

SUBMISSION BY

**QANTAS AIRWAYS LIMITED
(ABN 16 009 661 901)**

REGARDING THE REVIEW OF

***THE DISABILITY STANDARDS FOR
ACCESSIBLE PUBLIC TRANSPORT
2002***

SUBMISSION BY QANTAS AIRWAYS LIMITED REGARDING THE REVIEW OF THE *DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT 2002*

I refer to the Review of the Disability Standards for Accessible Public Transport Draft Report dated January 2008 prepared by the Allen Consulting Group ("Draft Report") and the Qantas Group's submission dated 24 August 2007 ("Submission"). I enclose a copy of the Submission for your reference.

1. Introduction

- 1.1 Qantas Airways Limited ("Qantas") and its subsidiary airlines (together the "Qantas Group") share the sentiment of the disability discrimination legislation aimed at the protection of the rights of people with disabilities and confirm that the Qantas Group remains committed to the carriage of passengers with disabilities in a safe non-discriminatory manner with dignity whilst ensuring the health and safety of Qantas staff.
- 1.2 In the Qantas Group's Submission, it focussed on particular areas where it considered the *Disability Standards for Accessible Public Transport 2002* ("Transport Standards") could be improved, taking into account the particular challenges faced by Qantas. These were, particularly, the challenges posed by the interaction of *Disability Discrimination Act 1992 (Cth)* ("DDA") and the Transport Standards with other Federal and State legislation, as well as with the lack of requirements regarding the training of assistance animals for carriage in an aircraft cabin. Further, the position that people with disabilities should be able to travel with an unlimited amount of disability aids, when issues of weight and space are paramount in an aircraft cargo hold, is causing increasing concern for airlines operating in an extremely competitive market.
- 1.3 The Qantas Group is concerned, however, that the summary contained in Chapter 6 of the Draft Report regarding the accessibility of air travel does not accurately reflect the extensive work undertaken by the Qantas Group in relation to the carriage of passengers with disabilities. Accordingly, the Qantas Group would like to address the significant work undertaken by it since the introduction of the Transport Standards, as well as address a number of issues raised, and preliminary conclusions drawn, in the Report (including in the Draft Recommendations) in relation to which it has comment.
- 1.4 The Qantas Group would like to briefly address the different position that low cost carriers are placed in regarding their compliance with the DDA and Transport Standards.

2. Qantas initiatives

- 2.1 Qantas is committed to its role in the Australian community and in the international arena. In line with that commitment, Qantas takes its responsibility to customers with a disability very seriously and has been a proud major sponsor of the International Day of People with a Disability in December 2006 and December 2007.
- 2.2 In line with its commitment to customers with disabilities, Qantas developed its own Mission and Vision Statements in or around 2005 in relation to the carriage of people with disabilities, that can be found on its web site, and which provide as follows:

Mission

Qantas is committed to the carriage of people with specific needs in a safe, non-discriminatory manner with dignity, whilst ensuring the health and safety of Qantas staff.

Vision

Qantas is the airline of choice for customers with specific needs, providing a travel experience that is comfortable and hassle free, whilst ensuring the safety of Qantas staff and achieving the company's commercial objectives.

- 2.3 The Qantas Group has taken active steps to achieve the outcomes sought by the introduction of the Transport Standards.

Mobility Aid Policy

- 2.4 Qantas revised its Mobility Aid Policy in late 2005. The changes include:
- (a) the ability for passengers to surrender and collect their mobility aids at the departure gate, where possible.
 - (b) On narrow-bodied aircraft operated by Qantas:
 - (i) electric wheelchairs must fit within the Qantas specified size dimensions (that is, within a certain height, width and length depending on the aircraft type) and must be carried in the upright position;
 - (ii) manual wheelchairs must also fit within the same Qantas specified size dimensions (that is, within a certain height, width and length depending on the aircraft type). However, if the wheelchair cannot be loaded in the upright position and it weighs under 32kgs, it may be carried on its side if the manufacturer has confirmed that it can safely travel on its side.
- 2.5 These requirements were introduced to comply with manufacturer recommendations, to reduce the risk of damage to mobility aids and to Qantas aircraft and to reduce the risk of serious injury to our staff. Qantas has the dual obligation of meeting the needs of its customers and protecting the safety of its staff, which the Mobility Aid Policy has been developed to achieve.
- 2.6 In cases where the restrictions on the mobility aid dimensions introduce any challenge for a customer's travel plans, Qantas does its best to accommodate the customer via a range of options including:
- (a) moving the customer to an earlier or later flight that is operated by a wide-bodied aircraft;
 - (b) re-routing the customer on a wide-bodied aircraft to their intended destination;
 - (c) discussing with the customer alternative mobility aids that they may have the opportunity to travel with instead;
 - (d) speaking to wheelchair manufacturers on behalf of the customer about possible ways to collapse or modify the wheelchair to fit within the requisite dimensions; and/or
 - (e) providing full refunds.

