**Our Response to the Aviation White Paper Policy Initiatives.**

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**Deafness Forum Australia**

**September 2024** **A white dragonfly in a circle

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**The Australian Government Aviation White Paper sets out long-term policies and actions to guide the next generation of growth and innovation in Australian aviation.**

The Aviation White Paper (report) lists 56 worthwhile new initiatives that the Australian Government will implement in partnership with industry, states and territories, and the community.

While many of the initiatives will benefit people with disability, in this submission, we will comment on those specifically targeted to them and, in particular, the people with hearing and dual hearing and vision challenges (and their families and supporters) that we represent, vis:

Initiative 4. Make new aviation-specific disability standards as a schedule to the *Disability Standards for Accessible Public Transport 2002* under the DDA.

Initiative 5. Require airlines and airports to coordinate the facilitation of passenger journeys for people with disability.

Initiative 6. Require airlines to offer passenger assistance profiles that will enable people to communicate accessibility requirements to airlines online, in advance.

Initiative 7. Review airline policies that limit the number of passengers who require assistance.

Initiative 8. Review industry compliance with the new aviation-specific disability standards.

Initiative 9. User guides that outline airlines’ and airports’ legal requirements under the DDA and the new aviation-specific disability

Initiative 10. Improved remedies for damage to wheelchairs and other mobility devices.

Initiative 20. Establish a new Gender Equity Charter with the aviation industry.

**Our Response to Initiatives Relevant to Our Constituency**

**Initiative 4. Make new aviation-specific disability standards as a schedule to the *Disability Standards for Accessible Public Transport 2002* under the DDA.**

The aviation-specific disability standards will affirm the rights of people with disability during air travel and the obligations that airlines and airports have to provide equal access. The Australian Government will co-design the aviation-specific disability standards with people with disability and consult industry on the draft standards in 2025.

Response: **Co-design Approach**

The commitment to co-design the standards with people with disability is valued and aligns with the disability rights principle of "Nothing About Us Without Us". This approach recognises the expertise and lived experiences of people with disability. An inclusive approach should help ensure the standards are practical and address the real challenges faced during air travel.

**Affirmation of rights**

Explicitly affirming the rights of people with disability in air travel is important for raising awareness and setting clear expectations for equal access.

**Consultation with Industry**

Consulting with the aviation industry while drafting the standards is wise. It allows for balancing practical operational capabilities with the need for enhanced accessibility, ensuring that the standards are both ambitious and achievable.

**Enforcement mechanisms**: The proposal does not specify how the standards will be enforced. Strong, independent enforcement is critical for ensuring compliance.

**Scope of standards**

It is unclear if the standards will address the full range of disabilities and accessibility needs. Comprehensive coverage is essential.

**Staff training**

While not explicitly mentioned, thorough disability awareness training for airline and airport staff should be a key component of the standards.

**Complaint processes**

The standards should include accessible, effective complaint mechanisms for travellers with disability.

**Timeline and Implementation**

Setting a timeline for consultation in 2025 provides a clear roadmap, but the implementation phase must follow promptly to prevent delays in realising the benefits of these standards for people with disability.

**Initiative 5. Require airlines and airports to coordinate the facilitation of passenger journeys for people with disability.**

The new aviation-specific disability standards will set out the obligations of airlines and airports to improve the coordination of passenger facilitation – from arrival at the airport terminal and throughout air travel until exiting the terminal at the destination airport.

Response: **End-to-End Support**

When discussing “end-to-end” support for people with disability, it is necessary to understand that the need for support can begin at the curb side. True end-to-end support will include when a passenger, such as someone deafblind, is dropped off by a taxi at the airport curb.

To ensure comprehensive support, airlines must coordinate with airport services to extend their assistance right to the curb. This could involve airline service staff being available to meet passengers at the drop-off points and assist them directly from their taxi or drop-off vehicle.

**Integrated Facilitation**

Requiring coordination in facilitating passenger journeys for people with disability ensures a seamless travel experience from airport arrival to departure, addressing common pain points for travellers with disability.

**Detailed Obligations**

The aviation-specific disability standards provide clear guidelines on how airlines and airports should manage passengers with disability throughout their journey. This clarity is essential for enforcing accountability and ensuring compliance.

**Lack of specificity**

The proposal doesn't detail what specific coordination measures will be required. Advocates may push for more concrete guidelines to ensure meaningful improvements

**Potential gaps**

The focus on terminal-to-terminal coordination might overlook important pre- and post-flight considerations, such as accessible transportation to and from airports.

