

Submission: Aviation Disability Standards – Consultation Paper

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About the Justice and Equity Centre

The Justice and Equity Centre stands for a society that is fair and free from discrimination and disadvantage. Established in 1982 as the Public Interest Advocacy Centre (PIAC), we use the law and policy advocacy to challenge injustice and inequality. We do this through:

- legal advice and representation, specialising in test cases and strategic casework;
- research, analysis and policy development; and
- advocacy for systems change to deliver social justice.

We collaborate and partner in our work with people and communities who are experiencing marginalisation and disadvantage and focus on finding practical solutions. We work across five focus areas:

Disability rights: challenging discrimination and making the NDIS fairer to ensure people with disability can participate equally in economic, social, cultural and political life.

Justice for First Nations people: challenging the systems that are causing ongoing harm to First Nations people, including through reforming the child protection system, tackling discriminatory policing and supporting truth-telling.

Homelessness: reducing homelessness and defending the rights of people experiencing homelessness through the Homeless Persons' Legal Service and StreetCare's lived experience advocacy.

Civil rights: defending the rights of people in prisons and detention, including asylum seekers, modernising legal protection against discrimination, raising the age of criminal responsibility to 14, advancing LGBTIQ+ equality and advocating for open and accountable government.

Energy and water justice: working for affordable and sustainable energy and water and promoting a just transition to a zero-carbon energy system.

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Contents

Recommendations	1
Introduction	8
Overall comments	9
The primacy of voices of people with disability	9
Effective co-design requires guidance and accountability	9
Regulatory solutions are required	10
1. Chapter 1: Whole of journey.....	11
1.1 Set out roles and responsibilities of airports and airlines.....	11
1.2 Make sure staff are trained to support people with disability	12
1.3 Set up disability reference groups	14
1.4 Report on how standards are being met.....	15
2. Chapter 2: Planning and booking air travel	17
2.1 Offer passenger assistance profiles	17
2.2 Clarify times where limits on passengers requiring assistance may apply	18
2.3 Services must be provided when passengers give advance notice of accessibility needs.....	19
2.4 Make sure people with disability access the same fare regardless of the method of booking	20
2.5 Clarify rules for carriage of assistance animals on aircraft	21
2.6 Explain how passengers can get approval for equipment classed as ‘dangerous goods’	25
2.7 Ensure disability aids can be transported for free and in-cabin	26
2.8 Explain requirements for carers or companions travelling with a person with disability.....	26
2.9 Clarify when airlines can ask for medical certificates	27
2.10 Provide clear information about accessibility options before booking	27
2.11 Offer information needed to book flights in accessible formats	27
2.12 Provide communication in accessible formats during disruptions	28
2.13 Communicate when passengers with disability or disability aids are not accepted for travel.....	28
2.14 Allow people with disability to choose seats that best meet their needs	28
3. Chapter 3: At the airport	30
3.1 Allow people with disability to stay in their mobility device as long as possible...	30
3.2 Provide accessible check-in facilities.....	31
3.3 Install points throughout the airport where people can ask for assistance	32

3.4	Make wayfinding around airports consistent and accessible	32
3.5	Provide information about travel changes and disruptions in accessible formats.....	33
3.6	Improve access for arrivals and departures at the airport	33
3.7	Provide clear information and priority for people with disability at security.....	34
3.8	Involve people with disability when designing accessible facilities at airports.....	35
3.9	Protect disability aids from damage and loss, and track their movement.....	35
3.10	Provide choice for passenger transfer to airline wheelchairs and seats.....	36
4.	Chapter 4: On the aircraft	37
4.1	Make it easier for people with disability to board and leave the aircraft	37
4.2	Support passengers to store disability aids in the cabin.....	38
4.3	Allow people to use their disability aids onboard	38
4.4	Return mobility aids as soon as possible on arrival.....	39
4.5	Provide critical in-flight information in accessible formats	40
4.6	Make in-flight food and drink more accessible.....	40
4.7	Improve accessibility of aircraft toilets	41
4.8	Make in-flight entertainment accessible.....	41
4.9	Require aircraft to have accessible passenger controls	41
4.10	Increase the number of aircraft seats with moveable armrests	42
5.	Chapter 5: Current exclusion of small aircraft from parts of the Transport Standards	42
6.	Accessibility issues not raised in the consultation paper.....	43
6.1	Set timeframe for providing assistance.....	43
6.2	Requirements for availability of equipment for loading and unloading disability aids	44
6.3	Designated contact for disability-related complaints.....	45
	Annexure A – Endorsements	47

Recommendations

Recommendation 1.1 – Airports to be responsible for assisting people with disability

Proposed regulatory option 2 should be adopted for airports to be responsible for assisting people with disability across the air travel journey.

Recommendation 1.2 – Mandatory training requirements to be expanded

The proposed regulatory option should be adopted for all airline and airport staff to receive mandatory training in disability awareness or confidence, including with aviation-specific training outcomes. However, the mandatory training requirements should be expanded to include:

- the Commonwealth Government producing a national training module on disability awareness or confidence training for security screening staff;*
- training programs to be co-designed and delivered by disability-led organisations; and*
- information provided by airlines and airports about training programs should not exclude 'commercially sensitive information'.*

Recommendation 1.3 – All airlines and airports to have disability reference groups

The proposed regulatory option should be adopted to establish disability reference groups. However:

- the regulation should apply to all airlines and airports, regardless of any minimum passenger threshold; and*
- the Standards should include key membership requirements.*

Recommendation 1.4a – All airlines and airports to report on compliance with Standards

The proposed regulatory option should be adopted for compliance reporting. However:

- the regulation should apply to all airlines and airports, regardless of any minimum passenger threshold;*
- the reporting framework should prescribe auditing methodologies and performance indicators to ensure data is consistent and comparable; and*
- data should be analysed and published by the Government.*

Recommendation 1.4b – AHRC to be empowered and funded to enforce the Standards

The AHRC be empowered to enforce compliance with the Standards and adequately funded to carry out its enforcement function.

Recommendation 2.1 – Airlines to offer passenger assistance profiles

The proposed regulatory option should be adopted for airlines to provide passengers with disability the option to have a passenger assistance profile.

Recommendation 2.2 – Prohibiting limits on number of passengers requiring assistance

The proposed regulatory option is not sufficient. The Standards should prohibit airlines from limiting the number of passengers who require assistance on a flight, except where this is necessary for genuine safety reasons that are referable to the regulatory framework for civil aviation safety.

Recommendation 2.3 – Services to be provided when passengers give advance notice

The proposed regulatory option should be adopted for services to be provided when passengers give 48 hours' advance notice of accessibility needs.

Where advance notice is not given and if the Standards say an airline must make 'every reasonable effort' to provide assistance, the Standards should clearly define what this entails.

The Standards should include a non-exhaustive list of the accessibility services and processes to which the advance notice requirement applies.

Recommendation 2.4 – Choice of booking method and equivalent airfares

The proposed regulatory option should be adopted for airlines to ensure people with disability can choose the method of booking and to access the same fare regardless of the method of booking.

Recommendation 2.5 – Rules for carriage of assistance animals to ensure all assistance animals recognised under the DDA can qualify

The proposed regulatory option is not sufficient. The Standards should, following consultation with people with assistance animals:

- *ensure all assistance animals recognised under the DDA can qualify for carriage;*
- *set out the evidence a person can be asked to provide to airlines;*
- *prohibit airlines from denying carriage of an assistance animal based on breed or type;*
- *provide for a standard application form and approval process across the aviation sector;*
- *require airlines to decide applications for travel with an assistance animal within 48 hours of the request; and*
- *entitle a passenger to receive a refund or rebook where their assistance animal is refused carriage.*

Recommendation 2.6 – Approval for equipment classed as ‘dangerous goods’

The proposed regulatory option should be adopted for airlines to standardise the process for passengers travelling with disability aids classed as ‘dangerous goods’.

Recommendation 2.7 – Information about transporting disability aids and for no cost

The proposed regulatory option should be adopted for airlines to provide information about transporting disability aids, and ensuring such aids are not subject to additional fees. The Standards should also require airlines to assess transportation of disability aids within 48 hours of the request.

Recommendation 2.8 – Criteria to be developed to determine when a carer is required

The proposed regulatory option is not sufficient. The Standards should set out the criteria, following engagement with CASA, for determining when a person with disability can be required to travel with a carer.

Recommendation 2.9 – Limiting when airlines and airports can ask for medical certificates

The proposed regulatory option should be adopted for limiting when airlines can ask for medical certificates. This Standard should also apply to airports.

Recommendation 2.10 – Information about accessibility options before booking

The proposed regulatory option should be adopted for airlines and airports to provide information about accessibility options before booking. The Standards should require this information to be presented in a consistent format.

Recommendation 2.11 – Information to be provided in a range of accessible formats

The proposed regulatory option should be adopted for airlines and airports to provide information in a range of accessible formats.

Recommendation 2.12 – Information about flight disruptions to be in accessible formats

The proposed regulatory option is not sufficient. The Standards should also require such information to be communicated in a passenger’s preferred form and within a specified timeframe.

Recommendation 2.13 – Communicating when passengers are refused travel

The proposed regulatory option should be adopted for airlines to inform the passenger of the reasons for refusal and to assist with making other travel arrangements or providing a refund.

Recommendation 2.14 – Seating arrangements to accommodate a passenger’s disability

The proposed regulatory option is not sufficient. The Standards should also:

- prohibit airlines from charging additional fees for seats that are required to accommodate a passenger's disability;
- require airlines to 'honour' the seating needs of passengers with disability; and
- enable airlines to designate priority seats for people with disability.

Recommendation 3.1 – Mobility aids to be relinquished within 30 minutes of boarding and as close as possible to the aircraft door

Proposed regulatory option 1 should be adopted over proposed regulatory option 2, however, it is still not sufficient. Proposed regulatory option 1 should:

- set a clear and objective baseline standard for when passengers need to relinquish their mobility aid, with the set time being minimal and no more than 30 minutes; and
- require transfers to occur as close as possible to the aircraft door (unless the passenger requests otherwise).

Recommendation 3.2 – Self-service check-in facilities to be fully accessible

The proposed regulatory option should be adopted, for airlines and airports to ensure all self-service facilities are fully accessible.

Recommendation 3.3 – Points to be installed throughout the airport to ask for assistance

The proposed regulatory option should be adopted, for airports to designate points to be installed throughout the airport at key stages of the passenger journey where people can ask for assistance.

Recommendation 3.4 – Wayfinding signage to be standardised across airports

Proposed regulatory option 1 should be adopted over proposed regulatory option 2, for the Australian Government to work with the aviation industry, people with disability and other stakeholders to standardise signage and wayfinding requirements across airports. This Standard should also require testing wayfinding signage with people with disability.

Recommendation 3.5 – Airlines to proactively assist people with disability with alternative arrangements during flight disruptions

The proposed regulatory option is not sufficient. The Standards should also require:

- airlines to proactively assist people with disability by providing information about alternative flights 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 3.6 – Access for arrivals and departures at the airport to be as close as possible to the terminal and enable assistance from outside the terminal

The proposed regulatory option is not sufficient. The Standards should also require:

- *public transport, taxi ranks and rideshare pick-up and drop-off locations to be located as close as possible to the terminal; and*
- *a service for passengers to notify of their arrival and be assisted from outside the terminal.*

Recommendation 3.7 – Mandatory training critical for security screening staff

The proposed regulatory option should be adopted, including mandatory disability awareness training for security screening staff, which should include competency assessments for staff providing manual assistance to passengers with disability.

