

District Council of

Grant

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13 August 2007

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dstransport@allenconsult.com.au - e-mailed 14-8-07

Dear Sir,

Re: Review of the Disability Standards for Accessible Public Transport 2002

The District Council of Grant appreciates the opportunity to forward a submission on the Review of the Disability Standards for Accessible Public Transport 2002. The Chief Executive Officer of the District Council of Grant, Mr Russell Peate, and Chris Nelson, former Manager of the Mount Gambier and District Airport, made a presentation as part of the Regional Public Hearings on the Review on Tuesday 7 August 2007.

It would be appreciated if Council's views could be taken into account as part of the Review. Thank you for your assistance and co-operation.

Yours faithfully,



Russell J Peate
CHIEF EXECUTIVE OFFICER

RJP:ms



REVIEW OF THE DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT 2002

SUBMISSION BY

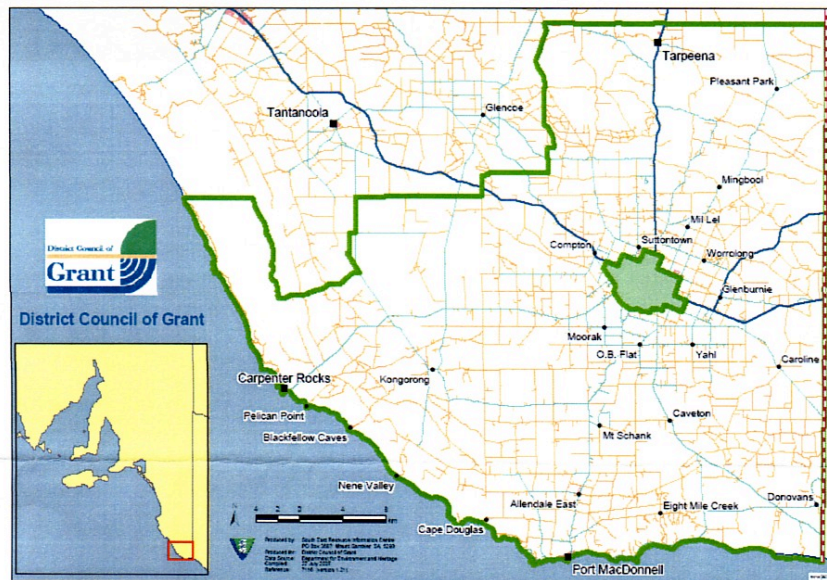
THE

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Review Of The Disability Standards For Accessible Public Transport 2002

The District Council of Grant is the most southern local government area in South Australia, situated on the south east coast. It is bounded to the south and west by the Southern Ocean, the Victorian Border to the east and the Wattle Range Council to the north. The Council encircles the local government area of the City of Mount Gambier. The Council is predominantly rural with a number of small townships, serves a population of 8,500 and covers an area of 188,493 hectares. Dairying, beef and sheep production, wool, seed, and grain production and horticulture are the predominant agricultural activities. The Port MacDonnell fishing industry, in particular the rock lobster industry, is a significant factor in the economy of the area, as is forestry production and the related industries of logging and milling.

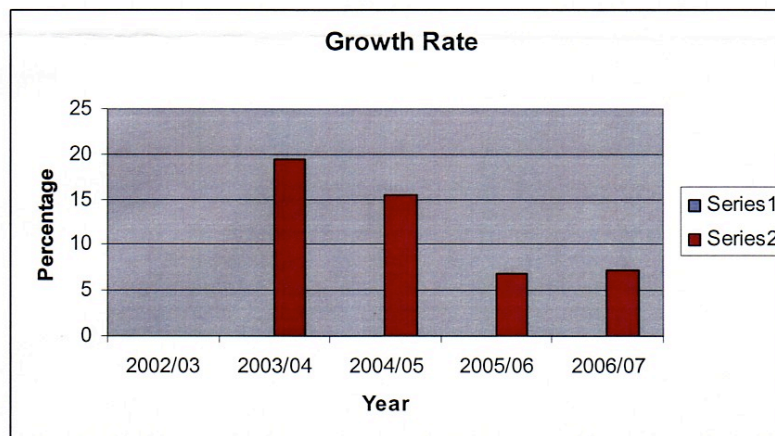
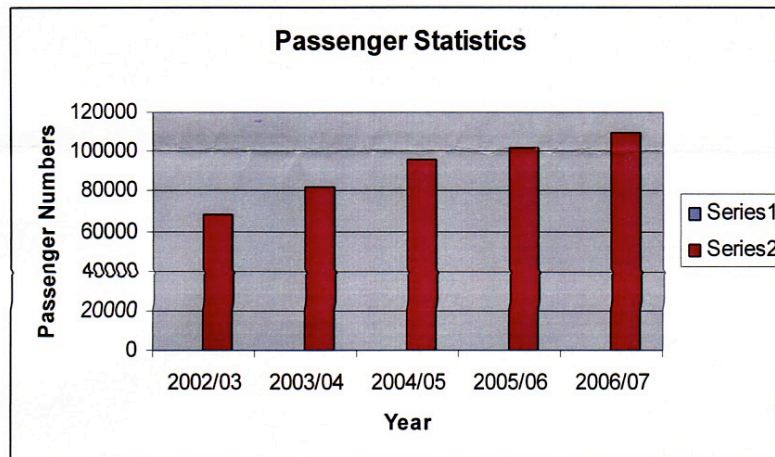


The District Council of Grant is the owner and operator of the Mount Gambier and District Airport. Council became owner of the Airport in 1990 under the Australian Local Ownership Program. The Airport is a certified airport under CASA and a security controlled Airport in accordance with Aviation Transport Security Act 2004 and Aviation Transport Security Regulations 2005 under the Department of Transport and Regional Services.