**Anticipated Challenges**

While the initiative is commendable, its success will hinge on the effective training of airline and airport staff and the seamless integration of advanced technologies to assist passengers.

Coordinating between airlines and airports, which often operate independently, may prove complex. The standards should address how this coordination will be facilitated and enforced.

**Initiative 6. Require airlines to offer passenger assistance profiles that will enable people to communicate accessibility requirements to airlines online, in advance.**

Passengers will be able to grant airlines permission to store information so they can book future travel with a complete profile and so airlines can access their assistance information each time they travel. Profiles will allow passengers to upload documentation about assistance animals and wheelchair battery specifications so that airlines can confirm in advance that air safety requirements can be met. The Australian Government will consult on options to implement this requirement through the new aviation-specific disability standards.

Response: **Empowering Passengers**

An initiative to create passenger assistance profiles is a significant step towards empowering passengers with disability by allowing them to communicate their accessibility requirements to airlines in advance. The system should allow for easy updates to profiles, as accessibility needs may change over time.

**Safety considerations**

Allowing passengers to upload documentation about assistance animals and wheelchair specifications in advance addresses important safety concerns.

**Privacy and Data Management**

While the profiles offer convenience, they also raise questions about privacy and security. Airlines must implement strict measures to protect sensitive personal information and ensure passengers consent to how their data is used.

An option should be available for passengers to provide temporary or trip-specific information.

Ensuring that the use of profiles is optional and not mandatory for passengers with disability.

There is risk that airlines could use this information to discriminate against passengers with more complex needs.

**Standardisation**

Without a standardised format across airlines, passengers might need to create multiple profiles.

**Implementation Challenges**

Success will depend on technological capabilities. Compliance might be challenging for small domestic carriers and overseas carriers.

**Initiative 7. Review airline policies that limit the number of passengers who require assistance.**

In developing the new aviation-specific disability standards, the Australian Government will consider options to prohibit airline policies that limit the number of passengers who require assistance aboard a flight – sometimes referred to as ‘2-wheelchair policies’ – except where there is a clear and demonstrated aviation safety reason.

Response: **Challenging Restrictions**

The review of policies that limit the number of passengers who require assistance is a crucial step towards inclusivity. Policies like the ‘2-wheelchair rule’ have long been barriers, preventing many people with disabilities from accessing air travel alongside others.

**Standardisation**

A standard prohibiting these limiting policies could lead to more consistent passenger experiences across all airlines, promoting fairness and equality in air travel. This approach aligns more closely with regulations in other jurisdictions, such as the U.S., where limiting the number of passengers with disabilities is prohibited.

**Safety-based exceptions**

Allowing exceptions only for clear and demonstrated aviation safety reasons helps balance accessibility with necessary safety precautions. However, the "clear and demonstrated aviation safety reason" clause could potentially be exploited by airlines to maintain restrictive policies. More specific criteria may be needed.

An independent panel, including disability representatives, should be established to evaluate any claimed safety exemptions. Airlines should be obliged to publicly disclose and justify any instances where limits are imposed for safety reasons.

**Initiative 8. Review industry compliance with the new aviation-specific disability standards.**

The Australian Government will publicly report on airlines’ and airports’ compliance with the new aviation-specific disability standards after the rules come into effect.

Response: **Transparency**

Having the Australian Government conduct the review suggests a level of independence from industry influence.

**Timing**

The proposal only mentions reporting after the rules come into effect, which may delay identification and resolution of compliance issues.

**Lack of specifics**

The initiative doesn't detail the frequency, depth, or methodology of the compliance reviews.

**Enforcement mechanisms**

While reporting is important, the proposal doesn't specify what actions will be taken against non-compliant entities.

**Reactive approach**

Waiting for rules to come into effect before reviewing compliance may miss opportunities for proactive improvements.

**Engagement and Feedback**

It is necessary for the process to include opportunities for feedback from individuals in the disability community and their representatives. Their direct experiences provide valuable insights into where gaps in compliance might exist and how standards could be further improved.

**Initiative 9. The Australian Government will produce** **user guides that outline airlines’ and airports’ legal requirements under the DDA and the new aviation-specific disability.**

These accessible user guides will inform passengers about their rights and about airlines’ obligations to facilitate more effective provision of assistance. The content and format of the user guides will be co-designed with people with disability.

