

Aviation Disability Standards

Submission to the Department of Infrastructure,
Transport, Regional Development,
Communications, Sports and the Arts

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Acknowledgement of Country

The Australian Human Rights Commission acknowledges the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders – past and present.

About the Australian Human Rights Commission

Our vision for Australia is one where everyone can live free and equal in dignity and rights as part of a strong, healthy democratic society.

We have 4 core functions under our legislation:

- Access to justice: We help people to resolve complaints of discrimination and human rights breaches through our complaint handling services.
- Fairer laws, policies and practices: We review existing and proposed laws, policies and practices and provide expert advice on how they can better protect people's human rights. We help organisations to protect human rights in their work. We publish reports on human rights problems and how to fix them.
- Education and understanding: We promote understanding, acceptance and public discussion of human rights. We deliver workplace and community human rights education and training.
- Compliance: We are the regulator for the positive duty requiring employers and others to address workplace sexual harassment, sex discrimination, sexist conduct and related victimisation.

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Executive summary

The Commission strongly supports the introduction of Aviation Disability Standards under the *Disability Discrimination Act 1992* (Cth) and congratulates the Australian Government on its commitment to reducing barriers in air travel for people with disability. We encourage the government to maintain its commitment to co-designing the standards with people with disability throughout the next stages of reform.

Australian airlines are already required to comply with aviation accessibility standards in other international jurisdictions. The proposed Aviation Disability Standards will clarify and reinforce the aviation industry's existing obligations under the Disability Discrimination Act in Australia by setting out the minimum baseline for accessibility in air travel.

It is critical that the Aviation Disability Standards:

- prioritise and promote the dignity, independence, mobility, autonomy and participation of people with disability across the whole aviation journey
- seek to ensure people with disability can access air travel on an equal basis with other
- have appropriate and effective enforcement and compliance mechanisms
- provide the necessary clarity to ensure consistency across the sector and that airline and airport compliance can be assessed
- ensure there is consistency across the whole aviation journey regarding access to information.

This submission comments on reform options and proposes additional areas where we believe the proposed standard could be enhanced to better achieve the objective of removing barriers and providing equal access.

We also encourage the government to give adequate weight and consideration to the broad social and economic benefits of improved accessibility, as well as the impact and cost of inaction and non-compliance, when assessing the regulatory impact of this reform.

Recommendations

The Commission makes the following recommendations:

General recommendations

Recommendation 1: In assessing the regulatory impact and benefits of the Aviation Standards, the Australian Government should give significant weight to the direct and indirect social and economic benefits of improved accessibility and inclusion in air travel. This should include benefits such as productivity, health, employment, education, leisure and tourism, and benefits for people with and without disability.

Recommendation 2: The Australian Government should invest in research to establish an evidence base for the economic benefits of accessibility and inclusion, with the view to establish a consistent national framework for the appraisal of public transport investment.

Recommendation 3: The *Disability Discrimination Act 1992* (Cth) should be amended to include a positive duty to eliminate disability discrimination, harassment and victimisation as far as possible, across all areas of public life, including the provision of goods and services such as transportation.

Recommendation 4: The standards should adopt consistent obligations regarding access to information and communication across the whole journey for people with disability.

Recommendation 5: The Aviation Standards should apply to all airlines and airports and should be tailored in a way that is reasonable and proportionate to the size and capacity of the airlines and airports.

Whole of journey

Recommendation 6: The Aviation Standards should adopt the proposed regulatory option 2 requiring that airports are responsible for the passenger journey from arrival to departure. The standard should require airlines to provide support to move from all entry points and to access airport facilities (such as food and shopping outlets) where necessary.

Recommendation 7: The Aviation Standards should introduce mandatory disability awareness/confidence training requirements for all airline and airport staff (including contractors), that is co-designed with, and delivered by, people with disability. Mandatory training should include:

Whole of journey

- aviation specific outcomes
- competency assessments for staff involved in the handling of mobility and disability aids, transfers, manual assistance, and interactions with assistance animals, inclusive of security screening staff
- information about disability rights and ableism.

Recommendation 8: The Aviation Standards should require that all airlines and airports, regardless of size or minimum passenger thresholds, establish disability reference groups, fairly remunerate its members, and be able to demonstrate that they have consulted with people with disability where relevant.

Recommendation 9: The Aviation Standards should align requirements for the establishment of, and consultation with, disability reference groups with article 4(3) of the CRPD and *General Comment No.7 on the participation of persons with disability in the implementation and monitoring of the Convention*.

Recommendation 10: The Aviation Standards should introduce a mandatory requirement for all airlines and airports, regardless of size or minimum passenger thresholds, to report on their compliance with the Standards and other relevant factors. Airlines and airports should be required to report on compliance within 12 months of commencement of the Standards, and identify and report on actions they are taking to address areas of non-compliance.

Planning and booking air travel

Recommendation 11: The Aviation Standards should adopt the proposed regulatory option to introduce optional passenger assistance profiles. The standard should also:

- ensure that there are robust guardrails for the protection of privacy in any adoption of passenger assistance profiles
- set out clear parameters regarding how personal information stored in the passenger assistance profile can be used and shared by airlines to ensure passengers have control over their information, including requirements for consent to share sensitive personal information.

Recommendation 12: The Aviation Standards should prohibit airlines from limiting the number of passengers who require wheelchair assistance to board

Planning and booking air travel

and exit the aircraft, except where this is necessary for genuine safety reasons.

Recommendation 13: The Aviation Standards should require airlines to publish and explain their genuine safety reasons for placing limits on the number of passengers on a flight who require assistance.

Recommendation 14: The Aviation Standards should require airlines and airports to provide services or assistance when passengers give advance notice of accessibility needs, in line with the proposed regulatory option. In addition, the standards should:

- Clarify what is meant by 'every reasonable effort' and that a service or assistance can only be declined where there are genuine safety reasons preventing an airline or airport from providing that service.
- Require that an airport or airline contact a passenger when an access need or request cannot be met to identify alternative suitable support where possible.
- Provide clarity regarding the specific circumstances where advance notice would be required, recognising the complexity of the approval/request.

Recommendation 15: The Aviation Standards should require that assistance be available at any time the airport is in operation and prohibit airports limiting hours within which people can access and request assistance.

Recommendation 16: The Aviation Standards should adopt the proposed regulatory option for airlines to ensure that people with disability have access to all available booking methods and the same fare regardless of method of booking.

Recommendation 17: The standards should apply consistent timeframes and requirements for airlines and airports to decide on accessibility related requests/applications. Where requests/applications are made outside specified timeframes, airlines and airports should be required to make every reasonable effort to provide a decision.

Recommendation 18: The Aviation Standards should establish requirements regarding the processing and carriage of assistance animals on aircraft. In addition to the proposed regulatory option, the standards should:

- require approvals to be valid on an ongoing basis for the same animal and airline
- require airlines to offer refunds or rebooking at no cost in the event of a refusal.

Planning and booking air travel

Recommendation 19: The Aviation Standards should adopt the proposed regulatory option for airlines to standardise the process and information requirements for passengers travelling with disability aids classed as 'dangerous goods'.

Recommendation 20: The Aviation Standards should adopt the proposed regulatory option to ensure disability aids can be transported for free and in-cabin, where possible. The standard should also include disability aids necessary for boarding and/or disembarking.

Recommendation 21: The Aviation Standards should adopt the proposed regulatory option to introduce requirements for carers or companions travelling with a person with disability, with the following amendments:

- Set out criteria for determining when a person with disability can be required to travel with a carer / companion.
- Prohibit airlines from requesting proof that a passenger can travel independently.

Recommendation 22: When an airline requires a passenger with disability to travel with a carer or companion, the Aviation Standards should require airlines to cover the cost of the carer or companion's airfare.

Recommendation 23: The Aviation Standards should adopt the proposed regulatory option to introduce rules around when an airline can request medical certificates. The standards should also explain what is meant by 'extraordinary medical assistance' and apply to airports.

Recommendation 24: The Aviation Standards should adopt the proposed regulatory option for airlines and airports to provide clear information about accessibility options.

Recommendation 25: The Aviation Standards should adopt the proposed regulatory option to require airlines and airports to provide information needed to book flights in a range of accessible formats.

Recommendation 26: The Aviation Standards should adopt the proposed regulatory option requiring airlines to inform passengers about changes or disruptions in accessible formats.

Recommendation 27: Where a passenger's accessibility needs can no longer be met due to a disruption, airlines should be required to:

Planning and booking air travel

- Indicate alternative flights that can accommodate their needs and offer to book the passenger on an alternative flight at the lower of the original fare or the new fare; or
- Provide a refund if no suitable alternative flight is available.

Recommendation 28: The Aviation Standards should adopt the proposed regulatory option requiring airlines to communicate with passengers with disability when they, or their disability aids, are not accepted for travel, and provide reasons for refusals, rebooking or refund options.

Further consideration should be given to whether the standard should apply even if a passenger communicates their accessibility needs within 48 hours of departure.

