

**FLIGHT CLOSED**

**Report on the experiences of People with Disabilities in  
Domestic Airline Travel in Australia**

**December 2007**



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with Disabilities in Domestic Airline  
Travel in Australia**

**Project Co-ordinators:  
NSW Disability Discrimination Legal Centre  
Public Interest Advocacy Centre**

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Flight Closed: Report on the experiences of People with Disabilities in Domestic Airline  
Travel in Australia

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PIAC acknowledges the significant contribution made to the research and preparation of this report by organisations that have been members of the National Accessible Airlines Steering Committee and their staff, in particular the co-ordinating role of the NSW DDLC. The report would not have been possible without the contribution made by people with disabilities and their families from across Australia of their personal stories of their experiences with domestic airline travel in Australia.

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## Foreword

This report has been prepared by the Public Interest Advocacy Centre (PIAC) in collaboration with the National Accessible Airlines Steering Group.

The Public Interest Advocacy Centre (PIAC) is an independent, non-profit law and policy organisation that identifies public interest issues and works co-operatively with other organisations to advocate for individuals and groups affected. PIAC seeks to promote a just and democratic society by making strategic interventions on public interest issues.

In making strategic interventions on public interest issues PIAC seeks to:

- expose unjust or unsafe practices, deficient laws or policies
- promote accountable, transparent and responsive government
- encourage, influence and inform public debate
- promote the development of law—both statutory and common—that reflects the public interest
- develop community organisations to pursue the interests of the communities they represent.

Established in July 1982 as an initiative of the Law Foundation of New South Wales, with support from the NSW Legal Aid Commission, PIAC was the first, and remains the only, broadly based public interest legal centre in Australia. Financial support for PIAC comes primarily from the NSW Public Purpose Fund, the Commonwealth and State Community Legal Services Program and the NSW Department of Energy Utilities and Sustainability. PIAC generates its income from private sector grants, project and case grants, seminars and training, consultancy fees, donations and recovery of costs in legal actions.

The NSW Disability Discrimination Legal Centre (DDLC) provided a coordination role for the Steering Committee in the preparation of this submission. The DDLC was set up in 1994 to help people with disabilities to use disability discrimination laws as a response to the passing of the Disability Discrimination Act 1992 (Cth) (DDA). The role of the DDLC is to provide accurate and easy to comprehend advice to people with a disability in NSW who want to make a complaint of disability discrimination. Guided by our aims of striving for the: removal of barriers; elimination of discrimination; empowerment of people with disabilities; promotion of awareness; and ability to exercise rights, the DDLC provide a variety of services which primarily consist of:

- The delivery of direct legal services
- The development and delivery of community legal education
- The undertaking of policy and lobbying work in areas relevant to disability discrimination and human rights.

## **Acknowledgements**

The Public Interest Advocacy Centre and the NSW Disability Discrimination Legal Centre wish to thank all the people who provided their stories, which form the basis of this report, and the members of the Accessible Airline Steering Group, who assisted in drafting and reviewing the report. The following organisations were represented on the Accessible Airline Steering Group: Action for Community Living, Australian Federation of Disability Organisations, Cairns Community Legal Centre Inc, Disability Advocacy Service, Alice Springs, Disability Discrimination Legal Service Inc, Disability Discrimination Legal Service (Vic), NSW Disability Discrimination Legal Centre, ParaQuad, People with Disabilities Australia, Physical Disability Council of Australia, Vision Australia,

The following organisations have endorsed this report: Action for Community Living, Australian Federation of Disability Organisations, Cairns Community Legal Centre Inc, Disability Discrimination Legal Service Inc, Disability Discrimination Legal Service – Melbourne, NSW Disability Discrimination Legal Centre, ParaQuad, People with Disabilities Australia, Physical Disability Council of Australia



## Preface

Letters in the travel pages of newspapers tell a variety of stories from passengers about their experiences with airlines. The complex nature of air travel means that problems can occur regardless of how much planning is done. Lost luggage, weather-delayed flights, security problems, and service from untrained or overworked staff can affect anyone. When people with disabilities experience problems they often have to deal with longer-term repercussions. Add to this the barriers caused by airline policies and inadequate physical infrastructure and air travel can become very difficult for people with disabilities.

The basis of this report is the voices of over 100 people who shared their travel experiences. The stories demonstrate how poor quality air transport can be stressful, expensive, sometimes physically painful, and detrimental to employment or family relationships. Barriers are described that prevent people from undertaking business trips, from attending sports camps, from accessing respite care, from visiting parents and from joining their family on holiday.

A common complaint, for example, is about damaged and lost wheelchairs. As one passenger contributing to this study observed 'airlines need to understand that removing our wheelchair is like breaking our legs'.

Communication breakdown between different sections of airport staff is another cause of problems. Messages about passengers needing assistance are not passed on to staff and flights are missed, there are extended delays, and on arrival the person with a disability is left stranded on the tarmac.

The 110 case studies considered in preparing this report demonstrate the systemic failure of the current regulatory framework. Applying generic transport standards to all modes of transport is one example of a policy that has failed consumers. International practice has airline access regulations separate from other modes of transport. This allows for regulatory agencies with responsibility for airlines to administer the regulation and for the specific needs of airline travel to be redressed and monitored.

As air travel becomes more commonplace, people with disabilities expect to be able to undertake the same type and range of travel as everyone else in the community. The proposals in this report aim at overcoming the most common barriers described by people with disabilities and to seek a more collaborative approach from the airlines in future.

In the vast majority of cases, a nominal or minimal investment from airlines to improve service would increase economic participation by assisting people to gain and retain employment, undertake training and professional development, increase respite options, maintain family relationships, and support the tourism industry. Implementing the recommendations would

also make airline travel more accessible for all people who need assistance, such as the growing numbers of older people.

If all domestic carriers are required to meet basic and tailored standards, it would create a level playing field on which to base fair competition. It should also increase the passenger load for domestic carriers, which for Qantas and Virgin Blue is at just over 80 percent.

This report is directed at the Review of the *Disability Standards for Accessible Public Transport 2002* (Cth). Hopefully it will also be a useful resource for domestic airline companies, people with disabilities and their advocacy organisations.

## Introduction

People with disabilities have not gained the potential consumer benefits of increased competition in the airline industry. This is so much so that, rather than access to airline travel improving since 2002, it has become more difficult for people with disabilities to travel by air. Some passengers who travelled independently for many years now find themselves barred from travel or facing the imposition of unreasonable conditions. This report is a response to the many individual complaints received by disability advocacy groups and community legal centres from people with disabilities.

## The legislative context

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Since 1992, Australia has had Federal anti-discrimination law in relation to disability: the *Disability Discrimination Act 1992* (Cth) (the DDA). The states and territories have similar legislative that makes it unlawful to discriminate on the basis of disability.

The DDA expressly prohibits discrimination on the ground of disability in the provision of goods, services and facilities, and defines services as including 'services relating to transport and travel': see sections 24 and 4.

The DDA also provides for the establishment of 'disability standards' in particular areas including 'public transportation services and facilities': see section 31.

In 2002, after almost ten years of negotiation and consultation, the Federal Attorney-General exercised his power under section 31 to formulate the *Disability Standards for Accessible Public Transport 2002* (Cth) (the Standards). The effect of the Standards is to provide a framework to enable public transport providers and operators to understand what is required of them in order to fulfil their obligation not to discriminate against people with disabilities. The Standards cover all forms of public transport, including airline travel, and set out a timetable for achieving full compliance over a staged implementation. In respect of any new infrastructure and equipment, immediate and full compliance with the Standards is mandated.

## The review of the Standards

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The Standards include a provision that provides for the review of the Standards 'within five years after they take effect'. That review is being conducted in 2007 and has been contracted to Allen Consulting Group under the guidance of a Review Steering Committee made of up representatives of the Department of Transport and Regional Services and of the Federal Attorney-General's Department.

The Allen Consulting Group has published an *Issues Paper* that sets out a number of questions for consideration. It is also undertaking consultation meetings across Australia.

### Content analysis

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One hundred and ten case studies (summary at Appendix A) were collected over a six-month period between November 2006 and May 2007 from people with disabilities, their carers or advocates. Case studies were sought through carers' groups, disability advocacy groups and community legal centres. People were asked to report positive as well as negative experiences. The nature of the collection process meant that people responding were more likely to speak English confidently, have access to the internet, and feel strongly enough about their experience to make a complaint or commendation about an airline.

Case studies included experiences from all state and territory capital cities and several regional centres. However, the case studies come predominantly from passengers travelling between Melbourne, Sydney and Brisbane. The passengers with disabilities were aged from young children of five to older people in their 80s. Most passengers who provided their stories had physical disabilities and used a wheelchair, or had vision or hearing impairments. One third were travelling with a companion, and one third travelling independently; the rest did not indicate if an attendant was necessary. Passengers were more likely to relay their experiences about Qantas, followed by Virgin Blue and Jetstar. One third did not name the airline, and a few (six) were about travel to international destinations on various airlines.

The data was analysed to categorise the barriers people face in accessing airline travel and to make recommendations for change that are reasonable and practical. The framework for the analysis was based on the sequence of the passenger's journey:

- barriers that completely prevented travel;
- purchase and booking of tickets;
- at the airport: moving within, exiting or departing the terminal, and security and check-in;
- loading or storing luggage, including wheelchairs;
- boarding/disembarking aircraft;
- in the cabin: the service provided by flight crew including fastening of safety harnesses;
- other issues, eg, the experience of carers.

The barriers identified were reviewed against regulation and codes of practice from the United States of America and Canada to ensure that the recommendations contained in this report are consistent with common practices in countries with similar human rights and economic standards.

Responses to matters raised in the Terms of Reference for the Review of the *Disability Standards for Accessible Public Transport 2002* and the *Issues Paper* are based on the information collected in the study. The position in undertaking this study was that people with disabilities have a right not to be discriminated against when accessing airline travel.

It is hoped this report will serve as a useful resource to the airline industry and people with disabilities and their advocates to develop innovative and equitable ways to meet the needs of passengers with disability.

It is of concern that it was not possible to address adequately Questions 2, 3 and 4 in the *Issues paper* about compliance with the Standards. This is because airlines are not required to provide data to any agency about how and to what degree they comply with the Standards.

Proposals for change cover compliance, service quality, policies and practices of airline services, and the training of personnel. The purpose of this report is not to judge the success of the Standards in economic terms but rather how well the Standards meet their fundamental purpose, to ensure human rights protection. Since the *Issues Paper* refers to the Productivity Commission methodologies used in assessing effectiveness and efficiency, the costs of accessing airline travel is also considered.

People with disabilities want better co-ordination within the airlines, to be empowered to take responsibility for themselves wherever possible, and to have their needs considered as a core requirement of service delivery. The results of this research provide an opportunity for the Federal Government to establish a policy framework to level the field for competing service providers, improve access for people with disabilities, and increase participation of people with disabilities in the economy. To support these objectives, several key areas to improve access are identified:

- A system for ongoing consultation with people with disabilities and their organisations that is integrated into the design, planning and delivery of air transport services.
- Improvements in the compliance and regulatory framework.
- Mandatory standards for staff training, particularly in respect of disability awareness, and for communication processes within airlines.

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## Executive Summary

This report reflects the willingness of people to come forward with information about the barriers they face in travelling by air and the disadvantages they experience as a consequence. Often passengers were relating hurtful, stressful and demeaning experiences. The first part of this report contains 10 stories that demonstrate the type and range of case studies provided by people who, by telling their story, hope to improve access for everyone in the community.

The second part provides a response to the Standards Review *Issues Paper*. It describes the type of Standards compliance issues faced by passengers. This information is drawn from the analysis of the case studies. The study indicated significant problems in accessing information, airport facilities, boarding aircraft and complaint processes. A summary of the compliance issues is at Appendix B. The Allen Consulting Group raised several questions about data and compliance but it was not possible to respond adequately to these issues as data for the airline industry is not publicly available.

The qualitative study used for this report also identified the type of costs that consumers and the community pay as a result of the existence of and failure to address disability access barriers. This includes direct and indirect costs such as the lack of access through higher ticket prices, cost to damaged aids and equipment, lost employment and professional development opportunities, reduced contact with family, and reduced respite options.

Recommendations are made that respond to the need for consistent information about services, unreasonable conditions placed on approval to travel, problems with movement around airports and through security, difficulties with boarding and disembarking, luggage arriving damaged, and the lack of support from staff during a flight. Mandatory training in disability awareness and assistance is needed in all aspects of the airline travel process; from practical procedures such as booking and 'meet and assist' services, to fitting harnesses and seat belts. Implementation of these recommendations should improve the travel experience for all passengers and hopefully result in Australia's domestic carriers being lifted from the bottom of consumer surveys (*Choice, Choice*, June 2007).

In relation to other modes of transport, state, territory and local government agencies are involved in ownership or regulation of aspects of service delivery. There is no corresponding agency with responsibility for air transport. This report makes a case for air transport being required to meet specific air transport standards, and compliance monitoring to be the responsibility of an agency with an ongoing relationship and responsibility for the airline industry.

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The airline industry is urged to consider the recommendations without the need for government intervention; many improvements could be implemented at a nominal or low cost. The following recommendations are a practical way for government and industry to give effect to the human rights of people with disabilities. They provide reasonable solutions to the physical, social and economic costs of inaccessible travel.

### **Proposal 1:**

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Passengers should only need to provide several days' advance notice when that information is needed by the airline to ensure services are made available to the passenger. The number of days notice required should be specified for each type of service. In circumstances where the service does not require extended notice it should be acceptable for a passenger to notify their need for assistance by arriving at check-in a certain period of time prior to departure.

### **Proposal 2:**

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The Standards should include a requirement for the notification of boarding assistance to result in an agreed outcome confirmed in writing to the passenger, and the request recorded and transmitted to all relevant and responsible employees in a timely manner.

### **Proposal 3:**

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Designated airline ground staff should be required to enquire about the needs of the person periodically while waiting for a flight after check-in and in transit.

### **Proposal 4:**

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Carriers should be required to permit a person in a purpose-built wheelchair to remain in that wheelchair until the person reaches the boarding gate and, if possible, until the passenger is assisted with boarding or reaches their allocated seat. This maintains independence for the person with a disability while reducing dependency on and need to allocate airline staff.

### **Proposal 5:**

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Airlines should be required to accept a passenger's assessment that they do not require special assistance, unless there is a clear reason to overturn this assessment. If they can self-transfer or walk down steps they should be permitted to do so.

### **Proposal 6:**

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An on-board wheelchair should be required on all aircraft with more than 60 seats.

### **Proposal 7:**

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A designated crew member, who meets a minimum standard of relevant training, should be responsible for ensuring the passenger is disembarked with dignity and immediately after other passengers have alighted.

### **Proposal 8:**

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Moveable aisle armrests should be available on at least half of aisle seats, including in business class.



**Proposal 9:**

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Wheelchairs should be provided at the completion of the flight in a timely manner as close as possible to the aircraft door, unless the passenger requests its return with other luggage.

**Proposal 10:**

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Meet and assist services should be available to assist passengers from check-in, through security, between terminals and to the boarding gate.

## Toilets

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### Part 15 Standards and Guidelines, and Guideline

**Proposal 11**

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Airlines should accept passenger's assessment that they do not require extraordinary assistance in accessing toilet facilities. This should not be used as a reason to refuse service.

**Proposal 12**

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Passengers who transfer from purpose-built wheelchairs to airline wheelchairs cannot access facilities independently while in the airline chair. Airlines should permit a person in a purpose-built wheelchair to remain in the wheelchair until the person reaches the boarding gate and if possible the passengers seat or for as long as possible.

**Proposal 13**

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Preferred seating allocations should be provided to passengers with limited mobility who can walk short distances to ensure that the access to on-board facilities is maximised.

**Proposal 14**

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Guideline 33.10 should be redrafted to make it clear that the limit on the assistance to passengers move to and from on-board facilities should not be used as a basis to refuse access to travel.

**Proposal 15**

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The Review Panel should consider the Canadian regulations that require accessible washrooms and also the Canadian (Code of Practice s2.12) that:

... carriers are also encouraged to be innovative and to pursue the possibility of having a washroom on these [with more than one aisle] aircraft that is large enough to accommodate a person in an on-board wheelchair and their attendant.

**Proposal 16**

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Passengers should not be asked personal questions about toileting arrangements. They should be provided with information discreetly about access to and assistance with access to toilet facilities.

## Information

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### Part 27 Standards and Guidelines; Signs: Part 17 Standards; Direct Assistance: Guidelines 33.9 and 33.11

#### **Proposal 17**

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Requests made by passengers with a disability should be recorded and transmitted to relevant employees in a timely manner. Where necessary to ensure equitable access to services, relevant information must be passed on to other airlines and airport staff.

#### **Proposal 18**

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Information about all airline policies and services should be identified on the airline's website and other promotional material, and in other formats on request. Airline staff and agents should be made aware of these services and restrictions and make this information available to customers on request.

#### **Proposal 19**

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Booking staff should be able to locate information that is necessary to finalise the booking process, including the number of wheelchairs and equipment already booked on specific flights at the time of booking.

#### **Proposal 20**

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When appropriate notice is given, the airline must provide the services offered and requested at no additional cost to the passenger.

#### **Proposal 21**

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Individual safety briefings should be conducted where required as inconspicuously and discreetly as possible.

#### **Proposal 22**

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Video safety presentations should be accessible to all passengers.

#### **Proposal 23**

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Announcements should be provided visually and verbally simultaneously in the aircraft and terminal.

## Payment of Fares

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### Standard 25.1 and Guideline 1.17; and Refunds

#### **Proposal 24**

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The Review Panel should consider arrangements in the relevant regulations in the United States of America (2002, 382.35) that place the obligation on the airline to bear the additional cost if the airline considers an attendant is necessary to assist a passenger in a possible emergency. This means that the airline can require the

passenger to travel with an attendant contrary to the passenger's assurances, but that the airline cannot charge for the airfare of the attendant. An attendant provides assistance during the flight only if an emergency occurs. If a seat is not available or an attendant cannot be found the passenger is eligible for boarding compensation when the ticket is cancelled. The Standards should impose the same obligation on airlines in Australia.

### **Proposal 25**

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The airline should provide refunds or rebook flights on all categories of tickets when cancellations are due to a passenger being unable to undertake their flight because the airline has failed to provide relevant information or appropriate assistance.

### **Proposal 26**

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In circumstances where a passenger is travelling with a carer because they require a carer in their day-to-day life activities, a discount fare for carer/attendant should be available. This is directly analogous to the current discounts or arrangements in respect of a person travelling with a guide dog.

## **Booked Services and Priority**

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### Part 28 Standards and Parts 28 and 31 Guidelines

#### **Proposal 27**

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Seats should be assigned that are most accessible for the person with a disability at no additional cost to the person. Information detailing seating allocations that are particularly suitable for people with specific disabilities should be available. It should be mandatory to allocate accessible seats last, other than to people with disabilities requiring that particular access feature.

