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ABF response to:

Senate Community Affairs References Committee

Inquiry into the delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities

27 April 2017

About the Australian Blindness Forum

The Australian Blindness Forum is the peak body representing blindness, low vision and rehabilitation in the blindness sector. ABF was formed in 1992 and is funded only by its members. ABF is an Australian public company limited by guarantee and governed by a Board of Directors.

Membership of ABF is open to any organisation that has as its primary objects the provision of services to people who are blind or vision impaired, or whose activities are substantially connected with the welfare of people who are blind or vision impaired. ABF is represented in every state and territory of Australia.

As Australia's representative to the World Blind Union, the ABF has strong connections with the international blind and vision impaired community. ABF comprises 16 blindness sector organisations whose expertise and knowledge are reflected in the following comments.

Background

ABF appreciates the opportunity to provide a response to the Senate Community Affairs References Committee inquiry into the delivery of outcomes under the National Disability Strategy 2010-2020 (the Strategy) to build inclusive and accessible communities.

ABF and its member organisations support every person's right to participate in and contribute to the community. This includes all people who are blind or vision impaired having the right to access services and technology and to live independently, inclusively and with dignity in the community.

This position is consistent with:

- the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- the Disability Discrimination Act 1992 (DDA).

ABF acknowledges that the Strategy was intended to enshrine the rights of the UNCRPD. Australia is a signatory to the UNCRPD, which ensures that people with disabilities can, with dignity, independently access the community. Therefore the Strategy needs to ensure its outcomes are in line with complying with the UNCRPD, of which independent access is a core value.

ABF also acknowledges that the Strategy was intended to:

create a framework for policy makers, service providers, community groups, businesses and families to engage with people with disability. The goal is to enable people with disability to realise their aspirations, maximise their independence and participate in their communities.¹

The Strategy also stated that implementation of it will assist governments in meeting their obligations under many pieces of legislation, standards and agreements including the DDA².

The objects of the **DDA** are:

“(a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:

- (i) work, accommodation, education, access to premises, clubs and sport; and
- (ii) the provision of goods, facilities, services and land; and
- (iii) existing laws; and
- (iv) the administration of Commonwealth laws and programs; and

(b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and

(c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community”³.

ABF Response

ABF has responded to the terms of reference in detail below. However, ABF has some general overarching comments to make about the Strategy.

ABF, together with its member and associates in the blindness sector, have spent many years responding to Government inquiries and consultation processes, writing

¹ National Disability Strategy 2010-2020, p.24

² *ibid*

³ Disability Discrimination Act 1992, section 3.

submissions, meeting with representatives, giving evidence at inquiries, giving presentations, joining committees and developing policies to promote the needs of people who are blind or vision impaired. In some cases, ABF members have been representing the sector on disability issues for over 30 years.

The *National Disability Strategy 2010-2020* was a welcome initiative by all Governments in Australia to commit to a 'unified, national approach to improving the lives of people with disability, their families and carers, and to providing leadership for a community-wide shift in attitudes'⁴.

ABF notes the vision statement of the Strategy is:

An inclusive Australian society that enables people with disability to fulfil their potential as equal citizens.⁵

ABF acknowledges that a significant part of the Strategy is to roll out the National Disability Insurance Scheme (NDIS) to full scheme and ABF supports the NDIS, particularly for those who are eligible for the scheme.

However, now that it is seven years into a 10 year strategy, ABF members and associates submit that the NDS has not improved the lives of people who are blind or vision impaired in any tangible way.

After many decades of committed advocacy and policy work within the blindness sector, ABF and its members are still fighting for the same basic issues to be addressed in order to enforce the rights of people with disability.

These issues include:

- education
- employment
- transport
- wayfinding
- access to premises
- access to government services
- technology
- alternative formats
- universal design
- government procurement
- banking
- NBN
- electoral system (voting)
- broadcasting and audio description.

While ABF supports the NDIS for those who are eligible, ABF also has many concerns with the implementation of the NDIS for people who are blind or vision

⁴ National Disability Strategy 2010-2020, p.3

⁵ Ibid, p.22

impaired and the failure of the NDIS to embrace the principles of the UNCRPD. In particular, ABF has concerns in relation to:

- accessibility of information and plans (information is not available in formats that can be read by people who are blind or vision impaired)
- significant delays that can jeopardise early intervention strategies
- consequences for people with disability who are not eligible for the NDIS
- the exclusion of people with disability over the aged of 65 resulting in splitting the disability sector into a two-tier system
- the integration of people over the age of 65 into the aged care sector which is not focused on the needs and rights of people with disability.