Eagle Lifter

- 2.7 Qantas initiated the development and design of an Eagle Lifter to assist in the safe transfer of passengers to and from their mobility aids into and out of Qantas Wheelchairs and/or Aisle Wheelchairs and aircraft seats, both in wide and narrow-bodied aircraft, without significant manual handling risks. The Eagle Lifter is a mechanical solution modelled on similar machinery used in hospitals and is aimed at providing safer lifting techniques for both the passenger and the staff assisting in the transfer. Qantas was awarded the *Aviation Safety Foundation Australasia Professionalism Award* for the Eagle Lifter in July 2006. Qantas sees this initiative as an important break-through in addressing the manual handling issues faced by airline staff in assisting passengers with disabilities.
- 2.8 Airport staff have received specialised and on-going training in the use of the Eagle Lifter and in assisting customers who have mobility limitations.

Working Group and Customer Forum

2.9 Qantas already has initiatives to inquire into and solve systemic and policy issues:

- (a) Qantas has an internal Working Group that addresses the ongoing needs of passengers who have disabilities. The Working Group meets regularly to discuss and resolve issues raised in relation to the carriage of passengers with disabilities, as well as to review Qantas' related policies and procedures from time to time;
- (b) The Working Group also liaises on an ongoing basis with various national disability organisations¹ at Customer Forums. Qantas initiated its first Customer Forum in 2005 and the Forum members have met formally approximately every 6 months since that time. Qantas hosted its fifth Forum for Customers with Specific Needs at Sydney Domestic Airport on the 4 March 2008. The Customer Forum provides an opportunity for Qantas and QantasLink to receive regular feedback from the Forum members regarding both current and future proposals for improvements to customer service for passengers with disabilities and for Qantas and QantasLink to provide an update on initiatives to improve products and services for customers with disabilities. Forum members provide valuable feedback, offer suggestions and raise concerns. This feedback is used with general customer feedback that Qantas receives throughout the year to assist Qantas in its continuous improvement programs and review of its policies for people with disabilities. In relation to Qantas' Customer Forums, Qantas would like to note the following:
 - (i) the Customer Forums allow for relationships to be developed and provides members with an opportunity to meet Qantas and QantasLink representatives who they can contact as a touchpoint for any issues or questions they have or that may arise throughout the year for people in the community of people with disabilities;
 - (ii) to assist Qantas, the Forum members act as a conduit to and from their colleagues, members and the general public on disability related issues and help communicate Qantas products and services within the community;
 - (iii) HREOC is invited to attend the Customer Forums and regularly attends the Forums as part of its function and role in providing advice, guidance and support to the community of people with a disability and to assist and effect change at the operator level;
 - (iv) it is Qantas' experience that a collaborative approach to dealing with policy issues is far more effective, efficient and in the spirit of the DDA and the Transport Standards than engaging in the process of litigation; and
- (c) Qantas also resolves issues as they arise by meeting with individual passengers to discuss customer issues and potential solutions to the challenges faced. For example, Qantas recently resolved an issue surrounding the carriage of disability aids in the aircraft cabin that potentially raised security concerns due to the sharp-ended nature of the particular disability aid.

¹ Attendees of Qantas' Customer Forum held on 4 March 2008 included representatives from the following organisations:

- Australian Federation of Disability Organisations ('AFDO')
- Physical Disability Council of Australia
- Paraplegic & Quadriplegic Association of NSW
- Human Rights and Equal Opportunity Commission
- Wheelchair Sports Australia
- The National Disability and Carer Ministerial Advisory Council
- Australian Employers Network on Disability
- Blind Citizens Australia
- Australian Association of the Deaf
- Deafness Forum of Australia.