#### **Proposal 28**

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An assistance animal should be approved to travel if it has appropriate identification such as tags, harness or credible verbal assurance from the passenger or carer, or evidence that it has been trained by a [suitably qualified] professional agency or individual. *(This is the US requirement described in the US Department of Transportation document 'Information for the Air Traveler with a Disability 2004'.)*

#### **Proposal 29**

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Passengers should be able to readily locate information about available assistance and support services on the airline's website when booking tickets.

#### **Proposal 30**

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A record of arrangements should be made at the time of booking, and procedures should be in place to ensure information goes to relevant airline staff and passenger. The initial point of contact in the booking process should determine what, if any, services or assistance are needed.

**Proposal 31**

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Booking staff should be able to access information about the number of assistance animals, wheelchairs and equipment already booked on specific flights and any relevant airline limits for that particular type of aircraft.

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## Food and Drink Services

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### Part 29 Standards

**Proposal 32**

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Where food services are available on flights suitable options should be available, if pre-booked, for people with special dietary requirements. Where food service on a flight is limited to food available for purchase, airlines should ensure that the food selection is suitable for people with special dietary requirements to the extent possible. All flights should have the capacity to provide a food reheating facility for people travelling with children with disabilities.

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## Belongings

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### Part 30 Standards and Guidelines

**Proposal 33**

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Information should be available, at the time of booking tickets, about the airline's policy and procedure for the transport of disability aids and equipment.

**Proposal 34**

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Wheelchair batteries should be treated in accordance with safety and handling requirements. If packaging of batteries is required by the airline, such packaging should be supplied at no cost to the passenger.

**Proposal 35**

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Written instructions on disassembling and assembling of a wheelchair may be provided to the airline and the passenger should be able to expect that any assembly and disassembly be done by the airline consistent with those written instructions.

**Proposal 36**

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The airline should be responsible for reassembling the wheelchair and returning it in the condition in which it was received. No additional charge should be permitted for this service or for the carriage of that equipment or to cover any risk of damage in transit.

**Proposal 37**

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Passengers should not be kept waiting on planes or on the tarmac for extended periods of time. They also need good care taken of their wheelchair so that it is not left unattended or damaged. Wheelchairs should be returned in a timely manner as close as possible to the aircraft door, unless the passenger requests its return with other luggage.

**Proposal 38**

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The airlines should be responsible for any damage they or their agents causes to disability aids or equipment. Where equipment is damaged or lost the airline should provide immediate temporary replacement of equipment at original standard, and arrange for the urgent repair of damaged equipment. Where the item is misplaced and not found within 96 hours the airline should be liable for cost of replacement to the original standard. Waivers of liability should not be required for damage or loss. Compensation should be the replacement value of the equipment as new.

**Proposal 39**

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Airlines should offer people with disabilities assistance in retrieving checked baggage.

**Proposal 40**

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For all aircraft of more than 60 seats there should be cabin space to stow at least one folding wheelchair. Use of this space for a passenger's wheelchair should be a priority, otherwise the wheelchair should be securely stowed in cargo.

## Priority

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### Part 31 Standards and Guidelines

**Proposal 41**

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Mandatory compliance measures should be introduced to ensure priority seating for passengers with disabilities.

**Proposal 42**

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Passengers with disabilities should be given priority for their preferred seating, subject to the limits imposed by international airline regulations.

**Proposal 43**

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Check-in staff and flight crew should be familiar with location of seats with moveable armrests and the procedure for allocating priority seats last.

## Consultation

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### Part 36 Guidelines and Standard 33.4

**Proposal 44**

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A national advisory committee should be established to advise the airline industry on design, training and professional development for the industry to ensure that decision-making matches regulatory processes and requirements and customer needs are dealt with appropriately.

## Customer Service

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### Part 37 Guidelines and Guideline 38.3

#### **Proposal 45**

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The Review Panel should consider the regulatory practice of the European Union, Canada and the United States of America in the area of customer service and include Standards comparable with best practice as part of airline compliance monitoring and licensing conditions.

#### **Proposal 46**

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Airlines should ensure staff are trained and regularly updated in requirements of providing appropriate assistance in respect of a range of disabilities (training requirements to be determined in the Standards). The training program schedule should be available to the public and list the general content.

#### **Proposal 47**

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Airline staff should be trained in and understand the use of boarding devices.

#### **Proposal 48**

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The passenger is the most appropriate person to advise staff on what assistance they need and how this should be provided. Staff should be trained how to consult and work with passengers with a disability while maintaining their dignity.

## Due diligence and reasonable precautions

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### Part 38 Guidelines

#### **Proposal 49**

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An industry-wide guide describing rights and obligations and complaint processes should be developed in consultation with customers. This should be widely available and promoted by airline staff.

## Compliance and complaint processes

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#### **Proposal 50**

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A specific code of practice should be developed for the airline industry and administered by an authority that administers other regulatory requirements for the airline industry.

#### **Proposal 51**

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A complaint process should be established that allows consumers and their representative bodies to seek changes to transport infrastructure and practices based on compliance with the Standards. It should not rely on an individual seeking redress for a specific occasion.

**Proposal 52**

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Complaint systems should clearly allow compensation for individuals as well as the imposition of obligations on the industry to correct infrastructure or service delivery practices.

**Proposal 53**

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Complaint processes should be established within the airline industry that meet the *United Nations Guidelines for Consumer Protection* enabling consumers to obtain redress. That is, the process should be 'expeditious, fair, inexpensive and accessible' and take into account of the needs of low-income consumers.

## Security Clearances

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**Proposal 54**

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Security divisions at airports should undertake security checks in a timely manner, so that passengers can get to their flights. They should also note the complaints in the case studies described in this report and review their processes and policies.

**Proposal 55**

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'Meet and assist' staff should provide direct assistance with security processes if requested.

## Access from taxi to airline desk

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**Proposal 56**

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Airlines should ask passengers with disabilities to wait in areas where other passengers would normally wait for flights. Passengers with disabilities should not be restricted in accessing airport facilities.

**Proposal 57**

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Services to be provided should include assistance to the boarding area, registration at check-in, assistance in moving to a general public area, or to the area of another airline in the same terminal, or to the representative of another airline. The airline should be responsible for assisting with flight connections and transport between gates.

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## Part 1 Personal Stories

The impression that is left from reviewing the 110 case studies is that people with disabilities cannot assume they will receive a seamless service when travelling by air in Australia, regardless of how much planning they undertake. Most passengers get on a domestic flight, follow the instructions and their journey is uneventful. This is not the case for people with disabilities who need to negotiate and sometimes repeat requests at every point in their journey. There is no guarantee that the advice they provide to airlines is passed to relevant staff, or that trained staff will be there on the day to provide the offered services.

This report was made possible by the passengers who shared their stories. Thank you to everyone who took the time to relay those experiences, particularly if it brought back embarrassing and stressful experiences. Appendix A provides a summary of each case study, the issue of concern and the effect on the passenger.

The following stories are examples of the stories provided by people with disabilities that illustrate the variety of people affected and range of issues passengers with disabilities confront.

### 1.1 Case Study: Independent Travel

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*// I have cerebral palsy. I have been flying to and from Melbourne by myself for 16 years to see my family. Now I have to pay another fare for someone else to fly with me so if the plane goes down they can die with me.*

*Why can't I sign something to say my family won't sue if something goes wrong.*

*//*

### 1.2 Case Study: Attendant care

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*// I am permanently in a wheelchair. I am able to manoeuvre myself from a wheelchair to the aircraft seat yet airline policies do not allow me to travel without an attendant carer. This means the costs are doubled. The costs now include the attendant care salary, his travel and out-of-pocket expenses.*

*Qantas was not prepared to let me travel as my attendant carer had damaged his back and could not provide an assurance that he would be able to lift me from the chair to the seat (even though I can do this myself).*

*We were both questioned about my toileting needs and the way in which that would be managed. As the flight was for one hour, I did not think this was a problem. We were incensed by the attitude and the personal information that was required.*

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### 1.3 Case Study: Booking flights

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// *I booked with Jetstar on the internet for my carer and me to fly from Brisbane to Launceston. The following day I realised I had not ticked the wheelchair box on the internet booking page. On ringing Jetstar to correct the error I was informed that there were two wheelchair users already booked on that flight. There were no flights available the week before or after our preferred date. We suggested several dates and eventually asked for a date on which the airline could accommodate me and were given a date eight months after our chosen travel date. There was no refund on the ticket.*

*I had to buy a Qantas ticket from Brisbane to Melbourne and a Jetstar ticket from Melbourne to Launceston. When transferring at Melbourne, my husband who is 77 years old had to collect all our luggage from Qantas and take it to the Jetstar check-in. A very kind steward who was going off duty offered to push my wheelchair over to the Jetstar check-in.*

*Meanwhile my carer remained in Brisbane as she had to use the ticket I originally had purchased for her. She also lost two days' pay as her employer would not pay her because she did not travel with me. On boarding that original flight she noted there were only 60 passengers*

*and one wheelchair passenger, so we could have all gone on the original flight.*

//

## 1.4 Case Study: Limited scheduled services

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// *My mother is 73 years old and became quadriplegic five years ago. She uses an electric wheelchair.*

*My parents have always lived in Brisbane but 18 months after my mother's diagnosis they moved to Melbourne to be closer to me. I assist with her care, which has meant she is able to live in a home environment rather than a nursing home.*

*While in Brisbane and after her move to Melbourne, Mum enjoyed respite stays at a wonderful facility in Brisbane. The respite provided the opportunity to maintain relationships with her Brisbane-based family and friends. She would travel by plane independently to Brisbane up to four times per year.*

*We were never able to use Virgin Blue as they refused access. We were always able to use Qantas and the system worked well. They were wonderfully helpful and I would assist with her transfer on the plane (we even purchased our own airline sling to make it easier). Then their 'rules' changed and now will only carry her electric wheelchair on their 'Boeing 767' aircraft.*

*There is extremely limited (in)frequency of 767s between Melbourne and Brisbane (direct flights). We had a long-held booking cancelled at extremely short notice when the airline downsized the aircraft type to a 737. She lost her booking at the respite centre and was incredibly disappointed and angry. Respite bookings have to be made with long lead times and rescheduling long held dates at short notice is not an option.*

*The only regular 767 flight between Melbourne and Brisbane is their first flight of the day at 6:05 am. To get Mum ready for such an early departure means getting her up at 3:30 am!*

*Qantas suggested she travel via Sydney and then connect with another flight. However, she would be alone while waiting for the connection and it could take some time and if they downsize to a smaller aircraft type and she gets stranded, what then? We can't take the risk. Rather than put her (and the rest of us) under the incredible stress and disappointment, she no longer travels.*

//

## 1.5 Case Study: Chair size

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// *I am a quadriplegic and use a motorised wheelchair. Recently Qantas advised me of its policy that places restrictions on the size of mobility aids it will transport. Under this policy my wheelchair is too big to be taken on 737 flights. I was unable to depart and return to my city of residence at times of my choosing and my capacity to travel to other destinations was limited.*

*Last year I was booked to travel to Tasmania for work. This flight was on a 737 so Qantas told me I would need to arrange an alternative flight. However, all alternatives to this flight were also 737 planes. The possibility that Qantas would not take me as a passenger on this important trip caused me great stress.*

*The Qantas policy states:*

*In accordance with manufacturer recommendations and to reduce any risk of damage to your mobility aid, all electric wheelchairs, including power assist wheelchairs, must travel in the upright position (folded or unfolded) in the free wheel mode.*

*My wheelchair always travels on its side (in collapsed fashion on the roof of my car). It has been manufactured so that batteries are easily removed, allowing it to be collapsed and stored on its side.*

*I endured numerous phone calls from Qantas staff concerning the size of my wheelchair. The same person rarely called twice, and one Qantas staff member who promised to resolve the situation never called back.*

*All of the difficulties and resulting concerns over implications for my employment caused me considerable stress and anxiety. It took a complaint to HREOC to resolve the matter. Qantas eventually agreed to take me and my chair on all their flights.*

//

## 1.6 Case Study: Meet and assist

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*// I am vision impaired and need an escort from the taxi area to the check-in desk and on to the boarding area.*

*On a recent trip to Canberra I arrived at the check-in at Melbourne airport and asked for assistance to get to the gate. The clerk at the desk claimed never to have come across this request before and asked me what was required.*

*I explained that I needed someone to walk me to the boarding gate and advise the gate staff that I would board before other passengers.*

*I was taken to a seat near a different counter and asked to wait. After 30 minutes, I became concerned as the final boarding announcement for my flight was called. I found my way back to the check-in counter and asked again for assistance. A fellow passenger at check-in offered to escort me to the gate. Once I was through security, airline staff offered assistance to help me board.*

*On the return trip, airline staff offered to help me board but on the wrong flight. I pointed this out and the staff member said he had been given the wrong information. I was then left to find my own way to the door bridge for the correct flight before I was offered further assistance.*

*On arriving at Melbourne, a very stressed staff member arrived to help me to the taxi area. I made it to the taxi only after the assistant had boarded another passenger and helped yet another off a plane. When I asked the officer why she seemed so stressed, she explained that there was only one or two staff at any one time for meet and assist services and that passengers were constantly irate because they had to wait so long for assistance.*

//

## 1.7 Case Study: Airport messages

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// *I was travelling with a party of passengers who are deaf. It was of concern that on arrival at Melbourne airport after our flight from Sydney, we had little time to catch our connecting flight to Hobart. We were informed that our flight would leave from Gate 11, which is on the other side of the terminal and therefore a significant walk from our arrival gate, past security.*

*As time was limited we rushed, only to be informed by a security official that the departure gate had been changed. We had to make our way back through security. This was again most frustrating and luckily did not result in a missed flight because the deaf members of our party did not hear the very late announcement regarding the changes. It must be noted that deaf people do not hear announcements over PA systems, therefore provisions must be made to accommodate their special communication needs.*

//

## 1.8 Case Study: Moving through the airport

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*// I can walk short distances with an aid of a walking stick. I had booked a wheelchair in Sydney for my arrival. I eventually got it, to be wheeled only part of the distance in the airport. I was told that that was the end of their area and that I would have to get out and wait until another person from the other section of the airport met me. I was directed to an elevator and immediately left alone, only to find that the elevator needed key access and there was absolutely no-one else in sight.*

*Finding my way up a relatively close escalator, I approached another airport staff person who told me she had nothing to do with wheelchairs and to sit and wait while she (begrudgingly) found one for me. This involved me walking a fair distance to a seat, so I leaned against a nearby post, only to be told to move myself and my baggage as I was obstructing a thoroughfare (despite there being plenty of room and no other people there). I told her that I would move when I had assistance as I was unable to walk the distance, particularly dragging my luggage. She mumbled something about getting security, when an airport people-mover turned up.*

*I was told to put my bag in the back, but [the staff member] very begrudgingly did it for me when I said I was unable to lift it myself. I was then driven part way to where I needed to be and then told to get out and walk the rest as the people-mover couldn't go down that particular ramp as the turn was too tight! I was flabbergasted! I couldn't even see any people or exit yet!*

*I ended up having to refuse to move until a wheelchair was eventually obtained for me, with me being told off for having booked a people-mover when I needed I wheelchair - I couldn't win! I expected it to be a fairly simple process. I wasn't in a wheelchair permanently; it was only a little assistance I needed. What a disappointment I had!*



*When I did have a chair and a person to push and assist with luggage, I received the way too usual treatment of having the person treat me as if my brain didn't function either. I had my passport and ticket snatched from me, and an attempt to speak for me. I was wheeled out of the way while my 'driver' was negotiating a queue jumping session, leaving me literally facing the corner of two blank walls.*

*One young man was actually quite polite after I spoke to him. He told me he was given keys to the lock-up of the wheelchairs, a key to the elevator and told he would be phoned when someone needed his assistance. That was the extent of his training!*

//

## 1.9 Case Study: Security clearance

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// *I was travelling from Brisbane to Melbourne on a Jetstar flight. I was prepared for the worst going through security and had not worn my callipers or socks, but a pair of slip-on shoes that could be easily removed by my attendant carer if required. I was placed in a wheelchair at the check-in counter to take me to the aircraft. This [wheelchair] was being pushed by my attendant carer.*

*Arriving at security I was requested to remove my shoes. When I said I had to get my attendant carer to remove them and put them back on, I was told that that was not possible. The security personnel had to do the removal if I could not. I explained the great difficulty and pain that shoe removal caused I was told 'not to be a bloody sook'. The security person then proceeded to remove one shoe. I asked that he stop because of the pain and then he said he would call a supervisor.*

*Twenty minutes later and with no resolution we had missed the booked flight, and returned home, devastated and in no frame of mind to travel or to wait for another flight.*

//



## 1.10 Case Study: Airport wheelchairs

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*// One of my pet hates is that time and time again I am allotted a seat that doesn't have an arm that lifts up, even though I ask for this. I need this in order to transfer independently. Sometimes I have been reassured that I have been given this type of seat and then I haven't. I don't know why this is so hard.*

*My second bugbear is that at Melbourne Airport in particular they will let you take your chair up to the plane door and then you transfer to the aisle wheelchair, but they try as hard as they can to not bring the chair up to the plane door when you arrive. They give a myriad of different excuses for this. At many other airports throughout the world I never have this problem. They obligingly bring it up to the plane. Having my chair means that no one has to push me. I can find my way to baggage claim on my own, so that one of their staff members isn't occupied. I am safer and more comfortable in my own chair.*

*A couple of years ago, they insisted I get on one of their wheelchairs. After four hours on a plane without a toilet that I could use, I really needed to use a toilet pronto. I wouldn't have been able to transfer safely off the airport chair onto the toilet. They gave me a list of excuses but finally when I said I hadn't been to the toilet for hours and needed to go NOW, they got my chair in double quick time. I think they feared a nasty mess on the airport floor.*

*//*

## 1.11 Case Study: Boarding

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*// I am a 50-year-old male quadriplegic. I am especially sensitive to pain, which can cause severe muscle spasms, which are very painful. My injury also affected my ability to speak so for the sake of time, communication is through my carers.*

*For the past nine years I have made an annual trip to visit my family in Victoria. I always travel with two carers and sometimes even three. It is rarely without difficulties but on this occasion I felt compelled to make a formal complaint.*

*A carer booked the flight months in advance specifying my needs. We were assured that although we couldn't reserve a specific seat we would be given priority seating at check-in. We requested the front row because even though the armrests do not retract there is plenty of legroom, which is very helpful with the manual transfer and much more comfortable as I have long legs.*

*At check-in we were told that that was impossible as these seats were in an emergency exit and a disabled person is not allowed to sit there. We took the seats that we were allocated and the transfer into the airline seat was as difficult as we anticipated. On the flight home a helpful crew member confirmed that only one side of row 1 is an emergency exit and that we should request seats 1 D, E and F.*

*Once seated, one of my carers requested a harness. The air hostess responded abruptly that they hadn't been informed that it would be needed. She then came and fitted it.*

*After landing, the man who delivered the transfer chair told my male carer that the chair was old and too wide for the aisle. After the transfer the crew member disappeared and my carer was left to struggle with this chair that was definitely too wide for the aisle. We were then told to wait for the wheelchair at oversize baggage. As it turned out, this was wrong and over an hour later the chair arrived but not from there.*