Recommendation 29: The Aviation Standards should include a requirement to allow passengers with disability to choose seats that best meet their needs, at no extra cost. Passengers with disability should be able to select their seats based on their chosen booking method (as per option 2.4).

Recommendation 30: Airlines should be required to:

- provide priority seating for passengers with disability
- clearly outline and communicate accessibility features of different seating options
- honour the seating needs of passengers with disability, in line with safety requirements, and provide support to reallocate seating if necessary.

At the airport

Recommendation 31: The Aviation Standards should introduce a requirement to allow people with disability to stay in their personal mobility aid, in line with proposed option 1. The standards should also require that:

- Transfers must occur as close as possible to the door of the aircraft, unless the passenger chooses an earlier point.
- Passengers who are using an airline wheelchair should be provided with ways to request assistance in situations where they are left unattended. The airline or airport should ensure staff are available to respond to requests for assistance in a timely manner.

Recommendation 32: consult with people with disability regarding appropriate requirements for airlines to return personal disability or mobility aids to a passenger in the event of flight disruptions, delays, or cancellations.

At the airport

Recommendation 33: The Aviation Standards should include requirements that all available self-service check-in facilities are to be fully accessible, including timeframes for existing facilities to be made accessible.

Recommendation 34: The Aviation Standards should include a requirement, proportionate to airport size, for airports to provide accessible assistance points throughout the terminal, at key stages of the passenger journey.

Recommendation 35: The Aviation Standards should include a requirement for airlines and airports to adopt nationally consistent wayfinding standards, in line with proposed option 1.

Wayfinding standards should be co-designed and tested with people with disability, in partnership with the government, the aviation industry and other relevant stakeholders. The government should prioritise the development of these standards.

Recommendation 36: The Aviation Standards should include clear timeframes for the implementation of wayfinding standards.

Recommendation 37: The Aviation Standards should adopt the proposed regulatory option for airlines and airports to provide accessible information about travel changes and disruptions. The standards should also require:

- airlines to communicate and coordinate with airports to ensure the needs of passengers with disability continue to be met in the event of any disruption, delay or cancellation
 - airlines to proactively support passengers with disability to make alternative travel arrangements that meet their accessibility requirements, or provide a refund, including via direct assistance where required (in line with recommendation 28 and proposed standard 2.13).
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Recommendation 38: The Aviation Standards should introduce requirements for airports to ensure arrivals and departures are more accessible, in line with the proposed regulatory option. The standards should also require that:

- public transport, taxi and rideshare pick-up and drop-off locations are as close as possible to the terminal and that navigation between these locations and the terminal should be accessible
- airlines provide assistance to people with disability who notify the airport or airline of their arrival and request assistance both inside and outside the terminal buildings
- people with disability should be able to request assistance for arrivals and departures on the day of travel to enable flexibility.

At the airport

Recommendation 39: The Aviation Standards should include requirements for airports to provide clear information, and accessible and priority security screening for people with disability, as per the proposed regulatory option. This includes ensuring people with disability are not unnecessarily separated from disability aids, and that carers, companions and interpreters can accompany people through screening where needed.

Recommendation 40: The Aviation standards should require airports to make available and provide direct assistance when requested or consented to by a passenger with disability.

Recommendation 41: The Aviation Standards should require that airlines and airports closely consult and actively involve people with disability in the design of all facilities, including new or upgraded infrastructure. Airlines and airports should co-design accessible facilities with people with disability as per the proposed regulatory option.

Recommendation 42: The Aviation Standards should require airlines and airports to provide specific accessible facilities or upgrade existing inaccessible facilities, within set timeframes.

Recommendation 43: The Aviation Standards should adopt the proposed regulatory option to protect disability aids from damage and loss, and to track their movement. The standards should also require:

- airlines to have equipment, processes and competency-based training to support the safe handling and transport of mobility aids;
- specific equipment and processes to be implemented by airlines, at arrivals and departures;
- airlines to provide passengers with a way to track their disability aid, through accessible, real-time updates (as per the proposed regulatory option).

Recommendation 44: The Aviation Standards should adopt the proposed regulatory option to require airlines to allow passengers to choose their preferred method of transfer. The standards should also specify the minimum types of transfer methods, equipment and assistive technology that should be made available by all airlines/airports by a set timeframe.

Recommendation 45: Airlines and airports should provide private spaces for transfers, at the request of the passenger, in line with a passenger's preferred method and location of transfer. This should be a requirement under

At the airport

proposed regulatory option 3.8 (involve people with disability when designing accessible facilities).

On the aircraft

Recommendation 46: Where relevant, the Aviation Standards should require airlines to honour the accessibility requirements of people with disability on the aircraft, except where there is a genuine safety concern. Where a passenger's requirements cannot be met due to safety reasons, reasons should be clearly communicated to the passenger. This includes times when a passenger cannot use a disability aid on board.

Recommendation 47: The Aviation Standards should require airlines to implement changes to the aircraft's physical environment, including accessibility features for inflight entertainment, by set timeframes rather than relying on refurbishment or upgrade cycles. Timeframes should be determined based on consultation with industry and people with disability to balance feasibility and the need to prioritise equal access to travel.

Recommendation 48: In addition to the proposed regulatory options, the Aviation Standards should also include minimum accessible design requirements for aisle chairs, transfer spaces and cabin layouts.

Introduction

This section outlines the rights of people with disability to access air travel on an equal basis with others. It highlights the ongoing nature of disability discrimination in air travel and expresses strong support for the introduction of Aviation Disability Standards to address barriers to air travel for people with disability.

It also outlines:

- The need for stronger enforcement mechanisms
- the benefits of improved accessibility
- potential duplication across concurrent regulatory frameworks.

Air travel should be a dignified and respectful experience for all people. In a country as vast as Australia, air travel is critical to enable people to maintain family ties, participate as active members of the community, enjoy leisure and recreation, and to access employment opportunities and health services on an equal basis with others.

The significant barriers imposed on people with disability in air travel impede their rights to live independently and to participate fully and equally in all aspects of life.¹ This is often due to ableist and inconsistent policies and practices, and a lack of understanding about disability across the aviation journey.

The right to access air travel on an equal basis with others

Accessible transport is a pre-condition for the enjoyment of the rights to individual autonomy and independence, personal mobility, non-discrimination, community inclusion and participation for people with disability.² The United Nations *Convention on the Rights of Persons with Disabilities* (CRPD) affirms that impairment can never be the basis for the denial or diminishment of human rights, and includes a general obligation to ensure that reasonable accommodations are provided so people with disability can enjoy their human rights and fundamental freedoms on an equal basis as others.³

The CRPD creates a positive obligation on States Parties to provide accessibility measures, promote universal design, and address the systemic barriers experienced by people with disability.⁴ It explicitly requires States Parties to take measures to ensure that private entities such as transport authorities take into account accessibility for people with disability.⁵

Disability discrimination in air travel in Australia

A report by Taylor Fry, commissioned by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission), identified that transport inaccessibility is systemic maltreatment against people with disability and has significant consequences for the inclusion of people with disability in the community.⁶ The report estimated that the annual cost of transport inaccessibility in Australia is \$200 million.⁷ However, this figure should be taken as a conservative estimate based on a lack of robust and consistent national data.⁸

The Taylor Fry report highlights the significant economic cost burdens of not addressing the social and economic exclusion of people with disability in Australia, including inaccessibility.

Despite the *Disability Discrimination Act 1992* (Cth) (Disability Discrimination Act) and *Disability Standards for Accessible Public Transport 2002* (Transport Standards) being in operation for over 20 years, people with disability continue to experience barriers accessing air travel on an equal basis with others and are generally less satisfied with their experiences of air travel.⁹ Ableism means discrimination remains common, as evidenced by the fact that 49% of complaints received by the Commission fall under the Disability Discrimination Act.

In 2025-26, the Commission received a total of 56 complaints alleging disability discrimination against an airline (43 complaints) or airport (14 complaints). The most common areas of alleged discrimination involved:

- assistance animals
- refused service
- mobility aids
- security screening, and
- access related issues.

The Commission's complaints data is not a comprehensive representation of the issues faced by people with disability in air-travel because it does not account for complaints lodged directly with airlines or airports, or other regulatory bodies (e.g. state-based Transport Ombuds Schemes, Equal Opportunity / Human Rights Commissions). The complaint process can be onerous on individuals, with inherent power imbalances between the complainant and respondent (i.e. large airlines and airports). This means that many people who have poor experiences in air travel may choose not to lodge a complaint at all.

Support for Aviation Disability Standards

Setting minimum regulatory standards for aviation accessibility

We strongly support the introduction of Aviation Disability Standards under the Disability Discrimination Act. We congratulate the government on its commitment to reducing barriers to air travel and on co-designing the reform options in the consultation paper. The Aviation Standards are a crucial step towards facilitating the rights of people with disability to access air travel on an equal basis with others. Efforts should be sustained in this next phase of reform to give weight to the lived experience and views of people with disability in the continued development of the standards and decision-making process.