Staff Training and Education

- 2.10 Qantas is continuously training its staff in relation to anti-discrimination via training courses, on-line training and through staff updates, reminders and internal company publications.
- 2.11 In line with Qantas' vision of being the "*airline of choice for customers with specific needs*", Qantas has invested in new staff training initiatives and produced information specific to travellers with mobility aids.
- 2.12 As part of these initiatives, a new internal training video titled "Travelling with a Disability", which follows the travel experience of a customer in a wheelchair, from making a reservation through to arriving at their destination. The video offers advice to staff about questions they should ask customers when making a booking, about the proposed procedures for transfers (both manual and when using the 'Eagle Lifter'), whilst also addressing general customer service issues. The over-riding message in the booklet and the internal training video is that Qantas really values customers with a disability and that it is imperative that Qantas treats all its customers with dignity and respect.
- 2.13 As part of Qantas' sponsorship of the NSW '*Don't Dis My Ability*' Campaign and Qantas' continuous training program, events were held at each of Sydney Domestic Terminal T3, and Sydney, Melbourne and Perth cabin crew lounges to mark the International Day of People with a Disability in December 2006 and 2007, respectively, and Qantas' sponsorship of each day. Staff enjoyed visits from assistance dog puppies in training and Assistance Dogs Australia ('ADA') Chief Executive Officer, Richard Lord, spoke of the work ADA does for people with disabilities. Other guest speakers, Kurt Fearnley, wheelchair athlete and Paralympian, and Alex Jones, an actor who is deaf, provided valuable insight into their life achievements whilst living with a disability. Qantas also prepared a 10 minute video showcasing a day in the life of Qantas Ambassador and Qantas Business Travel Operations Coordinator, Anthony Butt in the foyers of various Qantas corporate buildings and within staff areas of Sydney Domestic Terminal in December 2007 to increase staff awareness about people with disabilities.
- 2.14 Qantas has introduced further on-going awareness training for Cabin Crew and Airport staff, respectively, through focused monthly articles in its internal company publications to continue to increase the awareness of frontline staff of the issues faced by people with disabilities.

Other Measures

- 2.15 Qantas introduced the 'Passenger Assistance Brochure' and a 'Customer Checklist for People Travelling with Mobility Aids' to assist passengers travelling with a mobility aid with a view to improving the end-to-end travel experience that Qantas is seeking to provide to customers with disabilities.
- 2.16 Commissionaires are employed by Qantas to assist people with specific needs in major Australian ports, such as Sydney, Melbourne and Brisbane. Over time, Qantas has reviewed its commissionaire staffing levels and their overall role at these airports and improvements were introduced to assist them to focus on their primarily role of assisting customers with specific needs, particularly passengers with disabilities.
- 2.17 Qantas has explored the development and purchase of additional wheelchairs at Australian airports with improved comfort and safety. As a result, Qantas introduced a manual wheelchair with a new design into all of its Australian ports in 2007.
- 2.18 Qantas redesigned its 'Fitness for Travel' section on its web site, qantas.com, enhancing the navigation and content available for customers who use mobility aids and is continuing to update and improve its web site content for customers with specific needs.
- 2.19 For Qantas domestic travel within Australia and New Zealand, customers who travel with a carer are eligible, where they have an approved carer concession card such as the Qantas Carer Concession Card (available through Nican), to purchase reduced fares for both themselves and their carer. Further information is available at www.nican.com.au.
- 2.20 Qantas carries Service Dogs in the aircraft cabin on all domestic and most international flights. Changes to UK government regulatory requirements have enabled Qantas to accept Service Dogs for carriage to the United Kingdom (via Singapore or Hong Kong only) since 1 March 2006.

- 2.21 Qantas is currently reviewing its policies for people who are deaf or hearing impaired, along with its policies for people who are blind or vision impaired, and hopes to be able to announce new improvements to these services shortly.

Economic Context in which these Initiatives have been introduced

- 2.22 Qantas would like to briefly comment on the economic context in which Qantas has introduced the above initiatives and in which the competitive aviation industry must operate.
- 2.23 Below are two tables which set out the lowest return² airfares in September 1988 versus in April 2008 on various domestic routes in which Qantas makes the following comparisons against:
- (a) movements in general prices, as measured by the Consumer Price Index; and
 - (b) movements in average weekly earnings.

Table A: General Prices as measured by CPI

Route	Sept 1988 fare (lowest return)	April 2008 fare without GST (lowest return)	1998 fare at 2008 prices ³ once adjusted for CPI (lowest return)	Change in real airfares
Melbourne/Sydney	A\$235	A\$231	A\$417	-45%
Melbourne/Brisbane	A\$360	A\$291	A\$639	-55%
Sydney/Perth	A\$607	A\$522	A\$1077	-52%
Average ⁴				-51%

² "Lowest return" is defined as the lowest widely available public price for cash for a booked seat, including all taxes and charges.

³ The 1988 fare at 2008 prices has been calculated by a CPI based adjustment which inflates the 1988 fares by the movement in the Consumer Price Index ('CPI') (weighted average of 8 capital cities) between September 1988 and December 2007 (+77.5% as the index goes from 90.2 to 160.1 in the relevant period).

⁴ It should be noted that the "Average" quoted in Table A refers to the average of all three routes combined in Table A, not to the average for Qantas' domestic network.