*On the return flight, the problems began upon boarding. Before I was even seated we heard the Cabin Manager say 'we are having some problems with a gentleman'.*

*To make matters worse he was unable to secure the harness and said he had never had to use one before. Later a ground crewman arrived and the restraint was secured.*

*This time we were allocated better seats. We thought it was A B and C (as common sense would dictate) until another passenger said she was allocated seat A. She would have had to literally crawl over us to take her seat so the flight crew negotiated a quick swap.*

*The Cabin Manager approached us during the flight with a book in his hand and said he was sorry but it was 'breaking the law' having me on board. He showed us the Qantas Policy Manual where it stated that they do not carry 'quadriplegics and tetraplegics'. He said that according to CASA [Civil Aviation Safety Authority] it was a condition that in an emergency the aircraft had to be evacuated within 90 seconds and if it was not achievable he could serve a prison sentence of four to five years. Put yourself in my place and ask how you would feel! This occurred in front of the other passengers and I'm sure those in close proximity could hear every word.*

*Upon arrival, when all the other passengers had disembarked, the crew was waiting at the back of the plane and a carer had to find someone to remove the harness.*

//

## 1.12 Case Study: Boarding

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// *My husband has quadriplegia. He needs to be manually lifted into an airline [aisle wheel] chair, and then lifted again into an airline seat. We travelled semi-regularly between capital cities, particularly between Brisbane and Adelaide. Since 2002, flying has become a less attractive option. In fact, we feel it is an ordeal.*

*Lifting was once done by two staff members at each end of the flight, but more recently a sling has been deployed, usually requiring more staff members. The pitch between seats has decreased, and lifting techniques have degenerated with the use of the sling. We have found that most staff members have not been trained adequately, and learn 'on the job'.*

*In fact we are never confident that there will be enough staff at some airports to deal with the transfers adequately. For example, on one arrival in Adelaide, one small woman was expected to complete the entire lift!*

*There is no seat available on the aircraft that allows for easy transfer. The economy seats have limited room for staff members to transfer with ease and hence my husband has been dropped on numerous occasions with resultant skin problems. While business class would allow more room for transfer, we cannot travel in these seats as the side arms do not lift up to allow a smooth transfer.*

*I tried to negotiate a better result, ie, a more flexible seating arrangement for people with special needs, with the airline involved, but because we were made to feel as if we were the lone complainants, we were told our requests were unreasonable on cost basis, and once again pushed aside.*

//

### 1.13 Case study: Missing wheelchairs

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// *My son lived with a crippling degenerative disorder. We hoped to give him as many joyful experiences as possible. This included flying from Canberra to Perth to visit relatives and taking a trip provided by the 'Make-a-Wish Foundation'.*

*My son could not support his own body weight and was reliant on a purpose-built wheelchair to provide*

*support. We also purchased a special car seat that was approved for aircraft use. For a safe and comfortable flight we needed the car seat fitted, the wheelchair to be available to board and as soon as possible after landing. We discussed our needs including using the car seat, provided documentation and reached agreement with the airline before arranging the flights.*

*The wheelchair went into the hold during the flight and it was always a challenge getting it returned. We were always left sitting in the aircraft until it was found. If we were in transit and the chair couldn't be found we had to hold him, giving no time to use airport facilities such as toilets and cafés.*

*The first time we tried to use the car seat, despite making prior arrangements, the engineers refused to clip the strap of the seat to a hook on the floor and told us, 'the car seat goes or you go'. Instead the flight crew tried to fit an adult harness with a wide horizontal strap that sat across my son's throat.*

*We tried flying again, this time arriving earlier at the airport to make arrangements with the flight crew, only to have staff insist the seat go in the hold. On a return trip the crew, not wanting to use the seat, had us wait while they sought further directions. After a wait of more than an hour, we boarded last. We had supported our son, weighing 20 kilos, during that time. We didn't want to leave the boarding area as we thought we would board at any moment, so there was no chance to change him and my husband and child were soaked. Boarding last and placed at the rear of the plane, there was no room to arrange the things we needed for the flight. We held our son on our laps for the following four-hour flight, both sitting in soaking wet clothing.*

*We cancelled the Make-a-wish Foundation trip soon after this experience.*

**//**

## 1.14 Case Study: Damaged wheelchairs

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*// I used to travel to Melbourne for a day, once a year, to a medical clinic. I did this for five years. It was a very tight schedule, as I had to catch a taxi to the airport, catch a taxi to the clinic (a one and a half hour trip), grab some lunch and go to the clinic for several hours and do the same return trip.*

*There are many stories I could tell you, but the one that stands out the most is this one:*

*I had received my first brand-new electric wheelchair, which I had been waiting forever for, and was doing my annual trip to Melbourne.*

*The trip going down was okay (apart from the usual stress of hoping your wheelchair is safe). The trip back was my worst nightmare come true. On arriving in Melbourne airport, I checked in on time and they took my wheelchair to load in the plane. When I arrived in Sydney and I went to get my wheelchair they told me there was a little problem (I would love to know what a big problem was). They then brought my brand-new electric wheelchair. They told me it had bounced off the luggage trolley. It was bent so badly I not could sit in it let alone drive it. They lent me a manual wheelchair, the only one they had, but the back was so low I couldn't use it. The airline said they would pay for the repairs.*

*I was bedridden for three days while they made some hasty repairs. The wheelchair was never the same again. The airlines don't seem to realise that wheelchairs are our legs and when they break our wheelchair they are breaking our legs.*

*//*

## 1.15 Positive Experiences

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A few passengers told of positive experiences about their journey. Specific reasons given by passengers or their carers for their satisfaction with the service included:

- airline accepted passenger with wheelchair;
- permitted to self transfer from wheelchair to seat;
- transferred from chair to seat without a hoist, by skilled staff;
- wheelchair was waiting on arrival;
- passenger boarded first and didn't rush to move passengers off the plane on arrival;
- clear directions from staff;
- assistance provided with luggage;
- transport provided around airport;
- received requested seat allocation.

It was more common for passengers in this group of case studies to refer to the positive attitude of and treatment by staff. Comments included: 'staff very supportive', 'crew didn't dwell on disability', 'respectful and helpful', 'courteous and efficient', and 'treated like royalty'.

Passengers with good and bad experiences suffered from the frustration of inconsistent services. For example, a morning trip from Sydney to Melbourne would be satisfactory while on the return trip problems would be experienced at each point in the journey. This passenger's inconsistent treatment was common:

The trip to Melbourne was excellent ... on the return trip my wheelchair was not waiting for me at the aircraft. I waited and waited and then finally someone took me down to the luggage carousel on one of their wheelchairs as they said they could not locate mine.

FLIGHT CLOSED



## Part 2 Response to the Issues Paper

### 2.1 Introduction

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This Chapter responds to the matters set out by the Allen Consulting Group in its *Issues Paper* for the Review of the *Disability Standards for Accessible Public Transport 2002*. The issues passengers described as part of the study on which this report is based described significant barriers to travel that do not necessarily correspond to the questions in the *Issues Paper*.

Based on the experiences of the passengers who provided their stories, the scope and detail of requirements in the Standards are not adequate. A summary of the examples referenced in this Chapter can be found at Appendix A.

### 2.2 Public transport accessibility

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The Issues Paper notes that one of the challenges of assessing accessibility is the lack of available data. There is no Standards compliance monitoring process for airlines in place; there is no requirement or condition on airline licences requiring them to meet the Standards; and no requirement for service providers to submit data. This makes it very difficult to assess whether and to what extent airlines have met the Standards.

Regardless of the extent to which airlines have met the Standards, evidence from this study found that if the airlines do meet the Standards, then the Standards do not adequately protect the human rights of people with disabilities.

### 2.3 Needs of passengers

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In most cases, the nature of service that passengers with a disability need in order to board and travel on an aircraft is part of the ordinary business of an airline. They need correct information when purchasing and booking tickets, appropriate seating allocation at check-in, information about safety, and good care taken of their aids, equipment and luggage carried in the cargo hold. Depending on their disability they may also need assistance moving through the airport, directions to their seat, assistance transferring from a wheelchair to that seat and information about safety procedures and airport announcements in different formats.

In some cases, airlines restrict travel by refusing to provide these services. In other cases, these services are offered but staff who are untrained or inadequately trained and unaware of disability considerations provide the services in a way that makes the journey difficult and sometimes impossible.

This study attracted responses from a few people who had excellent service from airlines. The services or situations that passengers praised were:

- an airline accepting the passenger with a wheelchair;
- they were permitted to self transfer from wheelchair to seat;
- they were transferred from chair to seat without a hoist, by skilled staff;
- their wheelchair was available on arrival;
- the passengers with disabilities were boarded first;
- clear directions given by staff;
- assistance provided with luggage;
- transport provided around airport terminal;
- they received the requested seat allocation;
- staff provided assistance without drawing public attention to their disability.

The delivery of these services entails minimal, if any outlay of capital or staff resources. They should be part of the day-to-day management and delivery of good service to passengers.

## **2.4 Has the accessibility of public transport improved since the introduction of the Transport Standards?**

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Results of the study undertaken for this report indicate that access has become more difficult in recent years. There are examples of people travelling regularly over several years, only to find the recent changes to the application of or introduction of new airline policies are restricting their access. Restrictive conditions placed on consumers vary between airlines so that without consistent application of standards, consumers are denied access to a competitive market place.

The main categories of restrictive practices relate to:

- the transport of wheelchairs;
- the application of 'independent travel criteria', which either denies access to travel or imposes a condition that the passenger travel with a carer at their own cost;
- travel with assistance animals.

These practices are applied in an inflexible way and are often indicate an over-reaction or a lack of a common sense approach to disability.

For example, a passenger who uses a wheelchair that he is able to fold and lay on its side on top of his car for transport had an airline refuse to carry the wheelchair unless it was upright. In an upright position the chair is too tall for the hold and the customer was then refused travel.

In another example, a passenger is told by the airline that they cannot fly because the toilet is not accessible even though they have a catheter and the length of the flight is only one hour.

## 2.5 **Has accessibility to conveyances changed? Can you provide examples?**

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Access to an aircraft includes moving through the boarding area to the door of the plane, transferring to a seat, as well as transportation of mobility devices. The ability of people with disabilities to physically enter a plane if they are provided with appropriate assistance has not changed. However, the willingness of airlines to provide assistance to access the aircraft has changed and there has been a decrease in equitable access as a result.

Some airlines will not transport wheelchairs as changes have been made to baggage handling practices. These practices have not taken into account the needs of people travelling with wheelchairs. This restricts access to the choice of flights otherwise available, both in terms of timing and regularity of flights, whether or not the flights are direct, and the range of available destinations. Passengers find they cannot travel on days and times needed, or must transfer flights mid-journey.

Passengers try to avoid transferring flights mid-journey as this requires negotiating with another set of staff to disembark, move around an airport and board, and lengthens the time of the journey (a more serious problem if toilets are not accessible). Family members and carers may prefer to provide assistance departing and on arrival but cannot travel with someone to assist with a mid-journey transfer. Forcing a person to break the journey by transferring from one flight to another can stop a person with a disability from travelling independently. People whose travel is limited by airline policy to one type of aircraft can be forced to transfer mid-journey even on busy routes such as Melbourne to Brisbane, where most passengers would not expect to land or transfer in Sydney.

Access to air travel has changed as airlines introduce new policies or apply existing policies inconsistently. Examples of where passenger access to air travel has changed over recent years can be found in Appendix A (in particular, Reference 16, 27, 34, 38, 47, 55, 66, 78, 79, 89, 98 and 108). These examples have resulted in individuals:

- being unable to access respite facilities as the airline will only transport certain wheelchairs on 767 aircraft;
- being unable to continue regular visits to relatives as the airline required the person to be accompanied by a carer at their own cost, even though the person demonstrated he could travel independently;

- who live independently and have travelled independently over the past 16 years being told they do not meet independent travel criteria;
- being unable to afford the expense of the condition imposed by the airline to travel with a carer at their own cost;
- who can transfer from wheelchair to aircraft seat being forced to transfer by sling, causing physical pain and embarrassment;
- with intellectual disability being refused assistance immediately prior to boarding, even though the carer had made prior arrangements and met airline staff at the boarding area.

## 2.6 How has accessibility of information changed? Can you provide examples?

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When travelling by air, information needs to be available at different points of the journey and needs to be available to airline staff and remain accurate throughout the journey. Information needs to be available to airline staff as well as passengers. Information is not limited to that provided by the airline, it includes the information the passenger provides about their need for assistance and the transfer of that information to all relevant staff.

Information needs to include details about conditions of travel and restrictions of aircraft (including appropriate seats), services available to assist passengers, security clearance arrangements, carriage and baggage claim of wheelchairs and other aids, safety briefings, boarding processes, and changes to boarding arrangements such as delays and gate changes.

Lack of access to information and the failure to ensure the effective exchange of information about a passenger's needs between different sections of the airline are a common problem; for example, the flight crew 'forgetting' to advise the ground crew that someone needs assistance to disembark.

Nearly half of the case studies included a complaint about poor information practices. Issues resulting from internal communication problems included:

- information not being provided by the airline at the time of booking, which resulted in cancelled flights, in some cases with no refunds provided;
- hearing impaired passengers not being advised of flight delays or gate changes (made through audio public announcements);
- safety briefings not being provided to vision or hearing impaired passengers;
- information about passenger needs not being conveyed to ground or flight crew resulting in passengers waiting longer to board or disembark from planes, missing flights, or being handed over to other passengers to assist; wheelchairs or assistance not being provided on arrival; and staff trying to board passengers on wrong flights;

- passengers being given incorrect information about where to pick up wheelchairs on arrival;
- assistance not being provided when delays to flights occur or changes are made to departure gates.

For examples see summaries at Appendix A: 3, 4, 6, 11, 14, 19, 20, 25, 28, 30, 32, 46, 56, 57, 59, 61, 64, 69, 73, 75, 78, 84 and 85.

## 2.7 **How has accessibility of infrastructure, eg, airports, interchanges, etc, as well as access to co-located facilities such as toilets, waiting rooms, and food and drink, etc, changed? Can you provide examples?**

---

Airport terminals in capital cities are large, complex environments. The barriers passengers with disabilities confront are not adequately dealt with in the Standards and Guidelines.

Passengers' experiences of the airport terminal environment will depend on their disability. For example:

- Passengers who drive and park in the car park of Sydney airport can't access the bus shuttle service to the terminal if they use a wheelchair.
- There is no assistance from the drop-off point at the terminal to the check-in desk for a person who is blind or can walk only short distances.
- Cars and specially booked accessible taxis waiting at the arrivals area are moved on if there are delays. (Delays are often experienced when assistance to disembark is not provided or wheelchairs are lost or damaged.) As there is often limited availability of accessible taxis this can cause significant further delays.
- Passengers who have vision impairments rely on 'meet and assist' services to get to boarding areas, cafés and toilets. If these services are not provided, such as when they are transferring flights or there are delays, there is no access to facilities.
- Passengers who are transferred from their own purpose-built wheelchair to an airport wheelchair cannot independently access toilets and are dependent on someone to push the wheelchair.
- Passengers moving between areas have found lifts are locked to the floors they need, airport vehicles can't move to the boarding area and they are transferred to wheelchairs or moved on forklifts, including through kitchens.
- There is an ongoing problem with baggage carousels for most people with a disability.

Unlike other modes of transport, airports have security access points that must be managed. There are several examples where insensitive staff and

inadequate procedures have caused passengers to miss flights. Case studies referenced 3, 67, 76, 78 and 82 at Appendix A provides some examples.

Other examples of passengers with restricted access or problems moving around the airport terminal can be found in Appendix A, see references 12, 24, 29, 48, 51, 58, 59, 62, 63, 65, 72, 74, 102 and 104.

## **2.8 Have these changes matched your expectations of the implementation and uptake of the Transport Standards?**

---

People with disabilities did not believe the application of Standards would create more barriers to travel or allow inconsistent practices within and between airlines. The Standards do not adequately serve or deal with the airline industry and its more complex environments.

Internationally, the European Union, Canada and the United States of America have separate regulations and standards for the airline industry, which are monitored by their respective transport agencies. This allows an agency with expertise in the transport mode to monitor the standards and incorporate compliance measures with other regulatory requirements.

## **2.9 Do you consider that the changes have matched (1) the compliance requirements and (2) your expectations?**

---

The analysis undertaken for this report indicates that access has become more difficult in recent years. There are examples of people travelling over several years, only to find that the recent application of airline policies or the development of new airline policies are restricting their travel or placing unreasonable conditions upon them. Conditions vary between airlines so that without consistent application of Standards, passengers are restricted in their opportunity to participate in a competitive market.

The changes indicate that the requirements are inadequate, and potential conflict with other regulations and requirements has not been adequately considered and addressed.

## **2.10 If the changes have fallen short of your expectations, can you provide examples?**

---

The Standards are not adequate because:

- The Standards and Schedule 1 describe outcomes that providers of all modes of transport are expected to achieve over specified time periods. The generic Standards fail to adequately take into account all

of the elements of travel and the level of complexity a passenger with a disability encounters when travelling by air.

- There is no monitoring of the Standards to ensure that they are applied consistently across the industry. For example, the Standards provide for seat allocations to be managed so that seats suitable for people with disabilities are allocated last, but this does not appear to be consistently adhered to. The Standards do not appear to be complied with consistently by the airlines.

Appendix B provides the list of compliance issues identified in this study and how each issues has been dealt with United States and Canadian regulations or standards.

### **2.12 Do you consider that the level of compliance required at the end of the first five-year period is sufficient to have had an impact on accessibility?**

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As there was no reporting of compliance and no requirement to provide data, it is not possible to respond effectively to this question. However, the results of this study in analysing over 100 case studies indicate that there is a systemic failure of airlines to improve access.

### **2.13 To what extent do you consider current data on accessibility are reliable? Can you provide examples of problems with data that you are aware of?**

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The data used to prepare this report comes from an analysis of 110 case studies. Evidence from this study indicates that barriers to air travel have increased rather than reduced.

It is an obvious weakness of the Standards that compliance data from the airlines does not have to be provided to or independently verified by the reviewing agency or consumers.

### **2.14 How could reporting of accessibility data be improved for future stages of the implementation of the Transport Standards?**

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Mandatory reporting requirements and the data should be made publicly available on an annual basis.

## **2.15 Has the introduction of the Transport Standards helped you better understand your rights as a public transport user? If yes, in what ways has it done this?**

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Transport standards for the airline industry, as referred to previously, have not been adequate. However, in principle a specific set of standards for airline travel would help consumers and the industry understand their rights and obligations.

## **2.16 Are the Transport Standards and the accompanying *Disability Standards for Accessible Public Transport Guidelines 2004 (No 3)* (the Guidelines) a sufficient source of information on your rights as a user of public transport, or have you needed to consult other sources? What other sources have you consulted? How did you find out about these sources?**

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The Guidelines are ineffective for the same reasons as the Standards, as described above. Further, it is the experience of the authors that little consideration is given to the Guidelines by public transport providers in understanding their obligations and seeking to implement appropriate compliance measures. The lack of statutory force of the Guidelines seems to undermine their usefulness as a compliance enhancement mechanism.

