Senate Inquiry: The delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities.

Submission Dr Raelene West

Centre for Applied Social Research (CASR)

RMIT University

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The terms of reference are:

(a) the planning, design, management, and regulation of:
- the built and natural environment, including commercial premises, housing, public spaces and amenities,
- transport services and infrastructure, and
- communication and information systems, including Australian electronic media and the emerging Internet of things;

(b) potential barriers to progress or innovation and how these might be addressed;

(c) the impact of restricted access for people with disability on inclusion and participation in economic, cultural, social, civil and political life; and

(d) any other related matters.

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(a) the planning, design, management, and regulation of:

- **the built and natural environment, including commercial premises, housing, public spaces and amenities,**
- **transport services and infrastructure, and**
- **communication and information systems, including Australian electronic media and the emerging Internet of things**

•freedom of movement around the built environment:

Having a fully accessible built environment provides full social inclusion, choice and empowerment for people with disabilities. Where individuals with mobility impairments are given the capacity to move freely and with choice through the built environment, their capacity for social inclusion is increased. Access throughout the built environment includes level paths of entry and travel,

accessible amenities, installation of lifts in multi-level buildings where possible and accessible signage and indicters for vision and hearing impaired individuals in order to be able to navigate movement around the built environment successfully. Improved access to the built environment would, in some cases, see a reduction in the need for formal support provision where an individual with a disability would not need a funded support person to help them out in the community to navigate the built environment, but could do so independently.

In terms of residential housing as a specific area of the built environment, the social inclusion of Australian's with disabilities would be improved not simply through increasing the stock of accessible housing, but in ensuring 'visitability'. The concept of visitability is that all residential housing is constructed to a standard whereby each house can be 'visited' by a person who utilises a wheelchair or scooter, as the average person would visit a neighbour, friend and/or family, and that wheelchair and scooter users are not confined only to their accessible house. Where each house is built with one level entry and downstairs amenities, there is then capacity for wheelchair and scooter users to 'visit' a neighbour, friend and/or family as an average person would. The capacity for improved social interactions by being able to 'visit' a neighbour, friend and/or family is thus created and subsequently increased capacity for social inclusion.

As per the social model of disability, the existence of physical barriers across the built environment is disabling to people with mobility, vision or hearing impairments. An inability to fully access the built environment due to constructed physical barriers continues to be an issue for all Australian's living with a mobility impairment on a day-to-day basis. The continued existence of constructed physical barriers across Australia's built environment reduces choice, freedom of movement and the social inclusion of people with disabilities. This choice and freedom of access is often a taken-for-granted attribute for mainstream people interacting with the built environment.

Despite the development and introduction of the national Access to Premises Disability Standards (2010) and their review in 2017, a significant proportion of the existing built environment still does not have physical access to their premises that meets Universal Design standards. This continues to be discriminatory to people with disabilities in terms of exclusion of access to a premise based on impairment. Although the Access to Premises Disability Standards address the construction of new premises that in general will be designed to suit 90% of people with impairment, very weak guidelines are in place to address existing buildings that currently do not provide accessibility to their premises. A building must undergo a renovation of 50% or over before the standards are then enacted and the premise owners are then required to renovate the building to accessible standards. If no renovations are conducted by a building owner, then there is no legal requirement for them to make their premises accessible now or in the future. In real terms, this means that every shop or cafe/restaurant in Australia that currently has any step at the front entrance has no incentive or legal requirement to alter their premises to provide access for wheelchair and scooter users if no building works are undertaken. In real terms, this means every individual retail shop, restaurant and/or café with a step/s, will continue to remain inaccessible for people with mobility impairments for the next 20, 50 plus years because there are currently no requirements for accessible changes to be actioned in any form unless a major renovation takes place.

Further, rarely do cafes/restaurant premises have accessible amenities for people with disabilities, amenities the mainstream again take for granted as a part of their dining out/lunching experience.

At an economic level, owners of these inaccessible premises have had years to alter and modify their premises to be socially inclusive of all members of society and have chosen not to do so. Thus retailers continue to be able to trade despite this discriminatory aspect to their business. There is also no requirement for the owners of premises to demonstrate that they will be improving access to their premises in the near future, and no incentives are offered by any level for government to help owners address this discriminatory practice.

Further, lack of access to many retail shops, restaurants and cafes does not meet Australia's Human Rights requirements of freedom of movement as prescribed by the United Nations Convention of Rights of People with a Disability (CRPD). Of note, internationally many countries, such as the USA, have mandatory guidelines on access to premises, and all shops and restaurants must at least provide an accessible entrance for a wheelchair or have their own ramp which can then be utilised by wheelchair users.