Recommendation 3.8 – Accessible facilities at airports to be prescribed and co-designed

The proposed regulatory option is not sufficient. The Standards should also require all airports to provide specific accessibility features and facilities, and set a timeframe for provision of these facilities.

Recommendation 3.9 – Equipment, processes and training to protect mobility aids

The proposed regulatory option should be adopted for protecting and tracking mobility aids. The Standards should also specify the equipment, processes and training airlines should have and provide.

Recommendation 3.10 – Passengers to have choice of transfer method and transfer methods to be prescribed

The proposed regulatory option is not sufficient. The Standards should also require:

- *specific transfer methods to be available at airports, including through providing the relevant equipment and numbers of appropriately trained staff; and*
- *airlines to publish and keep updated information about the transfer methods and equipment available at each passenger airport.*

Recommendation 4.1 – Limiting when airlines can override a passenger's choice for boarding and disembarking

The proposed regulatory option regarding universal step-free access should be adopted. However, the proposed regulatory option regarding choice for boarding and disembarking is not sufficient. The Standards should only enable airlines to override a passenger's choice and require the passenger to board before, or disembark after, other passengers where:

- *it is necessary for safety reasons; or*

- the passenger has requested assistance where equipment is being used and that assistance cannot be provided safely and effectively while boarding or disembarking with other passengers.

Recommendation 4.2 – Supporting passengers to store and retrieve disability aids

The proposed regulatory option should be adopted for storing and retrieving disability aids in the aircraft cabin.

Recommendation 4.3 – Allowing people to use their disability aids in the aircraft cabin

The proposed regulatory option should be adopted for using disability aids in the aircraft cabin. The Standards should also:

- include examples of the uses of disability aids permitted in the aircraft cabin; and
- require airlines to assess uses of disability aids within 48 hours of the request.

Recommendation 4.4 – Mobility aids to be returned within 30 minutes of arrival and as close as possible to the aircraft door

The proposed regulatory option is not sufficient. The Standards should:

- set a clear and objective baseline standard for when mobility aids need to be returned, with the set time being minimal and no more than 30 minutes; and
- require mobility aids to be returned as close as possible to the aircraft door (unless the passenger requests otherwise).

Recommendation 4.5 – Critical in-flight information to be provided in accessible formats

The proposed regulatory option should be adopted for critical in-flight information to be provided in accessible formats.

Recommendation 4.6 – In-flight food and drink to be more accessible

The proposed regulatory option should be adopted for in-flight menu information to be provided in accessible formats and cabin crew to assist with opening packaging and identifying items.

Recommendation 4.7 – Implementation timeframes for aircraft toilets to be accessible

The proposed regulatory option is not sufficient. The Standards should also set timeframes for implementing changes for aircraft toilets to be accessible.

Recommendation 4.8 – Digital in-flight entertainment to be accessible

The proposed regulatory option should be adopted for in-flight digital entertainment to be accessible.

Recommendation 4.9 – Implementation timeframes for accessible passenger controls

The proposed regulatory option is not sufficient. The Standards should also set timeframes for implementing changes for passenger controls to be accessible.

Recommendation 4.10 – Implementation timeframes for moveable armrests

Proposed regulatory option 1 should be adopted over proposed regulatory options 2 and 3, however, it is still not sufficient. The Standards should also set timeframes for implementing changes for moveable armrests.

Recommendation 5 – Exclusions for small aircraft in Transport Standards to be reviewed

The current exclusions for small aircraft in the Transport Standards should be comprehensively and individually reviewed. If any exclusions are maintained these should be evidence-based and subject to periodic review.

Recommendation 6.1 – Passengers not to be left unattended for more than 30 minutes

The Standards should prohibit airlines and airports from leave a passenger with disability unattended for more than 30 minutes without their explicit consent.

Recommendation 6.2 – Airlines to ensure access to equipment and publish information about equipment

The Standards should require airlines to:

- ensure they have access to a specified range of equipment for safe loading and unloading of mobility aids at all passenger airports to which they fly;*
- ensure they have access to an additional range of equipment at all passenger airports above a certain passenger threshold; and*
- publish and keep updated information about the equipment available at each passenger airport to which they fly.*

Recommendation 6.3 – Airlines and airports designate a Complaints Resolution Official

The Standards should require airlines and airports to appoint a CRO for disability-related complaints, to ensure prompt and appropriate resolution of such complaints.

Introduction

The Justice and Equity Centre ('JEC') welcomes the opportunity to respond to the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts ('Department') Consultation Paper on the Aviation Disability Standards ('Standards').

The Department will be aware of our work as a co-design partner, with People with Disability Australia and the Australian Federation of Disability Organisations, on the Department's Aviation Accessibility Steering Committee to co-design these Standards. We have also represented clients in disability discrimination complaints against airlines and airports in the Australian Human Rights Commission ('AHRC') and in the Federal Court of Australia ('FCA'), and have extensive experience in public policy development and law reform on public transport.

As outlined in **Annexure A**, this submission has been endorsed by a number of organisations representing people with disability, consumers and lawyers acting for people with disability.

We welcome the creation of these Standards and the Department's process to develop these Standards through co-design. As we said in our submission to the Department's 2023 consultation on the Aviation Green Paper:

We regularly hear from people with disability about barriers they encounter at all stages of air travel, from booking a ticket, checking in, passing through security, moving through airports, boarding and exiting an aircraft. These problems are serious and extensive, and in some cases lead to injury or significant property damage for people with disability. We have heard from people with disability who simply elect not to take trips they would otherwise take for work or recreation, to avoid the difficulties of flying.

...

The severity and range of these problems show existing legal and regulatory systems are not working.

...

The deficiencies in the legal framework in Australia should be addressed through the introduction of specific enforceable minimum standards for operators and providers of air transport by creating a new and specific disability standard to cover air travel. This could be done by the issuing of an entirely new Air Travel Disability Standard; or by amending the Transport Standards to include a Schedule with specific detailed provisions relating to air travel.

In this submission, we support a regulatory option for each of the proposals. In some cases, we consider the proposed regulatory option will address the issue; in others, we consider it does not go far enough and additional measures are required. Across all of these areas, we urge government to be ambitious about adopting concrete measures to address the pervasive disadvantages faced by people with disability when travelling by air, and to guarantee them equal access to air travel.

Overall comments

The primacy of voices of people with disability

People with disability are the experts in their own disability, and their corresponding access needs. Where the purpose of these Standards is to ensure equal access to air travel, the most important views about current barriers and the steps required to address them are those of the people with disability. Where community members have graciously shared their views, experiences and expertise, including through the co-design process to date, we consider these should be given the greatest weight in considering what action is required. This perspective informs our own submission, and should direct the Standards ultimately produced.

Effective co-design requires guidance and accountability

The Standards as proposed would themselves promote co-design and related forms of engagement with the disability community, including where several of the proposed regulatory options would require airports and airlines to engage with people with disability when taking certain steps. One central step – which we support, subject to further comments below – is the proposal at [1.3] to require airports and airlines to establish a ‘disability reference group’.

While these reference groups would provide invaluable feedback and guidance to their stakeholders, they should not be the only type of input from people with disability that airlines and airports seek and receive. The scale and intensity of co-design necessary for each project will correspond to the significance and impact of the project. For example, the proposed regulatory option at [3.8] would require engagement and co-design with people with disability where significant changes to airport facilities are contemplated. In some cases, such as those involving only minor and straightforward updates to facilities, it may be appropriate to simply engage with the relevant disability reference group(s). However, in other cases, particularly where large facilities overhauls are contemplated, a wider co-design process will be needed to ensure the full range of users and their respective needs is contemplated and accommodated. In these instances, it would be appropriate to invite disability reference groups to participate in – or even lead, oversee and/or facilitate – the larger co-design effort.

Any regulation introducing co-design should also make it clear what is required for an effective co-design process. There may be various ways to do this. For example, the Standards could incorporate clear guidance as to what co-design is, how it might be conducted, and what it requires in different circumstances. This guidance should clearly state that engagement with a disability reference group will not always exhaust an entity’s co-design or consultation obligations under certain Standards.

Given the inherently flexible and context-specific nature of co-design, and the expertise required to assess whether a process has been genuinely inclusive and effective, consideration could also be given to whether some form of independent assessment or accreditation mechanism would be valuable. While acknowledging there may be practical challenges in establishing such a mechanism and determining the appropriate body to undertake these assessments, one of the difficulties with relying on guidance alone is that may leave uncertainty about whether a particular

process has satisfied the requirements of co-design. An independent assessment process, if capable of being implemented, could help address that uncertainty by providing greater assurance that engagement has been genuine, representative and responsive to the views of people with disability. It could also promote greater consistency across the aviation sector by applying common standards.

Regulatory solutions are required

As outlined above we support a regulatory option in response to each of the issues identified. A primary reason for this is because relying on the outcomes of people making individual complaints is ineffective and inappropriate, including for the following reasons:

- The burden of raising a complaint, and the associated costs in time, money and personal stress, falls upon individual people with disability.
- As a result, only cases involving well-resourced complainants and/or unusually extreme or consequential discriminatory conduct by airports or airlines are likely to be pursued, leaving many issues unreported and unaddressed.
- The relevant law is complex to apply, and the processes are complex to navigate. We often hear this even from our clients, who are legally represented; the barriers are far greater for unrepresented complainants.

Each of these challenges is compounded by the fact that current discrimination law does not provide adequate certainty. The *Disability Standards for Accessible Public Transport 2002* (Cth) ('DSAPT') are insufficiently tailored to the air travel context to set out what is required to make a service truly accessible. The factual and technical complexity of discrimination law under the *Disability Discrimination Act 1992* (Cth) ('DDA'), and its intersection with other relevant legislative regimes in the air travel context, means it is difficult for complainants to know whether their claims will be successful, and conversely easy for airports and airlines to obscure questions of liability for discriminatory conduct.

Regulatory responses to the barriers described in the consultation paper would provide much greater certainty, and prevent airports and airlines choosing to subordinate accessibility to considerations of operational convenience or cost-saving. However, as set out below, in some cases we consider even the regulatory options proposed require greater certainty.

Our view is compounded by our experience representing clients in discrimination complaints against airports and airlines, which has highlighted the range and prevalence of policies and practices they adopt that create barriers for people with disability. In the years of our work in this area, we have seen these businesses offered many opportunities to address problems proactively. Their repeated refusals and/or failures to do so demonstrates why simply issuing guidance or encouragement is unlikely to lead to them adopting comprehensive accessibility measures. Instead, they highlight the need for identified best practices to be introduced by compulsory force of regulation. Self-regulation is not a credible option.

In previous submissions, we have highlighted the success of the comprehensive and detailed regulation in the United States in helping people with disability, and relevant industry actors,

understand precisely what is required.¹ As well as underscoring the benefits of this approach, we note the US framework shows the economic and operational feasibility of comprehensive regulatory options. Many Australian airlines, including Qantas, Jetstar and Virgin, have policies that provide a higher standard of access when flying to or from the United States than they do for domestic flights or those between Australia and other international destinations. This demonstrates that airlines are capable of complying with these detailed regulatory standards without compromising their business model; at present, and in the absence of clear Australian regulation, they simply choose not to. This is unacceptable and cannot be allowed to continue.

1. Chapter 1: Whole of journey

1.1 Set out roles and responsibilities of airports and airlines

We support proposed regulatory option 2.

Airports manage the infrastructure within airport terminals. If airports also have responsibility for assisting people to access airport terminals, there is an incentive for them to identify accessibility barriers and make improvements.