## **2.17 Are you aware of other users of public transport who appear to be unaware of their rights or obligations? How could this lack of awareness be addressed?**

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The case studies demonstrate that people with disabilities are often forced to strongly advocate for their rights in the public transport arena. However, it is likely that those who provided case studies are a small and more active or connected sector of the Australian community of people with disabilities. It is likely that many other people with disabilities are unaware of their rights and of the obligations of the airlines to comply with the requirement that they not unlawfully discriminate in the provision of air transport services, or what that obligation means. In fact, anecdotal evidence and information received by the authors and their partners in the project indicates there is widespread discrimination by the airlines against people with disabilities.



A community education program could address the rights and obligations for both consumers and industry. The airline industry could play a part by promoting and improving their service delivery.

**2.18 Are there areas of the Transport Standards that you consider unclear in terms of the adjustments operators and providers need to make? Please specify.**

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Please refer to Appendix B, which lists the compliance issues and Standards that are inadequate to fully address the transport needs of people with disabilities in respect of airline travel.

**2.19 To what extent do the Transport Standards allow operators and providers a choice of ways in which they can demonstrate compliance?**

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There are unlimited options for the airline industry to create an environment for people with disabilities to have equitable access to travel but there is little or no guidance in the Standards. This study provides an excellent example of the results of self-regulation for transport: the outcome of lack of regulation and guidance has been reduced access. As a consequence, inconsistent application of inadequate standards between airlines has limited the choice of provider for customers and reduced competition.

It is perfectly reasonable for companies to develop different ways to achieve equitable travel outcomes, but the outcomes for customers should be consistent across the industry. Currently, there is no level playing field for individual companies to operate. There is no incentive to improve service delivery.

**2.20 As a public transport user, are there areas of the Transport Standards where you consider that a more specific requirement for compliance would improve accessibility?**

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It would be useful and consistent with the objects of the DDA to have standards that ensured the removal of the barriers listed in Appendix B. It should not be necessary to have specific technical requirements to achieve these outcomes. Requirements that are too prescriptive reduce the ability of operators and providers to meet individual needs and to introduce innovative solutions as they become available.

Requirements for airlines under the Standards should become a core requirement of airline licensing.

**2.21 Do you consider that the requirements in the Transport Standards have been applied consistently across different modes of public transport?**

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In terms of the airline industry, it is not possible to achieve a consistent outcome with other modes of transport as there are so many issues that are specific to airline travel. This is another reason why the European Union, the United States of America and Canadian models for modality-specific standards provide good examples of a specific standard for airlines.

**2.22 Do you consider that the current exemptions granted are appropriate? Should these exemptions be reduced over time?**

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The exemption for aircraft with less than 30 seats and for airports that are not used for passengers should be sufficient. Exemptions are an attack on the regulatory function, they reduce the role of regulator to make decisions, and remove scrutiny by the public and limit the participation of consumers.

**2.23 To what extent do the requirements in the Transport Standards address all of the accessibility requirements for people with disability? Are there gaps in the coverage of requirements?**

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Please refer to Appendix B for a list of gaps in the Standards in respect of airline travel.

**2.24 Does the compliance timetable provide for a gradual improvement of accessibility over the 30-year implementation period? Are there aspects of this timetable that present compatibility problems? How could these requirements be improved?**

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The emphasis in the Standards is on improved infrastructure and capital equipment. The sections on service provision are minimal and inadequately described. This is in stark contrast to overseas examples, for example, customer service in the Australian Standards accounts for two sentences

while the Canadian Government has a regulation on service provision and training. There are many areas in which airlines could improve their services immediately; this includes solutions that can be implemented at relatively low cost as part of day-to-day business practice. Not all improvements require investment in capital equipment.

The cost of improvements should be considered in the light of increased demand for travel from family members and friends, benefits to the tourism industry, and social and welfare reforms of the Australian Government (such as encouraging people with disabilities to enter employment and take up training opportunities).

The absence of monitoring and reporting obligations may give rise to compliance problems with such long delays between compliance triggers and the absence of any requirement to consider the Standards when purchasing new equipment and implementing services. Such considerations should be built into the overall regulatory framework for the airline industry, and would be enhanced through development of a consultation obligation.

## **2.25 How well are the current arrangements for making complaints about accessibility understood by the public?**

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It appears that unless members of the public happen to belong to an organisation that provides information about complaint processes, there is little understanding of the current arrangements for making complaints about accessibility. The evidence from solicitors in advocacy organisations and community legal centres is that only informed and well-resourced people make complaints through official processes. Of the 110 case studies collected for this study only a small number resulted in formal complaints. (This small number does not appear to reflect a satisfactory outcome being achieved through informal processes.)

Further, the lack of clarity around how non-compliance with the Standard can be effectively the subject of a complaint, other than an individual complaint, is a serious barrier to effective use of the complaints mechanism in the area of Standards.

The recent decision of Justice Collier in *Access for All Alliance (Hervey Bay) Inc v Hervey Bay City Council* [2007] FCA 615 (2 May 2007) seem to require an individual to establish not only non-compliance with the Standards, but also that the non-compliance resulted in them being disadvantaged. This would appear to undermine the pro-active compliance regime contemplated when section 31 was formulated.

## 2.26 Are the current processes sufficiently responsive to complaints, or requests for information or advice on the Transport Standards?

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The process is not appropriate for adequately and equitably addressing the implementation of Standards in airline transport. Limitations of the use of the legal process in the case of airline travel for people with disabilities include:

1. The process can only be initiated by an 'aggrieved person'. There is no ongoing monitoring process that is able to identify and act on non-compliance. This means that the onus continues to be on individuals with disability to enforce the Standards.
2. The legal process does not and should act not as a monitoring process to regularly ensure compliance with Standards.
3. Taking legal action to enforce the Standards is a time-consuming, resource intensive and slow process.
4. Should the matter be resolved at conciliation, the settlement is binding only between the parties to the complaint. Therefore, while a settlement may provide for systemic outcomes, such as training or policy changes, only the complainant who is a party to that settlement agreement can enforce the settlement if the respondent fails to fulfil its obligations.
5. A conciliated outcome pertaining to air travel is only of real value to the complainant if:
  - (a) he/she travels frequently; or
  - (b) he/she is paid compensation.
6. It is a fairly standard practice for conciliated agreements to be confidential. This means that the substance of the improvements to the complainant's air-travel, even if it is merely to enforce the current legally required standards, remains confidential and cannot be used by other people as a precedent to seek improvements more generally.
7. Should the conciliation fail, and the complainant proceeds to a hearing, the complainant faces many financial obstacles. These may include:
  - (a) filing fees;
  - (b) the cost of retaining solicitors, barristers and of obtaining expert witness testimony;

- (c) the very real possibility that the airline will seek 'security for costs', which requires a deposit or proof that the complainant can pay the respondent's costs if necessary;
  - (d) the size and financial capacity of the respondent party with access (often) to more experienced legal counsel, and greater capacity to hire experts;
  - (e) the potential that the respondent's counsel could seek to strategically delay the hearing by mounting multiple legal arguments thereby seriously depleting the complainant's funds, increasing the pressure on the complainant to seek a mediated settlement and reducing the chance the matter will ever reach hearing and judicial decision; and
  - (f) the real chance of the complainant being ordered to pay both their own costs and the costs of the respondent in the event that the complainant loses in the Federal jurisdiction; these costs can run up to \$10,000 per day and if Senior and junior counsel are hired can often exceed this amount.
8. Should the complainant succeed at hearing, the outcome will generally be of a financial nature. As such, the remedy will fail to eliminate the discriminatory practice. It is rare for courts to order policy change. In these circumstances, the only means of effecting policy changes is to widely publicise the decision in order to bring pressure to bear on airlines to change their operations.

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## Part 3 Cost of compliance

### 3.1 Costs to the consumer

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The *Issues Paper* refers to the Productivity Commission model used to assess the efficiency and effectiveness of regulation, in this case the application of the Standards. It is difficult to quantify the direct and indirect costs to consumers of the effect of transport that is either inaccessible or fails to meet basic standards of service. The case studies were helpful in identifying the types of costs transferred to consumers due to airline policies applied to passengers with disabilities. Passengers also described the value of transport to the individual. Benefits included access to business meetings, participating in professional development events, vacations with family, attending sports training, receiving respite care, and participating in civic duties such as consultation with government.

Direct costs to customers identified in the case studies included:

- non-refund of tickets;
- tickets having to be purchased at other than a discounted price;
- additional booking fees;
- cost of repairs to disability aids and equipment;
- having to take sick leave when confined to bed or housebound because of the need for repairs to a wheelchair or a mobility aid going missing;
- time spent and phone calls made negotiating with an airline;
- cost of having an attendant to travel with them, for example, salary/ wages, airfare, accommodation, etc;
- time delays from missed flights;
- medical costs due to injury during journey through poor physical handling assistance, etc.

Indirect costs included reduced options for employment, career advancement when access is restricted to professional development opportunities, time to organise and get repairs done to damaged aids or equipment, and restrictions on participation in civic responsibilities in the community. Most consumers in the case studies had no alternative transport options, the distance being either too far to drive or their disability restricted their ability to drive. In many cases there was no next-best alternative.

The greatest financial risk to consumers arose if they wished to exercise their right to make a formal complaint. The compliance measures of the Standards are inefficient as they place the greatest burden on the consumer to monitor and enforce, and result in expensive administrative and legal costs. Regulation that shifts the compliance burden away from business and onto individuals risks undermining the regulatory policy intent. The relative burden

on individuals of seeking protection may be greater than the costs incurred by businesses in fulfilling their obligations.

## 3.2 Community costs

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There are benefits and costs to others not directly using the service. Lost value to others includes lost opportunities to be involved in work and family events. When customers can't get the flights they need or can't get on a flight at all, there is lost revenue for the tourism industry, accommodation providers, training and meetings are cut short, sport and training camps are unattended.

Some of the costs and benefits are indirect and predictive, such as the impact of the diversion of household funds when paying for booking fees and damaged aids. It also includes the loss of potential benefits to the whole community of reducing the level of welfare dependency through enabling people with disabilities to participate in professional development or education, or of increasing access to respite care delaying the need for more long-term access to institutional care, or of reducing the burden on public housing and social security systems through enhancing employment opportunities for people with disabilities.

Potential costs include:

- risk of job loss: keeping someone in employment reduces the costs of welfare and associated payments;
- risk of premature entry to care as a result of family breakdown;
- isolation causing an increase in mental health risks and greater use of health care; mental ill health is the leading cause of non-fatal burden of disease and injury in Australia (Australia's Health 2006, AIHW);
- reduced access to opportunities to participate in community and engage in civic duties such as consultation means that government awareness of disability needs and decision-making is poorer;
- loss of social and care networks increase reliance on social services;
- costs to courts, industry, advocates and tax payers of the individual complaints process.

Compliance also upholds intrinsic values of the community such as the contribution to social justice. The community values the knowledge that we live in a society where people are treated fairly, where work and family cohesion are encouraged. The Standards should provide a backstop to ensure these values are maintained through an equal opportunity compliance framework.

The lack of provision of equitable access to air transport should be of particular interest to the domestic tourism industry, which in 2004-05 experienced its fourth annual decline since 2000-01. Domestic visitors



generate most (76%) of the revenue for the industry. There is a large capacity for growth with room occupancy rates around 65 percent (ABS 5249.0 Australian National Accounts: Tourism Satellite Account 2004-05).

There also appears to be a lack of connection between Government policy on transport and Commonwealth welfare and employment support policies. The Disability Strategy, for example, encourages people who receive Disability Support Pensions to participate in the workforce, training and in the community. A Government brochure, 'Respite for carers of young People with a disability', points out that:

The availability of family members, friends willing to provide care is often a key factor in the ability for some people to remain at home

Similar recommendations are made to support the needs of carers Yet the case studies reveal several examples where visits to family members who could provide support were cancelled due to airline policy and work commitments were threatened.

### **3.3 Restricting choice**

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In a market where there are only a few airlines operating on major and popular routes and only one operator on many regional routes, consumers have little or no choice of carrier. Individual airline policies further reduce choice and therefore competition. Individuals who cannot drive, or safely travel long distances using other modes of transport, do not have alternatives. The limited competition in the Australian market place is a disincentive to maintain appropriate and equitable standards of service delivery.

Domestic airlines report that its general passenger load is just over 80 percent (10/5/07 ABC Lateline), airlines report healthy profits (22/2/07 Virgin Blue Operating Statistics). Yet, even with this spare capacity, carriers have not shown an interest in providing a service to the customers in our case studies. If all customers have the potential to be attractive if the price is right; however this basic principle has failed in this market. Consumer choice is not driving the services the airlines provide. The market is not discriminating on price but on the individual circumstances of people, in this case it is who is buying, not how much, that influences the market. The market is not being efficient or just, there is no level playing field for the industry.

Consumers are bearing the cost of this lack of equal access. To rectify this, government should intervene on behalf of consumers to enable them to participate equitably in the market. Better protection of passenger rights through minimum standards applied to all licensed participants encourages healthy competition between operators to develop competitive services.

Industry specific regulation would improve the rules for participation. The Standards in their current cross-modality form are difficult to understand and apply and are poorly enforced and difficult for consumers to rely on (Public Interest Advocacy Centre, *Litigating the Standard: a case study*, 2007). The result is that costs of compliance are imposed on participants, and non-compliant carriers are able undercut those that apply and comply with the Standards. The purpose of government regulation is to supervise and control activities in the interest of economic efficiency, prevention of market failure and maintenance of fairness where a need is clearly established. It is also used to ensure the provision of public goods, whether delivered by government or the private sector. Government intervention in the case of market failure allows for more effective operation of market exchanges to the general benefit of society.

### 3.4 Compliance

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A process for monitoring implementation of the Standards could be incorporated into the compliance mechanisms that are already required by airline industry regulators. The result should return a better-equipped airline workforce and more responsive industry and create better outcomes for all travellers. A single agency responsible for airline standards for the airports and airlines would also ease confusion about where to direct complaints of non-compliance.

For example, the role of the Canadian Transportation Agency is to develop and administer accessibility standards under federal jurisdiction, address complaints and consult with stakeholders. It conducts periodic surveys to monitor the progress on the implementation of the codes of practice and provides reports to an advisory committee. Proposed amendments are provided to the public for comment. Operators prepare action plans and provide progress reports on implementation in their annual reports. The USA Accessibility and Transport Barriers Compliance Board operates a similar model.

Consumers who have a disability have not experienced the benefits of micro-economic reforms in the Australian airline industry. In fact, access to the airline market for this sector of the market has gone backwards in recent years. The hidden or external costs of failing to provide access to customers are borne by the consumer, their families and the community. The cost of compliance is shifted from business and government to the community itself, particularly marginalised and disadvantaged members of the community as it relies on individuals taking direction action or using costly legal avenues to seek redress. This sector of the community is the one least able to bear these additional costs. The emphasis on reviewing the Standards for its implications for business can overlook the central policy purpose of maintaining the human right to equality of people with disabilities in the community.

The original Regulation Impact Assessment (RIS) prepared for the Standards, even though it concentrated on land transport for much of its data, remains relevant to the current review. The analysis of these case studies can add to that original assessment of costs and benefits by identifying the external costs of limited access to transport, those that are shared by individuals and the community. The economic contribution to social justice is difficult to quantify. While a qualitative study can't quantify the effect on the market and consumers, it can identify some of the types of costs to the consumer and to industry.

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## Part 4 Proposed Amendments

### 4.1 Introduction

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The Terms of Reference for the Review include assessing the need for amendments to the Standards and Guidelines. This Chapter compares the barriers to accessing air travel described by passengers with disabilities with the requirements of the Standards and Guidelines. Recommendations are put forward based on gaps identified through this comparison and consideration of international best practice.

The Standards Review committee is urged to consider these recommendations as part of its review of the Standards and Guidelines. It is recommended that a standard be developed specific to the airline industry similar to arrangements in the United States of America, Canada, the United Kingdom and the European Union. The national transport agencies of these countries also produce specific publications for people with disabilities travelling by air describing their rights and obligations based on their respective regulations, standards and codes of practice. A similar industry-wide publication would also be useful for domestic airline passengers in Australia.

### 4.2 Boarding: Part 8 Standards and Guidelines; Direct Assistance: Guideline 33.10

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Passengers were most likely to experience issues with boarding if they were transferring from a wheelchair or were vision impaired. Those who were travelling with another person, as well as passengers travelling independently, described problems boarding and disembarking. Airlines were reported to have refused access on the basis of boarding issues, for example, airline aisle wheelchairs were not available, or assistance was not provided to transfer passengers from wheelchair to seat.

A common complaint from wheelchair users was being compelled to transfer to the airline-provided aisle wheelchair at check-in as well as the number of transfers required between wheelchairs and aisle wheelchairs and between aisle wheelchairs and seats. Independence is removed with the transfer from a purpose-built wheelchair to an aisle wheelchair. The principle of independent access (Guideline 8.2) should be upheld in respect of passengers who are able to transfer independently who seek to maintain independence as far as possible.

Passengers with disabilities were not always asked to board first, which is usual practice. Complaints were made about being transferred to seats in

view of other passengers or in the case of one parent being kept waiting for over an hour to board with their 12-year-old son:

My husband and son were soaked because we hadn't had a chance to change our son as we were expecting at any minute to board.

Other issues experienced in boarding and disembarking included:

- Transfers were undertaken by staff who were untrained in safe lifting techniques or using hoists. A passenger found his wheelchair was damaged when an airline staff member stepped on the footplate while assisting with a transfer. Another passenger who fell through a badly fitted hoist explained, 'The whole incident left me feeling embarrassed and humiliated'.
- Staff being unfamiliar with aircraft seats with armrests that can be lifted for easier transfer.
- Passengers not being permitted to self-transfer despite being physically able to do so.
- The airline providing only one person to assist when two people were needed.
- Flight crew refusing to assist with a flight-approved seat for a child.
- Passengers having to remind staff of their need for assistance.
- Meet and assist services not assisting through security gates or to pick up baggage.

## Notification Failures

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Part 8 of both the Standards and Guidelines place an obligation on the passenger to provide prior notice of their boarding needs. There is no guidance on what should be done with that information by the airline once it has been provided or as the journey proceeds. The failure of information to be passed to relevant staff was a frequent oversight reported in the case studies. Passengers were often 'forgotten' and left to wait on the plane or at the gate for a period of time for assistance to arrive. In some cases, this failure resulted in passengers missing their flights.

Passengers who provided advance notice of their disability and needs did not always receive assistance as they expected. They usually found it necessary to request assistance at each point in their journey, eg, check-in, boarding gate, disembarking, on arrival, even when it would appear obvious that assistance was required. This indicates that giving advance notice of travel does not work, and can create more stress for passengers who assume they were asked for advance notice for the purpose of ensuring the service to be available when needed.

## Proposals for amendments to the Standards

### **Proposal 1:**

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Passengers should only need to provide several days' advance notice when that information is needed by the airline to ensure services are made available to the passenger. The number of days notice required should be specified for each type of service. In circumstances where the service does not require extended notice it should be acceptable for a passenger to notify their need for assistance by arriving at check-in a certain period of time prior to departure.