ABF does not believe the Strategy has acted as a guide to governments at all levels, or the business and community sector and, hence, the needs and rights of people with disability are not being sufficiently recognised.

ABF is of the view that the National Disability Strategy has not delivered any outcomes relating to the building of inclusive and accessible communities.

Terms of reference

ABF has the following specific comments in response to the Senate Inquiry's terms of reference.

a. the planning, design, management, and regulation of:

i. the built and natural environment, including commercial premises, housing, public spaces and amenities

ABF has been involved, over many years, in consultation processes that relate to planning, design, management and regulation of the built and natural environment. In particular, ABF and its members have contributed substantially to:

- the draft Wayfinding Standards
- Access to Premises Standards
- Transport Standards.

Wayfinding Standards

ABF has always recommended that wayfinding systems are implemented within buildings or offices for people who are blind or vision impaired. Wayfinding principles ensure that people who are blind or vision impaired are able to independently and with dignity, safely orientate and navigate through built environments.

This includes lighting, signage, luminance contrast signage and tactile ground surface indicators that allow for a continuous, accessible, detectable and logical path of travel in and through a building.

At the moment, while the inclusion in the Premises Standard of tactile ground surface indicators and accessible signage on toilet facilities are welcome, these two information points do not allow people who are blind or vision impaired to

independently navigate a building. There are no wayfinding systems within those buildings for people who are blind or vision impaired to navigate a building. Assistance is required to find the building and assistance is also required to actually find the location of bathrooms.

Over many years, ABF has been advocating for wayfinding measures to be included in a national Wayfinding Standard and incorporated into building codes including the National Construction Code. However, after many hundreds of hours of consultation, ABF is still waiting for the Wayfinding Standards to be formalised and for Wayfinding Standards to be incorporated into building codes. There has been no commitment from Government in relation to this and, hence, no result for the blindness community.

ABF submits the National Disability Strategy has not delivered any outcomes in relation to the inclusion of wayfinding standards into buildings or building codes in Australia.

Access to Premises

The *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards) came into effect on 1 May 2011. These standards were reviewed in 2015 and ABF notes that the Government response to the Review was released on 3 March 2017 with the Government agreeing to some of the recommendations by the Review including, increasing awareness of educational and training materials; establishing a data framework for collecting information and evidence across state and territory jurisdictions; and putting in place a cohesive structure for progressing future reforms of the Premises Standards⁶.

The 2015 Review states that the Premises Standards:

...by improving accessibility in the built environment, represent one action towards achieving the *National Disability Strategy 2010-2020* vision for an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens.⁷

As stated above, for seven years, ABF, along with other members of the Standards Australia ME 64 Committee, has been developing a Wayfinding Standard. This was originally intended to be ready for inclusion in the 2015 Premises Standard Review however, it was not included at that time. The Premises Standards Review report considered it would be beneficial to delay any changes to the wayfinding requirements in the Premises Standards until the new Wayfinding Standard is finalised. Following this, the Report said an expert advisory group should consider how the wayfinding standard might be incorporated into the Premises Standards.

Such delays indicate a lack of commitment to improving access to premises through strong standards that promote accessibility.

⁶<https://industry.gov.au/industry/IndustrySectors/buildingandconstruction/Pages/PremisesStandardsReview.aspx>

⁷Department of Industry, Innovation and Science, Review of the Disability (Access to Premises – Buildings) Standards 2010, p.9.

Interaction with Transport Standard

The Premises Standards apply to buildings within a transport facility, but does not relate to surrounding infrastructure such as platforms. The connection between the Premises Standards and the Transport Standards needs to be complementary, rather than in conflict. While some improvements have been made with Access to Premises and terminals, platforms are not part of access to premises.

ABF notes the Premises Standards recommendations included reference to the Transport Standards by recommending the Government ‘consider options to harmonise with the Transport Standards where appropriate’⁸. This is not a strong enough commitment to this issue and does not give the disability community any certainty that such harmonisation will happen in the near future.

Further discussion about Transport Standards is outlined below.

ABF is of the view that the Premises Standards Review and the Government response to the Review demonstrates further delay and unwillingness to move forward with improving accessibility in the built environment including the incorporation of Wayfinding Standards and harmonisation with the Transport Standards. The disability sector is constantly having to defend its rights to access the built environment rather than those rights being promoted through the Strategy.

ABF seeks an assurance that the Wayfinding Standard, once passed, will be part of the Access to Premises Standards as soon as possible.

ABF submits the National Disability Strategy has not delivered any outcomes in relation to improving accessibility in the built environment due to long and protracted reviews of standards.