The Aviation Standards will create minimum accessibility standards about how airlines and airports should act to meet their obligations under the Disability Discrimination Act. Accessibility standards are not a new concept for the aviation sector, nor are they something that Australian airlines are unfamiliar with. As identified in the consultation paper, other countries and regions already mandate accessibility requirements for air travel which Australian airlines are required to comply with. This demonstrates that implementing accessibility standards is not only feasible, but that Australian airlines have the capability to implement and comply with accessibility requirements, they simply choose not to when operating within Australia.

The introduction of Aviation Disability Standards will ensure that Australia catches up to its international counterparts by providing clear and consistent legal protections for passengers with disability. Aviation Standards will also provide for a more consistent and seamless passenger experience across the whole aviation journey.

This submission comments on reform options where we believe the proposed standard could be enhanced to better achieve the objectives of removing barriers and providing equal access.

Importantly, Aviation Disability Standards must be promoted as the minimum acceptable standard, with airlines and airports encouraged to exceed the Standards where possible. The Standards should allow for innovation and adaptation to the changing landscape of air travel, universal design, and technological advancements where necessary. The Standards can help to shift attitudes towards accessibility by being seen as a competitive edge, rather than merely regulatory compliance.

Regulatory Impact Assessment

When assessing the regulatory options, adequate weight and consideration needs to be given to the broad social and economic benefits of improved accessibility, as well as the impact and cost of inaction and non-compliance.

Cost benefits analyses and regulatory impact assessments associated with increased accessibility often have gaps in how they measure the social and economic benefits to both people with disability and the broader community.

The International Transport Forum (ITF) – of which Australia is a member – has acknowledged that the absence of ‘a common framework to value the economic benefits of accessibility still constitutes a barrier to investment and regulatory decisions’ impacting the prioritisation of accessibility improvements in the transport sector.¹⁰ The ITF call for inclusion to be an explicit goal in transport policy.

The ITF’s framework¹¹ includes broad analysis of accessibility benefits in transport appraisals across four core domains:

1. agency benefits (transport)
2. user benefits including people with and without disability
3. non-user benefits (broader society)
4. enhanced capability of people with disability.¹²

Similarly, Canadian researchers developed a framework to assess the direct and indirect costs of exclusion and benefits of an accessible and inclusive Canadian society, across 14 domains. They found that greater accessibility and inclusion of people with disability across a broad range of social domains would have substantial economic benefits for Canadian society. Their research estimated a value benefit of \$337.7 billion, accounting for 17.6% of total GDP for the 2017 reference year.¹³

Both frameworks demonstrate the value in assessing the broad benefits of improved accessibility to inform government decision-making, and to establish the necessary inputs into economic evaluations and regulatory impact assessments.¹⁴ Doing so can help to more accurately assess the net-benefit of policy decisions.

Commitment from Australian governments is required to undertake further cross-sector research to develop and build on the evidence base of the economic benefits of improved accessibility to inform transport investment and regulation. An enhanced and consistent approach to defining, quantifying, measuring, and publishing the benefits of accessibility and costs of exclusion, aligns with the Australian Government’s commitment to ‘measure what matters’.¹⁵

Recommendation 1: In assessing the regulatory impact and benefits of the Aviation Standards, the Australian Government should give significant weight to the direct and indirect social and economic benefits of improved accessibility and inclusion in air travel. This should include benefits such as productivity, health, employment, education, leisure and tourism, and benefits for people with and without disability.

Recommendation 2: The Australian Government should invest in research to establish an evidence base for the economic benefits of accessibility and inclusion, with the view to establish a consistent national framework for the appraisal of public transport investment.

Enforcement and compliance of aviation disability standards

The Commission has repeatedly raised concerns about the lack of compliance and enforcement mechanisms attached to the Transport Standards, which make it difficult to monitor effectiveness and compliance.¹⁶

The complaints-based model of federal discrimination law is reactive, relying on individuals who experience discrimination to make a complaint. The Alternative Dispute Resolution (ADR) model is based on the conciliation of individual complaints. Although complaints against airlines are resolved through conciliation and can (and do) achieve systemic outcomes, conciliation tends to achieve individual remedies. The ADR model does not proactively remove barriers faced by people with disability and also means that many incidents of discrimination and harassment go unaddressed.¹⁷

The Commission has recommended the Disability Discrimination Act be amended to include a positive duty to take reasonable and proportionate measures to eliminate, as far as possible, disability discrimination, harassment and victimisation across all areas of public life (including the provision of goods and services such as transportation).¹⁸ A positive duty would:

- shift the burden away from individuals to airlines and airports who are best placed to prevent discrimination
- help prevent disability discrimination before it occurs
- support broader cultural and systemic change
- reduce reliance on individual complaints as the main way for discrimination to be addressed.

A duty holder would need to demonstrate compliance with any applicable disability standard to establish that it had taken reasonable and proportionate steps to eliminate disability discrimination, as far as possible.

The Commission should be equipped with the necessary enforcement powers and resources to support, monitor and inquire into compliance.

Recommendation 3: The *Disability Discrimination Act 1992* (Cth) should be amended to include a positive duty to eliminate disability discrimination, harassment and victimisation as far as possible, across all areas of public life, including the provision of goods and services such as transportation.

Addressing regulatory overlap

Although the Aviation Standards will provide specificity around accessibility and non-discrimination obligations beyond what is proposed for the Aviation Consumer Protections Charter, there is potential for regulatory duplication in:

- misalignment between the Charter and the Standards in relation to accessibility requirements and the provision of reasonable adjustments, creating two separate standards for the aviation industry
- conflicting benchmarks if they introduce different levels of protection
- creation of dual complaints pathways and / or lack of clarity regarding the most appropriate complaint pathway.

Attention should be given to how potential overlap and duplication will be addressed within the broader aviation regulatory framework prior to the introduction of both the Aviation Standards and the Charter. We remain open to working collaboratively with the government on this issue.

Measures to promote consistent obligations

This section outlines measures to promote greater consistency across the standards and in air travel for people with disability, including:

- clear and consistent obligations regarding access to information
- the inclusion of smaller airports and airlines in the standards.

Consistent standards to ensure equal access to information

We welcome the multiple options across the consultation paper proposing standards for providing accessible information, in a range of formats, across the aviation journey. Separating these obligations across the different individual standards allows for technical and circumstantial specificity where necessary. However, there is also a risk of creating inconsistencies across the whole journey in terms of:

- what information is and is not made available in accessible formats,
- the types of accessible formats available, and
- how passengers with disability are communicated with and when.

Airports and airlines are required by the Disability Discrimination Act to not discriminate in the provision of goods and services and access to premises. This means that information a person needs to use the service or access premises on an equal basis with others should be made accessible.¹⁹

To meet their obligations under the Disability Discrimination Act, the Aviation Standards should require that all communication and information people need across all stages of the aviation journey is made available in accessible formats. It should also be clear that airlines and airports are required to engage and clearly communicate with passengers with disability at all key stages and provide necessary adjustments to accommodate different access needs.

We acknowledge that industry has sought greater clarity regarding the specific types of accessible formats that would be required.²⁰ We caution against being overly prescriptive in provisions for accessible formats, as this could have the unintended effect of narrowing the obligations and protections within the Disability Discrimination Act.

Guidance could be developed to support airlines and airports to make information and communication more accessible, including types of accessible formats for different circumstances, but should recognise that individual access needs will differ. Any list should be non-exhaustive and flexible enough to address future barriers and encompass advancements in technology.

In relation to online systems such as booking processes, the Web Content Accessibility Guidelines (WCAG) provide a benchmark for digital accessibility that could be referred to in the Aviation Standards.²¹

Measures to promote consistent obligations

To eliminate barriers and discrimination, the standards should encourage airlines and airports to universally design processes, systems and communications. A range of different communication methods should be made available. For example, using plain English in all communications or making captions, interpretation and assistance available for information communicated publicly on a screen or verbally.

The following proposed standards relate to or include obligations around access to information and communication that should be made consistent and in line with the existing obligations under the Disability Discrimination Act:

- 2.10 – Provide clear information about accessibility options before booking.
- 2.11 – Offer information needed for flight bookings in multiple accessible formats.
- 2.12 – Provide communication in accessible formats during disruptions.
- 2.13 – Communicate when passengers with disability or their disability aids are not accepted for travel.
- 3.2 – Provide accessible check-in facilities.
- 3.3 – Provide points throughout the airport where people can ask for assistance.
- 3.5 – Provide information about travel changes and disruptions in accessible formats.
- 4.5 – Provide critical in-flight information in accessible formats.
- 4.6 – Make inflight food and drink more accessible.

We support all proposed regulatory options requiring airlines and airports to communicate and provide information in accessible formats, and to provide information about accessibility options. We provide further commentary on these standards throughout the submission where we believe they can be enhanced to better promote dignified and equal access to air travel.

Recommendation 4: The standards should adopt consistent obligations regarding access to information and communication across the whole journey for people with disability.

Application of standards to smaller, regional or remote airports

The Aviation Standards should apply to smaller, regional or remote airports or airlines, and to passenger thresholds, with a scaled approach where appropriate (for example, option 3.3).

