Electronic Mobility Devices (EMD) under the *Disability Standards for Accessible Public Transport 2002 (Transport Standards)* due to electronic wheelchairs are manufactured with the user in mind and not aircraft, the restrictive space available in the cargo hold of smaller aircraft, staff health and safety considerations whilst loading and unloading the chairs (the maximum 2 people may load is 64kg), and sensitivity of weight distribution in the hold for smaller aircraft flight. This exemption would not exempt the operator of a smaller public transport aircraft with 30 seats or greater from carrying the person with a disability.

From an initial sample of electronic wheel chairs and scooters (see Annex A) the weight of a standard electronic wheelchairs can vary from 46kgs to 95kgs and scooters varying in weight from 80kg to 148kg. We are also aware that operator members of the RAAA have seen special or customised wheelchairs weighing several hundred kilos.

This exemption will also ensure that operators of smaller public transport aircraft can be factual in their Disability Access Facilitation Plan of what the capabilities of their aircraft is and not have to word their plans to satisfy legislative interpretations. This in turn will provide persons with disability open information about how an operator of a small public transport aircraft can best serve their needs.

Recommendation 3 – Electronic Mobility Device Labelling

We would like to see that electronic mobility devices carried in aircraft have clearly labelled on them the weight of the device and also the size of the device when readied for transport in the cargo hold. This is critical for aircraft in distributing weight and determining how much can be carried in the cargo hold.

Recommendation 4 – Electronic Mobility Device Batteries

Of concern to operators of aircraft for public transportation is the battery used in some electronic mobility devices. These can be either of a wet or dry cell type each with their own characteristic. In particular lithium-ion batteries are of great concern. The danger associated to these batteries in electronic devices for aircraft is highlighted in the incident aboard a Rex SAAB 340B aircraft on 25 November 2011¹. Further evidence about batteries in aircraft is highlighted in the FAA Office of Security and Hazardous Materials Safety report “Batteries & Powered Devices, Aviation Incidents Involving Smoke, Fire, Extreme heat or Explosion” that highlights that as of 9 October 2012, 132 air incidents involving batteries have been recorded since 20 March 1991. The FAA acknowledges that this number is incidents they are aware of, not necessarily all incidents that have occurred.

¹ Australian Transport Safety Bureau (ATSB) Investigation Number AO-2011-149

Fortunately if the lithium-ion battery is in an electronic device in the cabin there is a reasonable chance of any fire being discovered & mitigated by the smoke or smell produced. However, if the battery is in the cargo hold of the aircraft the detection of any fire is greatly reduced and the chance of reaching critical thermal runaway and reach the point of not being able to be extinguished before the cargo hold smoke detector will provide warning is high. We would therefore like the carriage of EMD's using this type of battery exempted in passenger aircraft under the *Disability Standards for Accessible Public Transport 2002 (Transport Standards)*.

Recommendation 5

We would like to see aircraft with only one or no Flight Attendants allowed to require a companion capable of assisting with transfers between wheelchair and aircraft seat and providing certain assistance in the cabin to travel with certain prescribed types of disability rather than just those who are unable to understand the safety briefing as is the current case.

Aircraft of 36 seats or below do not carry a Flight Attendant (with some exceptions where operators provide a Flight Attendant in 30 - 36 seat aircraft) and the pilots are not permitted to leave the flight deck to assist a disabled passenger whilst preparing for flight or during flight. Civil Aviation Safety Regulations require the pilot, or both pilots in multi crew aircraft to concentrate on pre-flight and flight duties without interruption.

Aircraft with between 36 and 72 seats will be crewed by only one Flight Attendant. Flight Attendants have numerous duties and a single Flight Attendant is responsible for the safety of all passengers. Flight Attendants cannot assist with toiletry requirements as they handle food. Continual assistance to a single passenger detract the Flight Attendant from assisting the other passengers and performing other duties required by aviation legislation and company procedures.