The Mount Gambier and District Airport is serviced by local company, O'Connor Airlines who provide services to Adelaide and return on a daily basis (6 services per day) and REX Airlines who provide services to Melbourne and Adelaide on a daily basis (15 services per day), private aircraft and the Royal Flying Doctor Service.

The Mount Gambier and District Airport has recently completed a 15 year Strategic Plan and is presently in the process of the appointment of Project Manager (services) to implement the recommendations from this Plan.

Passenger statistics for the Mount Gambier and District Airport for the last five years are as follows:



Key Review Issues

The District Council of Grant supports the policy underlying the Disability Discrimination Act 1992 and the Disability Standards for Accessible Public Transport 2002. Council is keen to ensure that, to the greatest extent practicable, people with disabilities are able to access and enjoy the facilities and services of the Airport.

It is understood that REX Airlines have implemented a loading device for passengers with disabilities where O'Connor Airlines have obtained an exemption due to the size of their aircraft. As outlined, Council and the Airport Committee are presently considering implementing the Airport Strategic Plan which will incorporate Disability Standards where possible.

The District Council of Grant as owner and operator of the Airport has had to implement the requirements of the Aviation Transport Security Act 2004 in accordance with the Department of Transport and Regional Services legislation. Installation of security infrastructure, compliance with security legislation as well as CASA requirements are considered, at times, onerous for smaller regional airports. As outlined at the Regional Public Hearing, the Mount Gambier and District Airport is staffed by one full time employee only with assistance from contractors and Council as required. Therefore, compliance with aviation, security, disability standards, occupational health and safety and other legislation is implemented within resource constraints. Accordingly, it is considered that owners and operators of smaller regional airports are not fully aware of the disability transport standards nor their obligations due to primarily a lack of resources.

Support services, information and assistance from the Department of Transport and Regional Services would help in providing a better understanding and assisting the implementation of the obligations as a public transport provider.

Conflict between Disability Standards and CASA requirements

It is understood that the purpose of the standards is to remove discrimination on the basis of disability from public transport over a 30 year period. The requirements of the Standards come into force on a staggered timetable, for example:-

- Standards for waiting rooms, lighting, alarms, signs and furniture and fittings must be full met for all premises, infrastructure and conveyances in use from 31 December 2007;
- Standards for access paths, resting areas, ramps and doors must be met in 25% of cases by 31 December 2007.

Airport operators particularly, and perhaps some other aviation industry members, may face some unique challenges in seeking to comply with these Standards in some cases.

Airport operators are of course subject to some very detailed and demanding obligations under the civil aviation regulatory regime – the *Civil Aviation Act*, the *Civil Aviation Regulations 1988*, the *Civil Aviation Safety Regulations 1998*, the *Civil Aviation Orders* and the myriad of other instruments issued under that regime including, especially, the CASR 139 Manual of Standards.

The following may serve as an illustrative example of actual or potential conflict:-

- Section 5.1 of the Standards provides that "there must be resting points for passengers along an access path if the walking distance between facilities or services exceeds 60 metres" and "a resting point must provide seats";
- Section 6.5.2.2 of the Manual of Standards provides that "an aircraft on an aircraft parking position must be separated from any object, other than an aerobridge, by a distance of not less than that determined using Table 6.5-1", which specifies distances of 3.0 to 7.5 metres.

That is, there appears to be no clearly established rules of statutory interpretation that provide any ready answer as to how the courts would resolve conflict between Standards made under the *Disability Discrimination Act* and a CASA safety requirement imposed under the *Civil Aviation Act* or instruments made under it. It is considered that a practical option is for Federal Government action to provide an appropriate resolution now before either any existing conflict becomes problematic or the potential for conflict comes to reality.

Council believes that most regional and smaller regional Airports will suffer from a lack of information and resources to implement the Disability Standards and the conflict that exists between the Disability Standards and CASA requirements. It is contended that owners and operators of Airports would comply with CASA legislative requirements above and beyond the Disability Standards, as it is understood that CASA can remove an Airport's License to Operate. Therefore, an Airport would be unable to operate or provide any underlying service.

It is considered that implementing accessibility in accordance with the Disability Standards over a 30 year period could be improved through providing more information specifically to regional Airports as well as a contact person to assist via telephone etc. It is also believed there is some confusion as to the responsibility regarding accessibility of patrons to an aircraft. Airlines and aircraft operators are the interface between passengers and their transportation. Services can be scheduled at any time of the day or night for operators to meet their or their clients' requirements. It seems unreasonably onerous to require airport operators to meet standards which might be commercially and practicably unsustainable from an airport perspective. The District Council of Grant supports the Australian Airports Association contention that the Standards should be amended to reflect the commercial and practical reality of airport operations by allowing the airport operator to pass on to its customers the obligation to provide equivalent access where that is necessary to meet the Standards.

Indeed, Council also considers that the Standards should be amended to make clear that an airport operator can make its facilities available for use by airlines and others under leases or licences that require the lessee or licensee to meet obligations under that Standards that would otherwise fall on the airport operator.

The District Council of Grant, as owner operator of the Mount Gambier and District Airport, has not received any complaints regarding accessibility to the Airport, its services or facilities. However, consideration needs to be given by both Airline Companies and Council towards making better information available to ensure better accessibility to aircrafts.

The District Council of Grant supports the submission by the Australian Airports Association dated 20 July 2007 (copy attached).