Limiting the standards to larger airlines and airports makes an unreasonable assumption that people with disability will not travel on these airlines or through these airports, or if they do, that they do not deserve the same level of access in these circumstances. It also presumes unjustifiable hardship for these airports

Measures to promote consistent obligations

without consideration on a case-by-case basis. What is or is not reasonable for airports and airlines should be considered in line with their obligations under the Disability Discrimination Act at the forefront, noting the availability of unjustifiable hardship as a legal defence.

To promote consistency and accessibility across airports, the Aviation Standards can be proportionately tailored to the operating environment of smaller airlines or airports. There should not be arbitrary limits or exemptions placed on compliance with existing anti-discrimination obligations.

Recommendation 5: The Aviation Standards should apply to all airlines and airports and should be tailored in a way that is reasonable and proportionate to the size and capacity of the airlines and airports.

Whole of journey

This section outlines our views on proposed standards 1.1 – 1.4 relating to the whole of journey. We support a **regulatory approach** across all areas and make recommendations to strengthen the proposed options to better achieve the objective of removing barriers and providing equal access.

The section also provides further considerations about enabling spontaneous travel through accessible design and responsive assistance

1.1 Set out the roles and responsibilities of airports and airlines

We support **regulatory option 2**, specifying that airports would have responsibility to provide accessibility and support from arrival at the airport to departing aircraft door and vice versa.

This option provides the most transparency and consistency of experience across the whole journey since airports manage and have control over the infrastructure of the airport and therefore are responsible for access to terminals and services. Because airlines often operate out of a range of different terminals, they have limited authority over changes to the physical infrastructure of an airport.

In response to consultation question 1.1.f, people with disability should be able to access food and shopping outlets on an equal basis with others. People with disability should not have to choose between the full enjoyment of an airport and their support needs, particularly if their mobility has been restricted in any way due to the removal of personal mobility/disability aids. Including this requirement as part of airport responsibilities reinforces dignity, autonomy, participation, inclusion and independence for people with disability. It is also consistent with the co-design findings to ensure passengers have ‘freedom to explore food, retail and other airport services...on the same basis as other people’.²²

Recommendation 6: The Aviation Standards should adopt the proposed regulatory option 2 requiring that airports are responsible for the passenger journey from arrival to departure. The standard should require airlines to provide support to move from all entry points and to access airport facilities (such as food and shopping outlets) where necessary.

1.2 Staff training

We support the regulatory option to expand on the training obligations already contained in the Transport Standards.

Mandatory training, with a requirement to undertake competency-based assessments, would minimise mishandling and damage to disability aids, reduce the likelihood of injuries and improve safety and responsiveness to the needs of people with disability. It would also help to address common attitudes that perpetuate ableism by increasing awareness and understanding of disability for all staff.

We support the introduction of additional training and competency assessments for staff that handle mobility aids. This should be expanded to include other disability aids, and training for staff who conduct transfers, staff who provide manual assistance to passenger with disability (including relevant security screening staff), and staff who interact with assistance animals. Training for security staff should cover a range of disabilities, disability aids and access needs that may be required throughout the screening process.

In addition to covering the Aviation Standards and the elements identified by the co-design group, mandatory training should also:

- build awareness and understanding of the rights of people with disability, including principles of dignity, autonomy, independence, accessibility, inclusion
- educate staff on ableism, including how to combat and address ableism.

In line with the co-design findings, training should be designed and delivered by people with disability, where appropriate.

The government should consider the proposal by industry stakeholders to develop nationally consistent training modules, where appropriate. This approach would support the implementation of this standard by promoting greater consistency and transparency. Airlines and airports would still be required to develop specific training modules for services, equipment or processes specific to their circumstance and their training outcomes not covered by national modules.

Recommendation 7: The Aviation Standards should introduce mandatory disability awareness/confidence training requirements for all airline and airport staff (including contractors), that is co-designed with, and delivered by, people with disability. Mandatory training should include:

- **aviation specific outcomes**
- **competency assessments for staff involved in the handling of mobility and disability aids, transfers, manual assistance, and interactions with assistance animals, inclusive of security screening staff**
- **information about disability rights and ableism.**

1.3 Set up disability reference groups

We support the requirement for all airlines and airports, regardless of size or minimum passenger threshold, to establish disability reference groups.

Accessibility barriers can often be more significant in regional and remote locations, therefore consultation with people with disability should not be limited based on geography or size. The creation of a shared disability reference group across regional or remote locations could be a suitable approach; however, this should be considered regionally and not nationally. All airlines and airports should be able to demonstrate whether they have consulted with people with disability and how accessibility obligations have been factored into their policies, design and processes.

The standard for disability reference groups (including membership requirements) and consultation should be set in line with the human rights standard for participation under article 4(3) of the CRPD to ‘closely consult with and actively involve’ people with disability, and the United Nations Committee on the Rights of Persons with Disabilities (CRPD Committee) *General Comment No. 7 on the participation of persons with disability in the implementation and monitoring of the Convention*.²³

Additionally, the Aviation Standards should require that disability reference group members are fairly remunerated for their contributions.

The standard should also clarify that consultation with the disability reference group on any relevant change should not only occur prior to implementation but throughout design, planning, implementation, and evaluation stages – consultation should be seen as ongoing not one off, particularly for any major change to process, policy and infrastructure. Further clarity is required around what would constitute a ‘significant change’, which could be subjective if left to the interpretation of an airline or airport.

While disability reference groups are best placed to advise on when consultation should involve a larger group of stakeholders, the Aviation Standards should not limit consultation to disability reference groups and maintain broad consultation requirements where relevant.

Guidance material about co-design best practice and human rights standards for participation could also be considered to promote good practice consultation across the aviation industry.

Recommendation 8: The Aviation Standards should require that all airlines and airports, regardless of size or minimum passenger thresholds, establish disability reference groups, fairly remunerate its members, and be able to demonstrate that they have consulted with people with disability where relevant.

Recommendation 9: The Aviation Standards should align requirements for the establishment of, and consultation with, disability reference groups with article 4(3) of the CRPD and *General Comment No.7 on the participation of persons with disability in the implementation and monitoring of the Convention*.

1.4 Report on how the standards are being met

The lack of mandatory reporting under the Transport Standards makes it difficult to monitor and assess compliance, and to hold transport providers and operators accountable to their obligations. We have repeatedly recommended mandatory reporting and as such, we support the introduction of mandatory annual reporting requirements under the Aviation Standards as an important and useful compliance and enforcement mechanism.

The requirement for reporting should apply to all airlines and airports, regardless of minimum passenger thresholds, taking into consideration what is reasonable and proportionate for smaller airlines and airports as per recommendation 5. This would ensure that accessibility barriers in all locations can be identified and addressed, and that there would be equal incentive to achieve compliance. Consistent reporting across the whole aviation sector would also improve transparency, accountability and will help monitor the effectiveness of the Aviation Standards in practice.

To establish a baseline of compliance, airlines and airports should be required to report on their compliance within 12 months of commencement of the Aviation Standards. Where non-compliance is being reported, airlines and airports should be required to demonstrate the steps they are taking to achieve compliance within required timeframes. This could promote greater incentive to identify and resolve ongoing barriers and could be achieved through disability action plans or through actions identified directly in the reporting process.

Any additional reporting requirements, such as those identified in the consultation paper,²⁴ should be non-exhaustive to allow for the broadest possible scope for reporting on accessibility related issues, such as mismanaged assistance profiles.

Recommendation 10: The Aviation Standards should introduce a mandatory requirement for all airlines and airports, regardless of size or minimum passenger thresholds, to report on their compliance with the Standards and other relevant factors. Airlines and airports should be required to report on compliance within 12 months of commencement of the Standards, and identify and report on actions they are taking to address areas of non-compliance.

Additional considerations

Enabling spontaneity and independence through accessibility and universal design

To the greatest extent possible, the Standards should require that airlines and airports respond to, and coordinate, access requests as soon as possible to allow for greater travel spontaneity for people with disability. Not having the freedom to change or make plans at the last minute impedes participation and equal access to travel for people with disability.

A recent report by the ITF highlights the importance of accessibility and universal design to facilitate spontaneous travel.²⁵ The report acknowledges that people with disability face more constraints to travel spontaneously due to requirements to book days in advance, with fewer alternatives available. This approach requires passengers with disability to 'adapt to a transport systems limitation, rather than designing a system that accommodates normal travel for people with disability'.²⁶

The Aviation Standards should set clear requirements that prioritise accessibility and universal design to allow people with disability the freedom to make and change plans, and travel without additional administrative burdens. This does not mean the absence of direct assistance, but that systems should be designed in a way to enable spontaneous travel.

Prioritising accessibility for spontaneous travel sends a clear signal that travelling with disabilities is ordinary, not exceptional, and should be treated as an everyday activity rather than a special case.²⁷

Where any timeframe is set throughout the standards, there should be an obligation for airlines and airports to do everything reasonably possible to accommodate and respond to the needs of passengers with disability within or outside the specified timeframe. Time limits should not be placed on access to direct assistance. Doing so should encourage airlines and airports to put systems and processes in place to support greater flexibility for passengers with disability.