Airlines have a direct customer relationship with passengers but generally do not control airport infrastructure and have limited ability to make physical changes within terminals. Where the responsibility between infrastructure and the service is split between separate bodies, there is less incentive to make physical changes to improve accessibility of the infrastructure. This makes regulatory option 3 inappropriate.

Responsibility for accessibility services should therefore be allocated to the entity best placed to deliver them, provided the arrangement is clear and consistent across all airports. For that reason, it makes sense for airports to provide accessibility services within and between terminals, as well as to onwards ground transport (regulatory option 2). This is the model in the European Union, and we have heard (including from industry in the United States and Canada, where airlines have responsibility to provide accessibility services) it is preferable for airports to have this responsibility.

As the proposal would require the responsible body to assist passengers to onwards ground transport, this assistance should also include supporting passengers with disability to move from all airport entry points (including public transport, car parks and kerbside drop-off zones) to the check-in area. We frequently hear accounts from passengers with disability about the challenges with ground transport to *and* from airports, and the need for the whole journey to be seamless. This could be done via the proposed regulatory options at [3.3] and [3.6] which would require establishment of designated points at public transport arrival, in car parks, and at drop-off zones,

¹ See for example, Public Interest Advocacy Centre, *Submission to the Aviation Green Paper* (30 November 2023) 6-8 <<https://jec.org.au/publication/submission-to-the-aviation-green-paper/>>.

by which passengers with disability can give notice of their arrival and be assisted from outside the terminal building (as is required in the European Union).²

To the extent there are practical and resourcing obstacles raised for smaller airports, or in relation to particular equipment, airlines and airports are already required to work collaboratively in relation to many areas of aviation. It would remain open to airports to engage with airlines to ensure accessibility requirements are met (and/or to distribute costs of doing so), but we consider it is important that airports remain the single body responsible for ensuring access throughout the journey (except when actually onboard the flight).

Additionally, we support industry suggestions for funding to be made available to regional airports to assist them to meet obligations to provide a high standard of accessibility services to passengers. Such measures would further enhance the practicality and feasibility of regulatory option 2.

We consider regulatory option 1 is not appropriate, as it would create significant potential for gaps in assistance, and confusion for passengers and airport and airline staff. This is particularly so where the layout and procedures at airports can differ significantly from one another, resulting in inconsistent experiences for people with disability across the country.

In many cases we have seen, people with disability have been left stranded at airports without the assistance they require. This has, at times, placed them at significant risk of harm, including physical needs that are not met. Often, later explanations by airlines and/or airports attribute the error to a (mistaken) belief that the other service provider was assisting the passenger. Regulatory option 1 would enable this known failure mode to persist.

Recommendation 1.1 – Airports to be responsible for assisting people with disability

Proposed regulatory option 2 should be adopted for airports to be responsible for assisting people with disability across the air travel journey.

1.2 Make sure staff are trained to support people with disability

We support the proposed regulatory option, but believe it falls short and should be expanded.

Lack of training is the crux of many of the issues experienced by people with disability across the whole journey.

At a very basic level, many of our clients report inappropriate statements or practices by staff that disclose fundamental misunderstandings of and insensitivity towards our clients' disability needs. The prevalence of these incidents demonstrates the deficiencies in training received by those staff that allow such attitudes to persist, and suggests similar underlying attitudes may contribute to other substantive barriers faced by people with disability when travelling.

² Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, Art 5.

We support mandatory training for all staff, including additional training and competency assessments for staff who provide manual assistance to passengers with disability or who handle disability aids. Although the consultation paper notes that airports cautioned against standards that would require training of non-customer facing staff, requiring all staff to receive a baseline level of disability awareness training can play a significant role in shaping organisational culture and reinforcing habits and values. This would be in line with the new requirements in the DSAPT for training to be tailored to different roles and responsibilities.

The training should cover a wide range of distinctive aviation-specific settings and requirements, as well as potential disability needs and understanding and appropriately responding to disability-related communication, sensory needs, distress and behaviour (as was sought by co-design workshop participants).

Mandatory training, coupled with competency assessments, would reduce injuries and minimise mishandling of and damage to disability aids. We note similar training and assessment requirements took effect in the United States from June 2026, demonstrating the scope for airlines operating in the United States to comply with such a requirement.

However, we consider the proposed regulatory option falls short in three ways.

First, we note the suggestion in the consultation paper by some industry stakeholders that the government should produce a national training module. We see benefit in a national training module on disability awareness or confidence training, at least for security screening staff. As is acknowledged at [3.7], security screening is one of the most challenging stages of the air travel journey for people with disability, in large part due to a lack of training. Removing training program variability between airports and security screening providers will improve the consistency of the security screening experience. Additionally, a national consistent training module is appropriate given security screening is already regulated at the Commonwealth level. Accordingly, we consider the regulatory option should include production of a national training module.

Second, while recent changes to DSAPT require training be developed in consultation with people with disability and delivered by a qualified trainer, we do not consider that goes far enough to address the co-design findings. Given the significance and relevance of training across the whole journey, it should be co-designed and delivered by disability-led organisations. Co-design should also be required where an airline or airport makes changes to its training program.

Third, information provided by airlines and airports about their disability confidence training programs should not exclude information that is 'commercially sensitive'. Limiting transparency requirements in this way will permit airlines and airports to take a broad approach to limiting disclosure on 'commercial sensitivity' grounds, and significantly reduce public accountability for the adequacy of these training programs. Training staff to appropriately support and interact with passengers with disability is a fundamental part of providing an accessible service, and should not be viewed as a point of commercial competition between airlines or airports.

Recommendation 1.2 – Mandatory training requirements to be expanded

The proposed regulatory option should be adopted for all airline and airport staff to receive mandatory training in disability awareness or confidence, including with aviation-specific training outcomes. However, the mandatory training requirements should be expanded to include:

- *the Commonwealth Government producing a national training module on disability awareness or confidence training for security screening staff;*
- *training programs to be co-designed and delivered by disability-led organisations; and*
- *information provided by airlines and airports about training programs should not exclude ‘commercially sensitive information’.*

1.3 Set up disability reference groups

We support the proposed regulatory option over and above non-regulatory and existing practice options.

However, we do not agree with the proposal to limit the regulatory option only to airports and airlines above a set threshold. Instead, every airline and airport should be required to establish a disability reference group, regardless of any minimum passenger threshold. Good practice guidelines may suggest different sizes and scopes of reference groups for smaller scale operators, but should not allow small airports and airlines to avoid setting up a reference group altogether.

Limiting the requirement to larger airports and airlines could exclude many regional and remote locations, where accessibility barriers are often more significant and yet access to air travel may be particularly crucial.

The proposed regulatory option suggests the Government may provide guidance on good practice in selecting members for reference groups. However, we are aware of examples of poorly-selected reference groups, such as where they are drawn solely from an organisation’s own employees with lived experience of disability, which in our view does not reflect best practice principles of independence and may limit the group’s ability to provide meaningful input. The membership of disability reference groups will be critical to their effectiveness, and is thus too important to regulate solely through non-binding guidance. Instead, consideration should be given to including some key membership requirements in the Standards themselves, which may in turn be supplemented by more detailed guidance.³

³ See for example, *Crimes Act 1900* (NSW) s 541(6), which specifies expertise requirements for members of its relevant reference group.

Recommendation 1.3 – All airlines and airports to have disability reference groups

The proposed regulatory option should be adopted to establish disability reference groups. However:

- *the regulation should apply to all airlines and airports, regardless of any minimum passenger threshold; and*
- *the Standards should include key membership requirements.*

1.4 Report on how standards are being met

We support the proposed regulatory option over and above non-regulatory and existing practice options.

In addition to the regulatory option proposing reporting on compliance with the Standards, we support the additional annual reporting obligations proposed for airlines. Where this has been a requirement in the United States since 2019, the resulting public awareness and strict reporting empowered the United States Department of Transportation to issue a record \$50 million penalty against American Airlines in late 2024, for severe mishandling and maltreatment of passengers with disability and their disability aids between 2019 and 2023.⁴ We would expect similar reporting under these Standards to set new standards of accountability and incentivise better practices in Australia.

However, we do not agree with the proposal to limit the regulatory option only to airports and airlines above a set threshold. Instead, every airline and airport should be required to report on compliance with the Standards. This requirement should apply regardless of any minimum passenger threshold. Limiting reporting obligations to larger airlines and airports could mean that accessibility barriers at smaller, regional or remote locations are not identified and addressed – this undermines accountability and increases the risk that non-compliance practices persist. Consistent reporting across the entire aviation sector would improve transparency and help monitor whether the Standards are working in practice.

The experience of lagging implementation of the DSAPT shows the pitfalls of a limited reporting framework. As we have previously submitted in relation to those standards:

Since the introduction of the DSAPT over two decades ago, there has been no national mechanism to monitor or assess compliance by operators and providers with their obligations. As a result, many target dates for compliance have been missed, and the DSAPT have not been effective in removing discrimination against people with disability. This lack of oversight also raises concerns about the Australian Government's compliance with its obligations under Article 33 of the Convention on the Rights of Persons with Disabilities ('CRPD').

⁴ United States Department of Transportation, 'DOT Issues Landmark \$50 Million Penalty Against American Airlines for its Treatment of Passengers with Disabilities' (Media Release, 23 October 2024).

...

Mandatory reporting would enhance transparency and accountability across the sector, empower advocacy by the disability community, and support all levels of government in fulfilling their commitments under Australia's Disability Strategy and the CRPD. Without such requirements, there is no governance risk for non-compliance, and limited incentive for operators and providers to improve accessibility.⁵

The experience of the DSAPT provides an important lesson about the consequences of providers not being subjected to reporting obligations. While a compliance reporting framework for DSAPT has recently been developed, voluntary reporting provided little incentive for transport operators and providers to address accessibility barriers. Mandatory compliance reporting is therefore necessary.

The development of the DSAPT reporting framework also highlights the importance of prescribing auditing methodologies and performance indicators, to ensure reported data is consistent, comparable and capable of measuring progress over time.

Reporting requirements should also be accompanied by appropriate accountability mechanisms. The Government should collect, analyse and publish compliance data provided by airlines and airports, rather than leaving individual providers to publish their own data. Centralised reporting would support transparency, enable performance comparisons across the sector and assist in monitoring implementation of both the Standards and Australia's obligations under the Convention on the Rights of Persons with Disabilities ('CRPD').⁶

1.4.1 Monitoring and enforcement

While compliance reporting is a necessary component of introducing these Standards, the Government needs to consider how it will monitor the outcomes of compliance to know whether the Standards are reducing accessibility barriers in air travel.

The Government may be able to use compliance reporting as one mechanism to identify trends, and monitor performance and ongoing systemic issues. However, reporting and analysis are unlikely to be sufficient to ensure compliance with the Standards.

Further, in our 'Overall comments' above we set out several difficulties with the complaints-based nature of the regulatory framework, which make reliance on individual complaints ineffective and inappropriate.

A more effective approach to enforcing compliance would be to establish a robust enforcement framework. We have repeatedly advocated for an independent regulator with powers to monitor

⁵ Justice and Equity Centre, Submission to the Reforms of the Disability Standards for Accessible Public Transport 2002 – Exposure Draft Consultation (4 December 2025) 13-14 <<https://jec.org.au/publication/submission-to-the-reform-of-the-disability-standards-for-accessible-public-transport-2002-cth-transport-standards-2025-exposure-draft/>>.