Table B: Movements in average weekly earnings

Route	Sept 1988 fare (lowest return)	% of AWE ⁵	April 2008 fare without GST (lowest return)	% of AWE	1988 days needed ⁶	2008 days needed
Melbourne/Sydney	A\$235	45%	A\$231	20%	2.3	1.0
Melbourne/Brisbane	A\$360	69%	A\$291	25%	3.5	1.3
Sydney/Perth	A\$607	117%	A\$522	45%	5.8	2.2
Average ⁷		77%		30%	11.6	4.5

- 2.24 The above comparisons show that the cost of the lowest return fare from Melbourne to Sydney in September 1988 was A\$235 as compared to the lowest return fare available for the same journey in April 2008 being \$231 (without GST). As there was no GST in 1988, it is reasonable to adjust the current prices by removing the GST element.
- 2.25 However, when you adjust the Sept 1988 fares into 2008 dollars on the basis of CPI alone for the same Melbourne to Sydney fare, the real value is A\$417. The general conclusion that one can draw from these figures is that the lowest available domestic fare costs less now in nominal dollars than it did in 1988 and in real terms, the cost has declined by 51% in the same period compared with general price movements as measured by the CPI.
- 2.26 An alternative means of illustrating the point is that less than half the amount of average weekly earnings are needed today to purchase each of these lowest return domestic fares together compared with nearly twenty years ago in 1988. Accordingly, if all three fares set out above were purchased together today, it would cost less than one week's average earnings, compared with over two weeks' average earnings being required to purchase all three tickets together in 1988.
- 2.27 The Qantas Group has set out this comparison to show the significant change in the cost of airfares available to the travelling public since 1988, only four years prior to the introduction of the DDA and twelve years prior to the introduction of the Transport Standards. Accordingly, unlike other modes of public transport, in the time frame within which airline operators, particularly full service carriers, have been requested to provide a significant increase in the amount of resources and services to all passengers, including passengers with disabilities, the real cost of an airline ticket has substantially fallen. In comparison, the Qantas Group would expect that the cost of other modes of transport would have increased generally in accordance with CPI over the same period.
- 2.28 Finally, within the same time frames, airlines have had to address the additional costs occasioned to the aviation industry by the global events of terrorism and the steep increase in fuel prices, as well as managing losses due to anticipated global pandemics.

⁵ "AWE" or "Average Weekly Earnings" used are full-time adult total earnings as at November 1988 (\$520.20) and November 2007 (\$1,160.00).

⁶ "Days needed" measures the number of working days needed to pay for the tickets shown, based on a 5 day working week.

⁷ It should be noted that the "Average" quoted in Table B refers to the average of all three routes combined in Table B, not to the average for Qantas' domestic network.

3. Jetstar – the position of the low cost carrier

- 3.1 Low fare airlines face their own difficulties particular to the level of services that can be provided at low fares. For example, in the Qantas Group, Jetstar provides point to point air travel at a very low cost. Jetstar is able to do so because of an operational system based around short 'turnaround times' between flights, facilitated by a range of supporting operational requirements including, flights opening 120 minutes before the scheduled departure, flights closing 30 minutes before the scheduled departure, boarding closing 15 minutes before the scheduled departure, limited crew numbers, same team crewing and no through checking of baggage for passengers travelling on connecting flights. As a consequence of the nature of Jetstar's cost base and the associated operational requirements, Jetstar provides limited special assistance services to accommodate customers with disabilities. Accordingly, Jetstar is not able to provide the level of special services provided by other higher cost airlines. Jetstar believes that the provision of its limited special services is reasonable in all the circumstances.
- 3.2 Nonetheless, whilst Jetstar is not able to provide the same service offerings as Qantas, Jetstar offers services for people with disabilities, including:
- (a) Jetstar carries two passengers who use wheelchairs per flight;
 - (b) Jetstar carries one Service Dog in the aircraft cabin per flight;
 - (c) Jetstar offers a Meet and Assist Service to passengers who are Blind or vision impaired, Deaf or hearing impaired or who otherwise require assistance to and from the departure and arrival gates, respectively (such as elderly passengers); and
 - (d) on-board Aisle Wheelchairs on all Jetstar aircraft.