Retail sector

The retail sector in Australia has failed to embrace accessible services including premises, services, labelling and signage. Offering an alternate specialised solution such as accessing services online does not encourage inclusion and social participation in the community and therefore presents an isolationist approach by the sector.

ii. transport services and infrastructure

The definition of an accessible journey should be from arrival to departure. In the case of transport hubs and airports, this should begin and end at the vehicular drop-off point / footpath or other pedestrian arrival point.

⁸ Premises Standards Review Recommendations, Recommendation 1.

Disability Standards for Accessible Public Transport 2002

The stated purpose of the *Disability Standards for Accessible Public Transport 2002* (Transport Standards) is to enable public transport operators and providers to remove discrimination from public transport services in accordance with the DDA⁹.

The Transport Standards require the Minister for Infrastructure and Transport, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards every five years. There have been two reviews – one in 2007 and one in 2012.

ABF is concerned that the reviews of the Transport Standards continue to make recommendations however, the recommendations are not implemented or consistent. This is especially true for audible signs and announcements on public transport where, for example, there is no consistency of audible signs or announcements from one bus route to the next. In addition, the design of any new public transport infrastructure is not complying with the recommendations of these reviews.

Other inconsistencies arise due to transport organisations being given exemptions to the requirements of the various standards and legislation and therefore are not required to make public transport accessible. The Australian Human Rights Commission has granted the Australasian Railway Association (the peak industry body representing railway operators in Australia) an exemption from the DDA, the Transport Standards and the Premises Standards in relation to a variety of accessible features at railway stations including access paths, doorways, signage and tactile ground surface indicators¹⁰. Such exemptions undermine the standards and the DDA and make them nearly impossible to enforce.

ABF is also concerned State and territory governments continue to reject the principles of the UNCRPD in their administration and enforcement of standards.

ABF notes the Transport Standards have been relatively successful in accommodating the needs of people who are blind or vision impaired and their dog guides. However, there is a definite need for a better education and training campaign for drivers and conductors on public transport who may not be aware of the standards and who refuse dogs entry onto public transport.

The Australian Government response to the second review (2012) was publicly released by the Australian Government in July 2015. In this response, the Government recognised that '13 years after inception some parts of the Transport Standards may not be meeting the current and future needs of people with disability

⁹Australian Government, Department of Infrastructure and Transport, 2012 Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards) - Issues Paper, November 2012, p.2

¹⁰ Australian Human Rights Commission, Sydney, viewed 27 April 2017, <https://www.humanrights.gov.au/our-work/legal/exemptions/exemption-applications-under-disability-discrimination-act-1992-cth>

or provide sufficient flexibility or guidance to providers and operators in their efforts to fulfil their obligations under the Disability Discrimination Act¹¹.

On March 23 2017, the Hon. Darren Chester MP, Minister for Infrastructure and Transport, released the consultation draft of the *Whole Journey Guide: A Guide for thinking beyond compliance to create accessible public transport journeys*¹². This Guide was developed by the Australian Government in consultation with the National Accessible Public Transport Advisory Committee. ABF will make a submission to this consultation draft and will continue to participate in consultations on transport standards.

ABF is of the view that the development and review of Standards involve protracted and ineffective processes and do not further the intent of the National Disability Strategy.

iii. communication and information systems, including Australian electronic media and the emerging Internet of things

Communication and information systems encompass many different aspects of communities. For people who are blind or vision impaired, the current issues of concern include:

- Government procurement
- Universal Design
- web accessibility
- audio description
- NBN
- banking services
- alternate formats
- electronic voting
- Accessible Emergency Response Systems.

Companies and designers seem to believe that the Government is responsible for accessibility in technology, not the companies themselves. However, non-compliance with accessibility is a barrier to progress and innovation and is the responsibility of everyone.

Government Procurement

Government services such as Medicare, Centrelink and Immigration passport systems (biometrics) and all Human Services are not accessible to people who are blind or vision impaired, particularly in relation to touch screen technology in shopfronts and inaccessible websites or portals. The Strategy has not improved the accessibility of these services and, in fact, since the Strategy was introduced in 2010, more and more touchscreens have been rolled out in government services.

¹¹ <https://infrastructure.gov.au/transport/disabilities/review/2012.aspx>

¹² https://infrastructure.gov.au/transport/disabilities/review/Implementation_2012_review.aspx#wholejourney

Touch screen technology is inaccessible to people who are blind or vision impaired as it is not tactile. Any voice over functions breach privacy and security issues for those with disability.

ABF is concerned there has been a lack of commitment by government to ensure the procurement of accessible equipment, software or systems across the whole of government.

ABF notes that the Digital Transformation Office released a Digital Service Standard in May 2016¹³ that applies to all new or redesigned government services. Accessibility is one of the key standards listed in this document.

