

Melbourne Disability Institute

Partnering for impact

Aviation Disability Standards Consultation Paper - Response

Professor Bruce Bonyhady AM
Director, Melbourne Disability Institute

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Acknowledgment

The University of Melbourne acknowledges the Traditional Owners of the unceded land on which we work, learn and live: the Wurundjeri Woi Wurrung and Bunurong peoples (Burnley, Fishermans Bend, Parkville, Southbank and Werribee campuses), the Yorta Yorta Nation (Dookie and Shepparton campuses), and the Dja Dja Wurrung people (Creswick campus).

The University also acknowledges and is grateful to the Traditional Owners, Elders and Knowledge Holders of all Indigenous nations and clans who have been instrumental in our reconciliation journey.

We recognise the unique place held by Aboriginal and Torres Strait Islander peoples as the original owners and custodians of the lands and waterways across the Australian continent, with histories of continuous connection dating back more than 60,000 years. We also acknowledge their enduring cultural practices of caring for Country.

We pay respect to Elders past, present and future, and acknowledge the importance of Indigenous knowledge in the Academy. As a community of researchers, teachers, professional staff and students we are privileged to work and learn every day with Indigenous colleagues and partners.

Artwork

The art on the front and back cover of this report was created by Bruce Plant, an Australian artist with psychosocial disability known for his colourful, narrative, and abstract primitive style paintings.

Born in Melbourne in 1952, he studied at Melbourne University and began exhibiting his work in 1989. Plant's art is often described as joyful, playful, and providing hope and inspiration, with works appearing in public and private collections.

Credit: Plant, Bruce. Revelation. Displayed at the Melbourne Disability Institute, Melbourne. Acrylic on Canvas, 104x80cm, 2025.

About the author

Professor Bruce Bonyhady AM

Professor Bonyhady has been Chair and Director of the Melbourne Disability Institute since its establishment in 2018. He is a disability reformer, economist, one of the key architects of the National Disability Insurance Scheme (NDIS) and was the inaugural Chair of the National Disability Insurance Agency (NDIA) from 2013 to 2016.

In 2022 and 2023, Professor Bonyhady was Co-Chair of the NDIS Review. Professor Bonyhady is the father of three adult sons, two of whom have disabilities and in the 2010 Queen's Birthday Honours, he was awarded the honour of Member of the Order of Australia for services to people with disabilities, their families and carers, and to the community as a contributor to a range of charitable organisations.

Key roles include: Co-Chair NDIS Review, October 2022 to December 2023, Chairman (Inaugural), National Disability Insurance Agency (NDIA), 1 July 2013 to 31 December 2016 Chairman (Inaugural), Advisory Panel to Solve@RCH (Centre for Development Disability Research, Royal Children's Hospital, Melbourne) (2004 to Now) Deputy Chair, COAG National Disability Insurance Scheme Advisory Group, 2011 to 2013 Chair, Expert Group on NDIS Quality and Safeguards, 2012 to 2013 Chairman, Independent Panel advising the Productivity Commission Inquiry into Disability Care and Support, 2010 and 2011 Member, Disability Investment Group (DIG), 2008 and 2009 Chairman and Director, Yooralla (2001 to 2013) Patron, National Disability and Carer Alliance (2009 to 2013), which auspiced the Every Australian Counts Campaign for the establishment of the National Disability Insurance Scheme President, Philanthropy Australia (2006 to 2013) Treasurer and Member of Committee of Management, Noah's Ark Toy Library (1987 to 1991)

Aviation Disability Standards

Consultation Paper Response

This submission is being provided in response to the Aviation Disability Standards – Consultation paper. It is principally a personal submission as it primarily reflects more than 40 years lived experience. Two of my adult sons have physical and intellectual disabilities, which significantly affects their ability to travel by air independently. Their physical disabilities mean that they use manual wheelchairs, with one of my sons occasionally using a battery-operated power drive, which he has taken with him on aircraft when we travel. Their intellectual disabilities affect their ability to navigate airports, while their physical disabilities also affect their speech and so it can be difficult to understand what they are saying.

