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Submission

to

**Department of Infrastructure, Transport,
Regional Development and Local Government**

on

Towards a National Aviation Policy Statement.

June 2008

The Physical Disability Council of Australia would like to thank the Australian Government Department of Infrastructure, Transport, Regional Development and Local Government for the opportunity to comment on this consultation.

The Physical Disability Council of Australia Ltd (PDCA) is the national disability organisation, funded by the Department of Families, Housing, Community Services and Indigenous Affairs (FAHCSIA) to represent the interests and views of people with physical disability across Australia. PDCA represents the largest sector of disability in Australia.

Physical disability affects the person's mobility or dexterity, often requiring mobility devices or equipment to assist in mobility.. The Australian Bureau of Statistics (ABS) estimates that at least 6% of Australians over the age of 5 years have mobility disabilities.

Physical disabilities can be permanent, episodic or temporary. Physical disabilities can be caused by:

- congenital factors
- trauma including accidents
- infection
- degeneration
- disease
- chronic medical conditions.

Physical impairments differ from one person to another. These differences can range from difficulties with balance, gait and co-ordination; dizziness and weakness; pain or paralysis. Mobility equipment used to assist moving can include crutches, a walking stick or frame, a wheelchair either powered or manual. However some people with physical disability may not use any equipment at all, but are still considered to have a physical disability.

The most common physical disabilities are partial or total paralysis, amputation, spinal cord injury, various forms of arthritis, cerebral palsy, motor neurone disease, multiple sclerosis, muscular dystrophy, polio and post-polio syndrome, spina bifida, to name only a few. Additionally, some respiratory and cardiac diseases and cancer or diabetes may affect mobility. Any of these conditions may also impair strength, speed, endurance, coordination and dexterity.

PDCA for this submission will concentrate only on the sections that are of relevance to our members, and will not attempt to address the issues where people more expert in their knowledge will most likely comment.

People with disability in Australia:

PDCA agrees with the statement in the submission from Australian Federation of Disability Organisations (AFDO) that *'People with disabilities have not gained the potential benefits of increased competition in the airline industry. 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.'*

PDCA is a member of the Australian Federation of Disability Organisation (AFDO) and endorses all of the recommendations in their submission to the National Aviation Policy Statement and includes supporting comments from our organisation as follows.

PDCA's Guiding Philosophy on Public Transport

All public transport, including rail, road, air and water, should be accessible to allow people with physical disability to travel as all other passengers: anywhere, at any time, and without restrictions.

PDCA believes for Transport:

3. All fares and charges, conditions and services should be equitable to all passengers.
4. Future design changes should be done in consultation with Disability Advisory Committees to enable more transparent and accessible passenger services, including:
 - Visible meters in taxi vehicles
 - Travel facing in the direction of the vehicle, not sideways or back to front
 - A view for passengers in wheelchairs to enable sightseeing and way finding
 - Safety Design Standards, including tie downs and seat belts
 - Booking services online for people with disability as well as the general public, which are efficient and responsive to requests.
5. Information on rights and responsibilities is made available to all passengers.
6. People with disability requiring attendant support when traveling should not be charged an additional fare for their support person and a National Companion Card Scheme should be in place.

PDCA believes that public transport is for all Australians, and should meet the needs of all Australians.

1. THE AUSTRALIAN AVIATION INDUSTRY

1.1 International Services

PDCA supports the **AFDO recommendation 1**, that *'the Australian Government should consider the regulatory practice of the European Union, Canada and the United States of America in the area of access by people with disabilities to services and with a view to improving competition for the airline international services as part of an airline licensing conditions'*.

and

AFDO Recommendation 2.

- a. *With the ratification of the UN Convention on Human Rights for People with Disabilities having been agreed to by the Federal Government's Committee on Treaties, the negotiations of air service agreements with airlines from other countries must be closely monitored.*
- b. *The Convention must impact on the provision of International Services. (See Attachment B Media Release for Federal Government.)*

The recent introduction of Tiger Airlines who publicly stated they would not carry people with disabilities took some time to rectify because there did not seem to be any agency who would notify the new commercial airline of its Australian Legal Obligations in relation to the Australian Disability Discrimination Act 1992.

1.2 Domestic Services

Does the deregulated domestic airline market remain the best model for delivery of Australia's interstate air services? Are there any constraints on the ability of Australian-owned airlines to remain competitive with foreign-owned airlines in the Australian market?

PDCA would like to point out in this section, that many of the domestic airlines of Australia are still not providing seamless services to people with physical disability, and demanding that each person with a physical disability compulsorily travel with a support person, otherwise the airline will not carry them.