### **Proposal 2:**

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The Standards should include a requirement for the notification of boarding assistance to result in an agreed outcome confirmed in writing to the passenger, and the request recorded and transmitted to all relevant and responsible employees in a timely manner.

### **Proposal 3:**

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Designated airline ground staff should be required to enquire about the needs of the person periodically while waiting for a flight after check-in and in transit.

### **Proposal 4:**

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Carriers should be required to permit a person in a purpose-built wheelchair to remain in that wheelchair until the person reaches the boarding gate and, if possible, until the passenger is assisted with boarding or reaches their allocated seat. This maintains independence for the person with a disability while reducing dependency on and need to allocate airline staff.

### **Proposal 5:**

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Airlines should be required to accept a passenger's assessment that they do not require special assistance, unless there is a clear reason to overturn this assessment. If they can self-transfer or walk down steps they should be permitted to do so.

### **Proposal 6:**

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An on-board wheelchair should be required on all aircraft with more than 60 seats.

### **Proposal 7:**

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A designated crew member, who meets a minimum standard of relevant training, should be responsible for ensuring the passenger is disembarked with dignity and immediately after other passengers have alighted.

### **Proposal 8:**

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Moveable aisle armrests should be available on at least half of aisle seats, including in business class.

### **Proposal 9:**

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Wheelchairs should be provided at the completion of the flight in a timely manner as close as possible to the aircraft door, unless the passenger requests its return with other luggage.

**Proposal 10:**

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Meet and assist services should be available to assist passengers from check-in, through security, between terminals and to the boarding gate.

## 4.3 Toilets

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### Part 15 Standards and Guidelines, and Guideline 33.11

There were few complaints about access to toilets, either on board the aircraft or in the terminal. More complaints were made about airlines insisting that a passenger be able to access a toilet regardless of whether it was necessary and staff asking personal and inappropriately phrased or timed questions. Passengers reported that they could usually plan around domestic flights that were only a few hours.

Of the few people who did require access to toilet facilities, this related to:

- Toilets that were too small for carers to assist a frail aged person or child with a disability.
- Being allocated a seat too far from the toilet for the person to walk.
- Inability to access airport terminal toilet facilities because of being transferred to an airport wheelchair, eg, out of the passenger's own wheelchair, at an early stage.
- Aircrew unable to assist with a sick child or with used medical or other devices.
- Extended delays in boarding or disembarking or unloading of the passenger's wheelchair or other mobility aids, therefore not allowing ready access to toilet facilities in terminal.

### Proposals for amendments to the Standards

**Proposal 11**

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Airlines should accept passenger's assessment that they do not require extraordinary assistance in accessing toilet facilities. This should not be used as a reason to refuse service.

**Proposal 12**

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Passengers who transfer from purpose-built wheelchairs to airline wheelchairs cannot access facilities independently while in the airline chair. Airlines should permit a person in a purpose-built wheelchair to remain in the wheelchair until the person reaches the boarding gate and if possible the passengers seat or for as long as possible.

**Proposal 13**

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Preferred seating allocations should be provided to passengers with limited mobility who can walk short distances to ensure that the access to on-board facilities is maximised.



**Proposal 14**

Guideline 33.10 should be redrafted to make it clear that the limit on the assistance to passengers move to and from on-board facilities should not be used as a basis to refuse access to travel.

**Proposal 15**

The Review Panel should consider the Canadian regulations that require accessible washrooms and also the Canadian (Code of Practice s2.12) that:

... carriers are also encouraged to be innovative and to pursue the possibility of having a washroom on these [with more than one aisle] aircraft that is large enough to accommodate a person in an on-board wheelchair and their attendant.

**Proposal 16**

Passengers should not be asked personal questions about toileting arrangements. They should be provided with information discreetly about access to and assistance with access to toilet facilities.

**4.4 Information**

**Part 27 Standards and Guidelines; Signs: Part 17 Standards; Direct Assistance: Guidelines 33.9 and 33.11**

References to 'Information' in the Standards and Guidelines do not adequately describe the needs of passengers travelling by air. The nature and type of information a passenger needs as well as the airline is more detailed and complex compared with other modes of transport.

For example, the type of information that needs to be collected and conveyed, the changing nature of that information, the time period and number of people (staff and passengers) who need information at a specific point in time requires the airline to maintain and transfer accurate information across time and place.

Airline customers and booking staff need very specific information about airline policies and services, for example they need to know which seats have armrests that can be raised, which seats a person using a wheelchair cannot access, restrictions on transporting of wheelchairs, what assistance can be provided and how that assistance can be accessed. They need to know this for each type of aircraft and airport.

The failure of airlines to pass information between staff was a common cause of complaint in the case studies. Problems experienced included:

- Booking staff were unfamiliar with airlines' 'special needs services'
- Customers were not provided with information about the airline's requirements at the time of booking, leading to cancelled flights or changed bookings. For example, a week before a booked flight, an airline

advised a passenger that her booking was cancelled as 'two wheelchairs were already booked on the flight'.

- Messages about a passenger's need for assistance were not conveyed to ground or flight crew resulting in passengers waiting longer to board or disembark, missing flights, relying on other passengers for assistance, wheelchairs or assistance not being provided on arrival, staff trying to board passengers on incorrect flights.
- Passengers were given incorrect information about where to pick up wheelchairs on arrival.
- Hearing-impaired passengers were not provided with information relayed via public audio announcements about delays to flights or changes to departure gates as these changes occur.
- Safety briefings were not being available in alternative formats

## Proposals for amendments to the Standards

### **Proposal 17**

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Requests made by passengers with a disability should be recorded and transmitted to relevant employees in a timely manner. Where necessary to ensure equitable access to services, relevant information must be passed on to other airlines and airport staff.

### **Proposal 18**

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Information about all airline policies and services should be identified on the airline's website and other promotional material, and in other formats on request. Airline staff and agents should be made aware of these services and restrictions and make this information available to customers on request.

### **Proposal 19**

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Booking staff should be able to locate information that is necessary to finalise the booking process, including the number of wheelchairs and equipment already booked on specific flights at the time of booking.

### **Proposal 20**

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When appropriate notice is given, the airline must provide the services offered and requested at no additional cost to the passenger.

### **Proposal 21**

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Individual safety briefings should be conducted where required as inconspicuously and discreetly as possible.

### **Proposal 22**

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Video safety presentations should be accessible to all passengers.

### **Proposal 23**

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Announcements should be provided visually and verbally simultaneously in the aircraft and terminal.

## 4.5 Payment of Fares

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### Standard 25.1 and Guideline 1.17; and Refunds

The Standards and Guidelines state that all passengers should be prepared to pay a fare and those with difficulty paying can expect special arrangements (Guideline 1.17). The Standards and Guidelines are not particularly helpful in situations where passengers are asked to bear additional costs due to conditions imposed by the airline because of the passenger's disability. The case studies contain several examples where passengers were:

- unable to obtain a refund when information was provided by the airline after the flight was booked, that resulted in the customer being unable to use the ticket, eg, wheelchairs too large to be transported;
- unable to obtain a refund when they missed a flight due to delays caused by failure of the airlines or airport staff responding appropriately to their disability, eg, missed flights waiting in a queue, missed flights waiting for meet and assist services;
- unable to travel because of additional costs imposed by the airline, eg, the imposition of a requirement that a passenger travel with attendant at their own cost.

Passengers believe the cost of their flight should be reimbursed or the travel allowed to be rebooked if it is cancelled because of changes in the passenger's circumstances caused by their disability or necessary information about the aircraft or about airline policies not being provided at the time of booking, or airline policies being imposed that alter their journey. If the cancellation is due to the airline providing inadequate information at the time of booking, compensation for tourist and accommodation bookings should also be paid.

### Proposals for amendments to the Standards

#### **Proposal 24**

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The Review Panel should consider arrangements in the relevant regulations in the United States of America (2002, 382.35) that place the obligation on the airline to bear the additional cost if the airline considers an attendant is necessary to assist a passenger in a possible emergency. This means that the airline can require the passenger to travel with an attendant contrary to the passenger's assurances, but that the airline cannot charge for the airfare of the attendant. An attendant provides assistance during the flight only if an emergency occurs. If a seat is not available or an attendant cannot be found the passenger is eligible for boarding compensation when the ticket is cancelled. The Standards should impose the same obligation on airlines in Australia.

#### **Proposal 25**

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The airline should provide refunds or rebook flights on all categories of tickets when cancellations are due to a passenger being unable to undertake their flight

because the airline has failed to provide relevant information or appropriate assistance.

#### **Proposal 26**

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In circumstances where a passenger is travelling with a carer because they require a carer in their day-to-day life activities, a discount fare for carer/ attendant should be available. This is directly analogous to the current discounts or arrangements in respect of a person travelling with a guide dog.

## **4.6 Booked Services and Priority**

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### **Part 28 Standards and Parts 28 and 31 Guidelines**

The relevant Parts in the Standards and Guidelines on booked services and priorities, if applied, would go a long way in improving access. There are examples in the case studies where airlines failed to:

- provide assistance after the passenger provided advance notice;
- allocate to a carer or attendant the seat adjacent to the person with a disability;
- provide appropriate space for an assistance animal;
- allocate appropriate seating, eg, armrests that could be raised.

### **Cost of providing advance notice**

Part 28 of both the Standards and Guidelines do not refer to the additional cost imposed on people with disabilities when providing advanced notice of their need for assistance. Tickets that are not purchased through the internet are usually more expensive. This effectively imposes a charge on people with a need for assistance or transport of a wheelchair as they are not permitted by the airlines to book online.

### **Assistance Animals**

Assistance animals are used not only by vision-impaired passengers, but also by other passengers with disabilities. Variation in approval processes or requirements between carriers in relation to assistance animals creates barriers and reduces choice for the consumer.

### **Proposals for amendments to the Standards**

#### **Proposal 27**

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Seats should be assigned that are most accessible for the person with a disability at no additional cost to the person. Information detailing seating allocations that are particularly suitable for people with specific disabilities should be available. It should be mandatory to allocate accessible seats last, other than to people with disabilities requiring that particular access feature.

**Proposal 28**

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An assistance animal should be approved to travel if it has appropriate identification such as tags, harness or credible verbal assurance from the passenger or carer, or evidence that it has been trained by a [suitably qualified] professional agency or individual. *(This is the US requirement described in the US Department of Transportation document 'Information for the Air Traveler with a Disability 2004:')*

**Proposal 29**

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Passengers should be able to readily locate information about available assistance and support services on the airline's website when booking tickets.

**Proposal 30**

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A record of arrangements should be made at the time of booking, and procedures should be in place to ensure information goes to relevant airline staff and passenger. The initial point of contact in the booking process should determine what, if any, services or assistance are needed.

**Proposal 31**

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Booking staff should be able to access information about the number of assistance animals, wheelchairs and equipment already booked on specific flights and any relevant airline limits for that particular type of aircraft.

## **4.7 Food and Drink Services**

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### **Part 29 Standards**

The issues raised by passengers about food services related to obtaining food suitable for diabetics and heating special food for children.

### **Proposals for amendments to the Standards**

**Proposal 32**

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Where food services are available on flights suitable options should be available, if pre-booked, for people with special dietary requirements. Where food service on a flight is limited to food available for purchase, airlines should ensure that the food selection is suitable for people with special dietary requirements to the extent possible. All flights should have the capacity to provide a food reheating facility for people travelling with children with disabilities.

## **4.8 Belongings**

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### **Part 30 Standards and Guidelines**

The Standards and Guidelines include the requirements in respect of the transport of mobility aids (including wheelchairs) and the provision of assistance to retrieve aids. They do not refer to assistance with other belongings such as luggage.

The issues arising about belongings were:

- inability to reach an agreement with an airline to transport a wheelchair accompanying a passenger with a disability;
- damage of a wheelchair during the journey;
- delivery of the wheelchair on arrival; and
- assistance with luggage (not aids) where the passenger has limited mobility.

Airlines have developed baggage-handling arrangements apparently without taking into account the transport needs of people with disabilities. As a result, passengers with motorised wheelchairs were frequently refused service. In these circumstances, the airlines regularly refused to discuss whether batteries could be removed, or wheelchairs could be folded or dismantled in some way.

One parent described the extraordinary lengths she made to arrange a flight from Melbourne with Qantas for her daughter to attend a sports camp in Sydney. She had several conversations with Qantas about the need for the customised wheelchair; she spoke to baggage handlers, learned how the chair could be dismantled, and finally, when none of this resulted in a satisfactory outcome, went to the media, all without results. The family travelled on Qantas (as she was told of the restriction after booking tickets) and the wheelchair was sent as freight with Jetstar. After this experience she decided to:

... cancel our [later] flight to Brisbane and have not had a family holiday out of the State. I did not have the energy or strength to go through a battle to book a holiday.

When wheelchairs were carried in the cargo hold, passengers experienced the frustration of their wheelchair being returned to them some significant time after the arrival of the flight, the wheelchair being left unattended in a public-access area, or returned in a damaged state. Passengers have also been asked to sign a waiver for any damage caused during the flight.

Passengers using 'meet and assist services' complained about assistants refusing to help with removal of the luggage at the carousel or to assist with luggage moving from the baggage area to the taxi area.

## Proposals for amendments to the Standards

### **Proposal 33**

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Information should be available, at the time of booking tickets, about the airline's policy and procedure for the transport of disability aids and equipment.

## **Proposal 34**

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Wheelchair batteries should be treated in accordance with safety and handling requirements. If packaging of batteries is required by the airline, such packaging should be supplied at no cost to the passenger.

## **Proposal 35**

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Written instructions on disassembling and assembling of a wheelchair may be provided to the airline and the passenger should be able to expect that any assembly and disassembly be done by the airline consistent with those written instructions.

## **Proposal 36**

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The airline should be responsible for reassembling the wheelchair and returning it in the condition in which it was received. No additional charge should be permitted for this service or for the carriage of that equipment or to cover any risk of damage in transit.

## **Proposal 37**

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Passengers should not be kept waiting on planes or on the tarmac for extended periods of time. They also need good care taken of their wheelchair so that it is not left unattended or damaged. Wheelchairs should be returned in a timely manner as close as possible to the aircraft door, unless the passenger requests its return with other luggage.

## **Proposal 38**

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The airlines should be responsible for any damage they or their agents causes to disability aids or equipment. Where equipment is damaged or lost the airline should provide immediate temporary replacement of equipment at original standard, and arrange for the urgent repair of damaged equipment. Where the item is misplaced and not found within 96 hours the airline should be liable for cost of replacement to the original standard. Waivers of liability should not be required for damage or loss. Compensation should be the replacement value of the equipment as new.

## **Proposal 39**

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Airlines should offer people with disabilities assistance in retrieving checked baggage.

## **Proposal 40**

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For all aircraft of more than 60 seats there should be cabin space to stow at least one folding wheelchair. Use of this space for a passenger's wheelchair should be a priority, otherwise the wheelchair should be securely stowed in cargo.

## **4.9 Priority**

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### **Part 31 Standards and Guidelines**

The preferred seat allocation for a passenger will depend on their disability, so specific recommendations such as those that exist in the Standards, which refer to priority seating near the door, may not always be appropriate.

However, there are seats in an aircraft that are more likely to benefit people who need to be transferred from a wheelchair to a seat or who are travelling with an assistance animal.

The main issue with this part of the Standards is airline compliance with the Standards and Guidelines. International arrangements for priority seating appear to be uniform across the industry, yet in Australia there is no compliance.

## Proposals for amendments to the Standards

### **Proposal 41**

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Mandatory compliance measures should be introduced to ensure priority seating for passengers with disabilities.

### **Proposal 42**

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Passengers with disabilities should be given priority for their preferred seating, subject to the limits imposed by international airline regulations.

### **Proposal 43**

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Check-in staff and flight crew should be familiar with location of seats with moveable armrests and the procedure for allocating priority seats last.

## 4.10 Consultation

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### Part 36 Guidelines and Standard 33.4

Consultation with passengers with disabilities and their advocacy organisations has not been adequate, and in particular has not occurred at critical times when changes have been developed to baggage-handling arrangements, new policies are being developed or existing policies are under review.

People with disabilities do not have a significant presence in the design or service delivery aspect of public transport. Their needs are seldom considered as a core requirement, but should be. There should be direct input from people with disabilities and their advocacy organisations as the impact of changes on people with disabilities are not generally apparent to designers and planners.

Encouraging and enabling the participation of people with disabilities and their advocacy organisations in the planning process should be a mandatory requirement when developing policies or engineering changes. A national advisory committee could advise industry on design, training and professional development for the airline industry to ensure that decision-making matches regulatory processes.



Industry should expect to cover the reasonable costs of such participation, recognising the core expertise held by people with disabilities and their organisations.

## Proposal for amendments to the Standards

### **Proposal 44**

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A national advisory committee should be established to advise the airline industry on design, training and professional development for the industry to ensure that decision-making matches regulatory processes and requirements and customer needs are dealt with appropriately.

## 4.11 Customer Service

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### Part 37 Guidelines and Guideline 38.3

The main issue in respect of this part of the regulatory framework is the lack of mandatory Standards and compliance (there is no direct requirement in the Standards, with the framework only providing guidelines on customer service). This Part of the Guidelines includes staff training, which was a significant issue in up to half of the case studies analysed for this report. The requirements set out in the Guidelines on this issue and the guidance for service providers is inadequate.

The problems identified in this study were not only a lack of awareness of needs of people with disabilities. There were examples of staff unable to attach harnesses and of others who were unaware of which airline seats had armrests that are movable.

In other jurisdictions, such as Canada and the United States of America, the training obligations are very prescriptive and include advice on when training should occur for new staff and refresher courses for other staff.

## Proposals for amendments to the Standards

### **Proposal 45**

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The Review Panel should consider the regulatory practice of the European Union, Canada and the United States of America in the area of customer service and include Standards comparable with best practice as part of airline compliance monitoring and licensing conditions.

### **Proposal 46**

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Airlines should ensure staff are trained and regularly updated in requirements of providing appropriate assistance in respect of a range of disabilities (training requirements to be determined in the Standards). The training program schedule should be available to the public and list the general content.

### **Proposal 47**

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Airline staff should be trained in and understand the use of boarding devices.

**Proposal 48**

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The passenger is the most appropriate person to advise staff on what assistance they need and how this should be provided. Staff should be trained how to consult and work with passengers with a disability while maintaining their dignity.

## 4.12 Due diligence and reasonable precautions

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### Part 38 Guidelines

This Part of the Guidelines refers to staff training, complaint procedures and monitoring. The main issue in respect of this Part is again the lack of mandatory requirements and compliance in relation to establishing and promoting a complaint mechanism.

### Proposal for amendments to the Standards

**Proposal 49**

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An industry-wide guide describing rights and obligations and complaint processes should be developed in consultation with customers. This should be widely available and promoted by airline staff.

## 4.13 Compliance and complaint processes

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Part 33 of the Standards and Parts 33, 35 and 39 of the Guidelines, which describe compliance and the role of Transport Authorities, have not resulted in outcomes that are consistent across the airline industry.