Our experiences as a family when flying and using airports have been very numerous, as we have lived overseas and have extensive family, whom we visit regularly around Australia. We have used air travel in Australia and in the US, UK and Europe.

On nearly all occasions our air travel experiences have been very positive. We are therefore very grateful to all of the airline and airport staff who have assisted us. We have also had negative experiences, with one particular incident, nearly 40 years ago, still leaving scars.

I therefore have a deep personal interest in these reforms. I also have a significant professional interest, given my role as Director of the Melbourne Disability Institute (MDI) and more than 20 years' experience in systematic disability policy and regulatory reform.

MDI's Vision is:

> To work in genuine partnership with people with disability, their families, communities, industry and government to help build a fairer, more inclusive society.

An inclusive society requires aviation access standards that are inclusive of all people, with and without disabilities. Moreover, if we make airports and air travel fully accessible for people with disability, everyone benefits.

Usually at MDI we work in close partnership with people with disability, their families and representative organisations. Unfortunately, due to the fact that I only became aware of the Consultation paper on Aviation Disability Standards very late, it has not been possible to consult on this occasion. This submission therefore primarily reflects personal experiences as well as knowledge gathered informally from the experiences of other families with disabled family members over the last four decades. Too many

people with disability and their families have experienced discrimination when booking flights, flying and at airports.

Therefore, both professionally and personally, I very much hope that the new Aviation Disability Standards will lead to significant practical improvements for all people with disability and their families, when using aviation services.

This submission responds selectively to the Consultation paper reflecting the areas where I think my professional reform and personal experiences can contribute most to systemic improvements through new Aviation Disability Standards.

A guide to the policy options presented in this paper

The Consultation paper notes that:

> Regularly options presented in this paper will apply throughout Australia, including for international airlines within Australian airspace or using airports within Australia. An airline operating at an Australian port would be subject to the DDA (and hence these aviation disability standards). This includes its staff and customers while within Australia (including in Australian airspace).

Last year, the Australian Government undertook consultations on the Disability Discrimination Act (DDA). In a submission in response to that inquiry, colleagues at the University of Melbourne and I noted that the DDA, currently, does not include any positive duty to take reasonable and proportionate measures to eliminate discrimination against people with disability[1]. Many other submissions also recommended a positive duty[2].

The absence of a positive duty in the DDA is a significant shortcoming as it means that the only opportunity for redress is for people with disability and their families to lodge a complaint under the DDA and then go through very time consuming, emotionally exhausting and expensive legal processes to seek redress[3]. Many people with disability and their families do not have the time, energy and resources to do this. Therefore, so long as the DDA remains in its current form, this will limit practical improvements arising from the new Aviation Disability Standards.

Therefore, the inclusion of a positive duty in the DDA would contribute to the effectiveness of the proposed new Aviation Disability Standards.

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[1] Arstein-Kerslake, A et al, Disability Inclusive Law and Policy Hub, University of Melbourne November 2025, Submission to the Australian Government review of the Disability Discrimination Act 1992, pp14-17

[2] For example, Australian Discrimination Law Experts Group, Commonwealth Attorney-General's Department Review of the Disability Discrimination Act, October 2025

[3] See, for example, the time it took to enforce the standards relating to transport by Graeme Innes: https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FMCA/2013/36.html

Another notable point in relation to the Guide contained in the Consultation paper is that it does not include any reference to Australia's Disability Strategy (ADS) 2021-31[4]. This is a major omission. The ADS includes seven Outcome areas, one of which is Inclusive Homes and Communities. Under Inclusive Homes and Communities, Policy Priority 5 states: Transport systems are accessible for the whole community:

> Being able to use public, private and community transport to move around the community underpins all aspects of life for all people. Being able to move around the community has positive impacts on everyone's health, social life, education and employment. For this to occur, transport and its entry points need to be accessible to everyone, including people with disability.'[5]

Outcomes from the Aviation Disability Standards should therefore be included in reporting progress on the ADS.