We acknowledge that many of the proposed standards intend to improve flexibility by creating more streamlined process and independent access, such as passenger assistance profiles and more accessible infrastructure. The Aviation Standards should seek to treat people with disability as equal passengers, with equal opportunity to plan, book and undertake last minute travel.

Planning and booking air travel

This section outlines our views on proposed standards 2.1 – 2.14 relating planning and booking air travel. We support a **regulatory approach** across all areas and make recommendations to strengthen the proposed options to better achieve the objective of removing barriers and providing equal access.

Removing barriers to air travel

2.1 Passenger assistance profiles

We support the requirement for airlines to provide optional and secure passenger assistance profiles that can be saved, reused and shared with airports with the explicit consent of the individual passenger.

Passenger assistance profiles should:

- be universally designed with multiple options available for providing information and creating the profile
- provide information about what kind of assistance is available and can be requested, with the flexibility to request and share various individual access needs and preferences (for on board the aircraft and at the airport)
- be developed with a strong commitment to privacy, including requirements for consent regarding the sharing of personal and sensitive information. Airlines should not request unnecessary personal information or share information with parties where it is not required to facilitate an accessibility need or request
- ensure appropriate information sharing arrangements, to enable access across the whole aviation journey
- provide clear information about approvals, including when something will require airline approval, what information is required, and timeframes
- clearly record approvals (including ongoing approvals) to minimise administrative burden for passengers and industry.

Airlines should be encouraged to design and support consistent passenger assistance profiles across the sector. To avoid passengers having to set up multiple assistance profiles with various airlines, consideration could be given to a centralised passenger assistance profile that can be used for all airlines and airports. This could support easier access and greater consistency but should be tested with people with disability and industry for feasibility and ensure that privacy of sensitive information is protected and prioritised.

Passengers who do not wish to have a passenger assistance profile should still be provided with timely and accessible ways to share information about their access needs and preferences with airlines and airports, on a once-off basis.

Recommendation 11: The Aviation Standards should adopt the proposed regulatory option to introduce optional passenger assistance profiles. The standard should also:

- **ensure that there are robust guardrails for the protection of privacy in any adoption of passenger assistance profiles**
- **set out clear parameters regarding how personal information stored in the passenger assistance profile can be used and shared by airlines to ensure passengers have control over their information, including requirements for consent to share sensitive personal information.**

2.2 Clarify times where limits on passengers requiring assistance may apply

Business models of airlines should not outweigh the rights of passengers to access air travel on an equal basis. We are aware that airlines currently refuse access to wheelchair users based on standardised limits grounded in low-cost and quick turnaround business models.

An airline discriminates against a person with disability if it refuses their booking because they need wheelchair assistance and the airline has already reached its limit of 2 passengers requiring that assistance on the flight.²⁸ Such discrimination is unlawful unless a defence of unjustifiable hardship can be made out. Standardised policies, such as the '2-wheelchair policy', place operational concerns over the human rights of people with disability and fail to reflect airlines' legal responsibility to prove unjustifiable hardship in all the relevant circumstances of each case.

In *King v Jetstar Airways Pty Ltd (No 2)*²⁹, Jetstar's operational framework (that it operated a low-cost model relying on short turnaround times) was just one of the factors that the court considered when assessing unjustifiable hardship.³⁰ In the appeal, the Full Federal Court reiterated that 'unjustifiable hardship is to be determined having regards to all of the relevant circumstances' and 'involves evaluative and impressionistic questions'. The Disability Discrimination Act cannot be avoided simply by operating budget or low-cost services, as the low-cost service does not by itself determine the question of unjustifiable hardship.³¹

We have concerns that permitting airlines to set limits on passengers requiring wheelchair assistance when there is a 'significant safety or operational issue' will allow airlines to maintain arbitrary policies like the '2 wheelchair policy' based entirely on low-cost operational frameworks. It would create a loophole by which airlines can bypass their obligation to not discriminate on the ground of disability without bearing the burden of proving unjustifiable hardship in the circumstances of each particular case. The Aviation Standards should restrict airlines from setting limits on such passengers except where there are genuine

safety reasons. Airlines would still have the defence of unjustifiable hardship for operational concerns.

We support the introduction of an obligation for airlines to publish safety reasons for placing limits on the number passengers who require assistance. This would help to establish accountability and public scrutiny.

Recommendation 12: The Aviation Standards should prohibit airlines from limiting the number of passengers who require wheelchair assistance to board and exit the aircraft, except where this is necessary for genuine safety reasons.

Recommendation 13: The Aviation Standards should require airlines to publish and explain their genuine safety reasons for placing limits on the number of passengers on a flight who require assistance.

2.3 Services must be provided when passengers give advance notice of accessibility needs prior to travel

We support a regulatory approach to ensuring airlines and airports provide requested services to passengers with disability, within reasonable timeframes.

The proposed approach would provide greater clarity to passengers with disability about the process for requesting and receiving assistance.

The Aviation Standards intend to create stronger requirements around the availability and provision of support and accessibility. Further consideration should be given to whether advance notice should be required in all circumstances, and if so, whether it is reasonable for assistance to be requested within 24 hours, as opposed to 48 hours, to promote greater equality. The Aviation Standards should provide greater clarity and flexibility regarding the specific circumstances where advance notice would be required (i.e. for approvals, provision of service, or to travel), recognising the complexity of the approval. A blanket approach may not be proportionate in all circumstances and create additional administrative burden for both industry and passengers, and reduced travel flexibility. A similar approach to the United States regulations could be considered for greater specificity.³²

We also support the requirement for airlines and airports to ‘make every reasonable effort’ to provide a service requested by a person with disability outside the specified timeframe. This will go some way to address the issue raised above about spontaneity of travel. Greater clarity about what ‘reasonable effort’ entails is required to ensure airlines and airports cannot use the timeframes or costs as an arbitrary reason to not provide assistance or a service.

The standards should ensure that any accessibility service or assistance should be made available at all times the airport is in operation, prohibiting limits on

when assistance or an accessibility service can be requested or accessed, such as standard business hours. This would promote the greatest degree of travel flexibility and accessibility for people with disability and ensure they can plan and travel on an equal basis with others.

Where an access need or request cannot be met, the airline/airport should be required to contact the passenger and seek to identify alternative suitable support.

The Aviation Standards should clarify that assistance can only be declined where there are genuine safety reasons preventing the airline or airport from providing that assistance. These reasons, along with confirmation of the services that will be provided, should be communicated to the passenger.

Recommendation 14: The Aviation Standards should require airlines and airports to provide services or assistance when passengers give advance notice of accessibility needs, in line with the proposed regulatory option. In addition, the standards should:

- **Clarify what is meant by ‘every reasonable effort’ and that a service or assistance can only be declined where there are genuine safety reasons preventing an airline or airport from providing that service.**
- **Require that an airport or airline contact a passenger when an access need or request cannot be met to identify alternative suitable support where possible.**
- **Provide clarity regarding the specific circumstances where advance notice would be required, recognising the complexity of the approval/request.**

Recommendation 15: The Aviation Standards should require that assistance be available at any time the airport is in operation and prohibit airports limiting hours within which people can access and request assistance.

2.4 Make sure people with disability access the same fare regardless of the method of booking

We support the proposed regulatory option, which will ensure people with disability have equal access to all available booking methods and fares.

Given the diversity of access needs and disability, it would be difficult to determine a specific amount of time considered accessible for all people to complete the booking process. Universally designing booking systems that provide an accessible way for people to indicate if they need more time to complete the booking process, at multiple stages in the process, is one way to address this and benefits a broad range of users.

Recommendation 16: The Aviation Standards should adopt the proposed regulatory option for airlines to ensure that people with disability have access to all available booking methods and the same fare regardless of method of booking.

Make approval processes clearer

The consultation paper discusses setting timeframes for approvals processes or providing requested accessibility services in proposed standards 2.5 – 2.7. It is unclear why these processes would be treated differently from one another (i.e. approvals for assistance animals versus disability aids).

Consistent timeframes should be applied across the standards for approvals of all accessibility related requests/applications to provide greater certainty for passengers. These processes should be designed in a way to maximise timely decisions and travel flexibility. We recommend further opportunities to achieve this in the standards below, where appropriate.

Where requests or applications are made outside the set timeframe for decisions (i.e. less than 48 hours), airlines and airports should be required to make ‘every reasonable effort’ to provide the service or respond to the application, in line with requirements under standard 2.3.

Airlines should be required to communicate information about approvals with airline and airport staff in advance to avoid unnecessary scrutiny during check-in and boarding.

Where a passenger’s request has been denied or cannot be fulfilled, the airline or airport should be required to communicate reasons for refusal with the passenger, contact the passenger to identify alternative suitable support, and / or offer to rebook or refund the flight, where appropriate.

The following recommendation also applies to proposed standard 4.3 regarding the use of disability aids in-flight, where approval is required.