4. Qantas Group Response to the Draft Report – General Comments

Service Failures

- 4.1 Much of the focus in the Draft Report relies on information provided in the PIAC Report, referred to on pages 63 and 64 of the Draft Report. Qantas believes that many of the examples provided by PIAC are a result of service failures rather than systemic problems or policy issues.
- 4.2 The Qantas Group works hard to provide excellent service for all its customers, including passengers with disabilities. Sometimes there are issues with that service, for all customers. Due to the significant additional interaction required for passengers with disabilities, particularly those requiring direct assistance, such as people who travel with mobility aids or require meet and assist services, unfortunately the opportunity for issues to arise is greater. Qantas would like to be able to guarantee that no issues will arise at any time, but as a practical matter, is unable to do so. That being said, the Qantas Group is committed to providing the best service possible to all passengers, including passengers with disabilities and is constantly working to improve that service. The continuous and significant work undertaken to improve Qantas Group policies and procedures for people with disabilities, as outlined above, demonstrates that commitment.
- 4.3 The Qantas Group, and airlines generally, have been criticised by individual complainants in the PIAC Report in circumstances where the airline has not generally been identified nor provided with the dates or times of the alleged event. As a result, airlines generally have been placed in a position where they are unable to respond to the PIAC Report in any meaningful way.
- 4.4 I refer to the introduction of the PIAC Report in which it concludes that – '*since 2002, it has become more difficult for people with disabilities to travel by air...*' (page 1, PIAC Report). The Qantas Group disputes that this is the case and refers to Section 2 of these submissions in which it lists the numerous initiatives Qantas has introduced within that same timeframe.
- 4.5 The Qantas Group would also point out that while service failures do occur, the airport environment is generally not conducive to travel running smoothly for any passenger all of the time. In comparison to other modes of transport, travel by air involves a lengthy and complicated process of travel whereby the passenger must book and purchase a ticket, arrive at the airport allowing sufficient time to check-in, pass through the security screening point, board the aircraft

via the departure gate, disembark on arrival and retrieve baggage from the baggage carousel. Accordingly, there are numerous opportunities throughout this process for human error and service failures to occur, especially when compared to other modes of transport, where the level of interaction with the customer can be very low or even non-existent (eg: ferries, buses or trains). Even in the context of airline travel itself, the assistance required by a person with a disability, and therefore the interaction and level of communication necessary for the safe and comfortable travel of a passenger with a disability is far greater than that required for a passenger who is able-bodied, who, often with minimal assistance or communication, can navigate themselves through the terminal and onto the aircraft to their destination. This comment should not be interpreted or construed in any way as a complaint or any form of excuse in relation the services provided by the Qantas Group and airlines generally to people with disabilities, but rather to highlight the reality that there is more opportunity for things to do wrong where significant additional services are provided.

- 4.6 In particular, despite the comments made in the PIAC Report, it is Qantas' experience that mobility aids are almost always transported on the same flight as the passenger, unless human error or a service failure occurs.

Boarding procedures

- 4.7 Qantas notes that on page 64 of the Draft Report, PIAC suggests that airlines should allow passengers to use their personal purpose-built wheelchairs all the way to the boarding gate or, if possible, to their seat in the aircraft. It is not possible to accommodate this request on most aircraft types operated by the Qantas Group. There are many reasons for this, such as that almost all mobility aids will not fit down the aircraft aisle, especially electric mobility aids that are generally of a considerable size and weight. Airlines use especially designed Aisle Wheelchairs to carry passengers with disabilities down the aircraft aisle. The mobility aid may also not even fit onto the aircraft or within its galley area (depending on the aircraft type) due to the size of the galley or the particular configuration of the aircraft.
- 4.8 In the Draft Report, airlines do not appear to be given any credit where they have achieved compliance with the Transport Standards via equivalent compliance. For example, it is suggested that airlines do not always provide Safety Cards in the emergency exit rows in Braille for customers who are Blind or vision impaired. Whilst it should be noted that this is not an express requirement of the DDA or the Transport Standards, airline operators provide equivalent compliance instead. All operators are required by civil aviation regulatory requirements⁸ to provide passengers who have a disability with an individual safety briefing prior to take-off which alerts the passenger to all the necessary safety information particular to their individual needs that they would require in the unlikely event of an emergency evacuation. For Qantas' part, it also provides Braille Safety Cards on all aircraft operated by Qantas. Accordingly, the airlines in the Qantas Group are complying with requirements of the DDA and Transport Standards through equivalent compliance, whilst also satisfying their obligations under the applicable civil aviation safety regulations.

⁸ Refer to **Civil Aviation Order 20.11 ('CAO')**, clause 14.1.2 in which it provides as follows:

"The operator of an aircraft shall ensure that a handicapped person, and the person assisting the handicapped person, if any, if given individual briefing appropriate to the needs of that person in the procedures to be followed in the event of emergency evacuation of the aircraft. The briefing should include which emergency exit to use and when to move to the exit. The person giving the briefing should also enquire as to the most appropriate manner of assisting the handicapped person so as to prevent pain or injury to that person."