• access to public transport and taxi services :

it is imperative that the public transport system and taxi service systems are accessible and able to be readily used by Australian's with disabilities. If Australian's with disabilities are to be fully inclusive in community, and participate in social, cultural, economic, political and civil processes, they must be able to get to places of education, employment, social activities and service outlets as the average person would. This includes being able to get a taxi in a reasonable timeframe and being able to utilise the entire public transport to get to required venues. Further, Australian's with a disability are often in an economically disadvantaged group. It is therefore imperative that Australian's with disabilities can utilise the entire public transport system for their travel to reduce costs often associated with private transport. Economic constraints are often a key attribute associated with exclusion of people with disabilities, whereby an individual lacks the finances to engage in a social activity. Access to the entire public transport system for travel is thus a means of reducing many of the travel costs associated with taxis and private transport to support inclusion.

The introduction at a state level of the Public Transport Disability Standards in 2002 align state transport system with the Disability Discrimination Act (DDA) (Cmwlth). They outline the 'minimum' level of accessibility required by state governments and the transport operator to reduce extensive discrimination towards people with disabilities in relation to usage of public transport. They aimed to ensure that on a scaled timeframe, accessibility in relation to use of the state public transport networks was improved, and that discrimination experienced by people with disabilities in relation to use of public transport network was gradually reduced (and eventually eliminated).

Despite the introduction of these Public Transport Disability Standards, the improvement of accessibility across the network has been painfully slow. Although to the credit of most state governments and private operators of bus companies, the bus network is now almost fully comprised of buses with accessible ramps.

In relation to trains, although entry on to all trains across the network is available by ramp, many of the train stations have ramps 'up to the station' from the streetlevel that are too steep and that do not met access standard gradients. These barriers often act as a deterrent for many wheelchair users and people with mobility impairments from using the public transport system, thus reducing the opportunity to travel to participate in education/employment/social activities.

Perhaps the most exclusive and discriminatory element of the public transport system remains that of trams such as in Victoria. Although the construction of platforms stops continues to roll-out, this has been glacially slow in eventuating, and only approximately half of the tram network currently have platform stops in 15 years after introduction of the Public Transport Disability Standards. Further, there are not enough new low floor trams currently running on the tram network to even meet the capacity of platform stops there is, meaning there are frequently delays waiting for a low level tram for wheelchair and scooter users, and certainly longer delays for wheelchair and scooter users using the tram network than the average tram users. The 'tramtracker' phone application has made it easier to at least track when an accessible tram may be arriving at a platform stop, however there are still many tram routes with some platform stops that do not even run low level trams, rendering the tram network inaccessible to many suburbs.

Overall, the financial burden of individuals unable to fully utilise the public transport system is increased where these individuals are forced to use private transport or taxis as an alternative means of travel in order to participate in education/employment/social activities. In addressing these issues, state government have received significant numbers of exemptions in not having to fully meet time schedules associated with accessibility work in relation to the Public Transport Disability Standards, with implementation of access features not prioritised. Thus the discriminatory and exclusive attribute for many people with disabilities of not being able to access sections of the public transport still remains.

(c)   the impact of restricted access for people with disability on inclusion and participation in economic, cultural, social, civil and political life

The 'social inclusion' of Australian's with a disability could be defined as the equal and full participation of people with disabilities in all areas of Australian community. This includes equal and full participation in all social, cultural, economic, civil and political processes, equal access to health care, access to quality education and employment, freedom of movement through the entire built environment and access to the entire the public transport system.

The provision of adequate and quality support services is also a vital element in enabling the social inclusion of Australian's with disabilities. Without access to quality support services, many Australian's with disabilities would be unable to participate in many of the social processes the average Australian takes for granted. Australian's with disabilities require a variety of support services to support them in remaining socially inclusive such as support with personal care, daily living activities and community interactions, support with obtaining information, financial support and/or support to physically move around the community. However, with the assistance of quality support services, Australian's with disabilities have been able to obtain high levels of education and employment, and are making valuable contributions to our community.

In defining the current state of social inclusion of Australian's with disabilities and review of the existing National Disability Strategy 2010-2020, it is imperative to understand the historical exclusion, discrimination and disadvantage experienced by generations of Australian's with

disability. This includes the systemic discrimination and institutionalisation of many people on the basis of disability alone. Any definition of social inclusion of people with disabilities must have at its basis, acknowledgement of these physical and attitudinal driven forms of exclusion, discrimination and disadvantage.