### Complaint processes

The existing legal process for dealing with failure to comply with the Standards is not appropriate for adequately and equitably addressing the implementation of Standards in respect of airline transport. Limitations of the use of the legal process in the case of air travel for people with disabilities are detailed earlier in this report.

### Proposals for amendments to the Standards

**Proposal 50**

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A specific code of practice should be developed for the airline industry and administered by an authority that administers other regulatory requirements for the airline industry.

**Proposal 51**

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A complaint process should be established that allows consumers and their representative bodies to seek changes to transport infrastructure and practices based on compliance with the Standards. It should not rely on an individual seeking redress for a specific occasion.

**Proposal 52**


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Complaint systems should clearly allow compensation for individuals as well as the imposition of obligations on the industry to correct infrastructure or service delivery practices.

**Proposal 53**


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Complaint processes should be established within the airline industry that meet the *United Nations Guidelines for Consumer Protection* enabling consumers to obtain redress. That is, the process should be 'expeditious, fair, inexpensive and accessible' and take into account of the needs of low-income consumers.

## 4.14 Other Issues

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### Security clearances

There were several examples where passengers with disability had difficulties, related to their disability, managing the security clearance process. In some cases this was because the 'meet and assist' service wasn't provided.

When passengers were unable, because of their disability, to pass through scanning equipment they were usually asked to remove their shoes and agree to a physical check. Some passengers experienced difficulty removing their shoes and other items of clothing or supports, others had difficulty understanding the questions and directions of security staff. Some passengers also found physical security checks in public areas confronting.

The USA regulation (382.49) provides that screening should be the same as for other passengers and not be subject to special screening procedures if the person with a disability passes through without activating a device. Any search must be done in private if the passenger requests this and, most importantly, it must be provided in a timely manner to ensure the passenger is able to board their scheduled flight. A similar obligation at Australian airports would prevent the risk of passengers missing their flights due to delays caused in the security clearance process.

### Proposals for amendments to the Standards

**Proposal 54**


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Security divisions at airports should undertake security checks in a timely manner, so that passengers can get to their flights. They should also note the complaints in the case studies described in this report and review their processes and policies.

**Proposal 55**


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'Meet and assist' staff should provide direct assistance with security processes if requested.

## Access from taxi to airline desk

Airports can be complex environments that require the passenger to negotiate several transitions: entry to the building, check-in counters, security clearance, boarding areas and gates. The Standards do adequately account for the needs of people who need escort assistance at different points in or through their journey. Several of the case studies report examples of passengers with disabilities being handed over to other passengers (complete strangers) to find their way to different parts of the airport.

Assistance from airlines is often only available once the customer reaches the information desk. Post-acute care patients and others who can walk only short distances found reaching the desk without assistance difficult.

When moving from one area of the airport to another, passengers reported being taken by one staff member part of the way, and then being told to wait for another staff member to escort them into the next area. This problem with this situation was compounded by the information difficulties described previously. This arrangement usually resulted in delays for the passenger.

## Proposals for amendments to the Standards

### **Proposal 56**

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Airlines should ask passengers with disabilities to wait in areas where other passengers would normally wait for flights. Passengers with disabilities should not be restricted in accessing airport facilities.

### **Proposal 57**

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Services to be provided should include assistance to the boarding area, registration at check-in, assistance in moving to a general public area, or to the area of another airline in the same terminal, or to the representative of another airline. The airline should be responsible for assisting with flight connections and transport between gates.

## Independent Travel Criteria

A large proportion of the case studies described how access was denied because the passenger was travelling alone and the airline insisted the passenger travel with a carer. This occurred in circumstances where the passenger lived and worked independently and had travelled alone on other occasions without incident. Responses to this policy by people with disabilities included not advising the airline of their disability, paying for carers to travel with them, or not travelling at all.

As noted earlier in this Chapter, the USA regulation allows for an airline to insist on an attendant if it believes one is needed in an emergency. They cannot insist on a carer for personal care. The airline bears the cost if it insists on an attendant.

### **Industry-wide practice**

The variation of practices that occur between airlines when they do not comply with Standards reduces choice in a limited market for the consumer. For example, if a consumer is prevented from travelling with an airline because it does not comply with Part 31, Priority Seating, the passenger is forced to travel with the only other airline available on a particular route that does not have the same policies.

FLIGHT CLOSED

## Conclusion

The decision of PIAC and the other partners in the development of this report to focus on airline travel was prompted by the growing number of enquiries to community legal centres and disability advocacy organisations from people who either could not access air travel or experienced discrimination in the delivery of the service.

The number of case studies received for the study on which this report is based show that formal complaints taken either to the airlines directly or through the anti-discrimination process do not represent the extent of the problem. A very small percentage of people who told their story for this study made official complaints to the airlines, fewer still made enquiries with or complaints to the Human Rights and Equal Opportunity Commission. It is clear that the complaint process is not working for individuals or contributing to systemic improvements in the industry.

It is acknowledged that delivery of a transport service can be a complex business: there are multiple layers of regulation; long- and short-term planning, some of which may require multi-million dollar commitments to infrastructure and conveyances; and safety and security management issues. However, the airline market in Australia involves few competitors, and company results show healthy growth. The passenger loads, at just over 80 percent, allow plenty of capacity for growth. It is hoped that this study will be a useful resource to regulators and airline industry participants to continue to improve service delivery and see the potential for growth of the market through improved service delivery to people with disabilities.

The case studies came from people in a variety of situations and backgrounds. This shows the breadth of impact that decisions by airlines can have on the community. People who use wheelchairs or who are vision impaired may have the most noticeable of disabilities, but older people who can't lift luggage or walk long distances, Deaf people and people who are hearing impaired, people with intellectual disabilities, parents with children with profound disabilities or serious illnesses, also had trouble accessing equitable airline travel.

A review of overseas regulatory frameworks found that all provided specific guidance for the airline industry and that monitoring takes place by the agencies responsible for airline safety regulation. In this way, the monitoring and reporting requirements about access were built into the agencies' compliance processes.

The proposals in this report are based on international best practice. The proposals have been considered by a forum of representative disability advocacy organisations. There were no objections to the positions put in this report. However, further work would be needed to further develop these proposals prior to implementation. Such work must, if the outcome

of equitable access to travel is to be achieved, recognise the central role of people with disabilities in the development of public policy that affects them.

The case studies received also reported positive experiences, which indicates that it is possible for airlines to get things right. We hope this will encourage the industry, in particular, to review staff training and information processes. The positive stories were generally provided when people received a service with care and sensitivity from staff. Improving the travel experience of people with disabilities would improve service to all customers. In the same way that accessibility features already benefit all passengers.

The Review of the *Disability Standards for Accessible Public Transport 2002* is an opportunity to reinforce the rights of people with disabilities to have equal opportunities in all areas of life. The position of this report is that service provision should be free from unlawful discrimination.

The UN *Convention on the Rights of Persons with Disabilities* enshrines the rights of people with disability to access to public transport. Australia, in signing this Convention, has indicated its commitment to ensure such access free from discrimination.

It is also acknowledged that the Review is required to consider the effect on competition and the regulatory impact. The cost and benefits of access, and of no access were explored for land transport in the 2002 Regulatory Impact Statement. There was little exploration of the effect of airline travel and quantifying the impact for consumers remains difficult. However, the case studies point to the types of costs incurred by consumers as a result of poor service and no access. This ranges from costs of repairs to wheelchairs, more expensive tickets and booking fees, through to missed business and professional development opportunities, reduced access to family respite and tourist events and services. The lack of quantitative information about the costs and benefits should not be used to justify continued discrimination and denial of equitable access. Nor should it be used to justify any reduction in the obligations set out in the Standards.

The way the Standards are currently applied creates variations between services that limits choice for consumers. The experience with the current Standards demonstrates how poor compliance and monitoring arrangements have not worked, and that to achieve national consistency and a level playing field, mandatory arrangements with independent monitoring are necessary.

The Review also emphasises the need to consider the Standards against whether or not the requirements in Schedule 1 have been met. Trying to determine whether or not compliance has been achieved under Schedule 1 highlights a major flaw in the Standards, that is, the lack of monitoring. It is not possible to determine whether the Standards have been met as there is no requirement for the service providers to submit information relevant



to Schedule 1 and if they did provide it, there no process for independent verification of the information. In light of the lack of data, the data on which this study is based is offered for consideration.

In summary:

- The experiences of 110 airline passengers demonstrate systemic failure of the application of the Standards to airline travel.
- Access to airline travel has not improved, recent development and application of airline policy and changes to baggage handling have made access more difficult and reduced rather than increased access.
- Availability to airline travel in regional airports remains difficult, particularly for people in motorised or larger wheelchairs.
- Scheduling in major ports is also difficult if people are restricted to aircraft of a certain size, and if they want to avoid mid-journey transfers.

Affordability is an issue when passengers with disabilities have costs imposed by the airlines that are not imposed on other passengers. For example, booking fees are charged because people with disabilities are not permitted (by the airlines) to use internet booking services; a person faces the cost of a second ticket (and other additional costs) because they are required to travel with a carer on the insistence of the airline. Cost also becomes a major barrier when airlines refuse to take responsibility for the safe transport of disability aids and equipment. This approach means that there is no incentive to ensure safe delivery.

Passengers who can access travel do not always find the quality of the journey acceptable. Poor or inappropriate treatment by staff, more expensive tickets, risk of damage to disability aids and equipment are a few areas where airlines could improve their services. This is most likely to be a problem when staff are not appropriately trained or there are too few staff to meet the demands of the time schedules.

The main areas of proposed improvements are:

- Specific standards and code of practice for airline travel should be developed and administered by a relevant Federal transport agency.
- Mandatory monitoring and reporting through a relevant Federal transport agency to ensure national consistency.
- Consultation on design, policies and practices with people with disabilities at each stage of the design, planning and service delivery process. This includes government as well as service provider processes.

## FLIGHT CLOSED

- Application of competency-based training for all airline industry staff, including security staff, with refresher courses at regular intervals.
- An industry-based complaints process that is accessible to all consumers and can provide timely outcomes and result in systemic improvements to service delivery.

## Appendix A: Summary of Case Studies

I – indicates International travel;

P – indicates positive experience

	Disability and Issue	Outcome	Comment by Passenger, Carer or Legal Advisor
1	<b>Person with mobility impairment:</b> Airline refused access on Boeing 737 due to height of motorised wheelchair	Unable to travel. Referred to legal adviser	
2 I	<b>Group of Deaf people:</b> Announcements about delays and gate change not heard. 'Deaf' written on boarding passes but not noticed by crew who were 'confronting and rude', but apologetic when told of disability.	Stress of not receiving critical safety advice and missed information at critical times, rushing for gates and holding up aircraft.	<i>'Many people were willing to assist once our communication requirements were made known however ... procedures must be in place so that ... travel is comfortable and secure.'</i>
3	<b>Person with hearing impairment:</b> Missed messages on airport audio public address system. Security: Cochlear implant can't go through scanner, taken to room to sign permission for physical 'pat down'.	Risk of missing flights very stressful.	<i>'I found it a little bit embarrassing being taken into a nearby room just to have a physical search done.'</i>
4	<b>Person with hearing impairment:</b> Receiving safety and other flight information.	Passenger advised everyone he came in contact with; to make sure he received messages or he would be a safety risk	<i>'I received very personal attention but I know that not everyone wants to make a big song and dance about having a disability. Suggest that announcements are on a screen at the gates - it is clearly not rocket science.'</i>
5	<b>Person with hearing impairment:</b> Difficulty understanding questions at security clearances. Missed airport announcements.	Additional time at security answering questions. Stressful experience.	<i>'Surely airports could have screens that scroll messages as they do for the latest news. If my wife is not with me to tell me what is going on I find it very stressful.'</i>

	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
6	<p><b>Person with vision impairment:</b> Staff not familiar with 'meet and assist' service. Waited as asked for 30 mins until final boarding was called. Then assisted by another passenger. Staff member assisted after completing security.</p> <p>Returning from Canberra: staff tried to assist with boarding, but on the wrong flight, then forgot to assist on correct flight. Staff assisted from door of air bridge.</p>	<p>Stressful trip and unreasonable delays</p>	<p><i>'I spoke to her [meet and assist staff member] about how she seemed stressed and she told me there were only one or two staff members dealing with the meet and assists and how this was an issue for them as passengers are constantly irate with them because they have to wait so long to be assisted.'</i></p>
7 I	<p><b>Group of people with vision impairments:</b> Flight staff said they could not assist a large group with meals, completing travel documentation and orientation of the aircraft. They were not allocated seats together.</p>	<p>Unassisted during flight</p>	<p><i>'Cabin crew were helpful where they could be, but a complete lack of understanding of how to interact with people with vision impairment certainly made the trip a lot more difficult than it should have been.'</i></p>
8 P	<p><b>Person with vision impairment:</b> No problems when travelling with a guide dog and husband.</p>	<p>Reported professional service at all ports.</p>	<p><i>'At no time was there any negative comments or second rate service.'</i></p>
9	<p><b>Person with vision impairment:</b> Told to ride in disabled person's buggy from and to plane. Not given the option of stairs.</p> <p>Escorted using a forklift through the airport terminal kitchen.</p>	<p>Patronising staff, prefers to walk to and from gates but not given the option.</p>	<p><i>'On the whole, [staff] seem efficient and appropriately helpful.'</i></p>
10 I	<p><b>Person with vision impairment:</b> Airline policy that owner must purchase and carry on and off a folding dog crate weighing 25 kg.</p>	<p>Cost of crate to carry dog.</p>	<p><i>'Difficult travelling on transport from the airport with crate. Cost of crate is \$250.'</i></p>
11	<p><b>Person with vision impairment:</b> Told at check in counter to wait for 'meet and assist' staff. Service not provided. Rebooked on later flight.</p>	<p>Missed flight. Now waits at check-in counter; considered a nuisance by staff.</p>	<p><i>'The person assisting me to the gate lounge told me that they had not received a call to assist me to my original flight.'</i></p>

	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
12	<b>Person with vision impairment:</b> On two occasions, airline transferred the passenger to later flights without explanation. No assistance during wait for rebooked flight. No assistance to reorganise transport at destination. Assistance with bags not always provided.	Delays in flight. Reliance on other passengers for assistance. Assisted by other passengers during wait for later flight: to food outlets and toilets. Delays in picking up bags.	<i>'On occasions when I have left to locate my own luggage I just wait till there is only one bag left and hope it is mine. Much safer for other passengers when airport staff assist me.'</i>
13 P	<b>Person with vision impairment:</b> Always happy with service.	Enjoyable and pleasant experience.	<i>'I am totally blind but highly mobile. I travel using a white cane alone as my only mobility aid. My experience has always been extremely positive.'</i>
14	<b>Person with vision impairment:</b> Provided with Braille and large print safety card. Card should be printed using darker print.	Suggest safety card be printed in darker print.	<i>'The large print while large enough to read needs to be in bold or using darker print.'</i>
15	<b>Person with mobility impairment:</b> Airline advised it could not provide level of assistance required to get from seat to the gate.	Unable to access cheaper fares through budget airline or internet prices. Travelled with a different airline.	<i>'I do not feel that my request for that level of assistance was unreasonable and the other airline had no problems providing the help I required.'</i>
16	<b>Person with mobility impairment:</b> Previously travelled without incident. Is now only permitted by airline to travel on 767. Limited direct flights at inconvenient times. Qantas recommended travelling via Sydney but arrangements during transit would be a problem, particularly if delays were caused or aircraft type changed.	Travelling to enter respite, rescheduled flights caused loss of accommodation. Unable to maintain contact with family and friends in Brisbane. No longer travels.	<i>'The only regular flight is at 6.05am. To get mum ready for such an early departure would mean getting her up at 3.30am.'</i>
17	<b>Person with mobility impairment:</b> Airline refused to allocate special seating or book her on a different flight.	Unable to travel with parents. Referred complaint to legal advisor.	
18	<b>Person with mobility impairment:</b> Airline refused assistance to board plane. Told to bring two carers to lift off and on plane and chair.	Negotiated with the ground crew to assist.	<i>'After much pressure the manager agreed to transfer onto and off the plane.'</i>

	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
19	<b>Person with mobility impairment:</b> Airline refused to allocate bulkhead seat	Customer relations contacted who advised that seating is kept for mothers and babies.	'He [airline staff member] said that all staff have been instructed not to say anything that can possibly raise expectations. They only guarantee bulkhead seats to mothers with babies because they advertise the service.'
20	<b>Person with mobility impairment:</b> Airline made public announcement that delays to the flight were caused by passenger with wheelchair who needed assistance.	Passenger embarrassed and humiliated.	'Qantas appeared to be unprepared for working with passengers with disabilities and for transporting electric wheelchairs.'
21	Details not provided	Letter of complaint to Qantas. Details not provided.	
22	<b>Person with mobility impairment:</b> Damage to wheelchair, missing parts. Not permitted to book aisle seat.	Could not push damaged chair, had to rely on taxi drivers to get into and out of house. Airline replaced battery.	'Battery box-wiring was pulled out, had to get pushed to taxi and then taxi driver had to push me into the house and do the same to get me to work. Staff should book aisle seat to avoid unnecessary lifting and correct lifting from chair and ensure chair armrest is lifted before lifting.'
23	<b>Person with mobility impairment:</b> Initially only one staff member was provided to transfer passenger. Second assistant provided when requested who then insisted wife of passenger help. Second assistant trod on foot of wife and on wheelchair footplate. Wife lost grip and footplate broke. Staff refused to take responsibility for damage.	Replacement foot rest \$141.50. Staff referred passenger to customer relations to complain. Staff at Mackay assisted by taping legs to side of wheelchair so wheelchair could be used.	'Upon my request for an explanation as to how the footplate had been broken, the second man immediately responded that it was impossible to say whether he had done the wrong thing or whether it had been caused by a 'third person'.
24	<b>Person with mobility impairment:</b> Airline refused to allocate seats near the exit. Airlines insist on using their own wheelchairs, while the passenger's wheelchair is light-weight and manual. Also using narrow aisle chair for an 'inappropriate purpose.'	Removing wheelchair creates more dependency and need for assistance. Suitable seats not allocated last to allow allocation for people with disability.	'When I have my own chair I can put my carry-on luggage on the chair and need little or no physical help once outside the cabin. Without it I feel like a sack of potatoes and I am very dependant.'