This is particularly important for those who live in remote and rural areas of Australia where people are consistently denied carriage on airlines such as Rex Airlines, Virgin Airlines and Jetstar, among others. This situation can be evidenced by complaints received by the Human Rights and Equal opportunities Commission (HREOC) and exemptions given under the Disability Discrimination Act 1992 (DDA).

Some of the airlines to date have been:

Tiger Airlines

Rex Airlines

AirNorth

Kendall Airlines

Regional Airlines Association of Australia.

Complaints received and their outcomes regarding public transport including air travel can be found on HREOC website:

http://www.hreoc.gov.au/disability_rights/decisions/conciliation/transport_conciliation.html

7. AVIATION SAFETY

3.1 Safety regulation and regulatory reform

Should the governance arrangements for CASA be strengthened to better support the role of the safety regulator?

PDCA believes that CASA is the best placed agency to be the Regulation Authority in the airlines industry.

What steps should be taken to ensure Australia maintains a high standard of aviation safety in the context of global developments?

PDCA believes that maintaining high standards of aviation for Australian airlines commenced in Australia and therefore should remain in Australia, benefitting all Australians with the knowledge that best practice is a necessity, and ensuring that the jobs remain in Australia and not 'farmed' out to countries that may have the workers but not the expertise.

4. CUSTOMER AND COMMUNITY PROTECTION

Which airports in Australia need to remain curfew free and under what conditions?

Any airport that connects to overseas arrivals or departures. The timezones in other countries require flexibility for tourists and other passengers entering and leaving Australia and governments should be mindful of meeting these needs if Australia wants to capture more of the international market.

Can operations at airports be better managed to ensure the community is protected while at the same time providing for night time access?

PDCA believes that airports should never be located within city perimeters such as Sydney's Kingsford Smith Airport, Adelaide Airport etc., but rather should be located outside of cities to minimise as much as possible pollution, the noise levels, traffic congestion, potential for accidents and emergencies.

We believe that public transport facilities should be in place to link airports by direct means for all passengers, either by train, bus, taxi or private transport with adequate parking facilities.

4.4 Disability Standards

PDCA endorses the AFDO recommendation that

The airline industry should develop Disability Action Plans under the *Disability Discrimination Act 1992* and the *Accessible Public Transport Standards 2002*. This should be done in consultation with people with disabilities

Since 1996 the airline industry has avoided discussion with Accessible Public Transport Committees who have representatives of industry, government and people with disabilities. During the period of drafting, redrafting, costing and enactment of the Accessible public Transport Standards 2002 the airline industry and any regulator of the industry have not

contributed to the development or implementation of Accessible Public Transport. It has only been in the last 2 years that there has been any attempt to explain the imposition of severe restrictions upon people with disabilities ability to use their aircraft that the airline industry has attended meetings of the Accessible Public Transport National Advisory Committee (APTNAC)

The airline industry has to develop Action Plans and be made aware of the provisions of the Disability Discrimination Act 1992 and the Accessible Public Transport Standards 2002. There must be consultation with people with disabilities. Approaches by individual disability organisations have been brushed aside. Eg Vision impaired groups have made a number of approaches to airline companies about safety cards.

Are the current Transport Standards adequate to ensure the removal of discrimination from air travel?

PDCA believes that the transport Standards are adequate provided the airline industry adheres to the Standards compliance regime and does not seek exemptions because it is either too hard or too expensive as has been the case in quite a few instances.

The DDA and its subsequent Standards are there to protect people with disability and not designed to make it harder on business, but rather to show business more certainty in how best to comply to meet the needs of one group of citizens, people with disability.

PDCA believes that airline companies create problems for themselves, by not having adequate space between seating, wider aisles to allow wheelchairs to fit between seats comfortably and independently and access to the on board toilets.

If airlines designed seating configurations with more space, more people with disability could independently access their seats, thus avoiding the need for staff assistance and additional ground staff to assist on arrivals and departures.

Are there recommendations arising from the recent Transport Standards Review that might be implemented to improve services for people with a disability?

The final report from the recent Transport Standard Review has not been completed at the time of writing this submission.

PDCA believes that physical barriers in aircraft make it all but impossible to travel in some (the cheaper) classes on aircraft because of seating issues, and includes the barriers to use the toilets with dignity and ease, which is essential on long haul flights.

Are current complaint and compliance mechanisms effective?

PDCA believes that the complaints mechanism is fraught with problems for people with disability, who are among the most disadvantaged people in Australia both in terms of society and access to income.

Just making a complaint to HREOC is difficult for many, participating in a mediated

complaint hearing is also difficult when individuals are unsure of their own rights on these issues.