The nature and scale of relative inclusion (exclusion) of Australian's with disabilities is diverse. It is often dependent on the type of disability an individual acquires over their lifetime, the intensity and permanency of the disability and the level of formal and informal supports an individual requires. However a significant level of social inclusion of Australian's with disabilities is effected by constructed systemic barriers that still exist within our society today. As defined by the Social Model, the existence of physical and attitudinal barriers in our community continues to contribute to the exclusion of people with disabilities from full participation in community. Although a significant amount of work and effort has been undertaken to improve the social inclusion of Australian's with disabilities, the scale of the barriers that still exist is still considerable. A number of these systemic barriers to inclusion will now be discussed:

In examining the current state of social inclusion of Australian's with disabilities, each of the following areas require in-depth consideration:

• opportunities to attend and participate in leisure, arts and recreational activities as the average person would

• ability to easily participate in political processes, including accessibility of information in electronic formats so as to participate in inquiries, opportunity to obtain local government information, as representatives on committees, having the ability to vote and as elected parliamentarians

• ability to undertake 'normal' social roles in terms of relationships and parenting - access and utilisation of mainstream family planning information and services

• equal access to health system, including provision of various equipment such as lifting

machines for transfers if required at most medical centers, fair and equitable treatment by the medical profession (not decision-making based on disability alone), awareness by staff of variety of communication forms by people with disabilities

• voice and representation in mainstream media

• access to electronic information via technologies

• equitable access to the justice system : refer to recent inquiries/reports and recommendations by both the Australian Human Rights Commission (AHRC) and Victorian Human Rights and Equal Opportunity Commission (VHREOC) on access to the justice system for Victorians and Australians with disabilities

https://www.humanrights.gov.au/our-work/disability-rights/publications/equal-law

https://www.humanrightscommission.vic.gov.au/home/our-resources-and-publications/reports/item/894-beyond-doubt-the-experiences-of-people-with-disabilities-reporting-crime

• freedom from discrimination and negative attitudes by other community members : refer to extensive work by Victorian Equal Opportunity and Human Rights Commission (VEOHRC)

https://www.humanrightscommission.vic.gov.au/discrimination/discrimination/types-of-discrimination/disability

• opportunity to have choice and independent decision making capacity : refer to Inclusion Melbourne/RMIT University (2013) It's My Choice!

https://inclusion.melbourne/resources/choice/

• opportunities for various forms of employment and economic participation, with regular award or above wages, in a supportive work environment free from discrimination and negative attitudes from employer or fellow employees

https://www.humanrightscommission.vic.gov.au/the-workplace/workplace-discrimination/type-of-discrimination/disability

Opportunities for various forms of employment and economic participation, with regular award or above wages, in a supportive work environment free from discrimination and negative attitudes from employer or fellow employees remains of challenging ideal for many Australian's with disabilities. In relation to sheltered workshops, the recent decision by the High Court in relation to sheltered workshops has deemed this form of employment, which has been practiced in Australia for decades, as unlawful and a breach of the Human Right to fair employment for people with disabilities - refer to decision detailed by Australian Human Rights Commission 2013. Opportunity for Australian's with disabilities to access mainstream forms of employment and economic participation also remain reduced due to physical inaccessibility of many workplaces (and/or inaccessible amenities), reduced capacity to travel by public transport to workplaces or requirement of costly taxis if unable to drive, and still existing discriminatory attitudes by many employers who view people with disabilities as unable to undertake a work role effectively. As such, many people with disabilities are still excluded from meaningful employment opportunities and economic participation

•difficulties in participating in political processes : inaccessible voting mechanisms and people with disabilities not supported to register to vote, inability to access some electronic information if not provided in various formats; various local councils without disability advisory committees

•inequality in accessing to health system : lack of provision of various pieces of equipment such as lifting machines for transfers for x-rays, or high adjusting examination beds in most medical centres - refer to Women with Disabilities Australia (WWDA) for details – means many people with disabilities are excluded from fair and equitable medical treatment. Further many people with disabilities are excluded from fair and equitable treatment by the medical profession in hospital settings where decision-making on treatment is made through the basis of the disability alone. Improved awareness by health staff of the variety of communication forms required by people with disabilities is also required, as with improvement by health professionals in relation to the condescending nature/manner towards people with disabilities by some health staff, impacting on the health rights of people with disabilities.

Also paper by author:

West, R., P. Ramcharan and L. A. Basser (2017). "Apparently we have human rights to health? Health and human rights frameworks of people with disabilities in Victoria." Australian Journal of Human Rights 23(1): 1-18.

http://www.tandfonline.com/eprint/FgX4r6ZfcTrMeRTcGmz8/full

•electronic information via technologies is often not accessible and not provided in various formats

•There are currently significant difficulties for people with mobility disabilities seeking to travel on most airlines in Australia, in particular the budget airlines. Despite the existence of available technologies to assist with transferring people with mobility impairment onto planes (through the utilisation of the lifting frame), only Qantas is currently using this technology, making airline travel discriminatory at an economic level, and reducing choice and flexibility with flight choice. Instead many airlines in Australia are continuing with the need to have staff assist with a slide transfer and are not utilising all available technologies. No access standards exist for airline travel, and thus no compliance time schedules exist for airlines to improve access over time. Airline travel is discriminatory at many levels and is highly exclusionary for many people with disabilities.