⁶ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008), Arts 31 and 33.

compliance, investigate potential breaches and take enforceable action. As we said in our submission to the Aviation Green Paper:

The Disability Royal Commission's final report noted that among the 'most significant weaknesses' of the current Transport Standards is 'the lack of a specific government entity to monitor compliance'. We consider there should be an external body to provide independent oversight and monitoring of transport operator and provider compliance with the [Standards] (and also with the existing Transport Standards). This independent oversight mechanism will encourage upfront compliance from transport operators and providers, and assist people with disability to have confidence the industry is doing the right thing by compiling and publishing data on compliance.

Given the existing functions of the AHRC under section 11 of the *Australian Human Rights Commission Act 1986* (Cth) ('AHRC Act'), the role of the Disability Discrimination Commissioner and the expertise of the AHRC, the AHRC should be given a mandate to provide this independent oversight. This position is consistent with the AHRC's Free & Equal Position Paper 2021, which said '[c]onsideration should...be given to the Commission having an oversight role with regulatory powers to enforce compliance' of the disability standards under the DDA.⁷

Recommendation 1.4a – All airlines and airports to report on compliance with Standards

The proposed regulatory option should be adopted for compliance reporting. However:

- *the regulation should apply to all airlines and airports, regardless of any minimum passenger threshold;*
- *the reporting framework should prescribe auditing methodologies and performance indicators to ensure data is consistent and comparable; and*
- *data should be analysed and published by the Government.*

Recommendation 1.4b – AHRC to be empowered and funded to enforce the Standards

The AHRC be empowered to enforce compliance with the Standards and adequately funded to carry out its enforcement function.

2. Chapter 2: Planning and booking air travel

2.1 Offer passenger assistance profiles

We support the proposed regulatory option.

⁷ Public Interest Advocacy Centre, *Submission to the Aviation Green Paper* (30 November 2023) [3.2].

This proposal would help address the current burden on passengers with disability, improve communication, and increase confidence that accessibility needs will be understood and met.

It should also enable passengers with disability to have the flexibility to travel on the same basis as everyone else without necessarily having to provide advance notice of their travel (per [2.3]).

Recommendation 2.1 – Airlines to offer passenger assistance profiles

The proposed regulatory option should be adopted for airlines to provide passengers with disability the option to have a passenger assistance profile.

2.2 Clarify times where limits on passengers requiring assistance may apply

We consider a regulatory option is required, but the proposed regulatory option is not sufficient to address this issue.

Allowing airlines to cite a ‘significant safety or operational issue’ as a justification for setting a limit on the number of passengers requiring assistance, will almost certainly lock in the status quo. While setting limits on the number of passengers requiring wheelchair assistance appears discriminatory on its face, it is a near-universal practice justified by reference to the Full Federal Court’s decision in *King v Jetstar Airways Pty Limited* [2012] FCAFC 115.

That case upheld a first instance decision of the Federal Court (*King v Jetstar Airways Pty Limited (No 2)* [2012] FCA 8), in which the Court found Jetstar’s ‘two-wheelchair’ policy was discriminatory but was lawful because to avoid it would have caused Jetstar unjustifiable hardship. This finding of ‘hardship’ was heavily based on an examination of Jetstar’s operational framework, and the ultimate finding that the ‘adverse profit impact’ on Jetstar of removing the two-wheelchair policy would have been ‘substantial’.⁸ The finding of hardship also took into account the impact on other passengers of Jetstar potentially raising its fares and/or reducing the number of flights available, and of delays due to Jetstar providing assistance to passengers using wheelchairs.⁹

This finding – that Jetstar’s existing practice was justified because its operational model meant it would be more expensive and/or challenging to accommodate more passengers who required assistance – has subsequently been regularly used by airlines to defend similar limits. Even if the findings in the *King v Jetstar* decisions may not represent an airline’s specific circumstances, it is extremely difficult for passengers to challenge such policies as it would require highly speculative, expert-intensive (and so expensive), and risky litigation. This represents a widespread ‘chilling effect’ on any challenge to airline practices and permits such discrimination on the basis of operational considerations.

⁸ See *King v Jetstar Airways Pty Limited (No 2)* [2012] FCA 8 at [177]; referred to with apparent approval in *King v Jetstar Airways Pty Limited* [2012] FCAFC 115 at [23], [36] and [52].

⁹ *King v Jetstar Airways Pty Limited (No 2)* [2012] FCA 8 at [257], [259]–[260].

If the Standards permit limits being set based on ‘significant operational issue[s]’, airlines are likely to maintain limits and continue to defend them on the basis of avoiding ‘operational issues’. In the consultation paper itself, airlines have effectively indicated they would preserve the status quo under this regime, as ‘[i]ndustry advised that for low-cost airlines, the impact of turnaround times following the landing of a flight has a substantial impact on the ability of the airline to offer lost-cost airfares.’¹⁰

In the context where there is minimal competition in Australia’s airline industry,¹¹ passengers with disability should not be disadvantaged by being forced to opt for a full-service airline that does not impose limits for operational reasons. Achieving equal access to air travel means equal access to all available airline carriers.

Instead, the Standards should *prohibit* airlines from limiting the number of passengers who require assistance on a flight, except where this is necessary for genuine safety reasons that are referable to the regulatory framework for civil aviation safety. This would set a consistent standard across all carriers and align Australia with the approach taken in the United States and the European Union.¹²

Recommendation 2.2 – Prohibiting limits on number of passengers requiring assistance

The proposed regulatory option is not sufficient. The Standards should prohibit airlines from limiting the number of passengers who require assistance on a flight, except where this is necessary for genuine safety reasons that are referable to the regulatory framework for civil aviation safety.

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

We support the proposed regulatory option.

This proposal would provide greater certainty to passengers with disability about the process and expectations for requesting and receiving assistance.

However, we note advance notice requirements can limit the flexibility of people with disability to travel on the same basis as everyone else. The US does not require advance notice, which demonstrates it is possible for airlines to accommodate many disability needs even at short notice.

If the Standards say an airline must make ‘every reasonable effort’ to provide assistance, the Standards should clearly define what this entails. For example, assistance should only be declined where there are genuine safety or operational reasons preventing the airline from providing the assistance, and not merely because it might involve additional cost. Additionally, in

¹⁰ Australian Government, *Australian disability standards - Consultation paper* (August 2026) 36.

¹¹ Australian Competition & Consumer Commission, *Domestic airline competition in Australia* (Report, May 2025) 1.

¹² *Nondiscrimination on the Basis of Disability in Air Travel*, 14 CFR Part 382, §382.19(c).

assessing whether every reasonable effort has been made, consideration should be given to whether the airline has previously accommodated the passenger's accessibility needs. Where an airline has previously provided the requested assistance and the passengers' needs have not materially changed, there should be a strong expectation the assistance can be provided again.

We also note several other sections of the consultation paper discuss timeframes for providing requested accessibility services or processes, but it is not always clear why those services or processes would fall outside the proposed 48-hour advance notice framework. To improve certainty and consistency, the Standards should include a non-exhaustive list of the accessibility services and processes to which the 48-hour advance notice requirement applies. This would help ensure a common understanding of the obligation and minimise disputes about whether a particular request is covered.

As is required in the United States, the Standards should ensure that an airline and airport's reservation and other administrative systems enable a person's accessibility needs to be communicated, clearly and on time, to the staff responsible for providing the assistance.¹³

Recommendation 2.3 – Services to be provided when passengers give advance notice

The proposed regulatory option should be adopted for services to be provided when passengers give 48 hours' advance notice of accessibility needs.

Where advance notice is not given and if the Standards say an airline must make 'every reasonable effort' to provide assistance, the Standards should clearly define what this entails.

The Standards should include a non-exhaustive list of the accessibility services and processes to which the advance notice requirement applies.

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

We support the proposed regulatory option.

In our practice representing clients, we have heard numerous accounts of passengers with disability being unable to book online and having to call airlines to provide information about their accessibility needs before their booking can be made. The additional time and effort involved in phone bookings can mean passengers with disability miss out on their preferred flight or are prevented from booking flights where they need to fly at short notice. The inequity may be further compounded where sale fares are only available for online bookings. Equal access is not being achieved where passengers with disability are required to use alternative booking methods.

The proposed regulatory option would ensure airlines' online booking platform provides choice to passengers with disability to provide information about their accessibility needs without calling the airline.

¹³ *Nondiscrimination on the Basis of Disability in Air Travel*, 14 CFR Part 382, §382.27(e).

Recommendation 2.4 – Choice of booking method and equivalent airfares

The proposed regulatory option should be adopted for airlines to ensure people with disability can choose the method of booking and to access the same fare regardless of the method of booking.

2.5 Clarify rules for carriage of assistance animals on aircraft

We consider a regulatory option is required, but that the proposed regulatory option is not sufficient to address this issue.

The Full Court of the FCA has found – in litigation specifically relating to access rights on Australian domestic flights – that an animal may be an assistance animal under the DDA and enjoy the corresponding legal protections and rights if it has received relevant training, regardless of who provided that training.¹⁴ However, s 98(6B) of the *Civil Aviation Act 1988* (Cth) allows regulations made under that Act to contain provisions that are inconsistent with the DDA. Sub-regulation 91.620(3) of the *Civil Aviation Safety Regulations 1998* (Cth) states:

The operator or the pilot in command of an aircraft for a flight may refuse to carry an assistance animal (within the meaning of the *Disability Discrimination Act 1992*) in the aircraft for the flight if the operator or pilot in command reasonably believes that the carriage of the animal for the flight may have an adverse effect on the safety of air navigation.

There are no other civil aviation instruments setting out requirements for assistance animals.¹⁵

The Civil Aviation Safety Authority's Advisory Circular on the carriage of assistance animals on aircraft states:

5.1.1 When establishing procedures for the carriage of assistance animals in the passenger cabin on passenger transport aircraft, aircraft operators need to consider whether the animal and its owner/handler have undergone appropriate training.

5.1.2 To this end, operators may consider whether the animal has:

- been trained and accredited under the laws of the Commonwealth or of any Australian state or territory, or are recognised under these laws for use on public transport eg
 - Guide, Hearing and Assistance Dogs Amendment Act 2015, Act No. 21 of 2015 (Queensland)
 - Dog and Cat Management Act 1995 (South Australia)

¹⁴ *Mulligan v Virgin Australia Airlines Pty Ltd* (2015) 234 FCR 207 (Flick, Reeves and Griffiths JJ).

¹⁵ Sub-regulation 91.620(5) says Part 91 Manual of Standards may prescribe requirements relating to the carriage of animals on an aircraft for a flight. However, div 20.4 in Part 91 Manual of Standards does not currently prescribe any requirements for the carriage of animals.

- Dog Act 1976 (Western Australia)
- been trained and accredited under comparable training and accreditation programs under foreign legislation or recognised by foreign legislation
- been trained and accredited under a prescribed training organisation
- been appropriately trained to alleviate the effect of the disability and meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

5.1.3 In addition to the above, standards for guide dogs, hearing dogs, and other types of service dogs, as well as standards for their behaviour in public, are published by Assistance Dogs International (ADI). **Operators may require assistance dogs to meet or exceed the training standards published by ADI.**¹⁶ (emphasis added).

These intersecting legal and policy regimes can encourage airlines to adopt policies about whether to approve assistance animals for travel, including imposing requirements for an animal's training or registration that present significant barriers for people with assistance animals accessing air travel in Australia. For example, we are aware CASA's Advisory Circular, and particularly paragraph 5.1.3 above, is relied upon by airlines to justify strict requirements before an assistance animal will be approved for travel in the cabin despite being merely guidance material.