For this reason many people prefer not to make complaints, having had experience with Airlines (in this instance) bringing along lawyers and other key players for an informal mediation complaint mechanism.

Some of the complaints collected by our organisation in relation to the airline industry can be viewed in the report '*Flight Closed*' prepared by the Public Interest Advocacy Centre and NSW Disability Discrimination Legal Centre with many disability organisations participating in the research and contributions for this report, including PDCA.

The report addresses some of the problems facing people with disabilities in airline travel and was launched at Sydney Airport on 13 December 2007. At the Launch HREOC representative Mr Graeme Innes said HREOC would use the report's findings in its discussions with the airline industry, government and CASA to ensure reasonable accessibility standards are introduced and enforced for airline travel for people with disabilities.

Flight Closed can be viewed at:

http://www.piac.asn.au/publications/pubs/rep2007123_20071201.html

Media Release for Flight Closed can be viewed at

http://www.piac.asn.au/news/media/20071213_ftclsdrp.html

Please contact Brenda Bailey by e-mail to bbailey@piac.asn.au or by phone to 02 8898 6522 to obtain a bound copy of the report.

4.5 Compensation arrangements in the event of an accident?

Are Australia's domestic arrangements for passenger and baggage/cargo liability appropriate in the context of international developments, including the Montreal Convention?

PDCA believes that insurance should include damage to wheelchairs and other equipment frequently experienced by people with disability. These damages affect the day to day lives of people relying on these mobility devices for mobility and are often the centre of delays and disputes.

5. Aviation Security

Could Australia improve its approach to protecting air travellers from threats while facilitating quick and efficient travel? How can we improve the system to improve both security outcomes and passenger facilitation through airports?

PDCA believes that Australia is not a target country for threats, and some of the security measures carried out in the name of security checks are unnecessary.

For instance, many people who use a wheelchair for mobility, have been asked to remove their shoes, and whilst this may be possible for some, for many it is an impossible and undignified request often resulting in embarrassment and resentment.

The system at present, requires a wheelchair user to pass in between the walk through security gates, which sets off all alarms at all gates because of the metal in wheelchairs. The next step is to be patted down from head to foot, females for females and males for males, however no other passengers are required to have these invasive body pat downs in full view of all other passengers and staff and PDCA feels there must be some other way to undergo basic security checks without leaving passengers feeling like suspected criminals.

Can more be done at our international airports to assist passengers to comply with security requirements?

Security checks at International airports appear to be less punitive than those at domestic airports, in the opinion of the writer who travels overseas quite regularly and in overseas destinations are nowhere near as strict as Australia.

Should aviation security remain the key focus for government and industry?

PDCA believes that security should always be a concern for any industry and especially an industry that carries passengers such as airlines.

Should we introduce new technologies for passenger screening that can improve processes even if they are more invasive or costly?

Not as far as people with disabilities go, we are already invaded enough by the processes.

Biometrics are an effective way to manage access arrangements at airports and an improvement on current practice.

Biometrics are already being used in the US for travelers, and this could be a standardised way of ensuring security worldwide.

Do we adequately address the requirements of people with special needs?

PDCA believes that people with disability are experiencing the negative end of processes because once again it appears too difficult. If all facilities were made more accessible and inclusive then the processes that need to be used would be more implemented more easily.

No-one would like to see the compromise of safety for convenience, but security is a two way process and made easier by only using systems that are not intrusive, punitive and designed to scare people.

PDCA also believes that processes should only be put in place after wide consultation with users, including people with disability.

Are we consistent enough in the delivery of services to passengers?

No, different every time someone with a disability flies anywhere, where there is a different story or experience on different days.

Is the current regime too heavy handed?

Absolutely, there is an assumption that everyone is a terrorist until proven otherwise, which inconveniences everyone, including passengers and staff..

Are the legislation and regulations in need of simplification?

YES!

Should background checking be extended to include managers/directors of companies with employees who hold an Aviation Security Identity Card?

PDCA believes that all staff, no matter their position should be subject to background checks when it comes to services for people or citizens, from the top to the bottom of any organisation.

PDCA supports the comments by AFDO on community consultations *'To support this policy framework there needs to be system for ongoing consultation with people with disabilities and their organisations that is integrated into the design, policies and practices at each stage of the process of delivering a competitive, safe and secure aviation industry. This includes government as well as service provider processes.'*

In conclusion, PDCA takes this opportunity to urge the Federal Government to include people with disabilities as valued citizens of Australia, who are fare paying customers in all areas of the transport industry in order to achieve full inclusion in our society.

Sue Egan
Executive Officer
Physical Disability Council of Australia Ltd
June 25th 2008