Assistance with transferring a mobility disabled passenger into and out of an aircraft seat in small aircraft involves manual lifting with a twisting motion. In larger aircraft mechanical devices may be employed, however, these devices do not fit in smaller aircraft. We believe that a mobility disabled passenger should either be able to assist with the transfer to the seat with their own upper body strength; or provide a non-travelling passenger facilitator to assist with the transfer at both ends of the journey; or provide a companion to fly with them to assist at both ends. Injuries to Pilots and Flight Attendants caused by performing manual lifting of mobility disabled persons into and out of the aircraft seat without such assistance can cause significant delays to a flight as replacement crew are sourced delaying not only the disabled passenger as well as the other passengers, but also all subsequent flights for the rest of the day and interrupting a network.

Question 4 - Can you provide detail of any initiative and actions you have undertaken, not currently in the Transport Standards or other legislative requirements, in relation to removing discrimination against people with disabilities?

Recommendation1

It is important that the current voluntary "Disability Access Facilitation Plans" policy is maintained so that individual operators of aircraft can advise passengers with disability with total honesty how they can best serve them whilst maintaining the person's dignity before, during and after travel. A legislative regime which is excessively prescriptive cannot take into consideration the multitude of different circumstances applicable to different operators, especially those operating into/from regional and remote communities in Australia in smaller passenger aircraft.

Recommendation 2

In line with the initial intentions of the Disability Access Facilitation Plans concept we would like to see that the Australian Human Rights Commission (AHRC) is available to help operators of aircraft in the development and amendment of their Aviation Access Plans as the AHRC's knowledge in this area is essential in ensuring these plans meet outcomes relevant to persons with disability. This assistance to be at no cost to operators due to the plans being a public benefit. Again, as was the initial intention when these plans were instigated by the AAWG, AHRC should not have the ability to reject a plan but only to provide "industry best practice" advice.

The RAAA see these changes as vital to ensure that operators of small passenger aircraft have the ability to maintain the highest level of safety for the travelling public whilst maintaining their obligations under the *Disability Standards for Accessible Public Transport 2002 (Transport Standards)*.

If you require any further information, or clarification of any of the above points, please feel free to contact me on 02 6162 0305 or email office@raaa.com.au.

Yours sincerely,



Paul Tyrrell
Chief Executive Officer

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2012 Review of the Disability Standards for Accessible Public Transport 2002
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Annex A

Electronic Wheelchairs

Manufacturer	Height	Width	Length	Weight
Drive Medical Geo Micro Powerchair	85cm	56cm	85cm	46kg
Jazzy Go Chair Powerchair		47cm	76cm	50kg
Roma Sirocco Electric Wheelchair	51cm	61cm	109cm	78kg
Enigma Energi Electric Wheelchair	96cm	66cm	114cm	60kg
Pride LX2 Electric Wheelchair		65cm	109cm	60kg
Glide Series 6 Power Wheelchair		46cm	115cm	90kg
Glide Centro	103cm	62cm	90cm	82kg
Glide Series 6 Vertical Lift		43cm	115cm	95kg
Glide Series 7 Power Wheelchair		43cm	115cm	90kg
Glide Series 4 Power Wheelchair		37cm	95cm	52kg

Electronic Scooters

Manufacturer	Height	Width	Length	Weight
Pride Mobility Products Corp - Elite Traveller		49.5	100cm	80kg (without Batteries)
Pride Go-go Elite Traveller Plus 4-wheel		54cm	102cm	87kg (without Batteries)
Invacare Pegasus 4-Wheel	50cm	63cm	129cm	103kg
Shoprider 888SE Explorer 4-wheel		60cm	128cm	99kg
Invacare Comet HD		66cm	147cm	148kg (without Batteries)
Afikim Sportster SE 3-wheel		75cm	175cm	135kg
Heartway S12 Vita 4-wheel		70cm	140cm	135kg
Afikim Breeze - C 4-wheel		65cm	130cm	90kg (without Batteries)