Finally, it is also notable that there is no reference in the new Aviation Disability Standards to universal design. In other words, the starting point is that aviation services are not accessible to all and that we need strengthened minimum standards. This is clearly necessary, but a better approach, which we are now seeing in many areas of service and product design, is a universal design approach. Airports and aviation services would benefit significantly from universal design thinking[6].

Whole journey

1.1 Set out the roles and responsibilities of airports and airlines

The roles and responsibilities would be best addressed through a regulatory response. The preferred option is Option one: shared responsibility model, with both clear responsibilities and accountabilities between airports and airlines. Broadly, airport should be responsible for supporting people with disability people from the time they arrive at the airport until check-in. All other activities should be the responsibility of the airlines, including the experiences of people with disability and their families when booking flights. At airports, airlines should be responsible from check-in, while passengers are in transit and from when passengers with disability arrive at their final destination until they board ground transport. If the ground transport is provided by the airport, it should be accessible.

A shared responsibility model is recommended for two reasons.

[4] Commonwealth of Australia (Department of Social Services) 2024, Australia's Disability Strategy 2021 – 2031, 2024 update: Building a more inclusive Australia
[5] *ibid*, p19
[6] See Centre for Universal Design Australia

First, in the model where the airlines are solely responsible for supporting people with disability and their families, each airline would be required to run its own shuttle bus or other support services from ground transport, parking stations, etc to the terminal/check-in. This would not be an efficient and cost-effective allocation of responsibilities.

Second, as noted in response to the consultation discussion and questions in section 3.1, *Allow people with disability to stay in their mobility device as long as possible*, people with disability should be allowed to remain in their mobility device for as long as possible before boarding the aircraft. This should include using their mobility device to the door of the aircraft on an air bridge or the boarding point on the tarmac. On arrival, the mobility device should be available at the door of the aircraft or on the tarmac. As airlines are responsible for baggage services and therefore stowing and unloading mobility devices from the aircraft, this must be an airline responsibility, in order to optimise coordination between the aircrew and the baggage handlers.[7]

Therefore, a model in which either the airport or airlines alone are responsible for supporting people with disability and their families will not be effective or efficient, let alone optimal.

1.3 Set up disability reference groups

All of the research and policy and practice analysis and advice undertaken by MDI is undertaken in partnership with people with disability and their families. We build codesign and deep engagement into our research. Without this essential input, our research would like real life input or credibility.

A consistent finding from our research is that disability service quality can only be evaluated and enhanced effectively when it builds consumer voice into its design. In contrast, not all airlines and airports have established disability representation and consultation mechanisms.

Therefore, the proposed regulatory option, which would require airlines and airports to establish disability reference groups, which would require the disability reference group tribute consulted before implementation of significant changes and to immediately provide per year, is essential to ensure the new aviation disability standards are being met and improved over time.

1.4 Report on how standards are being met

Reporting on how standards are being met would best be addressed through a regulatory intervention, because it is well known that what gets measured gets done. An

[7] For further details on the reasons for allowing people with disability to stay in their mobility device as long as possible see section 3.1 on p6 of this submission.

absence of reporting has hidden current inaccessibility problems allowing them to continue, unaddressed for too long.

Reporting should be annual and cover the number of people with disability and their families who are supported and, in particular, any negative feedback and what has been done in response. The complaints should be organised in themes, so as to identify systemic as well as individual issues.

As part of a thematic and systemic approach to reporting, there should be a focus on whether the new Aviation Disability Standards are achieving their objectives, the benefits and costs of the regulations, whether they would benefit from refinement and whether there are areas which are not subject to the new regulatory standards, but which would benefit from an extension of the Aviation Disability Standards.