Recommendation 17: The standards should apply consistent timeframes and requirements for airlines and airports to decide on accessibility related requests/applications. Where requests/applications are made outside specified timeframes, airlines and airports should be required to make every reasonable effort to provide a decision.

2.5 Clarify rules for carriage of assistance animals on aircraft

We support a regulatory approach to ensuring the processing and carriage of assistance animals on flights. This is consistent and enables dignified, independent and accessible travel for people with disability.

The proposed option goes some way to address known barriers but could be strengthened in the following ways:

- Require airlines to make a decision about applications to travel with an assistance animal within a set timeframe, as per recommendation 17.
- Require that assistance animal travel approvals by airlines are valid on an ongoing basis per animal, so people with disability do not have to seek approval each time they fly with the relevant airline. This could be linked to the passenger assistance profile for ease of communication.
- Require that passengers are offered a refund or the option to rebook at no cost if they are refused travel with their assistance animal (in line with option 2.6).

Recommendation 18: The Aviation Standards should establish requirements regarding the processing and carriage of assistance animals on aircraft. In addition to the proposed regulatory option, the standards should:

- **require approvals to be valid on an ongoing basis for the same animal and airline**
- **require airlines to offer refunds or rebooking at no cost in the event of a refusal.**

2.6 Explain how passengers can get approval for equipment classed as dangerous goods

We support the proposed regulatory option to standardise the information that can be requested from passengers with disability aids that have components classed as dangerous goods, and to improve the approvals process.

The requirements should protect the wide range of disability aids and battery types used by people with disability with enough flexibility to allow for changes and advancements in mobility aid technology.

Recommendation 19: The Aviation Standards should adopt the proposed regulatory option for airlines to standardise the process and information requirements for passengers travelling with disability aids classed as 'dangerous goods'.

2.7 Ensure disability aids can be transported for free and in-cabin, where possible

We support the proposed regulatory option which will go some way to ensure people with disability experience dignified, independent, and accessible air travel.

Airlines should be required to clearly communicate the types of aids that do and don't require approvals, to avoid unnecessary approval processes.

Approvals should be enduring for an appropriate timeframe for relevant aircrafts and airlines, and recorded within the passenger assistance profile, to avoid passengers having to seek approvals multiples times for the same disability aid, unless it has changed or been updated.

To support mobility and independence, carriage of disability aids in cabin should apply to aids necessary for accessibility or disability support 'in flight' and for aids necessary for boarding and/or disembarking.

Recommendation 20: The Aviation Standards should adopt the proposed regulatory option to ensure disability aids can be transported for free and in-cabin, where possible. The standard should also include disability aids necessary for boarding and/or disembarking.

2.8 Explain requirements for carers or companions travelling with a person with disability

We support a regulatory approach to clarifying requirements for carers or companions travelling with a person with disability. While some of the requirements proposed are positive, they could reduce the level of subjective application by airlines.

The standards should clearly set out the criteria for determining when a person with disability can be required by the airline to travel with a carer or companion. To promote a consistent and dignified travel experience, and to set clear expectations for passengers with disability, this should not be left up to individual airline policies.

For some people with disability, traveling with a carer is necessary to support their mobility, autonomy and equal access to travel. This means paying for two airfares is not optional and can act as a significant cost barrier to travel, one that people without disability do not have to consider.

In line with the United States regulations, when an airline explicitly requires a passenger with disability to travel with a carer, the standards should require that the airline to cover the cost of the carers ticket.³³

For people with disability who are unable to travel without a carer or companion, consideration should be given to the standards requiring discounted, free, or subsidised, carer/companion tickets.

In response to consultation question 2.8.e, airlines should not be permitted to request proof that a passenger with disability can travel independently. This could lead to discriminatory practices based on assumptions about capacity and impairment.

Recommendation 21: The Aviation Standards should adopt the proposed regulatory option to introduce requirements for carers or companions travelling with a person with disability, with the following amendments:

- **Set out criteria for determining when a person with disability can be required to travel with a carer / companion.**
- **Prohibit airlines from requesting proof that a passenger can travel independently.**

Recommendation 22: When an airline requires a passenger with disability to travel with a carer or companion, the Aviation Standards should require airlines to cover the cost of the carer or companion's airfare.

2.9 Clarify when airlines can ask for medical certificates

We support a regulatory approach regarding when an airline can reasonably request a passenger with disability to provide a medical certificate. This proposal will address the issue of airlines requesting people with disability provide medical certificates to justify their need for adjustments or assistance.

Clarity could be provided in the standards regarding what is meant by 'extraordinary medical assistance', to ensure consistent application of the requirements across airline policies.

The standard should also apply to airports to ensure people with disability are not asked to provide unnecessary medical certificates when going through security screening.

Recommendation 23: The Aviation Standards should adopt the proposed regulatory option to introduce rules around when an airline can request medical certificates. The standards should also explain what is meant by 'extraordinary medical assistance' and apply to airports.

Make information easy for people with disability to access and understand

2.10 Provide clear information about accessibility options before booking

We support the proposed regulatory option for airlines and airports to provide information about available accessibility options.

In addition to the information proposed in the consultation paper, airlines and airports should provide information about:

- how to access or request accessibility services
- available transfer methods and equipment.

Recommendation 24: The Aviation Standards should adopt the proposed regulatory option for airlines and airports to provide clear information about accessibility options.

2.11 Offer information needed to book flights in multiple accessible formats

We support the requirement for information about flight bookings to be made available in a range of accessible formats, and for simplified booking websites.

Recommendation 25: The Aviation Standards should adopt the proposed regulatory option to require airlines and airports to provide information needed to book flights in a range of accessible formats.

2.12 Provide communication in accessible formats during disruptions

We support the proposed regulatory option for airlines to inform people of changes or disruptions to their flights in accessible formats.

In addition to the proposed options, where a disruption means that a passenger's accessibility needs can no longer be met, airlines should be required to:

- clearly indicate alternative flights on which the passenger and, where relevant, their disability aid can be accommodated, and offer to book the passenger on an alternative flight at the lower of the original fare or the new fare, or
- provide a refund if no suitable alternative flight is available.

This would be aligned with requirements proposed in standard 2.13 in relation to airline responsibilities when a passenger with disability or their disability aids are not accepted for travel.

Recommendation 26: The Aviation Standards should adopt the proposed regulatory option requiring airlines to inform passengers about changes or disruptions in accessible formats.

Recommendation 27: Where a passenger's accessibility needs can no longer be met due to a disruption, airlines should be required to:

- **Indicate alternative flights that can accommodate their needs and offer to book the passenger on an alternative flight at the lower of the original fare or the new fare; or**
- **Provide a refund if no suitable alternative flight is available.**

2.13 Communicate when passengers with disability or their disability aids are not accepted for travel

We support the proposed standard, however we suggest that the obligations to communicate and provide a remedy in the event of a refusal should apply regardless of when a passenger's accessibility needs were communicated. This approach would support greater transparency, travel flexibility and fairness for all passengers.

Recommendation 28: The Aviation Standards should adopt the proposed regulatory option requiring airlines to communicate with passengers with disability when they, or their disability aids, are not accepted for travel, and provide reasons for refusals, rebooking or refund options.

Further consideration should be given to whether the standard should apply even if a passenger communicates their accessibility needs within 48 hours of departure.

2.14 Allow people with disability to choose seats that best meet their needs

We support a regulatory approach to allow people with disability to choose seats that best meet their needs. However, the proposed standard is not sufficient and should:

- Be brought in alignment with other transport types under the Transport Standards by requiring airlines to allow passengers with disability to choose their seats based on their accessibility needs, at no extra cost, without having to identify the nature of their disability.
- Require airlines to provide priority accessible seating for people with disability.
- Require that airlines honour the seating needs of passengers with disability, in line with safety requirements, rather than simply 'taking into account' the 'opinion' of the passenger with disability, as suggested in the consultation paper. This should include providing support to reallocate seats that do not meet the needs of a passenger with disability.

Recommendation 29: The Aviation Standards should include a requirement to allow passengers with disability to choose seats that best meet their needs, at no extra cost. Passengers with disability should be able to select their seats based on their chosen booking method (as per option 2.4).

Recommendation 30: Airlines should be required to:

- **provide priority seating for passengers with disability**
- **clearly outline and communicate accessibility features of different seating options**
- **honour the seating needs of passengers with disability, in line with safety requirements, and provide support to reallocate seating if necessary.**

At the airport

This section outlines our views on proposed standards 3.1 – 3.10 relating accessibility at the airport. We support a **regulatory approach** across all areas and make recommendations to strengthen the proposed options to better achieve the objective of removing barriers and providing equal access.

Make it easier for people with disability to move around the airport independently

3.1 Allow people with disability to stay in their mobility devices as long as possible

We support regulatory **option 1**, which would allow passengers with disability to use their personal mobility aid until a set time before boarding.

The requirement proposed for option 2 to allow people to remain in their personal mobility aid until it is ‘absolutely necessary’ is too vague and open to interpretation by airlines. This approach would maintain existing inconsistent practices that could limit independence, mobility and dignity. This option would not address the co-design findings or issues raised by people with disability.