	Disability and Issue	Outcome	Comment by Passenger, Carer or Legal Advisor
25	<p><b>Person with vision impairment:</b> Unable to book online. Sent the wrong bookings, staff unfamiliar with needs of space allocation for dogs.</p> <p>Toileting of dog in transit. Staff in airport unfamiliar with arrangements on site. Sydney airport very confusing and difficult to navigate: dogs must use lifts, staff ill informed and unhelpful. Cabin access for dog. Dash 8: dog squashed under passenger's feet.</p>	<p>Inconvenienced due to wrong bookings, dog stressed through inappropriate seating. Passenger was aware of arrangements for dogs and informed staff of arrangements.</p>	<p><i>'The Qantas operators were confused about arrangements for guide dogs having a separate seat to lie in front of. On at least two occasions we were sent the wrong bookings.'</i></p>
26	<p><b>Child with severe and multiple disabilities:</b> Airline insisted that a child with cerebral palsy use the airline wheelchair to board the plane, rather than her purpose-built chair, which provided necessary support.</p>	<p>Did not travel on family holiday.</p>	<p><i>'Her chair wouldn't have taken up any more room than one of their chairs. And if I had taken her on the plane in one of their wheelchairs and we struck turbulence, there would have been a huge risk of her getting hurt, whereas if she was in her own wheelchair, she would have been securely harnessed in.'</i></p>
27	<p><b>Person with mobility impairment:</b> Airline refused to carry electric wheelchairs on Boeing 737.</p>	<p>Unable to travel to visit parents. Parents also unable to travel due to illness.</p>	<p><i>'I try everyday to deal with the obstacles in my life. And now Qantas has put an end to my dream of saving money and seeing my dad before he dies.'</i></p>
28	<p><b>Child with severe and multiple disabilities:</b> Purpose-built wheelchair for child frequently went missing. Seat supported child's body.</p> <p>Prior approval granted to use purpose-built seat for air travel from airline, however crew refused to fit the seat.</p> <p>Stewards tried to fit a harness and, in doing so, placed a wide strap against the child's throat.</p>	<p>Supporting child in lap in wet clothing leading up to and during four-hour flight. Kept waiting at boarding gate for over an hour when staff insisted car seat go into the hold. Kept waiting until wheelchair was found. Moved to later flights.</p>	<p><i>'We rang the Make-a-wish Foundation and told them to cancel our forthcoming trip to SeaWorld. We were not willing to put our son and ourselves through a long journey after the problems we had encountered in flying the much shorter journey to Perth.'</i></p>



	Disability and Issue	Outcome	Comment by Passenger, Carer or Legal Advisor
29	<p><b>Person with vision impairment:</b> People with 'low vision' do not receive meet and assist service; only those who are demonstrably blind. Number of guide dogs that are permitted by the airline to travel on a flight is limited. Safety information in alternative formats not available: not mandated by CASA</p>	<p>Restricted available flights. Flights cancelled at short notice. Difficulty travelling independently.</p>	<p>'CASA has advised that it cannot mandate airlines to produce safety information in alternative formats and that the DDA path should be pursued with each airline.'</p>
30	<p><b>Person with mobility impairment:</b> Initial booking with airline advised that airline wheelchair would be used. When confirming a week before, airline advised that they could not accommodate anyone who couldn't support their own body weight. Fares were refunded and booking made with Qantas.</p>	<p>Fares were refunded and booking made with Qantas. No choice of carriers. No access to cheap fares: adding to the cost of disability. Family did not travel together</p>	<p>'My daughter and I were treated like royalty on our Qantas flights to Brisbane and home again. I could not fault the fabulous staff in the way they looked after us getting on the plane, on board and when we were getting off the plane.'</p>
31	<p><b>Person with mobility impairment:</b> Online booking, cheap flights and specials not available if the 'need assistance' section is activated. Advised by phone that carer would be required. A few minutes late to check-in. Delay caused by disability and queue at check in. Staff refused check-in and refund on ticket.</p>	<p>Cost of return travel to Sydney \$600 when refused refund by Jetstar. Booked online without advising of disability. Staff assisted when advised at check-in.</p>	<p>'It is fine to have policy/rules but surely some flexibility can be made for disabled people who have mobility problems.'</p>
32 A	<p><b>Person with mobility impairment:</b> Booked in advance, not permitted to reserve seating but told they would receive priority. Incorrectly told at check-in told could not have any front-row seating. Told chair would be available at 'oversize baggage'. This was incorrect; waited an hour for it to be delivered. Disembarking: chair provided was too wide for the aisle, the armrest did not fully retract, staff assisting not competent with lifting and left carer to struggle with chair. When requesting a harness, staff annoyed as they were not informed it would be needed but then fitted it.</p>	<p>Delays in pick up of wheel chair. Increase in pain due to inept transfer and allocation of seating.</p>	<p>'We took the seats that we were allocated (3 A, B and C) and the transfer into the airline seat was as difficult as we had anticipated.'</p>



	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
32 B	<b>Person with mobility impairment:</b> Not allocated an aisle seat, swap arranged by flight staff. Cabin Manager made a public announcement that they were <i>'having some problems with a gentleman'</i> . Manager was unable to secure the restraint; ground crew assisted. Told during the flight that 'it was breaking the law' for him to fly. Advised that CASA directed that quadriplegics could not travel due to safety concerns.	Delays in boarding, embarrassed by public announcements. Contacted airline with complaint and advised that policy only applied to unaccompanied people with disabilities.	<i>'This occurred in front of the other passengers and I'm sure those in close proximity could hear every word.'</i>
33 I	<b>Person with mobility impairment:</b> Passenger required a certificate of capacity to travel. GP advised he needed limited support to get from seat to the toilet. Ticket cancelled as airline advised company doctor advised he would need a carer.	Unable to travel to attend sister's funeral.	<i>'My GP wrote that I only required minimal assistance in going to the toilet, to walk the distance between the seat and the toilet.'</i>
34	<b>Person with mobility impairment:</b> Airline refused permission to travel independently as he does not meet airline's criteria for independent travel.	Unable to visit mother.	<i>'He has been travelling alone to visit his mother for some years without incident or burden to ground or cabin crew.'</i>
35	<b>Person with mobility impairment:</b> Required by airline to sign a document that airline wouldn't be responsible for damage to the wheelchair	Surrounded by crew and told that if flying again he would require a carer.	<i>'I was absolutely devastated and felt very intimidated.'</i>
36	<b>Person with mobility impairment:</b> Staff used a hoist to transfer, passenger fell through the harness as it was not fitted correctly. Armrest couldn't be raised. Returned manually to the seat and then into aisle chair. On return trip transferred manually without a problem.	Complaint made to HREOC.	<i>'The whole incident left me feeling embarrassed and humiliated and even more fearful of flying.'</i>
37	<b>Person with mobility impairment:</b> Dimensions of wheelchair provided to Qantas. Advised by airline that it was 2 cm too high. Virgin Blue took chair on Boeing 737.	No choice of carriers.	<i>'Luckily we were able to be accommodated by Virgin Blue which was only too willing to take my daughter's wheelchair on board their Boeing 737.'</i>

	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
38	<b>Person with mobility impairment:</b> Restriction on wheelchairs on 737 flights. Policy insists wheelchairs travel in an upright position. Numerous calls from Qantas failed to resolve the issue.	Complaint to HREOC resolved the matter.	<i>'All of the difficulties and resulting concerns over implications for my employment caused me considerable stress and anxiety.'</i>
39	<b>Disability not disclosed:</b> Airline refused travel unless accompanied by carer.	No further details provided	
40	Person with mobility impairment: Required by airline to sign a ticket that Jetstar was not responsible for any damage caused to wheelchair.	Taking more risk with baggage than other customers.	<i>'What other passengers have to complete this ticket before their baggage is accepted to be placed in the hold?'</i>
41 I	<b>Person with mobility impairment:</b> Airline refused booking. Reasons given: would not physically lift him, unable to provide staff or equipment to ensure safety.	Complaint to HREOC.	<i>'Many of us face mobility problems at one time in our lives. Transport is not just about profit and cost-cutting, it is an essential service.'</i>
42	<b>Person with mobility impairment:</b> Advised by airline that their wheelchair was too large to fit into the cargo bay.	No access to airline.	<i>'The person I spoke to put me on hold for quite some time before she returned with her response. I think she was using the cargo bay as an excuse.'</i>
43	<b>Person with mobility impairment:</b> Advised by travel agent that they would be likely to be denied check-in without a carer.	No access to airline.	<i>'Travel agent is happy to sell me a ticket but I may be denied check-in without a carer.'</i>
44 P	<b>Person with mobility impairment:</b> Took six separate flights over a few days in September and ran into far fewer problems than before.	Fewer problems.	<i>'I think they are becoming more aware.'</i>
45	<b>Person with mobility impairment:</b> Required carer if travelling to Perth. Advised by airline that aisle chair not carried and toilets are inaccessible.	No access to Virgin airlines.	<i>'Surely carers are not required to lift their charges bodily to a toilet they cannot access.'</i>

	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
46	<b>Person with mobility impairment:</b> When calling to confirm booking was told that two passengers with wheelchairs were already booked on the flight in September 2005. Was given May 2006 as next available date. Tickets were not refundable.	Cost of second ticket from Qantas between Brisbane to Melbourne. Kept original booking with Jetstar for carer. Carer lost two days' pay as employer would not pay her as she was not travelling with client.	<i>'The carer boarding the original flight noted there were only 60 passengers and one wheelchair passenger.'</i>
47	<b>Person with mobility impairment:</b> Airline required passenger to travel with a carer.	Flying for 16 years independently now must pay for second fare.	<i>'Now I have to pay another fare for someone else to fly with me so if the plane goes down they can die with me.'</i>
48	<b>Person with mobility impairment:</b> Airline required passenger to travel with a carer as unable to access toilet independently even though person uses a catheter.	Cost of ticket for carer	<i>'They still insist [on carer] regardless.'</i>
49	<b>Person with mobility impairment:</b> Airline required passenger to travel with a carer as passenger could not reach safety jacket even though she had travelled many times before.	Booked a ticket over the internet without ticking special needs box. No problems occurred on the flight.	<i>'I could not afford ticket for a carer. I was humiliated by the experience when booking.'</i>
50	<b>Person with mobility impairment:</b> Wheelchair exceeds height restriction by 6 cm and airline refused permission to travel on 737.	Unable to travel	<i>'Qantas stated ... that it was considered dangerous for their staff to work with wheelchairs larger than the prescribed dimensions.'</i>
51	<b>Person with mobility impairment:</b> Boarded last. Request to be closer to the toilet was refused.	Unable to access the toilet for 4.5 hours.	<i>'Staff replied by saying, "It's only nine seats away".'</i>
52	<b>Person with psychiatric disability:</b> Airline refused permission to travel with assistant animal.	Arrangements for animal to travel next to her on a moisture absorbent mat took three years to negotiate.	Complaint to NSW ADB. Settled after three years.

	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
53	<b>Person with psychiatric disability:</b> Airline refused permission to travel as assistant animal not trained by one of four training associations. Animal has flown with him before without problems.	Unable to travel with animal.	Jetstar argued that the animal could not fly 'because of CASA safety requirements'. Unresolved. Possible application to the Federal Court.
54	<b>Person with mobility impairment:</b> Airline refused permission to travel unless travelling with a carer. Did not meet Independent Travel Criteria.	Unable to travel. HIREOC complaint.	
55	<b>Person with mobility impairment:</b> Airline required passenger to travel with a carer even though he has demonstrated he can travel independently.	Rebooked journey with another airline.	'He has demonstrated he can put on the drop down mask unaided but airlines still insist he needs a carer.'
56	<b>Person with mobility impairment:</b> Wheelchair not waiting on arrival. Old wheelchair provided after 15 minutes delays to air bridge. Seat allocation had to be changed on board. Return trip seat was not changed.	Numerous transfers from chair to seat on arrival. Delayed on arrival while waiting for chair.	'On arrival at airport was told needed to transfer to an airline wheelchair, but need to go to the toilet before boarding so allowed to stay in own chair til boarding.'
57	<b>Disability not disclosed:</b> Qantas requires documents seven days in advance including proof of disability and dog training details. Virgin Blue did not require this information, required only dog to wear a work vest and for passenger to travel with identity card.	Additional paper work for Qantas	'In regional Queensland the lift is narrow so I have trouble fitting. This was not the case with the Virgin lift, there was plenty of room for both myself and my dog. On Qantas my dog has to be handled by another person.'
58	<b>Person with mobility impairment:</b> Passenger refused to transfer to airline aisle chair at check-in, compromised by transferring to airport wheelchair. Townsville: stayed in own chair to air bridge. Airline forgot aisle chair and so boarded last.	Numerous transfers reduces independence and mobility when not in own chair.	'Ground staff said, "to be honest, Jetstar would prefer not to carry any people with disabilities or elderly as it is a budget airline and its all about cost cutting"'
59	<b>Person with vision impairment:</b> Left on tarmac with no assistance to terminal entrance.	Stressful and dangerous if not provided with directions.	'I had no idea where I was supposed to go. Luckily I have a very intelligent guide dog and she was able to work it out.'

	Disability and Issue	Outcome	Comment by Passenger, Carer or Legal Advisor
601	<b>Person with mobility impairment:</b> Check-in staff asked personal questions about toileting in a loud voice.	Embarrassed at Brisbane check-in by public questioning. Once on board crew were very helpful.	<i>'I had to explain I had a spill-proof bottle after him telling me I'd better go to the toilet before boarding – how demeaning, it was only a one hour flight.'</i>
611	<b>Person with mobility impairment:</b> Qantas staff quickly organised a chair and booked for return as well. In Sydney, no chair available and no assistance to find one. As passenger could stand they were challenged each time about the need for a chair. General difficulty and obstructions obtaining help with a chair and luggage.	Refused to move until assistance was provided Stressful, time consuming and exhausting continually seeking assistance.	<i>'One young man ... told me he was given keys to the lock-up of the wheelchairs, a key to the elevator and told he would be phoned when someone needed his assistance. That was the extent of his training.'</i>
621	<b>Person with mobility impairment:</b> Ground staff wheeled passenger to longest terminal exit line, would only take bag off carousel and push chair to taxi when passenger insisted. Refused to assist transfer to taxi.	Left exhausted from the long wait and argument with assistant.	<i>'He was rude, unhelpful and practically had me in tears.'</i>
631	<b>Person with mobility impairment:</b> Melbourne airport insists on them transferring to aisle chair. Staff will not bring passenger's chair up to plane door. Booked on seat that did not have armrests that lift. Staff unaware that seats had armrests that lift. Passenger pointed this out and he was moved.	Passenger able to self-transfer when given a seat with an armrest that lifts. Left in an aisle chair, which means staff must push the wheelchair, the passenger cannot go to the toilet or find own baggage.	<i>'At many other airports throughout the world I never have this problem. They obligingly bring it [the wheelchair] up to the plane.'</i>
64	<b>Person with mobility impairment:</b> Several problems with 'meet and assist' service. Service not adequate; other passengers asked to assist.	Delays caused by poor service.	<i>'Transferring from international arrivals to domestic ... I was handed over to four Polish passengers on the same journey who didn't speak English.'</i>
65	<b>Person with mobility impairment:</b> When transferring between chairs the staff were unfriendly and demanded he 'hurry up and change'.	Remained in own chair until time to board. Complained to airline about staff behaviour.	<i>'After a long argument we finally got our way but they were not friendly at all.'</i>

	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
66	<b>Person with intellectual disability:</b> Request for financial assistance for carer's ticket refused. Must travel with a carer.	Unable to visit mother. Cost of fare for support worker. Complaint to HREOC.	<i>'The airline industry needs to review its policies around people with disabilities and their families.'</i>
67	<b>Person with mobility impairment:</b> Airline insisted passenger must travel with a carer even though short flight and can self-transfer. Staff asked personal questions about toileting. Issue with security: dressed so that shoes could be removed. Security personnel would not allow carer to remove shoes, insisting that they do it, this caused passenger pain. Security called supervisor.	Cost of salary of carer, travel and expenses. Missed flight	<i>'A Virgin Blue e-mail from staff member at head office in Brisbane (said) "we don't need you people on our aircraft, you make a mess and smell, stay at home."'</i>
68	<b>Person with mobility impairment:</b> Staff asked inappropriate questions about who is meeting the passenger.	Angry wheelchair attendants trying to push two wheelchairs at the one time. No assistance past the gateway and no help with luggage.	<i>'It is extremely hard to come up against new rules, new approaches and new attitudes at the last minute.'</i>
69 P	<b>Person with vision impairment:</b> Travelling with family, wife and child were put at back of plane while he and dog was put at the front.	Complained to staff about seating who then moved family together.	<i>'I have travelled a number of times using Virgin Blue by myself and my dog and have always been treated extremely well and with respect.'</i>
70 P	<b>Person with mobility impairment</b>		<i>'My experiences have all been good ones. I have found the staff on all, and in all areas to be very obliging and helpful.'</i>
71 P	<b>Person with mobility impairment:</b> Staff offered golf cart for transport, help with hand luggage, provided seating as requested.		<i>'At all times staff have been extremely courteous.'</i>
72 P	<b>Frail aged:</b> Toilets too small for two people, when one needs assistance. Staff helpful, provided 'guard' on open door. A very undignified process.	Letter of appreciation sent to Qantas.	<i>'The nicest things were the respect and dignity with which flight attendants treated both my mother and myself.'</i>



	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
73	<p><b>Person with mobility impairment:</b> A few days after booking, airline advised that wheelchair could not be transported. Family travelled with Qantas.</p> <p>Chair went freight with Jetstar. Jetstar in Victoria fly to Avalon, where it is difficult to get accessible transport to Melbourne.</p>	<p>Daughter left bedridden as without a chair for a day until freight arrived.</p> <p>Cancelled holiday to Brisbane. Poor OH&amp;S handling of chair. In attempt to travel Qantas: several conversations with Qantas explaining need for customised wheelchair:</p> <ul style="list-style-type: none"> <li>• spoke with baggage handlers</li> <li>• found out how the chair could be dismantled</li> <li>• media, ABC</li> </ul>	<p><i>'We cancelled our flight to Brisbane and have not had a family holiday out of the State. I did not have the energy or strength to go through a battle to book a holiday.'</i></p>
74 I	<p><b>Person with mobility impairment:</b> Getting in and out of wheelchairs, not boarded first, requires three transfers in and three off the flight.</p>	<p>Stressful</p>	<p><i>'Very stressful for everyone'</i></p>
75 P	<p><b>Children with physical and intellectual disability:</b> Check-in didn't ensure window seats for sons, which keeps them calmer during flight. Mother needs to get up with her sons many times without interfering with others. Leaving wheelchair at check-in, being without a chair until boarding. Wheelchair is special baggage means finding location at each port and waiting.</p>	<p>Waiting time for chair and stress of limited choice of seating.</p>	<p><i>'Luckily both our trips have been a positive experience on the plane and I am looking forward to taking them again.'</i></p>
76	<p><b>Person with mobility impairment:</b> Security: public check, difficulty removing shoes.</p>	<p>Missed flight, embarrassed.</p>	<p><i>'It would be good if a system could be put in place to make arrangements prior to travel to make less public the security checks.'</i></p>
77	<p><b>Person with mobility impairment:</b> Difficulty getting from taxi to desk, no assistance available for cab, airport or airline.</p>	<p>Painful</p>	<p><i>'Recovering from surgery and carrying bags makes 100 to 200 metres very difficult.'</i></p>