Initially, it would be appropriate to set mandatory reporting for larger airports. However, smaller airport should be invited to opt in and then this experience should be used to see whether the regulatory net should be set required.

All reporting under the Aviation Disability Standards should be aligned with and then included in reporting under the ADS, Inclusive Homes and Communities, Policy Priority 5.

Remove barriers to air travel when planning and booking

2.1 Offer passenger assistance profiles

A regulatory response would be the best way to address current problems with the automated linkage of passenger assistance profiles with bookings.

Despite repeated attempts and my sons being frequent fliers, I have not been able to link their profiles with new bookings. Every time they travel, I have to phone and provide the same information regarding their support needs, the weight and dimensions of their wheelchairs, etc. this usually takes about 30 minutes, every time my sons' travel. This cannot be efficient for the airlines either.

Passenger assistance profiles should be shared between airlines, particularly where flights are code-shared or there are connecting flights, so the information only has to be provided once.

In addition to the specific inclusion in profiles which are included in the Consultation paper, there should also be information on whether the passenger's needs/preferences are to take their mobility device to the door of the aircraft and whether they need any assistance boarding the plane including the need for an aisle chair, slide board or Eagle lift.

2.2 Clarify times where limits on passengers requiring assistance may apply

Any limits on passengers requiring assistance should be governed through regulation, because the current practices of limiting the numbers of people with disability on a flight are highly discriminatory.

The proposed regulation states:

> 'The aviation disability standards would only permit airlines to set a limit on the number of passengers on a flight who require wheelchair assistance with boarding and exiting the aircraft where it would create a significant safety or operational issue.'

While the new proposed regulations would only permit airlines to set a limit on the number of passengers on a flight who require wheelchair assistance, this proposed regulation is not sufficient. The only restriction which should apply is where the aircraft providing the service is physically unable to store a passenger's wheelchair in its baggage hold. This would mean, for example, that there would be no limits on the number of passengers using manual wheelchairs.

Under this proposed regulation, airlines should also be required to include details of the operating aircraft for all flights and the wheelchair carrying capacity restrictions for all aircraft in their fleet. The carrying capacity information should include the maximum weight and dimensions. This would then facilitate passengers with wheelchairs selecting flights which are suitable to their needs.

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

A regulatory response setting out the approval process for equipment classed as dangerous goods is necessary, because of the current inconsistent approach of airlines. Currently, passengers need to seek approval, potentially, every time they fly, which is time-consuming and very inefficient for airlines and passengers.

Under the regulatory response the information required should be standardised so that a single certificate is transferable between airlines and remain valid for at least three years.

The solution to this issue would also be facilitated with the introduction of passenger profiles (see section 2.1, *Offer passenger assistance profiles*).

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

The purpose of potential legislated standards to ensure disability aids are always transported for free and in-cabin where possible is very worthwhile.

The key question is whether a regulatory response is necessary. In our experience, disability aids have always been transported for free and so not included in baggage allowances. This is consistent with the feedback from airlines which have been consulted and so unless there are significant examples of passengers being charged by the airlines to transport equipment, it should not be included in the new legislation.

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

The definition of the issue, discussion and regulatory option assume that each passenger with a disability will be accompanied by a single carer or companion. There are many situations where it would be safe and appropriate for two people with a disability or more to be accompanied by a single carer/companion. My two sons with disability and I have travelled together safely and without any issues. Therefore, any regulatory option should allow for one carer or companion to accompany more than one person with a disability.

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

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

People with disability should be allowed to stay in their mobility device as long as possible. Ideally, this should include staying in their own mobility device to the door of the aircraft where there is an air bridge/boarding point on the tarmac.

This is particularly important for people in wheelchairs who can be easily injured if the seating is not customised to meet their needs. For example, people with disability with scoliosis need highly customised seating, which will only be available in their own wheelchair. Therefore, minimising any time in a non-customised wheelchair is safest.