Item 9 of the standard says:

‘Make it accessible’ – Ensure the service is accessible to all users regardless of their ability and environment.

This standard needs to be applied to all government services in Australia and compliance with this standard, as a minimum, would constitute improved accessibility of government services through improved quality, equity, efficiency, responsiveness and accountability.

Universal Design

Promotion of Universal Design is also required across all sectors of society. Universal Design principles improve access and reduce need for specialist adaptive support and/or costly retro-fitting. ABF notes the Strategy explicitly states that one of its Areas for Future Action is

“1.7 Promote principles of universal design principles in procurement”¹⁴

In order to encourage universal design, it is imperative that Government adopts a procurement policy that any equipment, software systems or facilities purchased, rented or leased for government services are accessible to people who are blind or vision impaired. This will ensure improved accessibility of government services.¹⁵

ABF would encourage a national dialogue on Universal Design for all areas of life for Australians. For example, if Building Codes adopted the principles of Universal Design, every house would have 900mm doorways to ensure wheelchairs could easily pass through without any need for modifications. At the moment, the NDIS is responsible for funding disability modifications and design for its participants. This does not include those not eligible for the NDIS including all those over the aged of 65 who are now in the aged care sector.

In many cases, making a service, document or environment accessible does not necessarily cost anymore, particularly if there is a commitment from the design stage, and the solutions are simple.

¹³ Digital Transformation Office, Digital Services Standard, <https://www.dto.gov.au/standard/>

¹⁴ National Disability Strategy 2010-2020, p.35, Commonwealth of Australia, Canberra, <https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020>

¹⁵ Further information about Universal Design can be found at: <http://universaldesignaustralia.net.au/>.

Web accessibility

ABF is concerned there is no ongoing commitment by governments to ensuring all websites comply with Web Content Accessibility Guidelines 2.0 (WCAG 2.0) endorsed by the Australian Government in 2010. These guidelines provided a standard to apply in making the web accessible to people with disability and older people and all government websites were required to comply by 2014.

There is no evidence that government websites and online services are compliant with WCAG 2.0 or that the Government's Web Accessibility National Transition Strategy was enforced.

Audio description

Australians who are blind or vision impaired are significantly disadvantaged and have their access to entertainment severely restricted because there is no audio-described content on Australian television.

Audio description is delivered as narration on a separate audio track, to describe visual elements happening in a television program during the natural pauses in the dialogue. Without it, people who are blind miss out on important content and social interaction opportunities, because they are unable to watch and discuss television like the rest of the community. Unfortunately, Australia is behind many other developed and developing countries in providing this service.

It is disappointing that successive Australian Governments have not legislated to mandate minimum levels of audio description on Australian television. ABF notes that Minister Mitch Fifield, Minister for Communications and the Arts, announced on 6 April 2017 that the Government was forming an Audio Description Working Group 'to examine options for increasing the availability of audio description services in Australia, following the ABC's recent trial on iview'¹⁶. ABF intends to participate in this Working Group and to continue to advocate for audio description services for people who are blind or vision impaired.

NBN

ABF has made submissions to Government consultations on the roll out of the NBN. In those submissions, ABF highlighted its main concerns including:

- all information about the NBN and the migration process must be provided in accessible formats and in the chosen format of the consumer
- all technology devices and infrastructure must be built in compliance with universal design principles so that people with a disability are able to use the same equipment as other Australians
- NBN staff and the staff of Retail Service Providers (RSPs) must undertake disability awareness training to understand how to deal with people with a disability. This will increase the opportunity for success within the migration

¹⁶http://www.minister.communications.gov.au/mitch_fifield/news/new_audio_description_working_group_to_improve_accessibility#.WQF9m49OKP8

strategy by ensuring communication and understanding of the process by people with a disability.

- Access to a working telephone line is essential for people who may have their mobility and ability to leave their home potentially restricted by the impact of vision loss. It is imperative that vulnerable end users, such as those who are blind or vision impaired, have a smooth transition to the NBN with minimal disruption to their usual services.

ABF is concerned there is an absence of safety in relation to back-up mechanisms for the changeover to the NBN. ABF feels that its submissions on this issue were ignored. NBN back-up for people with disability must be a priority issue for the Government. Any information provided to consumers about the NBN must be provided in alternate formats.

Banking

ABF has for many years been in discussions with the banking industry and the banking peak body, the Australian Bankers' Association, regarding the inaccessibility of banking and financial services.

ABF appreciates that technology is changing at a very fast pace and, as a result banking and financial services are changing constantly including EFTPOS devices, mobile apps, websites, online banking and telephone banking.