In section 2 of the CAO, "handicapped person" is defined to mean "person requiring special attention because of illness, injury, age, congenital malfunction, or other temporary or permanent incapacity or disability which makes that person unable without special facilities or assistance to utilise air transportation facilities and services as effectively as persons who are not so afflicted."

Response to Draft Recommendations

5. Technical amendments to the Transport Standards

- 5.1 I refer to Chapter 12, Part 12.2, Issue 2 '*Incorrect or inappropriate prescription in the Transport Standards*', particularly Option 1A referred to on pages 157 to 159 and Draft Recommendation 1 referred to on page 171 of the Draft Report.

Draft Recommendation 1: appointment of technical experts

- 5.2 The Qantas Group agrees that technical experts should be appointed to assist in revising the Transport Standards.
- 5.3 The Qantas Group notes that APTJC currently has the power to appoint technical experts to review the Transport Standards. The Qantas Group strongly recommends that APTNAC should be given the capacity to appoint technical experts, instead of, or in conjunction with, APTJC because only APTNAC has the requisite industry expertise to consult with such experts.
- 5.4 In the alternative, the Qantas Group recommends that the technical experts attend APTNAC meetings and consult with industry representatives, including allowing Qantas Group experts to question appointed technical experts about any proposed amendments to the guidelines. This will deliver practical and workable amendments to the Transport Standards.

Additional Issue

- 5.5 We also note that where, in the table of suggested amendments, Part 30.1 is referred to, the suggested changes appear to use 'disability aids' and 'mobility aids' interchangeably.
- 5.6 The issue of the number of mobility aids to be carried on a flight is a very different issue to the requirements regarding other 'disability aids'.
- 5.7 I refer to and repeat our considered comments in relation to 'disability aids' in paragraph 3 of the Submissions.

6. Mode Specific Guidelines

- 6.1 I refer to Chapter 12, Part 12.2, Issue 2 '*Uncertainty around implementation and compliance*', Option 2A, Option 2B and Option 2C referred to on pages 161 to 162 of the Draft Report.

Option 2A: development of mode specific guidelines

- 6.2 The Qantas Group agrees that the preferred approach should be Option 2A and that mode specific guidelines should be developed. The mode specific guidelines must be developed in consultation with industry groups and appropriate representation of industry groups (including the Qantas Group) during the development process.
- 6.3 The Qantas Group also submits that submissions about the mode specific guidelines should be able to be made on an informal and/or oral basis and that operators such as the Qantas Group be spared the expense and inconvenience of preparing written submissions.

Option 2B: advisory board

- 6.4 Option 2B would be useful to airlines, provided, however, that the services of the advisory board are provided free of charge and that appropriately qualified staff are employed by the advisory board.

7. Mobility aids and assistance animals

- 7.1 I refer to paragraphs 2 and 3 of our Submission and Chapter 12, Part 12.2, Issue 3 '*Gaps in information for providers in operating accessible public transport*', Option 3A, Option 3B and Option 3C referred to on pages 162 to 164 and Part 30: Belongings referred to on page 241 of the Draft Report.

Mobility aids

- 7.2 The Qantas Group agrees with the recommendation that the Transport Standards be amended to include maximum weight limits for mobility aids on aircraft and a limit on the number of mobility aids that can be carried on each aircraft.
- 7.3 We note, however, that any amendment to the Transport Standards regarding mobility aids should be made in consultation with the industry groups (including representation and participation from the Qantas Group).
- 7.4 It must be appreciated, however, that dimension limits cannot be imposed upon carriers, per se. Any dimension limitations must be determined in consultation with, and ultimately with the agreement of, each carrier in relation to its particular aircraft fleet. This is a necessary and vital consultation and approval process due to the range of important issues that must be addressed before any guidelines could be practically applied to the aviation industry regarding this issue. Some of the practicalities that need consideration include the individual nature and complexity of each aircraft type and the individual configuration of each aircraft within each aircraft type. The occupational health and safety risks posed to Qantas Group employees and contractors are aligned with the determination of appropriate dimension restrictions. The applicable dimension restrictions also affect the likelihood of damage being occasioned to the aircraft (rendering the aircraft immediately unserviceable) during the process of loading the mobility aid.
- 7.5 Weight and dimension limits must also be practical and compliant with occupational health and safety requirements.