Regardless of the guidance in the Advisory Circular, it is appropriate for the Standards to make clear the rights and obligations when it comes to travelling with assistance animals in the cabin.

2.5.1 Case study: Qantas' policy on assistance animals

Qantas' Criteria for Carriage requires, among other things, that a dog:

...has been trained and certified or accredited through one of the following pathways:

1. by a training organisation or trainer that is a full member of Assistance Dogs International (ADI); or the International Guide Dog Federation (IGDF); or
2. by a training organisation or trainer that is approved under the Queensland Guide, Hearing and Assistance Dogs Act 2009 (Queensland Act); or
3. by the South Australian Dog and Cat Management Board (SA Management Board); or a prescribed accreditation body under the South Australian Dog and Cat Management Act 1995 (SA Act); or
4. the Assistance Dog Assessment Association (ADAA) (UK), with Aviation Approval.

...

¹⁶ Civil Aviation Safety Authority, *Advisory Circular AC 91-03v1.1 – Carriage of assistance animals* (September 2024).

The DDA definition of an assistance animal does not refer to training or accreditation by ADI, IGDF or require accreditation under any of the other frameworks specified above; as such, it is difficult to see how these requirements are relevant to whether a dog is an 'assistance animal' at law. Qantas' requirements also cannot directly correspond to a pilot's reasonable belief as to an animal's adverse effect on the safety of the flight.

In September 2022, Rachael Fullerton contacted Qantas to request approval for her assistance dog, Strike, to travel with her. Strike is trained predominantly by Rachael, with oversight and additional training from external experts, and satisfies the definition of an assistance animal in s 9(2)(c) of the DDA. Strike's maintenance costs are funded by the NDIS, he has travelled with Virgin Australia on multiple occasions, and is approved for travel with Rex Airlines. Rachael provided Qantas with information including Strike's current Public Access Test and a NSW Government-issued public transport card. Qantas, however, relied on their policy and did not allow Strike to travel in the cabin because he was not approved under the GHAD Act or a member of ADI (at the time Qantas' Criteria of Carriage was more limited than the above).

In October 2023, after Rachael's complaint to the AHRC did not resolve, [we represented Rachael in FCA proceedings](#) claiming Qantas had unlawfully discriminated against her on the basis of her disability. In July 2024, the case settled with [Qantas approving Strike](#) to travel in the aircraft cabin – but only after almost 2 years since her original request.

2.5.2 Case study: Air New Zealand's policy on assistance animals

Prior to 2025, Air New Zealand's policy on 'Travelling or Flying with a Service Dog' stated:

Only 'certified service dogs' are permitted in the cabins of Air New Zealand domestic and international aircraft...

...

A **certified service dog** is a dog that has been trained by, and has current certification issued by, a recognised organisation confirming that the dog currently meets the recognised standard for a service dog.

...

A **recognised organisation** is a fully accredited member of Assistance Dogs International (ADI) or a full member of the International Guide Dog Federation (IGDF). Additionally this includes organisations as set out in the New Zealand Dog Control Act.¹⁷

¹⁷ 'Travelling or Flying with a Service Dog', Air New Zealand (Web Page) <<https://www.airnewzealand.com.au/special-assistance-flying-service-dog>> (as at least 30 May 2025) [emphasis in original]. The organisations authorised to certify dogs as 'disability assist dogs' set out in the *Dog Control Act 1996* (NZ) do not include Australian organisations (see sch 5).

As with Qantas' criteria cited above, Air New Zealand's definitions of certified service dog' and 'recognised organisation' appear to add the requirement a dog be trained and certified by a fully accredited member of ADI or a member of the IGDF, beyond the terms of the DDA.

In April 2024, Lisa contacted Air New Zealand to request approval for her PTSD assistance dog, Lilly, to travel in the aircraft cabin. Lilly is accredited under a law of the Australian Capital Territory Government, and so satisfies the definition of an assistance animal in s 9(2)(a) of the DDA. Lisa provided Air New Zealand with information evidencing Lilly's accreditation. Air New Zealand refused to approve Lilly on the basis that she did not satisfy Air New Zealand's policy, as she was not certified by a 'recognised organisation'. We assisted Lisa with a complaint to the Queensland Human Rights Commission.

After Lisa made her complaint, Air New Zealand changed its policy to allow assistance dogs to fly in the cabin, if they have passed an Australian state or territory government Public Access Test ('PAT') and have evidence of training. This policy change still excludes many Australians, as NSW, Victoria, Tasmania and Northern Territory Governments do not offer these tests.

We are now challenging Air New Zealand's updated policy in the FCA, on behalf of another client. The client lives in NSW, where there is no government PAT available. As such, Air New Zealand refused to let them travel with their assistance dog in the cabin.

2.5.3 Our recommendation

These case studies demonstrate how airlines can set and rely upon requirements that go beyond the DDA's definition for passengers with assistance animals in ways that can unfairly restrict access to air travel.

The proposed regulatory option would go some way to address the issue. However, the information required by airlines needs to ensure all assistance animals recognised under the DDA can qualify – if the information requirements are strict, some assistance animals could still be excluded. Requirements should be flexible, minimal and non-discriminatory to comply with DDA.

The information required also needs to be consistent across all airlines. To achieve this, the Standards could list the evidence a person with an assistance animal can be asked to provide. Government must consult with people with disability in determining the evidence airlines may request, particularly to demonstrate assistance animals that meet the definition in s 9(2)(c) of the DDA.

Further, where a passenger is on the same journey travelling with multiple airlines subject to these Standards, it is unnecessarily complex to require passengers to obtain separate approvals from each airline. It would be an absurd outcome for a passenger to be approved by one airline, but not another. A standard application form (similar to the United States) and approval process across the aviation sector would streamline travel arrangements, reduce the administrative burden on passengers, and improve consistent and certain for people travelling with assistance animals.

For consistency with the proposed advance notice requirements at [2.3] above, airlines should also be required to decide applications for travel with an assistance animal within 48 hours, where the passenger has provided at least 48 hours' notice of their travel.

We support the proposal that an airline's failure to make a decision within the required timeframe be treated as a refusal. In one matter in which we acted, the airline argued that it had not 'refused' the requested service because it continued to seek more information from the passenger to satisfy the airline's assistance animal policy. A 'deemed refusal' would prevent decisions from being delayed indefinitely and would provide passengers about their rights, including whether to pursue a discrimination complaint.

Consistent with [2.13], and noting the higher proportion of decisions refusing travel to people with assistance animals, this proposed regulatory option should make clear that where a passenger is refused travel with their assistance animal, the passenger should have the option of a refund or rebooking.

Similar to the United States, the Standard should also expressly state that airlines must not deny carriage of an assistance animal based on the animal's breed or type or on the basis that its carriage may offend or annoy persons travelling on the aircraft.¹⁸

Recommendation 2.5 – Rules for carriage of assistance animals to ensure all assistance animals recognised under the DDA can qualify

The proposed regulatory option is not sufficient. The Standards should, following consultation with people with assistance animals:

- *ensure all assistance animals recognised under the DDA can qualify for carriage;*
- *set out the evidence a person can be asked to provide to airlines;*
- *prohibit airlines from denying carriage of an assistance animal based on breed or type;*
- *provide for a standard application form and approval process across the aviation sector;*
- *require airlines to decide applications for travel with an assistance animal within 48 hours of the request; and*
- *entitle a passenger to receive a refund or rebook where their assistance animal is refused carriage.*

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

We support the proposed regulatory option.

¹⁸ *Nondiscrimination since Disability in Air Travel*, 14 CFR Part 382, §382.72.

We further consider, in implementing the regulatory option, the Standards should protect the broad and diverse range of mobility aids and battery types that people with disability use. This could involve setting out in the Standards the categories of batteries covered by the relevant requirements, such as by reference to watt-hour thresholds, rather than identifying particular mobility aid models. The categories should be defined broadly and provide flexibility as mobility aid technology evolves.

Recommendation 2.6 – Approval for equipment classed as ‘dangerous goods’

The proposed regulatory option should be adopted for airlines to standardise the process for passengers travelling with disability aids classed as ‘dangerous goods’.

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

We support the proposed regulatory option.

We further consider, for consistency with the proposed advance notice requirements at [2.3] above, the relevant Standards should require airlines to decide requests to transport disability aids within 48 hours where the passenger has provided at least 48 hours’ notice of their travel.

Recommendation 2.7 – Information about transporting disability aids and for no cost

The proposed regulatory option should be adopted for airlines to provide information about transporting disability aids, and ensuring such aids are not subject to additional fees. The Standards should also require airlines to assess transportation of disability aids within 48 hours of the request.

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

We consider a regulatory option is required, but that the proposed regulatory option is not sufficient to address this issue.

While the proposal would require airlines to maintain a consistent carer/companion policy, it would not provide consistency across airlines. Consistency across the industry has been called for by industry itself, as acknowledged in the consultation paper. To achieve this, the Standards should clearly set out the criteria, determined following engagement with CASA, for determining when a person with disability can be required to travel with a carer, rather than leaving this to individual airline policies.

We otherwise agree with the proposed regulatory options’ provisions as to allocation of adjoining seats, disallowing carer requirements unless a passenger is unable to travel independently on safety grounds, and free name changes.

Recommendation 2.8 – Criteria to be developed to determine when a carer is required

The proposed regulatory option is not sufficient. The Standards should set out the criteria, following engagement with CASA, for determining when a person with disability can be required to travel with a carer.

2.9 Clarify when airlines can ask for medical certificates

We support the proposed regulatory option in its application to airlines.

However, we also note people with disability report being unnecessarily or inappropriately asked for medical clearances when going through security screening. We see no reason to limit the application of the proposed regulatory option to airlines, and consider it should also apply to airports.

Recommendation 2.9 – Limiting when airlines and airports can ask for medical certificates

The proposed regulatory option should be adopted for limiting when airlines can ask for medical certificates. This Standard should also apply to airports.

2.10 Provide clear information about accessibility options before booking

We support the proposed regulatory option.

In addition, we consider the Standards could most effectively promote a consistent and safe air travel experience by requiring airlines and airports to present the required information in a consistent format. The Standards should include a provision to this effect alongside the proposed regulatory option.

Recommendation 2.10 – Information about accessibility options before booking

The proposed regulatory option should be adopted for airlines and airports to provide information about accessibility options before booking. The Standards should require this information to be presented in a consistent format.

2.11 Offer information needed to book flights in accessible formats

We support the proposed regulatory option regarding information being provided in a range of accessible formats and simplified booking websites.

Recommendation 2.11 – Information to be provided in a range of accessible formats

The proposed regulatory option should be adopted for airlines and airports to provide information in a range of accessible formats.

2.12 Provide communication in accessible formats during disruptions

We consider a regulatory option is required, but that the proposed regulatory option is not sufficient to address this issue.

A regulatory response should also include requirements that airlines:

- communicate in a passenger's preferred form; and
- provide information about disruptions within a specified timeframe, such as 'as soon as practicable'.

Recommendation 2.12 – Information about flight disruptions to be in accessible formats

The proposed regulatory option is not sufficient. The Standards should also require such information to be communicated in a passenger's preferred form and within a specified timeframe.

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

We support the proposed regulatory option.

Recommendation 2.13 – Communicating when passengers are refused travel

The proposed regulatory option should be adopted for airlines to inform the passenger of the reasons for refusal and to assist with making other travel arrangements or providing a refund.

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

We consider a regulatory option is required, but that the proposed regulatory option is not sufficient to address this issue.