•Innovation and technologies are also vital. Innovation and emerging technologies can provide increased physical independence and functional capacity that can improve quality of life and reduce formal support requirements needed with some daily tasks of people with disabilities. They can provide pathways to improved social inclusion, increase physical mobility and provide critical advances in means and forms of communication. It is vital access to innovation and technology supports be made available.

•As per discussion at the Disability and Refugee Conference, Multi-Cultural Hub Elizabeth St on 11 July 2012, ensure that all new migrants have access to disability services in a timely and responsive manner, regardless of visa type, to ease settlement processes and ensure these occur as seamlessly as possible. As such, government should ensure there are resources to meet this need, and ensure service providers are up-skilled to ensure disability services for new migrants are flexible, culturally sensitive and clear, and that government and service providers facilitate and take responsibility to educate new migrants about the disability services framework and the role of disability support services.

(d) Any other related matters

Development of an instrument to measure (as much as these concepts can be measured) social inclusion - human rights based, utilising a survey with scale 1-5 response or open ended responses to following:

Sample Instrument Questions:

1. Is your immediate housing accessible/meeting access needs?

2. Is the nearby built environment you utilise accessible?

3. Is nearby public transport accessible?

4. Are support service allocations (such as attendant care) adequate?

5. Are your medical and health requirements met (including provision of required medical supplies)?

6. Are your full equipment needs met?

7. Do you have choice in provision of services?

8. Are avenues of appeal/advocacy agents obvious?

9. Do you have ample opportunity to gain meaningful employment?

10. Do you have opportunity to engage in meaningful relationships with friends, partners and family?

11. Are your human rights met?

In examining the inclusion of people with disabilities and the ability of people with disabilities to engage in society utilising various forms and attributes of support, it could be valuable to develop a platform of support. The development of a 'platform of support' would effectively capture the multi-factorial attributes of support required for people with disabilities to be socially inclusive. A platform of support would incorporate the various elements of support required by people with disabilities at both individual and systemic levels to be inclusive in society. Each individual's platform of support would then be influenced by the intensity and range of these support elements.

An individual's platform of support would be influenced by a range of factors, such as an individual's functional capacity, individual agency, their perceived level of need, their ability to be employed or be educated, the availability of accessible accommodation and infrastructure, the extent of financial support able to be obtained (particularly from compensation), and the extent to which each person with a disability could utilise informal support. Each support interaction and relationship would influence the evaluation of an individual's support platform, and would influence the dynamic of each individual platform. The evaluation of an individual's support platform would thus require knowledge of forms of support available, capacity to negotiate support and in some cases, capacity for the administrative burden in maintaining support.

The aim of a platform of support would be to provide a mechanism which evaluates an individual's levels of supports required to maintain relationships, interactions, services and equipment, and maintain the health and wellbeing in order to be socially inclusive. A platform of support would aid in identifying where any particular support element was reduced or not available, and the extent to which an individual may be at risk of reduced social inclusion, wellbeing and quality of life because of a missing support element. People with disabilities require a range of supports from a diverse array of areas to maintain and advance their social inclusiveness and valued social roles. At an individual level, support is provided through provision of attendant care and informal support to assist with completing personal care and daily living tasks. At a systemic level, support includes attitudinal support, financial support, legal support, policy support and/or support received from barrier free physical environments. A platform of support would thus provide a mechanism for evaluating these complex forms of support in ensuring that all forms of support were considered in ensuring an individual's wellbeing and social connectedness.

Development of a platform for support may also serve to advance exploration of an individual's capabilities, and advance social engagement as defined by the Capability Approach. In seeking to further the uptake of valued social roles by people with impairment and explore individual capabilities, the utilisation of a platform of support by people with disabilities could act as a basis from which standard support requirements are evaluated, and then increased support is then provided to further improve an individual's social status and levels of inclusion. A platform of support would thus serve to identify areas where increased support is required in order to promote

exploration of individual capabilities, increase social engagement and uptake valued social roles that enhance identity and improve the capacity of an individual to contribute to community. To this extent, a platform of support would complement emerging conceptual frameworks of the Capabilities Approach in seeking to advance individual capabilities, achieving desired life goals and improving lifestyle of people with disabilities. The construction of a platform of support that evaluates differing elements, attributes and forms of supports for an individual would thus serve to advance choice of lifestyle, valued social roles and the social inclusion of all Australian's with disabilities.