Option 1 would create clearer and more consistent airline practices and expectations for people with disability. Timeframes for relinquishing mobility aids should be as minimal as possible and not exceed the suggested 30 minutes. In line with requirements in the United States, the standard should also include a requirement for transfers to occur as close as possible to the door of the aircraft, unless the passenger chooses an earlier point.³⁴

Standards aiming to improve the handling and loading of mobility aids should support this option.

The second part of the proposed standard deals with requirements to provide assistance for people using airline wheelchairs. Airline or airport staff should be available to support a person using an airline chair and should not leave people unattended, or without access to support, for extended periods of time.

Determining the most appropriate timeframe should be guided by the views of people with disability.

To support this, passengers using an airline wheelchair should have the ability to request assistance during times when they have been left unattended, if they require any support. Airport or airline staff should be available to respond to requests for assistance in a timely manner. This would also introduce greater flexibility and autonomy for people with disability and could be introduced in addition to the timeframes.

Additionally, the Aviation Standards could provide clear requirements for airlines to return personal disability aids or mobility devices in the event of any disruption, delay or cancellation, where possible and preferred by the passenger. Subject to the views of people with disability, requirements could include:

- Where a flight has been delayed, timeframes could be set regarding the minimum amount of time required for an airline to return a disability aid.
- When a flight has been cancelled, timeframes could be set for the maximum amount of time an airline has to return a passengers disability aid or mobility device.

Recommendation 31: The Aviation Standards should introduce a requirement to allow people with disability to stay in their personal mobility aid, in line with proposed option 1. The standards should also require that:

- **Transfers must occur as close as possible to the door of the aircraft, unless the passenger chooses an earlier point.**
- **Passengers who are using an airline wheelchair should be provided with ways to request assistance in situations where they are left unattended. The airline or airport should ensure staff are available to respond to requests for assistance in a timely manner.**

Recommendation 32: consult with people with disability regarding appropriate requirements for airlines to return personal disability or mobility aids to a passenger in the event of flight disruptions, delays, or cancellations.

3.2 Provide accessible check-in facilities

We support the requirement to ensure check-in facilities are fully accessible, with direct assistance available where required.

The standard should require that the accessibility requirements apply to all self-service facilities, not only a proportion of them, to enable greater independence and accessibility for people with disability. The standards should require that existing self-service facilities meet the accessibility requirements within a set timeframe.

This standard provides an opportunity for airports and airlines to implement universal design practices in the planning and delivery of future technology and infrastructure, without limiting these features.

Recommendation 33: The Aviation Standards should include requirements that all available self-service check-in facilities are to be fully accessible, including timeframes for existing facilities to be made accessible.

3.3 Install points throughout the airport where people can ask for assistance

We support the requirement for airports to provide accessible assistance points throughout the terminal and at key stages of the passenger journey. In addition to the accessible mechanisms listed, it is critical that the assistance desk also provide information in accessible formats.

In line with previous comments, we recommend that this requirement should apply proportionately to airports of all sizes. For example, for smaller airports, an assistance desk could be shared between a number of departure and arrival gates, depending on distance.

Recommendation 34: The Aviation Standards should include a requirement, proportionate to airport size, for airports to provide accessible assistance points throughout the terminal, at key stages of the passenger journey.

3.4 Make wayfinding around airports consistent and accessible

We support the proposed regulatory option 1, which would be more effective at ensuring the adoption of a nationally consistent and more accessible approach to wayfinding.

Given the importance of wayfinding for accessibility and equal access, the government should prioritise the development of national standards as soon as possible. The standards should include a requirement for national wayfinding standards to be co-designed and tested with people with disability to ensure navigation is accessible to the broadest range of access needs.

We welcome the opportunity to support the government and people with disability on this work.

Recommendation 35: The Aviation Standards should include a requirement for airlines and airports to adopt nationally consistent wayfinding standards, in line with proposed option 1.

Wayfinding standards should be co-designed and tested with people with disability, in partnership with the government, the aviation industry and other relevant stakeholders. The government should prioritise the development of these standards.

Recommendation 36: The Aviation Standards should include clear timeframes for the implementation of wayfinding standards.

3.5 Provide information about travel changes and disruptions in accessible formats

We support requirements for airlines and airports to communicate flight changes and disruptions in accessible formats. However, the proposed regulatory option could be strengthened by requiring airlines to proactively support passengers with disability in the event of a disruption, as per the recommendation below.

Recommendation 37: The Aviation Standards should adopt the proposed regulatory option for airlines and airports to provide accessible information about travel changes and disruptions. The standards should also require:

- airlines to communicate and coordinate with airports to ensure the needs of passengers with disability continue to be met in the event of any disruption, delay or cancellation
- airlines to proactively support passengers with disability to make alternative travel arrangements that meet their accessibility requirements, or provide a refund, including via direct assistance where required (in line with recommendation 28 and proposed standard 2.13).

Ensure a dignified travel experience for people with disability at the airport

3.6 Improve access for arrivals at and departure from the airport

We support the requirement for airports to improve and provide access for arrivals at and departures from the airport. The proposed regulatory option is a good start but should be strengthened as per the recommendation below.

Recommendation 38: The Aviation Standards should introduce requirements for airports to ensure arrivals and departures are more accessible, in line with the proposed regulatory option. The standards should also require that:

- public transport, taxi and rideshare pick-up and drop-off locations are as close as possible to the terminal and that navigation between these locations and the terminal should be accessible
- airlines provide assistance to people with disability who notify the airport or airline of their arrival and request assistance both inside and outside the terminal buildings
- people with disability should be able to request assistance for arrivals and departures on the day of travel to enable flexibility.

3.7 Provide clear information and priority for people with disability at security

We support the proposed requirements for airports to provide clear information, priority, and accessibility for people with disability at security. The Aviation Standards should prioritise the dignity, privacy, and autonomy people with disability while going through security screening.

In line with proposed standard 3.3 (assistance points), direct assistance should be available for people with disability only when directly requested or consented to by the individual during security screening.

There should also be requirements to ensure that people with disability are not unnecessarily separated from disability aids (including assistance animals), and for carers, companions or interpreters to be able to accompany people through security screening where needed – as per co-design findings.

Recommendation 39: The Aviation Standards should include requirements for airports to provide clear information, and accessible and priority security screening for people with disability, as per the proposed regulatory option. This includes ensuring people with disability are not unnecessarily separated from disability aids, and that carers, companions and interpreters can accompany people through screening where needed.

Recommendation 40: The Aviation standards should require airports to make available and provide direct assistance when requested or consented to by a passenger with disability.

3.8 Involve people with disability when designing accessible facilities at the airport

We support the standards introducing an explicit requirement for airports and airlines to involve people with disability in the design of accessible facilities, as per the proposed regulatory option. The standard should be strengthened as per the recommendation below.

In response to the consultation question on minimum design standards, we consider that these could be a useful mechanism to promote greater consistency across the aviation journey for specific accessible facilities that currently lack design standards. Development of minimum design standards should be co-designed with people with disability and take into consideration existing regulations for accessible design.

Recommendation 41: The Aviation Standards should require that airlines and airports closely consult and actively involve people with disability in the design of all facilities, including new or upgraded infrastructure. Airlines and airports should co-design accessible facilities with people with disability as per the proposed regulatory option.

Recommendation 42: The Aviation Standards should require airlines and airports to provide specific accessible facilities or upgrade existing inaccessible facilities, within set timeframes.

3.9 Protect disability aids from damage and loss, and track their movement

We support the introduction of regulations to protect disability aids from damage and loss and to track their movement.

The standards should also explicitly outline the minimum standards for equipment and processes airlines would be required to have to ensure the safe handling of disability aids, including:

- Purpose-built protective containers for mobility aids (in the cargo hold), so they are only secured once and are not dismantled in every transfer;
- The necessary equipment for loading and unloading mobility aids, for departures and arrivals.

This information would ensure airlines could be assessed for compliance, consistency across airlines, and would ensure staff can be appropriately trained.

Recommendation 43: The Aviation Standards should adopt the proposed regulatory option to protect disability aids from damage and loss, and to track their movement. The standards should also require:

- airlines to have equipment, processes and competency-based training to support the safe handling and transport of mobility aids;
- specific equipment and processes to be implemented by airlines, at arrivals and departures;
- airlines to provide passengers with a way to track their disability aid, through accessible, real-time updates (as per the proposed regulatory option).

3.10 Provide choice for passenger transfer to airline wheelchairs and seats

We support a requirement for airlines to honour a passenger with disability's choice about how they would like to be transferred, at each point in the journey. The proposed standard is a good start but is not sufficient to address the issue as it relies on the availability of transfer options which could continue to restrict the choice of passengers making the requirements ineffective.

The standards should seek to enable greater choice by requiring consistency in available transfer methods and equipment across airports. This could include specifying the relevant transfer methods, equipment and assistive technology to be made available at all airports, with a focus on prioritising safe and dignified transfers for people with disability. The standards should also set timeframes for this to be achieved by. The minimum requirements for the availability of transfer methods/equipment should be subject to the views of people with disability.