First, the proposed regulatory option does not prevent airlines from charging passengers with disability extra fees for selecting a seat that is necessary to meet their accessibility needs. This means passengers with disability may have to pay more than other passengers in order to access air travel, and would be a form of unjust 'disability tax'. In some cases, this additional cost will be prohibitive and prevent the person with disability from being able to fly altogether.

In one example we are aware of, a person with physical disability requiring additional seat space and legroom, sought to fly domestically within Australia. They were willing to purchase two adjacent seats for the additional space required. However, on the flights in question, the armrests in Economy class seats could not be raised to allow them to sit across two seats. Additionally, as they did not meet the requirements to be seated in an exit row, they were not able to request a seat with extra legroom, even if they paid any associated fees for such a seat.

This meant they were physically unable to travel in Economy class. The airline suggested they purchase a Business class seat (which would meet their access needs), which was at a substantially higher cost.¹⁹ Notably, the airline also refused the request to purchase a second seat at its discounted carer rate as, notwithstanding the request related to their disability needs, the seat was for their own use and not for a carer.

As a result of the above, the passenger opted to take a 13-hour train journey instead of flying.

This case study illustrates the way in which maintaining airlines' capacity to charge passengers extra for a seat that meets their disability needs would continue to present significant barriers to people with disability. The Standards should expressly prohibit airlines from charging additional fees for seats that are required to accommodate a passenger's disability. Comparable jurisdictions recognise that disability-related seating needs should not result in additional costs being imposed on passengers with disability.²⁰

Second, while the proposal would require airlines to 'take into account' a passenger's views about which seat best meets their accessibility needs, in practice this could still allow airlines to give little weight to a passenger's opinion. This would be inappropriate, as people with disability are the experts in their own disability and disability needs.

By contrast, the equivalent provisions in the United States require airlines to 'honour' the seating needs of passengers with disability, meaning airlines must give weight to a passenger's views and have good reason to override them. We consider this approach is more appropriate. The regulatory option should only permit airlines to depart from a passenger's view of which seating would best suit their access needs where they have good reason for doing so.

Third, the proposal does not address requests from co-design workshop participants that some seats on aircraft be designated as priority seats for people with disability. We note some airlines in the United States block seats on each aircraft for people with disability, demonstrating such a measure is feasible.²¹

For completeness, we note the proposed regulatory option at [2.4] requires airlines to allow people with disability to choose their booking method, including being able to book online without having to call the airline. Accordingly, the booking process must enable a passenger to provide information about their seating needs so a passenger continues to have choice about their method of booking.

Recommendation 2.14 – Seating arrangements to accommodate a passenger's disability

The proposed regulatory option is not sufficient. The Standards should also:

¹⁹ The single Business class seat would have cost an additional \$900 and been more expensive than purchasing two Economy class seats.

²⁰ For example, in the United States and Canada, airlines are required to provide specified disability-related seating accommodations.

²¹ See also, *Nondiscrimination on the Basis of Disability in Air Travel*, 14 CFR Part 382, §382.83.

- *prohibit airlines from charging additional fees for seats that are required to accommodate a passenger's disability;*
- *require airlines to 'honour' the seating needs of passengers with disability; and*
- *enable airlines to designate priority seats for people with disability.*

3. Chapter 3: At the airport

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

We consider a regulatory option is required, but that neither of the proposed regulatory options are sufficient to address this issue.

The experiences of people with disability, including those of our clients, demonstrate the importance of a clear, strong and consistent regulatory framework in this area.

We have represented clients who use customised electric wheelchairs and have been required to relinquish their wheelchair at the check-in counter and transfer to an airline wheelchair that must be pushed by someone else through the terminal to the boarding gate and onto the aircraft. For these passengers, relinquishing their wheelchair at such an early stage of the journey results in a significant loss of independence and autonomy, leaving them unable to freely access essential airport facilities, including accessible toilets, shops and food outlets.

The consequences are not merely inconvenient. One of our former clients fell from an airline wheelchair while being pushed by airline staff, highlighting the risks that can arise when passengers are required to use equipment that is not designed for their individual needs. Customised wheelchairs are prescribed and fitted to meet a person's specific disability needs. Requiring a passenger to spend extended periods in a non-customised airline chair can be unsafe, increasing the risk of pressure injuries, pain, discomfort and other health complications. For many people with disability, remaining in their own mobility aid for as long as possible is therefore a matter of safety, dignity and independence.

Informed by these case examples, we do not support proposed regulatory Option 2. As the consultation paper outlines, the requirement that passengers be allowed to remain in their personal mobility aid until it is 'absolutely necessary' is unclear and open to interpretation.

In our previous engagement with airlines that require passengers to transfer from their personal mobility aids at check-in or well before boarding, they have made clear they consider these current practices are based on necessary operational parameters. If Option 2 were adopted, we consider they would very likely maintain these practices and describe them as being 'absolutely

necessary' on these grounds. This position has been foreshadowed by some airlines in the consultation paper itself.²²

Further, our experience litigating these cases suggests such practices would be very difficult for passengers to challenge, as it would require costly, risky and highly uncertain litigation based on a court's prospective ruling of the blurry standard of 'absolutely necessary' – which is also likely to turn heavily on facts available only to the airline until litigation is well advanced.

As a result, Option 2 is unlikely to address the issues identified, nor would it achieve the consistency the Standard seeks to achieve.

In our view, Option 1 would better address the concerns raised by people with disability by setting clear and objective standards that all airlines must provide, as long as the set time is minimal and no more than 30 minutes. However, given the significance of personal mobility aids to a person's independence and dignity, we consider a regulatory option should provide as much autonomy and flexibility as possible within operational constraints. Accordingly, as well as providing that passengers be able to remain in their device up to a certain time (which would provide a baseline requirement), regulation should also provide that transfers must occur as close as possible to the door of the aircraft (unless the passenger chooses an earlier point). This would require airlines that *can* offer a later point of transfer than the baseline do so. This proposal aligns with the requirements in the United States and, we consider, would best meet the aims of the Standards in this regard.

Recommendation 3.1 – Mobility aids to be relinquished within 30 minutes of boarding and as close as possible to the aircraft door

Proposed regulatory option 1 should be adopted over proposed regulatory option 2, however, it is still not sufficient. Proposed regulatory option 1 should:

- *set a clear and objective baseline standard for when passengers need to relinquish their mobility aid, with the set time being minimal and no more than 30 minutes; and*
- *require transfers to occur as close as possible to the aircraft door (unless the passenger requests otherwise).*

3.2 Provide accessible check-in facilities

We support the proposed regulatory option.

We further note that the proposed regulatory option does not specify that only a percentage (such as the Transport Standards' requirement that 5% of information desks, check-in counters and similar fixtures be wheelchair accessible) of check-in kiosks and supporting facilities would need to be accessible. We support this and, for the avoidance of doubt, consider the proposed regulatory option should apply to all check-in kiosks and supporting facilities. This would

²² Australian Government, *Australian disability standards - Consultation paper* (August 2026) 65.

implement universal design for access and allow people with disability to check in on the same basis as other passengers.

Recommendation 3.2 – Self-service check-in facilities to be fully accessible

The proposed regulatory option should be adopted, for airlines and airports to ensure all self-service facilities are fully accessible.

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

We support the proposed regulatory option.

We further note the proposal to limit the regulatory requirements under this option to airports over a certain passenger threshold. We support this threshold being set as low as would be feasible for an airport to support the relevant infrastructure.

Further, for airports below this threshold, we consider the regulatory option should establish a scaled-down version of the requirements to ensure passengers with disability at smaller and regional airports are able to request the assistance they need.

Recommendation 3.3 – Points to be installed throughout the airport to ask for assistance

The proposed regulatory option should be adopted, for airports to designate points to be installed throughout the airport at key stages of the passenger journey where people can ask for assistance.

3.4 Make wayfinding around airports consistent and accessible

We support proposed regulatory Option 1.

We consider non-regulatory options and existing practice would not resolve the issue. We further consider regulatory Option 2 may still result in different signage, symbols and navigation between airports. By contrast, Option 1 would address the need for a nationally consistent approach to wayfinding.

However, in implementing Option 1, we consider testing wayfinding signage with people with disability (as outlined within Option 2) should be part of the process of developing a nationally consistent approach.

Recommendation 3.4 – Wayfinding signage to be standardised across airports

Proposed regulatory option 1 should be adopted over proposed regulatory option 2, for the Australian Government to work with the aviation industry, people with disability and other stakeholders to standardise signage and wayfinding requirements across airports. This Standard should also require testing wayfinding signage with people with disability.

3.5 Provide information about travel changes and disruptions in accessible formats

We consider a regulatory option is required, but that the proposed regulatory option is not sufficient to address this issue.

The proposed regulatory option only includes provision of information in accessible formats. This is necessary, but not sufficient. As the consultation paper relays from the co-design findings, co-design participants seek proactive efforts from airlines and airports to ensure people with disability are not left stranded. This is appropriate, where people with disability risk being stranded by unexpected disruptions and may have to arrange alternative travel or accommodation at short notice, where the passengers may have specific needs and the means of booking these services may not be accessible.

Where airlines are unable to deliver a promised service, they should be responsible for proactively ensuring people with disability who are affected are assisted to make alternative arrangements. Similar to the proposed regulatory option at [2.13], where changes and disruptions to travel mean the airline is no longer delivering the service or is not delivering the service in a reasonable time, the airline should be required to:

- provide information about 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 (including because the travel change has disrupted the purpose of the passenger's travel).

Recommendation 3.5 – Airlines to proactively assist people with disability with alternative arrangements during flight disruptions

The proposed regulatory option is not sufficient. The Standards should also require:

- *airlines to proactively assist people with disability by providing information about alternative flights 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.*

3.6 Improve access for arrivals and departures at the airport

We consider a regulatory option is required, but that the proposed regulatory option is not sufficient to address this issue.

In addition to providing accessible drop-off and pick-up areas and accessible short-term parking close to terminal entrances as proposed, airports should be required to ensure public transport, taxi ranks and rideshare pick-up and drop-off locations are also located as close as possible to

the terminal. This would allow consistent whole-of-journey accessibility for passengers with disability, regardless of their chosen mode of transport to and from airport terminals.

As we recommend under [1.1], the Standards should also require airports and/or airlines (depending on the regulatory option chosen for [1.1]) to offer a service whereby passengers who require assistance can give notice of their arrival and be assisted from outside the terminal building. This would mirror the requirements in the European Union.

Recommendation 3.6 – Access for arrivals and departures at the airport to be as close as possible to the terminal and enable assistance from outside the terminal

The proposed regulatory option is not sufficient. The Standards should also require:

- *public transport, taxi ranks and rideshare pick-up and drop-off locations to be located as close as possible to the terminal; and*
- *a service for passengers to notify of their arrival and be assisted from outside the terminal.*

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

We support the proposed regulatory option.

We particularly highlight the need for training requirements (with the recent amendments to the DSAPT and the proposed regulatory option at [1.2]), as among the most practically significant components of the proposed Standards. In our experience, a very large number of current concerns and unacceptable experiences for people with disability at security screening occur due to poorly trained staff who do not have the necessary competencies or understanding of disability and disability aids and so adopt inappropriate practices.

We represented former Disability Discrimination Commissioner Graeme Innes after an experience in 2022 in which he felt inappropriately treated while travelling through airport security at Adelaide Airport. Mr Innes is blind and was accompanied by his assistance dog. Public reporting of the case, and Mr Innes' own account, noted this experience involved staff inflexibly adhering to procedures in a way that was insensitive to his disability needs.²³ The reports also described Mr Innes being addressed rudely and in ways that were insensitive to his disability – for instance, the screening officer turning his back while Mr Innes was still speaking, where this is particularly offensive and disempowering to a blind person who cannot know they are no longer being listened to. Mr Innes stressed that he had previously received similar inappropriate treatment, including disrespectful and negative comments, at many airports around Australia.