Response: **Co-design Approach**

The initiative to co-design user guides with people with disability will ensure that the materials are genuinely helpful and accessible.

**Legal Awareness**

The guides will educate travellers with disability and the broader public about their legal rights and the obligations of airlines and airports under the Disability Discrimination Act and the new standards.

**Enhancing Compliance**

The user guides could lead to improved compliance with disability standards becoming the norm across the industry. However, adequate monitoring and enforcement measures must support education programs.

**Accessibility of Information**

User guides must be available in accessible formats for all passengers to benefit from the information provided.

**Distribution and availability**

The proposal does not specify how these guides will be distributed or made available to ensure they reach all potential users.

**Regular updates**

There's no mention of how often these guides will be updated to reflect changes in legislation or standards.

**Language considerations**

The proposal does not address the need for guides in multiple languages to serve diverse communities.

**Initiative 10. Provide improved remedies for damage to wheelchairs and other mobility devices.**

The Australian Government will consult on amendments to the Civil Aviation (Carriers) Liability Act 1959 (Cth), and supporting regulations, to increase the maximum compensation entitlement for passengers whose wheelchairs or other mobility devices are damaged or lost by domestic airlines.

Response: **Enhanced Compensation**

The proposal to consult on amending the Civil Aviation (Carriers) Liability Act to increase maximum compensation for damage to or loss of wheelchairs and mobility devices is essential. This change acknowledges the significant impact such losses can have on the mobility and independence of passengers with disability.

**Focus on compensation**

While important, compensation alone doesn't address the immediate mobility needs of travellers whose devices are damaged or lost.

**Limited scope**

The proposal only mentions domestic airlines, potentially leaving a gap for international travel.

**Consultative Process**

Engaging in consultations to amend the act is crucial for ensuring that the changes meet the real needs of those affected. This process should involve direct input from people with disabilities to capture the full range of issues they face when their mobility devices are mishandled.

**Strengthening Accountability**

By increasing compensation limits, airlines will be more financially incentivised to handle wheelchairs and other mobility devices with care. This could lead to improved practices and reduced incidents of damage.

**Legal Framework Update**

Modernising the Civil Aviation (Carriers) Liability Act to reflect the current needs and technologies associated with mobility devices will strengthen legal protections for travellers with disability, ensuring their rights are adequately protected under Australian law.

**Initiative 20. Establish a new Gender Equity Charter with the aviation industry.**

The Australian Government will partner with the aviation industry and unions to commit to employment targets for women in senior and operational roles and elimination of gender pay gaps, as well as improving policies and practices to support traditionally feminised sections of the aviation industry. Charter members will report publicly on progress against charter commitments. Charter membership will be a consideration in the awarding of some Australian Government aviation sector grants funding.

Response: **Intersectionality**

The proposal does not explicitly address the intersection of gender with other forms of diversity, including disability.

Alongside the Gender Equity Charter, the Australian Government can establish a **Disability Equity Charter** in partnership with the aviation industry. This charter will set specific targets for the employment of people with disability in various roles within the industry and address accessibility barriers. Charter members will commit to creating inclusive work environments and enhancing accessibility at all customer touchpoints. Like the Gender Equity Charter, progress will be publicly reported, and charter membership will be considered in awarding specific government grants related to the aviation sector. This dual approach reinforces the commitment to diversity and inclusion, ensuring that the aviation industry is a model of equitable employment practices.

**Voluntary nature**

As a charter, participation appears voluntary, which may limit its effectiveness if key players opt out.

**Limited scope**

The focus on "traditionally feminised sections" may overlook the need for gender equity across all areas of aviation.

**Enforcement mechanisms**

Beyond consideration for grants funding, there's no mention of consequences for non-compliance or failure to meet targets.

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The Australian Government recognises [Deafness Forum Australia](https://www.deafnessforum.org.au/) as the national independent citizen representative peak body for all Australians with hearing challenges, ear or balance disorders, and their families and supporters.

Deafness Forum’s purpose is to support Australians to live well in the community by making hearing health & wellbeing a national priority.

We are the trusted, national, independent citizen voice for the whole hearing health and deafness sector – the impartial advocate representing all voices that need to be heard.

Deafness Forum represents Australia as a Foundation Member of the World Hearing Forum (part of WHO), as a member of the International Federation of Hard of Hearing People, and as an associate member of the World Federation of the Deaf.

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