	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
78	<b>Person with mobility impairment:</b> In Melbourne: waited 30 mins for 'security reasons' for wheelchair, would not allow friend to collect it, although it could be seen through doorway. Sydney: on departure airline would not allow him to transfer himself or allow friend to help, so used Eagle Lifter, which took 30 mins. Melbourne: no problems transferred himself.	Delays, uncomfortable, stressful. Letter of complaint, received \$200 voucher.	<i>'I fail to understand the complete turnaround from all the rules that applied on my outward flight and the delays and inconvenience to which I was subjected.'</i>
79 I	<b>Person with mobility impairment:</b> Requesting wheelchair overseas difficult. Sydney: assistant waiting with wheelchair and helped find missing luggage. Toilet compartment too small to change disposable nappies, left exhausted.	Stressful long haul flight	<i>'I think little has changed in terms of accessibility in toilets on board an aircraft.'</i>
80	<b>Person with mobility impairment:</b> Unable to use airline seats, chair too large.	Unable to travel	<i>'I have not tried to take my father anywhere that cannot be driven in a few hours.'</i>
81	<b>Frail aged:</b> No difficulty getting a wheelchair, or problems boarding first, her son assisted her. Given clear directions on placing walker in special luggage.		<i>'It helped that mum was able to walk to her seat and get in unaided, apart from support from my brother.'</i>
82	<b>Frail aged:</b> Missed flights due to time it takes to get through security.	Missed flights due to time it takes to get through security	<i>'My father is 81 years old and the process of getting him onto a plane through security is long and arduous.'</i>
83 IP	<b>Person with mobility impairment:</b> No problems		<i>'Overall I have never had a bad experience from flying with a wheelchair-bound person'</i>
84	<b>Person with mobility impairment:</b> Always seated in the aisle where her arms hit people as they pass. In Sydney, waited for 25 minutes for assistance to leave the plane as ground crew had forgotten about her. The staff asked her friend if she could walk down the aisle to the chair.	Stressful experience, offended by treatment, long wait times for service, uncomfortable flight.	<i>'I was wheeled out to the plane and asked by staff who had boarded me the day before, if I would mind walking up the steps. I explained my physical condition hadn't changed overnight.'</i>



	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
85	<p><b>Person with mobility impairment:</b> Passenger asked check-in to tell gate she was coming and her need for assistance. Reprimanded by gate staff because she was late.</p> <p>Taxi in Melbourne was not permitted to stay in wheelchair parking area. Directed to another taxi bay further away and over busy road.</p> <p>Previously always lifted into seat with her own purpose-built support. Crew tried to use Eagle Lifter but her fitted seat would not work, eventually transferred her, plane was delayed. Return flight told she couldn't fly until pilot 'inspected' her and approved. Chair damaged.</p>	Cost of chair to be fixed. Plane late, missed taxi.	<i>'My carer and I were treated like naughty children. The words "humiliation", "discrimination" don't really describe the stress these incidents created.'</i>
86	<p><b>Child with medical condition and disability:</b> Refused access. Doctor was travelling with child.</p>	Travelled with a different airline.	<i>'All he wanted to do is fly from Sydney to Queensland for a wish.'</i>
87 P	<p><b>Person with multiple disabilities:</b> Several positive experiences even though cannot walk or talk. Travels with a carer in business class.</p>	No problems with airlines.	<i>'Trips were very successful.'</i>
88	<p><b>Person with mobility impairment:</b> Crew unable to locate chair on return to Sydney, long wait before ground crew used airport chair to take him to luggage area where chair was found lying near luggage area.</p>	Reluctant to travel, concerned about loss and damage to chair. Emailed complaint to airline, they apologised and advised procedures had been improved.	<i>'Since then my wife has been reluctant to fly as the hassles really upset her and I.'</i>
89	<p><b>Person with mobility impairment:</b> Does not meet airline's independent travel criteria, carer required by airline.</p>	Unable to visit ageing mother. Requested ticket for carers. Complaint through HREOC.	<i>'He lives in supported accommodation and has been travelling to NSW twice a year for quite sometime to visit his mother until the airlines decided to require a carer.'</i>
90	<p><b>Person with mobility impairment:</b> Scooter damaged on arrival in Sydney</p>	\$1295 for repairs. Claim for repairs: airline refused as scooter was working on arrival.	<i>'When the scooter left me it was in perfect condition. The damage did not stop it working but I am not very happy at the appearance.'</i>

	Disability and Issue	Outcome	Comment by Passenger, Carer or Legal Advisor
91 P	<b>Person with mobility impairment:</b> No problems. Arranged boarding first and disembarking last.	Successful trips and planning trips to QLD for 2007.	'They [flight crew] were very nice yet they did not dwell on our group to the point where we really stood out.'
92 IP	<b>Child with severe disability:</b> Organised meet and assist person at every stop. Doctor's certificate provided stating she was fit to fly.	Very pleased with service travelling with their child.	'We went first class because of my daughter's need to lay down.'
93	<b>Person with mobility impairment:</b> Airline refused to transport wheelchair without dismantling.	Travelled by train and bus.	'The trip that normally runs for one hour on a plane lasted for 10 hours instead.'
94	<b>Person with medical condition:</b> Doctor advised to travel with oxygen. Airline quoted \$5,000 for fare and oxygen.	Costs of specialist's reports. Second opinions sought from specialists who gave clearance to travel without oxygen.	'He had travelled without oxygen in the past but the doctor reported it to the airline who then refused to transport him unless he used oxygen.'
95 P	<b>Person with mobility impairment:</b> Organised use of wheelchair through airport, priority check-in. Only issue was at Sydney airport getting a car close enough to wheelchair on arrival. Boarded first, very efficient	Would recommend the airline and travel again.	'The staff were friendly, helpful and nothing was too much trouble'
96	<b>Person with psychiatric disability:</b> When booking tickets was told he could board first, staff member said staff knew disability 'by looking' at the passenger even though carer pointed out passenger had a mental illness.	Carer managed to sit with person with a disability.	'Perhaps she [staff member] needed some training in disabilities as there are many disabilities that you will not be able to "see."
97 I	<b>Person with mobility impairment:</b> Explained need for seating and transporting of wheelchairs and organised approval one month prior to travel. Would not allocate appropriate seating, reorganised seating at gate. Chair arrived without wheels, other damage en route. Carer asked to dismantle chair on tarmac for loading. Chair included as part of luggage and threatened with charge for overweight luggage.	Damaged chair, delay in flights, continual arguments with staff about seat allocation. Refused to move until staff provided service.	'We were told we could not fly further in these seats and that we would be moved. I was told that if we would not move we would have to disembark. I asked them to get my baggage off the craft and said that I assumed the airline would be paying the bill for accommodation and return flight to Sydney, another staff member returned and informed us we could keep our seats.'

	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
98	<b>Child with multiple and severe disabilities:</b> Refused access if child is not self-supporting. Child is in nappies and change area is too small. Staff refused to reheat food needed for special diet.	Crew allowed child to sit on lap but concerned this might not always be permitted.	Books flight without notice of disability and hope the crew continue to let her child sit on lap.
99	<b>Person with mobility impairment:</b> Brand new wheelchair bounced off luggage trolley and could not be used. Airport manual wheelchair could not be used either.	Bed ridden for three days while repairs were done, chair never fully repaired. Airline paid for repairs.	<i>'The airlines don't seem to realise the wheelchairs are our legs and when they break our wheelchair they are breaking our legs.'</i>
100	Person with diabetes: Qantas is no longer offering catering for special dietary requirements. Snacks and meals are often inappropriate	Takes 3 days to get blood sugar to settle down if she eats inappropriate food.	<i>'You are stuck with muffins or similar or having to ask for an alternative from flight staff when they often have little capacity to provide anything else.'</i>
101	Person with mobility impairment: Not told when purchasing ticket that she would need doctors clearance to fly. Told to sign a waiver at the gate before she was allowed on the plane.	Signed the form noting that she did not currently have DVT. Paid an additional \$100 for travel insurance.	<i>'The waiver said 'I declare I have the condition known as DVT which was inaccurate as I didn't have it then, I had it 8 years ago.'</i>
102	Person with mobility impairment: Wheelchair was booked via telephone and was provided at check-in but would not provide staff to push chair to gate. Daughter not advised of this when booking.	Staff provided to push chair, but advised in future family member would need to do it.	<i>'I told them I had someone waiting in the car and I couldn't take her to the gate. I also mentioned that when we booked we were not advice us of this (that service wasn't provided)'</i>
103	Child with profound disabilities: Pre arranged wheelchairs not provided. Agreement to sit family in requested seat allocation not honored. Air crew complained about request for help and were not familiar with disposing of sick bags. No special meals.	Parents stressed looking after sick child when airline staff did not offer help. Purchased stroller for child to move around airport	<i>'We felt embarrassed when forced to rely on the good nature of our fellow travellers rather than the airlines which had undertaken to assist us and in general failed to do so.'</i>
104	Person with mobility impairment: Assistance not provided to move wheelchair to departure gate, or to arrival lounge. No assistance with luggage offered, a staff member assisted when asked.	Inconvenienced family members, bag left unattended while waiting for family member and period of time it took to find someone to assist with bag.	<i>'The hostess asked if she could contact my parents to see how long they would be, she did this on my mobile. She told me she was not able to take me to the carousel to pick up my bag, so I just sat in the Departure lounge.'</i>

	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
105	<p>Person with mobility impairment: Wheelchair so badly damaged on return flight it had to be replaced. Transfer from chair to seat very difficult and painful. Didn't fit in economy chairs and moved to business class, staff clumsy and untrained in transfer.</p>	<p>Painful clumsy transfers from chair to seat. Arrived 5 hours early on return flight to avoid problem – same problems occurred.  Humiliating and stressful experiences</p>	<p><i>'I felt I was being compelled to try at all costs (to move to seat), upon my hips 'arriving' into the seat my spine thumped and the pain levels hit an all time high. I immediately asked to get out of this seat. When I transferred back, the chair moved and I fell hitting the middle part of my back and head against the aisle chair. While this was going on passengers were coming down the aisle and looking at me.'</i></p>
106	<p><b>Person with mobility impairment:</b> Hoist to transfer, staff untrained, not enough staff available to undertake lift. Seats in business class do not have arms that raise.</p>	<p>Dropped by untrained staff causing skin abrasions. Long-haul trips now done by road, an ordeal for both passenger and carer. Tried to negotiate with airline without result.</p>	<p><i>'I tried to negotiate a better result ... but we were made to feel as if we were the lone complainants, we were told our requests were unreasonable on cost basis and once again pushed aside'</i></p>
107	<p><b>Person with mobility impairment:</b> Airline refused to carry wheelchair, 11 cm too high</p>	<p>No choice of airline, had to fly Jetstar at unsuitable times.</p>	<p><i>'It meant that I could only attend one day of the scheduled two-day conference.'</i></p>
108	<p><b>Person with intellectual disability:</b> Introduced by family member to staff at tarmac. When family left, staff tried hand him over to police.</p>	<p>Member of Endeavour Brisbane accompanied passenger at own expense.</p>	<p><i>'He has flown alone with Qantas and Virgin Blue many times before without incident. He is a competent self-handler. He is not boisterous and is very compliant.'</i></p>
109	<p><b>Person with mobility impairment:</b> Flight attendant refused to agree to dispose of sealed catheter bag. Passenger publicly humiliated through loud announcement by ground crew member about stop to use catheter on truck on tarmac. Truck restarted before passenger able to complete operation and ensure stability on moving truck.</p>	<p>Complaint to HREOC. Resolved through conciliation.</p>	

	<b>Disability and Issue</b>	<b>Outcome</b>	<b>Comment by Passenger, Carer or Legal Advisor</b>
110 P	<b>Child with multiple and severe disabilities:</b> Arrived at check-in late due to son's behaviour. Assistance provided with luggage.	Toilets too small when one needs assistance. Son needs direct assistance.	'We appreciated this response to our special circumstances.'

\* Reference to the 'Standards' or 'Guidelines' are references to the *Disability Standards for Accessible Public Transport 2002* (as amended) and the *Disability Standard for Accessible Public Transport Guidelines 2004* (No 3).

1 US guidelines are conditional on meeting FAA safety rules. 'New Horizons', Information for the Air Traveller with a Disability, US Department of Transportation Feb 2004.

2 Canada Transportation Act, Air Transportation Regulations (SOR/88-58), Part VII, Terms and Conditions of carriage of persons and Canadian regulation specifically for training SOR/94-42.

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## Appendix B: Australian Disability Transport Standards Compliance Issues

<b>Non-compliance of directions in Standards* or Guidelines material Compliance Issue</b>	<b>Protection found in US regulation or standard<sup>1</sup></b>	<b>Protection found in Canadian regulation or standard<sup>2</sup></b>
Priority seating allocations for accessible seats	yes	yes
Information in airline terminal, eg, gate changes, flight delays, in alternative formats or direct assistance	yes	
Customer Service: non-availability of staff or untrained staff	yes	yes
Allocating adjacent seating for carers and attendants	yes	yes
Boarding priority: boarding first and disembarking last	yes	yes
Consultation with relevant customers prior to implementing policies or practices, eg, new baggage handling equipment		yes
Toilets access: carer unable to assist		yes
Boarding: providing assistance transferring between passenger's and airline wheelchairs and aircraft seat		yes
Safety briefing in different formats or direct assistance	yes	yes
<b>No guidance in the Standards</b>		
Compliance issue		
National consistency in policy application: limits choice for consumer	yes	yes
No access to all fare structures as bookings must be done by telephone or agent (not via the internet)		
Payment of fares: no access to refunds on certain tickets when cancellation is due to airline policy, customer pays for additional charges imposed by airline (such as booking fee and cost of ticket for carer)	yes	
Independent travel criteria applied without compensation or flexibility	yes	yes
Security screening is insensitive and slow	yes	

<b>Inadequate details in Guidelines Compliance issue</b>	<b>Protection found in US regulation or standard</b>	<b>Protection found in Canadian regulation or standard</b>
Providing assistance with baggage that is not a disability aid	yes	yes
Refusal to transport disability aid		yes
Principle of independent access: refusing customers use of stairs or self transfers or insisting on ability to access toilet	yes	yes
Recognition of assistance animals	yes	yes
'Meet and assist' services available for transfers, during delays, moving through the airport		yes
Specific information at point of purchase about assistance services, aircraft and booking requirements (for customers and staff)	yes	yes
Heating or provision of special meals		yes
Customer Service: quality and delivery of direct assistance which airline agreed to provide at time of booking	yes	yes
Information about needs not conveyed to ground and flight crew	yes	yes
Transporting wheelchairs: compensation for missing, delayed or damaged disability aids	yes	yes



# Appendix C: Review of the *Disability Standards for Accessible Public Transport 2002*: Terms of Reference

## Background

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1. The *Disability Discrimination Act 1992* seeks to eliminate discrimination, as far as possible, against people with disability. Section 31 of the Act states that the Minister may formulate standards in relation to specified activities, including the provision of public transport services and facilities.
2. Division 1.2 of the *Disability Standards for Accessible Public Transport 2002* (the Transport Standards), which took effect on 23 October 2002, states that their purpose is to enable public transport operators and providers to remove discrimination from public transport services. Part 34 requires the Minister for Transport and Regional Services, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards within five years of their taking effect, with subsequent reviews every five years.
3. This review (the Review) will be undertaken by a consultant engaged by the Department of Transport and Regional Services. It will be oversighted by a Steering Committee comprising officers of the Department of Transport and Regional Services and the Attorney-General's Department. The consultant will provide a final written report by 14 December 2007 for consideration by the Minister for Transport and Regional Services in consultation with the Attorney-General.

## Scope

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4. The Review will review the efficiency and effectiveness of the Transport Standards and will:
  - (a) Assess whether discrimination has been removed, as far as possible, according to the requirements for compliance set out in Schedule 1 of the Transport Standards.
  - (b) Assess the need for any amendments to the Transport Standards.
  - (c) Make recommendations for any necessary amendments to the Transport Standards.

5. The Review will be consistent with the Australian Government's Regulation Impact Statement (RIS) framework as outlined in the *Best Practice Regulation Handbook*.
6. In reviewing the efficiency and effectiveness of the Transport Standards, the Review will, among other things:
  - (a) Consider the adequacy of the current structure and processes as well as the suitability of other approaches (such as outcomes-based regulation, co-regulatory approaches, action plans and compliance reporting) in achieving the purpose of the Transport Standards.
  - (b) Assess the impact of the current incorporation of references to the Australian Standards, the Australian/New Zealand Standards and the Australian Design Rules in the Transport Standards.
  - (c) Provide an assessment for each Part of the Transport Standards.
  - (d) Assess the extent to which unjustifiable hardship or equivalent access provisions are being utilised by service providers and/or operators.
  - (e) Take into account the issues of promoting national consistency, efficient regulatory administration and compliance.
7. In assessing whether discrimination has been removed as far as possible, the Review will, among other things:
  - (a) Concentrate on compliance requirements at the initial 31 December 2007 target date for compliance (Schedule 1 Part 1 of the Transport Standards).
  - (b) Collect and analyse the available data and other information on compliance.
  - (c) Assess the scope and value of current compliance information and consider any implications for the assessment of whether discrimination has been removed.
8. In assessing and recommending necessary amendments to the Transport Standards, the Review will, among other things:
  - (a) Identify amendments for each Part of the Transport Standards.
  - (b) Identify costs and benefits to stakeholders.

- (c) Take into account the issues of promoting national consistency, efficient regulatory administration and compliance.
9. As the *Disability Standards for Accessible Public Transport Guidelines 2004 (No.3)* (the Guidelines) have been designed to accompany the Transport Standards as a tool for interpreting the content of the Standards, the Review will include appropriate recommendations for amendments to the Guidelines.

### Considerations

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10. In undertaking the Review, the consultant will:
- (a) Advertise nationally and consult with all levels of government and affected parties (in particular people with disability and their representatives, community interest groups and industry).
  - (b) Invite submissions from stakeholders and make submissions publicly available as they are received by the consultant.
  - (c) Facilitate participation by people with disability by ensuring that any meeting for the purpose of the Review is held at an accessible venue and that documentation and information distributed during the Review are available in alternative formats.
  - (d) Prepare a list of stakeholders consulted, for inclusion in the final written report.
11. The Review will draw on any relevant background material, including:
- (a) *Disability Discrimination Act 1992*;
  - (b) *Disability Standards for Accessible Public Transport 2002*;
  - (c) Technical Review on Disability Standards for Accessible Public Transport 2002;
  - (d) *Productivity Commission Inquiry Report No 30, Review of the Disability Discrimination Act 1992* and the Australian Government response;
  - (e) Applications for temporary exemptions under the Transport Standards and responses by the Human Rights and Equal Opportunity Commission, the Accessible Public Transport Jurisdictional Committee and other relevant parties;

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- (f) Web sites operated by the Attorney-General's Department <[http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination\\_DisabilityStandardsforAccessiblePublicTransport](http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination_DisabilityStandardsforAccessiblePublicTransport)> and the Human Rights and Equal Opportunity Commission <[http://www.humanrights.gov.au/disability\\_rights/index.html#information](http://www.humanrights.gov.au/disability_rights/index.html#information)>;
- (g) Web site operated by the Office of Best Practice Regulation <<http://www.pc.gov.au/orr/index.html>>; and
- (h) Public transport operator and provider compliance information.

MARK VAILE

Deputy Prime Minister and Minister for Transport and Regional Services

24 April 2007

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