²³ Evelyn Leckie, 'Former disability discrimination commissioner Graeme Innes calls for change after 'humiliating' Adelaide Airport experience', *ABC News* (online, 15 May 2022) <<https://www.abc.net.au/news/2022-05-15/sa-adelaide-airport-disability-discrimination-complaint/101068140>>.

Inappropriate treatment, and the underlying attitudes, can only be addressed through thorough, disability-led training for security staff.

We have also heard particular concerns about security staff providing manual assistance to passengers with disability where they do not have the training or the skills to do so in a safe and dignified way. Training requirements should require screening staff who may be asked to provide manual assistance to complete competency assessments, as is proposed at [1.2].

Recommendation 3.7 – Mandatory training critical for security screening staff

The proposed regulatory option should be adopted, including mandatory disability awareness training for security screening staff, which should include competency assessments for staff providing manual assistance to passengers with disability.

3.8 Involve people with disability when designing accessible facilities at airports

We consider a regulatory option is required, but that the proposed regulatory option is not sufficient to address this issue.

The proposed regulatory option would be an improvement upon the existing practice, but would only require a co-design **process** rather than specific accessibility **outcomes**. We consider the Standards should, drawing upon the features identified in co-design and in the responses to this consultation paper, mandate all airports provide specific accessibility features and facilities. This would ensure a baseline standard of access, and provide consistency across airports. We suggest in our ‘Overall comments’ above ways to achieve effective co-design processes.

Additionally, a regulatory option should provide a timeframe for provision of accessible facilities, rather than obligations only being engaged when an airport is installing or upgrading facilities. Without such a timeframe, the accessibility features of airports will continue to vary indefinitely into the future.

Recommendation 3.8 – Accessible facilities at airports to be prescribed and co-designed

The proposed regulatory option is not sufficient. The Standards should also require all airports to provide specific accessibility features and facilities, and set a timeframe for provision of these facilities.

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

We support the proposed regulatory option.

However, we observe that for the proposed regulatory option to be effective, it will need to be sufficiently detailed to allow airlines to be assessed for compliance and held to account where they fail to achieve necessary standards. This would require, at a minimum, specifying the

equipment and processes airlines are required to have, and the appropriate training their staff must have.

Recommendation 3.9 – Equipment, processes and training to protect mobility aids

The proposed regulatory option should be adopted for protecting and tracking mobility aids. The Standards should also specify the equipment, processes and training airlines should have and provide.

3.10 Provide choice for passenger transfer to airline wheelchairs and seats

We consider a regulatory option is required, but that the proposed regulatory option is not sufficient to address this issue.

Each of the measures in the proposed regulatory option is appropriate and welcome. However, the regulatory option does not go far enough to ensure consistency of access, in that it does not mandate requirements for airlines to have certain transfer methods (and the equipment to provide them) available. This is often of critical importance to passengers, as a failure to have the relevant transfer method available will often have the same disempowering result – of forcing them to use an inappropriate transfer method – as denying them the capacity to choose from the available methods.

Our experience acting for passengers with disabilities demonstrates why access to appropriate transfer methods and equipment is critical. In one case, a wheelchair user was effectively stranded and unable to travel on the flight booked because the airline did not have the equipment (a slide board) to safely transfer them before the flight, despite confirming this with the airline at the time of booking.

We are also aware of several instances where passengers have a preferred method of transfer (the ‘eagle lift’ is commonly referred to as the safest and most dignified transfer method for many wheelchair users) but are unable to use it because the airline does not have the lift at the relevant airport. In at least one instance where the eagle lift was not available, we are aware of a passenger accepting a dangerous and undignified manual transfer by airline staff, causing the passenger significant discomfort and distress. This was despite the passenger having been told the lift would be available and, when it was not, being given the choice to accept the manual transfer or remain on the aircraft and return to the departing airport.

These examples highlight that a right to express a transfer preference is of limited value if there is no requirement for the equipment and trained staff necessary to implement that preference to be available.

To address these issues, the Standards should mandate certain specific transfer methods be made available, including through providing the relevant equipment and numbers of appropriately trained staff. To meet such an obligation, airlines could consider (and the Standards could permit) creative solutions to minimise the fiscal and logistical costs of compliance, such as arranging

cost-sharing agreements with the airport and/or other airlines that fly in and out of the destination to guarantee availability of some kinds of equipment.

At a minimum, airlines should be required to publish and keep updated information about the transfer methods and equipment available at each airport, to enable prospective passengers to make informed choices. With access to accurate information, the passenger mentioned above would have been empowered to choose not to fly to a destination without the necessary equipment.

Recommendation 3.10 – Passengers to have choice of transfer method and transfer methods to be prescribed

The proposed regulatory option is not sufficient. The Standards should also require:

- *specific transfer methods to be available at airports, including through providing the relevant equipment and numbers of appropriately trained staff; and*
- *airlines to publish and keep updated information about the transfer methods and equipment available at each passenger airport.*

4. Chapter 4: On the aircraft

4.1 Make it easier for people with disability to board and leave the aircraft

We consider a regulatory option is required, but that the proposed regulatory option regarding choice for boarding and disembarking is not sufficient to address that issue.

We represented Chelsea Hopkins-Allan in a disability discrimination complaint against Qantas after a series of errors relating to her traveling with a small motorised scooter on her flight from Sydney to Perth. Relevant to this proposed regulatory option, Chelsea was required to remain on the aircraft until after all other passengers had disembarked because she required wheelchair assistance. There was then a significant delay before wheelchair assistance was provided. Despite repeatedly informing Qantas staff that she had a connecting flight to Albany, the delay caused her to miss that flight. Chelsea's experience demonstrates why it is not sufficient to give passengers with disability a theoretical choice about when they board and disembark while preserving broad exceptions that allow current practices to continue.

The proposal's significant exception, allowing airlines to continue to require passengers with disability to board before or disembark after other passengers where:

- the person has requested assistance, and equipment is being used to assist them; or
- the person's safety is relevant,

would encompass a large number of passengers with disability. Airlines would be able to maintain their current practices for many passengers who require assistance or equipment, who would continue to have little or no choice about when they board or disembark.

Instead, the exception should be more limited so airlines are only permitted to override a passenger's choice and require the passenger to board before, or disembark after, other passengers where: (1) it is necessary for safety reasons; or (2) the passenger has requested assistance where equipment is being used and that assistance cannot be provided safely and effectively while boarding or disembarking with other passengers.

Recommendation 4.1 – Limiting when airlines can override a passenger's choice for boarding and disembarking

The proposed regulatory option regarding universal step-free access should be adopted. However, the proposed regulatory option regarding choice for boarding and disembarking is not sufficient. The Standards should only enable airlines to override a passenger's choice and require the passenger to board before, or disembark after, other passengers where:

- *it is necessary for safety reasons; or*
- *the passenger has requested assistance where equipment is being used and that assistance cannot be provided safely and effectively while boarding or disembarking with other passengers.*

4.2 Support passengers to store disability aids in the cabin

We support the proposed regulatory option.

Recommendation 4.2 – Supporting passengers to store and retrieve disability aids

The proposed regulatory option should be adopted for storing and retrieving disability aids in the aircraft cabin.

4.3 Allow people to use their disability aids onboard

We support the proposed regulatory option.

The Standards should include examples of the uses of disability aids permitted during a flight. For example, we have heard that people with assistance animals may be refused permission by airline staff to receive the support of their assistance animal during the flight – such as navigating to the toilet, or deep pressure therapy to assist with emotional regulation – as the assistance animal is required to remain in the seat footwell for the duration of the flight. Except at particular times such as take-off and landing, such restrictions are not appropriate as they prevent the assistance animal from performing their trained role to assist with alleviating the effects of the person's disability.

This aligns with requirements in the United States that require airlines to permit assistance animals 'to accompany a passenger with a disability on the passengers' lap or in the passenger's

foot space’ unless that would be inconsistent with safety requirements or encroach into another passenger’s space.²⁴

We further suggest the proposal that airlines approve disability aids should be made consistent with the proposed requirements at [2.3] above. In particular, where a passenger has provided at least 48 hours’ notice, airlines should be required to decide applications about disability aids that require prior approval within 48 hours.

Airlines should also be required to provide information about the disability aids they can provide to passengers, such as a support harness, to allow passengers to better plan their travel and equipment needs.

Recommendation 4.3 – Allowing people to use their disability aids in the aircraft cabin

The proposed regulatory option should be adopted for using disability aids in the aircraft cabin. The Standards should also:

- *include examples of the uses of disability aids permitted in the aircraft cabin; and*
- *require airlines to assess uses of disability aids within 48 hours of the request.*

4.4 Return mobility aids as soon as possible on arrival

We consider a regulatory option is required, but that the proposed regulatory option is not sufficient to address this issue.

As it stands, the proposed regulatory option would be unlikely to deliver consistent outcomes across airlines and airports or ensure passengers are not left in unsuitable seating waiting for their mobility aid.

The requirement to return mobility aids ‘as quickly as possible after arrival’ is unclear and open to interpretation. Similarly, only requiring airlines ‘where possible’ to allow passengers to choose whether their mobility aid is returned at the arrival gate or baggage claim does not provide certainty about when or where they will receive it.

This lack of clarity means airlines would be able to maintain many of their current practices that present barriers for passengers who rely on mobility aids.

We agree with industry views expressed in the consultation paper that mobility aids must be returned safely and securely. However, safety and timeliness are not competing objectives. Mobility aids are essential for independence, dignity and safety, and delays in their return can have significant consequences. Variable factors such as airport layout, lifts, staffing and reassembly processes are operational matters airlines can and should plan for as part of

²⁴ *Nondiscrimination on the Basis of Disability in Air Travel*, 14 CFR Part 382, §382.77(a).

providing an accessible service. Without clear requirements for the prompt return of mobility aids, current inconsistent and delayed practices are likely to continue.

Therefore, the Standards should require airlines to return mobility aids within a set time after arrival, such as 30 minutes. This would be consistent with Option 1 as proposed at [3.1] above.

The proposal would also be strengthened by adopting elements of overseas regulations. For example, in the United States, airlines must return mobility aids as close as possible to the aircraft door, unless the passenger requests otherwise.²⁵ In the European Union, passengers can receive their mobility aid immediately after disembarking and must not be required to retrieve it at baggage claim.

Recommendation 4.4 – Mobility aids to be returned within 30 minutes of arrival and as close as possible to the aircraft door

The proposed regulatory option is not sufficient. The Standards should:

- *set a clear and objective baseline standard for when mobility aids need to be returned, with the set time being minimal and no more than 30 minutes; and*
- *require mobility aids to be returned as close as possible to the aircraft door (unless the passenger requests otherwise).*

4.5 Provide critical in-flight information in accessible formats

We support the proposed regulatory option.

Recommendation 4.5 – Critical in-flight information to be provided in accessible formats

The proposed regulatory option should be adopted for critical in-flight information to be provided in accessible formats.

4.6 Make in-flight food and drink more accessible

We support the proposed regulatory option.

Recommendation 4.6 – In-flight food and drink to be more accessible

The proposed regulatory option should be adopted for in-flight menu information to be provided in accessible formats and cabin crew to assist with opening packaging and identifying items.