Option 3A: mobility aid stickers

- 7.6 I refer to paragraph 3 on page 163 and Option 3A on page 163 and 164 of the Draft Report.
- 7.7 The Qantas Group can see the merit in the recommendation that all mobility aids should be labelled with a sticker that indicates that a particular model meets any agreed specifications under the Transport Standards (for weight, dimensions and turning capabilities). This would enable a person who uses a mobility aid to make an informed choice about which mobility aid would best accommodate their needs and allow them greater access to air travel. However, as a practical matter, Qantas is concerned as to how this would be effectively achieved given that aircraft types operating in the Australian market will continue to change from time to time. This is true of the current aircraft fleets operating within the Australian domestic market and is especially so in relation to the aircraft fleets operating in the international market today. For example, Qantas has recently introduced another narrow-bodied aircraft type into its fleets, the F100 Alliance aircraft, which has its own applicable dimensions and weight restrictions.
- 7.8 However, the Qantas Group supports the industry investigating the viability of such an initiative. APTJC would need to consult with airline industry groups (including representation and participation from the Qantas Group) and a timeline would need to be set to ensure that the project continues to progress and reach a conclusion one way or another.

Assistance Animals

- 7.9 I refer to paragraph 3 of page 163 of the Draft Report.
- 7.10 I refer to and repeat our considered comments in paragraph 2 of our Submissions.
- 7.11 A timeline needs to be set to address the issues raised by airline operators in relation to the carriage of assistance animals in the aircraft cabin.
- 7.12 As Qantas has clearly indicated, a subcommittee of APTJC cannot be convened without the participation of aviation industry representatives in relation to any issues that so profoundly and directly affect the aviation industry. Accordingly, it is imperative that industry representatives (including the Qantas Group) be consulted on any issues, initiatives or proposed guidelines in relation to the carriage of assistance animals on public transport, especially as those guidelines apply to aircraft. This is particularly so for airlines who are in a unique position of not being able to respond to incidents in-flight caused by assistance animals by stopping the transport mode to disembark the animal, as in the case of all other modes of transport (save perhaps for ferries).

- 7.13 We note that there are no recommendations made in Chapter 13 in respect of the carriage of assistance animals on any modes of transport, especially aircraft. The Qantas Group would like to suggest another Recommendation be added to Chapter 13 that accreditation of assistance animals be required to a high standard and level of training appropriate to the carriage of the assistance animal on public transport. If required, the Qantas Group would be willing to consider different levels of accreditation being mandatory for different modes of transport. Qantas would support the highest level and standards of training being required for an assistance animal to travel by air in the aircraft cabin, taking into consideration the unique issues that such travel raises for each of the operator, the passenger and the assistance animal.

Recommendation

- 7.14 APTNAC form a committee (which includes industry representatives) to consider and review the development of :

- (a) a national labelling program for mobility aids; and
- (b) a national accreditation program for assistance animals.

8. Reliance on individual complaints process to ensure compliance

- 8.1 I refer to Chapter 12, Part 12.2, Issue 4 '*Reliance on individual complaints process to ensure compliance*' particularly Option 4B and 4C referred to on pages 165 to 166 and Draft Recommendation 6 of the Draft Report.

- 8.2 I note that the Draft Report states that:

- (a) Human Rights & Equal Opportunity Commission ('HREOC') should be given powers to instigate cases in the Federal Court where it identifies broader or systemic non-compliance (**Option 4B**);
- (b) the Transport Standards be amended to remove the requirement that only an individual that is an 'aggrieved person' can lodge a complaint (**Option 4C**); and
- (c) HREOC be provided with powers to refer cases of breaches of the Transport Standards directly to the Federal Court (**Draft Recommendation 6**).

- 8.3 The Qantas Group would be extremely concerned if the HREOC took on what would effectively be a prosecutorial function in the disability discrimination area, as was proposed by Option 4B and/or Draft Recommendation 6. Qantas considers that HREOC has two important functions in relation to disability discrimination in the transport area which would be adversely impacted, which are:

- (a) the investigation, handling and, where possible, resolution of complaints, including representative complaints. HREOC's role is inherently independent and needs to remain so in order to successfully and effectively continue to resolve complaints through conciliation prior to them being referred to the expensive and adversarial jurisdiction of the Federal Court or Federal Magistrates Court; and
- (b) an advisory function, provided by its Policy section. In the Qantas Group's experience, HREOC's Policy section has been active and helpful in participating in various initiatives to assist passengers with disabilities and operators in the airline industry, including through meeting with operators and individual customers to resolve issues as they arise and through attendance at Qantas Customer Forums. The Qantas Group believes that implementing Option 4B and/or Draft Recommendation 6 would significantly impede the free exchange of information and ideas with the HREOC as part of this Policy and advisory function and that this would adversely impact on outcomes for both airline operators and customers with disabilities.

- 8.4 Further, Qantas considers that it is not necessary to amend the DDA to provide HREOC with such powers as it already has powers to participate in Federal Court and Federal Magistrates Court proceedings either by intervening in those proceedings or as *amicus curiae*.