Training for staff who undertake passenger transfers must also be competency based, as per proposed requirements in option 1.2.

As per our views on option 3.8, private transfer spaces should be a required accessibility facility, co-designed with people with disability to enable greater privacy and dignity. In the absence of specifically designed private transfer spaces, airlines should be required to ensure that passengers are offered privacy for transfers, in line with a passenger's preferred options under option 3.1 and 3.10.

Recommendation 44: The Aviation Standards should adopt the proposed regulatory option to require airlines to allow passengers to choose their preferred method of transfer. The standards should also specify the minimum types of transfer methods, equipment and assistive technology that should be made available by all airlines/airports by a set timeframe.

Recommendation 45: Airlines and airports should provide private spaces for transfers, at the request of the passenger, in line with a passenger's preferred method and location of transfer. This should be a requirement under proposed regulatory option 3.8 (involve people with disability when designing accessible facilities).

On the aircraft

This section outlines our support for a **regulatory approach** across all proposed standards in relation to accessibility on board the aircraft. This section broadly deals with proposed standards 4.1-4.10 in relation to boarding and disembarking, the treatment of disability aids, in-flight service and enabling in-flight independence.

We make general recommendations for the proposed standards to:

- require airlines to honour the requirements of people with disability,
- establish timeframes for the implementation of minimum accessibility requirements

4.1 – 4.10 Support for regulatory options

We support the proposed regulatory options to address accessibility barriers and to improve the experiences of people with disability onboard the aircraft including, boarding and disembarking, the treatment of disability aids, in-flight service and enabling in-flight independence to the greatest extent possible.

Many of the proposed regulatory options are technical in nature and deal with the infrastructure of the aircraft. We recommend that the views of people with disability and accessible design experts are given significant weight in determining the approach for minimum design requirements, and that appropriate timeframes are implemented to ensure airlines can feasibly meet these requirements.

Additionally, the provision of support for boarding and disembarking and the return of, and use of, disability aids should be guided by the lived experience of people with disability and aim to address the co-design findings. We support the views of the community regarding what they consider to be the most appropriate in these circumstances.

To strengthen the proposed regulatory options, we recommend that consideration is given to the following key themes:

- Ensuring weight is given to the requirements of passengers with disability to meet their accessibility or support needs.
- Establishing timeframes for minimum accessibility requirements.

Recommendation 46: Where relevant, the Aviation Standards should require airlines to honour the accessibility requirements of people with disability on the aircraft, except where there is a genuine safety concern. Where a passenger's requirements cannot be met due to safety reasons, reasons should be clearly communicated to the passenger. This includes times when a passenger cannot use a disability aid on board.

Recommendation 47: The Aviation Standards should require airlines to implement changes to the aircraft's physical environment, including accessibility features for inflight entertainment, by set timeframes rather than relying on refurbishment or upgrade cycles. Timeframes should be determined based on consultation with industry and people with disability to balance feasibility and the need to prioritise equal access to travel.

Additional considerations

Minimum design requirements for key features within the aircraft

In addition to the proposed accessibility requirements in the aircraft, consideration should be given to introducing minimum design requirements for the following:

- aisle chairs to ensure they are stable, comfortable and nimble and get accommodate a range of needs
- transfer spaces that allow for safe lateral transfers
- cabin layouts, ensuring that 'privacy' is not used and justified as a barrier.

Recommendation 48: In addition to the proposed regulatory options, the Aviation Standards should also include minimum accessible design requirements for aisle chairs, transfer spaces and cabin layouts.

Other matters

Exclusion of small aircraft

The introduction of the Aviation Standards provides a timely opportunity to review existing exclusions of small aircraft from the Transport Standards.

To ensure people with disability can access air travel on an equal basis with others, the Aviation Standards should not exclude small aircraft from the accessibility requirements.

Excluding small aircraft assumes that people with disability do not or will not need to or want to travel via these aircraft, and if they do, that they do not deserve or require equal access and accessibility to facilitate their participation in these contexts.

In some scenarios, small aircraft may be the only option available to a person with disability to meet their travel requirements. In this event, these aircrafts should be required to facilitate the needs of people with disability as per their existing obligations under the Disability Discrimination Act, to the greatest extent possible.

All airlines should be encouraged to implement universal design principles and the meet the broadest possible access needs where possible. The Aviation Standards should seek to set a baseline requirement of accessibility across all areas of the aviation journey. Scaled-down or proportionate approaches can be applied where reasonable and appropriate for smaller aircrafts.

Endnotes

- ¹ See *United Nations Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008), arts 3, 19, 30 ('CRPD')
- ² See *Ibid* arts 3, 9 19, 30; see also United Nations Committee on the Rights of Persons with Disabilities. *General comment No. 2 (2014) on Article 9: Accessibility*, UN Doc CRPD/C/GC/2 (22 May 2014) [14], [23].
- ³ *CRPD* (n 1) arts 2, 4, 5.
- ⁴ *Ibid* arts 4, 9; see also United Nations Committee on the Rights of Persons with Disabilities. *General comment No. 2 (2014) on Article 9: Accessibility*, UN Doc CRPD/C/GC/2 (22 May 2014).
- ⁵ *CRPD* (n 1) art 9.3.
- ⁶ James Vincent et al, 'Economic cost of violence abuse, neglect and exploitation of people with disability' (Research Report, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, February 2023) 35, 173, 176, 179, 185-6.
- ⁷ *Ibid* 82, 176, 185-6, 187.
- ⁸ See *ibid* 185.
- ⁹ Department of Prime Minister and Cabinet, Australian Government, *Preparing for take-off: Surveying Australians' air travel behaviour, experiences and attitudes* (Report, April 2026) 5.
- ¹⁰ International Transport Forum, OECD, *Economic Benefits of Improving Transport Accessibility* (Roundtable Report 165, 2017) 9.
- ¹¹ See Daphne Federling and David Lewis, 'Towards a Framework for Identifying and Measuring the Benefits of Accessibility' (Discussion Paper No 2017-03, International Transport Forum, February 2017).
- ¹² See *Ibid* 40-55.
- ¹³ See Emile Tompa et al, 'Development and implementation of a framework for estimating the economic benefits of an accessible and inclusive society' (2021) 41(3) *Equality, Diversity and Inclusion: An International Journal* 318.
- ¹⁴ See *Ibid*.
- ¹⁵ See Australian Government, *Measuring What Matters: Australia's First Wellbeing Framework* (Report, July 2023) <<https://treasury.gov.au/publication/p2023-mwm>>.
- ¹⁶ See Australian Human Rights Commission, submission to the Department of Infrastructure, Regional Development and Cities, *2017 Review of the Disability Standards*

for Accessible Public Transport 2002 (6 December 2018); Australian Human Rights Commission, submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *2022 Review of the Disability Standards for Accessible Public Transport 2002* (11 July 2023); Australian Human Rights Commission, submission to the Department of Infrastructure, Regional Development, Communication and the Arts, *Aviation Green Paper* (30 November 2023).

¹⁷ Australian Human Rights Commission, *Free and Equal: A reform agenda for federal discrimination laws* (Position Paper, December 2021) 77.

¹⁸ See Australian Human Rights Commission, submission to the Attorney-General's Department, *Review of the Disability Discrimination Act 1992 (Cth)* (14 November 2025) 45-54.

¹⁹ *Disability Discrimination Act 1992 (Cth)* ss 23, 24.

²⁰ Australian Government, *Aviation disability standards* (consultation paper, August 2026) 54.

²¹ <https://www.w3.org/TR/WCAG21/>

²² Australian Government, *Aviation disability standards* (consultation paper, August 2026) 64.

²³ See United Nations Committee on the Rights of Persons with Disabilities, *General Comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organisations, in the implementation and monitoring of the Convention*, UN Doc CRPD/C/GC/7 (9 November 2018).

²⁴ Australian Government, *Aviation disability standards* (consultation paper, August 2026) 31.

²⁵ International Transport Forum, *Delivering Accessibility that Works* (summary and conclusions, 2026) 20-1 <<https://www.itf-oecd.org/sites/default/files/docs/delivering-accessibility.pdf>>.

²⁶ *Ibid* 20.

²⁷ *Ibid* 21.

²⁸ *King v Jetstar Airways Pty Ltd (No 2)* [2012] FCA 8, [184]-[186].

²⁹ *King v Jetstar Airways Pty Ltd (No 2)* [2012] FCA 8.

³⁰ *King v Jetstar Airways Pty Ltd (No 2)* [2012] FCA 8, [255]-[264].

³¹ *King v Jetstar Airways Pty Ltd* [2012] FCAFC 115, [44].

³² *Nondiscrimination on the Basis of Disability in Air Travel*, 14 CFR Part 382, § 382.27 (2008) <<https://www.ecfr.gov/current/title-14/chapter-II/subchapter-D/part-382>>.

³³ *Nondiscrimination on the Basis of Disability in Air Travel*, 14 CFR Part 382, § 382.29 (2008) <<https://www.ecfr.gov/current/title-14/chapter-II/subchapter-D/part-382>>.