²⁵ *Nondiscrimination on the Basis of Disability in Air Travel*, 14 CFR Part 382, §382.125(c).

4.7 Improve accessibility of aircraft toilets

We consider a regulatory option is required, but that the proposed regulatory option is not sufficient to address this issue.

While the steps identified within the two stages of the proposed regulatory option are appropriate, they would only apply when aircraft are refurbished or replaced. This means passengers with disability will likely wait many years before these changes are made with no certainty of when change will occur.

At a minimum, the Standards should include clear timeframes for implementation to ensure accessibility improvements are not dependent solely on aircraft replacement or refurbishment cycles. While those timeframes can be generous and reflect the practical realities of aircraft procurement, a clear regulatory pathway is necessary to drive investment by both airlines and manufacturers. Defined timeframes provide certainty and encourage accessible design features to be incorporated early. It should also be noted the requirements of Stage 2 of the proposed regulatory option are required in the United States where new single-aisle aircraft carrying at least 125 people are ordered after 2033 or delivered after 2035.

Recommendation 4.7 – Implementation timeframes for aircraft toilets to be accessible

The proposed regulatory option is not sufficient. The Standards should also set timeframes for implementing changes for aircraft toilets to be accessible.

4.8 Make in-flight entertainment accessible

We support the proposed regulatory option.

Recommendation 4.8 – Digital in-flight entertainment to be accessible

The proposed regulatory option should be adopted for in-flight digital entertainment to be accessible.

4.9 Require aircraft to have accessible passenger controls

We consider a regulatory option is required, but that the proposed regulatory option is not sufficient to address this issue.

While the measures of the proposed regulatory option are appropriate, they would only apply when aircraft are refurbished or replaced. This means passengers with disability will likely wait many years before these changes are made with no certainty of when change will occur.

Similar to our recommendation at [4.7] about aircraft toilets, at a minimum, the Standards should include clear timeframes for implementation to ensure accessibility improvements are not dependent solely on aircraft replacement or refurbishment cycles. While those timeframes can be generous and reflect the practical realities of aircraft procurement, a clear regulatory pathway is necessary to drive investment by both airlines and manufacturers.

Recommendation 4.9 – Implementation timeframes for accessible passenger controls

The proposed regulatory option is not sufficient. The Standards should also set timeframes for implementing changes for passenger controls to be accessible.

4.10 Increase the number of aircraft seats with moveable armrests

We support a regulatory option.

Of the proposals, while options 2 and 3 would improve accessibility, they would still leave a significant proportion of seats with fixed armrests. This would limit seating choices for passengers with disability, leaving them with unequal access to certain options and flights.

Accordingly, we consider option 1 would best address the issue.

However, we are concerned that each of the regulatory options would be dependent for its application on when airlines undertake a ‘major seating refurbishment’ or bring in new aircraft. This means passengers with disability will likely wait many years before these changes are made, prolonging the barriers faced by some people with disability.

At a minimum, the Standards should include clear timeframes for implementation that are not based on aircraft replacement or refurbishment cycles. This will ensure passengers have certainty over when they can expect to receive accessible services.

Recommendation 4.10 – Implementation timeframes for moveable armrests

Proposed regulatory option 1 should be adopted over proposed regulatory options 2 and 3, however, it is still not sufficient. The Standards should also set timeframes for implementing changes for moveable armrests.

5. Chapter 5: Current exclusion of small aircraft from parts of the Transport Standards

We consider the current exclusions for small aircraft should be comprehensively reviewed. After more than two decades of operation of the DSAPT, broad exclusions should not continue unless there is a clear and evidence-based justification for their retention. Airlines should bear the burden of demonstrating why a particular standard cannot reasonably be met, rather than people with disability bearing the consequences of broad exemptions that have never been comprehensively reassessed.

Accessibility should be the default position, with exemptions retained only where compliance with a particular requirement is demonstrably not feasible because of the physical characteristics or operational limitations of the aircraft. The review should assess each requirement individually rather than exempting broad categories of aircraft. At a minimum, any exclusions that are retained should be subject to periodic review.

This review is particularly important given the disproportionate impact that these exclusions have on people with disability travelling to and from regional and remote communities, where smaller aircraft often provide the only practical form of transport.

Recommendation 5 – Exclusions for small aircraft in Transport Standards to be reviewed

The current exclusions for small aircraft in the Transport Standards should be comprehensively and individually reviewed. If any exclusions are maintained these should be evidence-based and subject to periodic review.

6. Accessibility issues not raised in the consultation paper

There are three critical issues not raised by the consultation paper, but which we would like to see the Standards address.

6.1 Set timeframe for providing assistance

None of the proposed Standards address the potential harms associated with passengers with disability being left at an airport without the assistance they need. This is particularly concerning, as the nature of a person's disability may mean they are unable to easily approach staff themselves for help, and may be left stranded in circumstances that are dangerous to their health and wellbeing.

We acted for Emma Bennison, who is blind, in a disability discrimination complaint against Jetstar. Emma requested a 'meet and assist' service from the airline, for a staff member to meet Emma on arrival at the destination to escort her to collect her luggage and leave the airport. Emma was left in a waiting area for a significant period of time, with no way to know where she was or how she could approach staff for help. Emma was ultimately assisted, but only after she called her travel agent, who called the airport, whose staff approached Jetstar, who then found and assisted her. The experience was stressful for Emma and caused her substantial delay and inconvenience.

In Chelsea Hopkins-Allan's complaint (mentioned above at [4.1]), one of the issues she experienced was being left waiting at Sydney airport in a Qantas wheelchair after airline staff had arranged for assistance to take her to the boarding gate. As the wheelchair could only be pushed with assistance of another person, Chelsea was unable to move independently. Despite repeated requests by Chelsea to other Qantas staff in the terminal, the promised assistance never arrived. Chelsea was only able to board her flight because her family remained at the airport and ultimately assisted her. Had they not done so, she would likely have missed the flight.

These examples demonstrate the serious consequences for passengers with disability of being left without assistance they need.

We propose a regulatory response to this issue, which could be modelled on the relevant United States standard. That standard requires airline staff not to leave a passenger who has requested assistance due to their use of a wheelchair unattended for more than 30 minutes, unless the

passenger has given explicit consent for them to do so.²⁶ This requirement applies even if another person (eg family or carer) is accompanying the passenger. We propose a similar standard – requiring airlines and airports to not leave a passenger unattended for more than 30 minutes without their explicit consent – be applied to passengers who request assistance of any sort based on their disability needs. We consider there is no principled reason to limit this standard to passengers who use a wheelchair; as our examples demonstrate, passengers with other types of disability needs can be subject to similar harm and risks when denied the help they need.

Each of the examples given would have been less likely to occur if such a standard were in place. The ‘meet and assist’ service was explicitly stated by the airline as ‘subject to availability’; as such, it was apparently understood by the airline as conditional, rather than offered as a legal requirement. A concrete obligation to provide assistance in a timely manner would encourage stronger systems and safeguards to deliver the service and prevent errors of this sort.

Similarly, in Chelsea’s case, a 30-minute standard would have provided a clear obligation to ensure assistance was delivered within a reasonable timeframe, removing her need to rely on family remaining at the airport and reducing the risk of missing her flight.

Recommendation 6.1 – Passengers not to be left unattended for more than 30 minutes

The Standards should prohibit airlines and airports from leave a passenger with disability unattended for more than 30 minutes without their explicit consent.

6.2 Requirements for availability of equipment for loading and unloading disability aids

We are aware of issues that have arisen where airlines do not have the necessary equipment to load and unload a passenger’s disability aid safely. For instance, in one case we are aware of, a passenger who uses an electric wheelchair boarded a flight to a regional airport and had her wheelchair loaded; but, on arrival at her destination, was informed the airline was unable to unload her wheelchair (which weighed several hundred kilograms) safely as they lacked the necessary equipment to do so. The passenger was then left stranded without a safe mobility option at her destination. This situation arose despite the passenger having informed the airline in advance of the details of her mobility aid, and the airline having told her at check-in that they had confirmed she would be able to fly to her destination safely with it.

Such a circumstance is unacceptable. However, none of the proposed measures in the consultation paper would address this issue.

We propose this be addressed by a regulatory option, whereby airlines would be required to:

- ensure they have access at all passenger airports to which they fly to a specified range of equipment for the safe loading and unloading of passenger mobility aids;

²⁶ *Nondiscrimination on the Basis of Disability in Air Travel*, 14 CFR Part 382, §382.103.

- ensure their access to an additional range of equipment at airports to which they transport an annual number of passengers above a certain threshold. These would be more capital-intensive and/or less commonly-required kinds of equipment; and
- publish and keep updated a list of the equipment they have available at each airport to which they fly, so that passengers can determine in advance whether their accessibility needs can be met and can make informed decisions.

In relation to meeting the first two of these requirements, as outlined above at [3.10] in relation to transfer equipment, airlines could consider (and the Standards could permit) creative solutions to minimise the fiscal and logistical costs of compliance, such as arranging cost-sharing agreements with the airport and/or other airlines that fly in and out of the destination to guarantee availability of some kinds of equipment.

Recommendation 6.2 – Airlines to ensure access to equipment and publish information about equipment

The Standards should require airlines to:

- *ensure they have access to a specified range of equipment for safe loading and unloading of mobility aids at all passenger airports to which they fly;*
- *ensure they have access to an additional range of equipment at all passenger airports above a certain passenger threshold; and*
- *publish and keep updated information about the equipment available at each passenger airport to which they fly.*

6.3 Designated contact for disability-related complaints

Our experience and feedback from people with disability makes clear that there needs to be a way to immediately resolve issues with air travel, particularly where the issue is arising on the day of travel.

In the United States, airlines of a particular size must designate at least one Complaints Resolution Office ('CRO'), who is the airline's expert in disability related issues in air travel and has the authority to resolve complaints on behalf of the airline on the spot.²⁷ We recommend the Standards impose a similar obligation for airlines and airports to appoint a CRO as a trained expert in resolving disability-related issues on the spot (as far as is possible). This would ensure prompt and appropriate resolution of such complaints.

²⁷ *Nondiscrimination on the Basis of Disability in Air Travel*, 14 CFR Part 382, §382.151; US Department of Transportation, *Airline Passengers with Disabilities Bill of Rights* (5 February 2025) <<https://www.transportation.gov/airconsumer/disabilitybillofrights#The%20Right%20to%20Resolution%20of%20a%20Disability-Related%20Issue>>; US Department of Transportation, *Air Travel Complaints* <<https://www.transportation.gov/airconsumer/complaint-process>>.

Recommendation 6.3 – Airlines and airports designate a Complaints Resolution Official

The Standards should require airlines and airports to appoint a CRO for disability-related complaints, to ensure prompt and appropriate resolution of such complaints.

Annexure A – Endorsements

This submission has been endorsed by the following organisations:

1. Children and Young People with Disability Australia (CYDA)



2. Down Syndrome Australia Consortium



3. Physical Disability Australia



4. Australian Autism Alliance



5. First Peoples Disability Network Australia (FPDN)



6. Blind Citizens Australia (BCA)



7. Women with Disabilities Victoria



8. Disabled People's Organisations Victoria (DPOV)



9. Disability Rights and Culture



10. Disability Advocacy Victoria Inc. (DAV)



11. Queensland Independent Disability Advocacy Network (QIDAN)



12. Australian Lawyers Alliance



13. Australian Centre for Disability Law



14. Disability Discrimination Legal Service (DDLS)



15. Canberra Community Law



16. CHOICE



17. Michele Hardesty-Munday (Individual)