8.5 In relation to the proposal at Option 4C, Qantas considers that the legislation adequately deals with representative complaints and does not require amendment as sought.

8.6 The Qantas Group considers that if there is a desire to have the HREOC more involved in relation to the Standards, it may be more productive for HREOC to set up a subcommittee to work with industry groups to solve systemic issues as it is the Qantas Group's belief and experience that a collaborative approach is more time and cost effective in resolving issues and conflict rather than via additional avenues to the adversarial system.

9. Lack of standard compliance reporting framework and data on patronage

9.1 I refer to Chapter 12, Part 12.2, Issue 6 '*Lack of standard compliance reporting framework and data on patronage*' referred to on pages 168 to 170 of the Draft Report.

Option 6C: APTJC be tasked with developing a mandatory compliance reporting framework by end 2008 for sign-off by Ministers (through APTG and SCOT)

9.2 The Qantas Group considers that this Option 6C is inappropriate and unfeasible for a variety of reasons:

- (a) it is likely to fundamentally undermine the unjustifiable hardship exemption which is provided under both the DDA and the Transport Standards as such a regime effectively assumes that absolute compliance with the prescriptive Transport Standards is required, when that is not the case. In particular, it is unclear how a mandatory compliance reporting regime would interact with the unjustifiable hardship exemption;
- (b) the assessment that the establishment, administration costs and compliance costs for operators in the implementation of Option 6C would be 'moderate' is unrealistic. The Qantas Group considers that the costs of such a proposal would be 'high'. Further, time, expertise and funds will be diverted away from providing and improving services to passengers with disabilities;
- (c) any proposal would require significant industry consultation in relation to issues such as:
 - (i) would operators be required to disclose commercial-in-confidence information? If so, how would the confidentiality of such information be handled and protected?
 - (ii) the Draft Report acknowledges that there are existing issues regarding interpretation and understanding of the Transport Standards, including, for example, how the percentage compliance is actually measured. Until those issues are resolved, it is difficult to see how mandatory compliance reporting could sensibly be introduced;
- (d) as any such reporting regime would require extensive industry consultation, the proposed timeframe is patently too short;
- (e) it should not only be clear that APTNAC is to be extensively consulted in relation to this Option 6C but that any requirement of mandatory compliance reporting can only be introduced with APTNAC's approval. The Qantas Group's position in relation to this recommendation is that, again, without industry participation and consultation, there is a real risk that outcomes will affect the transport industry adversely without achieving any real benefits or improvements for people with disabilities wishing to travel by air (or presumably by other modes of transport);
- (f) it should be noted that in the United States of America where reporting to the US Department of Transportation is required by both US and foreign carriers, the airline is only required to report on the number of complaints, rather than on its individual level of compliance with the relevant and applicable Air Carrier Access legislation.

10. Conclusion

10.1 The Qantas Group has taken the opportunity to further respond to the Draft Report as it considers the preliminary conclusions reached by The Allen Consulting Group in relation to the aviation

industry's compliance with the Transport Standards (and DDA) do not fairly represent the aviation industry's true position. As this situation may have arisen through insufficient feedback and information provided by the airlines, the Qantas Group has taken the time to address this aspect of the Draft Report.

- 10.2 Throughout the life of the DDA and the Transport Standards, the Qantas Group has continued to introduce a range of initiatives and improvements to its services for people with disabilities, which it has outlined in these submissions.
- 10.3 Low cost carriers have entered the Australian domestic and international markets since the Transport Standards were introduced, and whilst they provide limited special assistance services to people with disabilities, they face significant challenges in compliance with the Transport Standards in the same manner as full service carriers.
- 10.4 The carriage of people by air, including people with disabilities, is necessarily complex. The conflict between the legislative requirements addressed in Qantas' Submissions (in particular its letter to DoTARs dated 8 February 2006) only adds to that complexity. The Qantas Group would like to repeat its previous conclusion that it is crucial that the conflicts between the requirements of the Transport Standards (and the DDA) and civil aviation safety legislation, occupational health and safety legislation and the aviation transport security legislation be addressed *and resolved* as a matter of urgency.
- 10.5 Finally, the Qantas Group would particularly like the issues raised in its Submissions regarding assistance animals and disability aids to be resolved as early as possible so as to address the practical difficulties created for airlines by the application and implementation of the Transport Standards in their current form.
- 10.6 The Qantas Group is willing to discuss any aspect of the above submissions with The Allen Consulting Group and would ask that any queries be directed to Ms Alison McKenzie, Senior Legal Counsel, at Qantas on (02) 9691 5621.