

VIRGIN AUSTRALIA

Submission to the Review of the Disability Standards for Accessible Public Transport

July 2023

Commitment to removing accessibility barriers to air travel

Virgin Australia (VA) is committed to ensuring compliance with the *Disability Discrimination Act 1992* (Cth) and the Disability Standards for Accessible Public Transport 2002 (**Disability Standards**) and welcomes this opportunity to provide a submission to the current review of the Disability Standards.

VA is actively involved in and committed to maintaining awareness of developments in disability legislation and support. VA appreciates the importance of understanding the factors that can positively or negatively impact the experience of a guest with disability and access requirements. VA is a member of the Aviation Access Forum and consults broadly with various disability and government organisations. VA has noted the type of challenges identified by people with a disability in public consultation forums and in the media, and to this end, we regularly review our policies, and welcome feedback about how we can improve our services.

Supporting a positive whole of journey experience

VA complies with the Disability Standards and is very conscious that providing information about the services and assistance it can provide to its customers, and doing so in a way that is easy to find, navigate and comprehend, and communicated respectfully, clearly and simply, is an important whole-of-journey consideration. VA supports the needs of people with disabilities through the provision of specific information in advance, which VA details on its website and comprehensively in its Guest Accessibility Plan, documenting the assistance that VA can provide in assisting guests with disabilities access our services, facilities and aircraft. VA also provides assistance from when a customer presents to a VA staff member at the airport, and throughout the guest's air travel journey. This includes through check-in to the flight, from the flight to the baggage carousel, and to connecting flights/carriers and between terminals if required. However, this assistance is subject to the availability of staff and equipment.

In compliance with the Disability Standards, some examples of the assistance that VA provides include:

- transfer assistance from a manual or electric wheelchair or mobility device into a VA wheelchair and/or aircraft seat or assisting with guest comfort when being transferred by a carer/companion, (e.g. when the guests reaches or exceeds the staff transfer limit of 130kg);
- assistance to navigate the terminal by accompanying a guest or pushing the wheelchair (or operating it electronically) through security screening, to the departure gate and onto the aircraft;
- directing or assisting guests with hearing or visual impairment through security screening, to the departure gate and onto the aircraft;
- directing or assisting guests travelling with service animals to the Service Animal Relief area (where available);
- assisting with carriage of cabin baggage to and from the departure gate; and

- enabling pre-boarding for guests with specific needs that are obvious or hidden.

VA strives to ensure staff are appropriately trained to meet the needs of all customers, including those requiring specific assistance. Customer complaints are thoroughly investigated to ensure that staff are following current policies, procedures and standards, and will take further action (e.g. conducting further training) in circumstances where these have not been followed. VA also reviews policies and procedures to consider opportunities to better address customer needs, and, if required, training is provided as soon as practicable.

Challenges for the aviation industry in respect of the Disability Standards

Multiple stakeholders responsible for services and accessibility

VA is aware that certain parts of the air travel journey can often be problematic and stressful for people with a disability, due to a lack of information about the environment that customers are entering. Some complaints that have been raised by customers have been attributed to airlines, but in fact, arise from the experiences of customers in parts of the journey which are not controlled by airlines.

VA is conscious that it can be unclear to the public that there are a range of stakeholders that control and contribute to a passenger's air travel from origin to their destination. While VA is always seeking ways that it can enhance the safety and comfort of all of its passengers and to work in partnership with other stakeholders to ensure that customers are afforded the best possible whole of journey experience, VA considers that there needs to be more understanding and clarity of the aspects of the journey which are within an airline's reasonable control, and those that are outside of their control, given there are a range of participants in the aviation supply chain that contribute to the air travel experience for a person with a disability (for example, airports, third party security screening operators, and third party ground handlers).

Greater clarity about which service provider has responsibility for the facilities, services and processes within a guest's journey is important to ensure accountability for the level and standard of service provided. Critically, it also enables customers to better direct their inquiries, express concerns, resolve complaints and seek information and assistance when they need it. In considering this, relevant stakeholders who have responsibilities in the airport and aircraft environment should be consulted in relation to any proposed changes to the Disability Standards.

Considerations specific to the aviation industry

The nature of air travel and the obligations imposed upon airlines in the provision of their services sets airlines apart from many other forms of public land transport. The safety, security and comfort of all customers must always be the paramount considerations. Through its review of the Disability Standards, VA has also identified the need to build awareness through the Disability Standards of the significant operational and safety requirements intrinsic with operating an airline (for example, requirements imposed by the Civil Aviation Safety Authority (**CASA**) to ensure aircraft safety), that may limit or require adjustments to be made to the way that an airline provides requested assistance, so that airlines can provide the requested services.

In attending to the safety and security of all its passengers and employees, VA is required to comply with a number of additional regulatory requirements including but not limited to, obligations under the *Civil Aviation Act 1988* (Cth), the *Civil Aviation Safety Regulations 1998* (Cth) and other related

legislation, the relevant workplace health and safety legislation and *Aviation Transport Security Regulations 2005* (Cth). These requirements place additional obligations on airlines in respect of space and weight restrictions, carriage of dangerous goods, security screening, health and safety of employees and contractors, privacy, and the need to ensure aircraft safety and effectively manage potential emergency situations.

Some examples of the impact of additional legislation on an airline's ability to provide assistance to guest with disabilities include:

- electric wheelchairs/mobility aids must meet Dangerous Goods requirements (i.e. battery types and size);
- boarding devices required to comply with work health and safety requirements to ensure the safety of our employees operating them and the guest;
- positioning and harnessing of assistance animals on board to ensure aircraft safety and safe egress in accordance with Civil Aviation Safety requirements; and
- mandatory security screening of all passengers and their baggage. The standard of aviation security screening is governed by the *Aviation Transport Security Regulations 2005* (Cth) and specifies who is authorised to carry out screening (generally regulated airports, airport operators and their contractors).

The additional regulations placed on airlines are necessarily onerous to ensure the safety and security of customers, airline employees, and the community at large and will always be key factors that should be considered in assessing an airline operator's ability to meet the diverse needs and expectations of all customers. Currently, the Disability Standards do not clearly account for the interaction of these regulations when setting out the requirements as they relate to airlines and aircraft.

While we always prioritise the provision of requested assistance to customers with disability, the nature of air travel and the aircraft environment means that there will always be space and weight limitations. In some circumstances, it may not be possible to provide certain assistance in the manner requested, noting the operational capacity of the aircraft and the restrictions in making modifications to the physical aircraft; as well as staffing and engineering requirements to provide the requested assistance (e.g. purchasing or hiring relevant equipment and undertaking specialised staff training). In these circumstances, airlines should be able to make adjustments, to the assistance provided to facilitate access, which are reasonable, taking into consideration particulars of the airline industry such as operational capacity, weight, space and aircraft safety.

Next steps

As set out above, VA is committed to supporting and assisting customers with a disability to travel by air. VA welcomes the opportunity for engagement on the Transport Standards and will review the specific changes to the Disability Standards that the Department is proposing to make when that information is released.