There can also be significant safety risks every time a person with a disability transfers from one mobility device to another. Therefore, one of the aims of allowing people with disability to stay in their mobility device for as long as possible would be to minimise the number of transfers. A single transfer from a person's own mobility device to an aisle chair or an Eagle lift is clearly safer than a transfer from the person's mobility device, to an airport wheelchair and then to an aisle chair or Eagle lift.

Therefore, the aim of allowing people with disabilities to stay in their mobility devices for long as possible is not just a question of independence; it supports safety.

Travelling regularly and over many years in Australia, our experience has always been that our sons have been able to take their wheelchairs to the door of the aircraft. Therefore, our experience does not support a regulatory response. The current

common-sense approach which accommodates individual needs and preferences therefore seems to be working well.

Further, Option 1 which would specify a set time before gates close at which passengers must transfer from their own mobility device would lead to poorer quality outcomes than the current arrangement.

Option 2, which would require a mobility aid not to be handed over until 'absolutely necessary', will simply lead to disputation, administrative reviews and potentially Federal Court cases to try and define 'absolutely necessary', when this term depends on individual circumstances and so cannot be defined precisely.

Therefore, both of the proposed regulatory options appear to be defective. It would be better to strengthen the current flexible and common-sense approach, while also introducing an alternative regulation, which would support the current flexible approach.

In the definition of the issue in section 3.1, the Consultation paper states:

> Transferring from a personal mobility device to one provided by an airline or airport often means transferring to a wheelchair that cannot be self-propelled. This means the person must be pushed in the airline/airport chair to the departure gate by a carer, support personal or airline/airport staff. Anecdotally, when airline/airport staff push the person to the departure gate, they often leave the person in the airport/airline wheelchair for extended periods. No further support is provided for the person to go to the toilet, or get food, drink or any other service. This loss of independence and access to services and facilities impact people's well-being and dignity.

This situation was described graphically by Micheline Lee in her Quarterly Essay, Lifeboat[8]:

> "My wheelchair is not luggage," I cry out… It's an hour later. They have finally agreed to bring out my electric wheelchair but it has still not arrived. It's a new person at the service desk now and I call out to get her attention. She is busy with customers and doesn't hear. I call out to passengers passing by but they don't look my way. I am tired and anxious and do not know how I am going to manage on my own until the next flight. The busy people bustle past and I feel anxious and abandoned, like detritus.

No person with a disability should be left unintended in an airline/airport wheelchair that cannot be self-propelled. This should be specified in legislation, as follows:

[8] Micheline Lee. Lifeboat: Disability, Humanity and the NDIS, Quarterly Essay 91, 2023, p34

Option 3: If a person with a disability is transferred from their own mobility device to an airport/airline device and they cannot self-propel it, the airline should ensure that they are not left unattended at any time.

Treat disability aids safely and respectfully

4.4 Return mobility aids as soon as possible following flight arrival

Our experience with existing practices on flight arrival is that they are working well. My sons always ask for their wheelchairs to be available to them immediately they disembark the plane and this is provided. It is notable that this works because the aircrew directly contact the airline ground staff and the baggage handlers and all work for the airline. It is hard to see how this would work effectively if the airport were responsible for all support for people with disability once the plane lands at the airport, as proposed in Option 1 in section 1.1 *Set out the roles and responsibilities of airports and airlines*.

However, as noted by Micheline Lee and her experience of not having her own wheelchair returned while in transit, mobility aids should be returned as soon as possible following flight arrival, whether the person is in transit or has arrived at their final destination[9].

[9] *ibid*, p34



Contact us

Melbourne Disability Institute
Ground Floor, Building 161
The University of Melbourne
161 Monash Rd, Parkville VIC 3010

w. disability.unimelb.edu.au
p. +61 03 9035 6416
e. md-i@unimelb.edu.au