For people who are blind or vision impaired, this constantly changing technology in banking services makes it increasingly difficult to manage their own financial affairs and to engage in day-to-day commerce with the degree of independence, amenity and convenience that is taken for granted by the rest of the community.

Therefore, strong best practice guidelines and standards for the banking industry are imperative to ensure best practice for accessibility of all banking and financial services in this industry.

ABF is of the view that banking industry must adopt and comply with the National Disability Strategy to ensure banks and financial institutions provide accessible services to all Australians, including those with disability.

Alternate formats

For many years ABF and the blindness sector have been fighting for alternate formats to become readily available to people who are blind or vision impaired. Ultimately, book titles should be produced in alternate formats (such as Braille, audio, large print) on the same day and at the same price as any print books.

ABF was pleased to see that the *Copyright Amendment (Disability Access and Other Measures) Bill 2016* was introduced into Parliament on 22 March 2017 and passed the House of Representatives. ABF looks forward to the Bill being considered by the Senate and passed into law this year.

The Government must lead by example and provide all government materials in alternate formats to ensure people who are blind or vision impaired can access

government information and services as easily as any other Australian. The most disappointing example of all is the failure of the NDIS to make its information and services, including participant plans, accessible. It is unfathomable that a government disability insurance scheme did not ensure accessibility to its materials for its clients with disability.

The Business Council of Australia also needs to be held accountable for not ensuring the needs of people with disability, such as the inclusion of alternate formats in the operations of all businesses and the accessibility of retail outlets in general, are part of the business community and part of Australian business.

The lack of alternate formats in government services and the business community demonstrates that the Strategy does not encourage or influence the provision of accessible information.

Electronic Voting

The current Australian voting system does not allow people who are blind or vision impaired to exercise their right to vote independently and privately.

ABF together with the blindness sector aims to achieve a seamless, cost-effective, universal voting system which can accommodate the different infrastructure and needs of each state and territory and which recognises the needs of all people with print disability. The recent voting systems offered by the New South Wales government and, more recently the West Australian government, are being rejected by the Australian Electoral Commission because the view is that internet-based voting systems are not secure. However, there is now no ongoing commitment to find alternate solutions to ensure people with disability can vote independently and privately.

ABF has been raising this issue with Federal, State and Territory governments for many years with only minimal success. Therefore, the Strategy has not influenced or encouraged governments to make this most basic right of voting accessible to people with disability.

Accessible Emergency Response Systems

The Australian Accessible Emergency Response Systems ensures any emergency messages issued during an emergency are accompanied by messages in Auslan for people who are hearing impaired. However, the Accessible Emergency Response System does not include messages with audio description for people who are vision impaired. This is unacceptable and putting the lives of people who are blind or vision impaired at risk.

ABF submits the National Disability Strategy has not delivered any outcomes to build inclusive and accessible communities, particularly in relation to 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

The largest barriers to progress or innovation are the lack of enforcement of the National Disability Strategy by Government and no commitment to the Strategy by the Government itself in its own services to the Australian community.

Other potential barriers include:

- the Government not leading by example by ensuring all its services are accessible
- the DDA not being enforced
- Australian standards are not being future-proofed and starting from a place of accessibility.

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

One of the main consequences of restricted access for people with disability from participation in economic, cultural, social, civil and political life is social isolation. Social isolation can lead to depression and other mental health issues.

Employment

The failure of the Strategy has an enormous effect on the employment rates of people with disability. The absence of accessible workplaces, transport, materials and communication services all restrict people with disability from participating in employment and thereby significantly reducing their income.

Research undertaken by Vision Australia in 2012 indicated that 58% of people who are blind or vision impaired of workforce age are unemployed compared with 14% of the wider population (ABS 'Persons not in the labour force, Sept 2011').¹⁷

Therefore, nearly 60% of people who are blind or vision impaired are unemployed and Australian society appears to accept this. The Australian government, community and the business sector has not embraced people with disability. Therefore, there needs to be a cultural change within Australia.

ABF submits if the National Disability Strategy was adopted broadly across the Australian economy, community perceptions would change and this disproportionately high unemployment rate would not be acceptable.

d. any other related matters

¹⁷ Blind Citizens Australia, *Hello Employers*, Blind Citizens Australia Employment Policy Suite, <http://wordpress.bca.org.au/policy/>, accessed on 24 November 2015

ABF would encourage the Senate Committee to attend a “Travelling in the Shoes of Others” program that would demonstrate what it is like to live with vision impairment and the barriers people face every day¹⁸.

ABF would recommend:

- the Government publicly renew its commitment to the National Disability Strategy and lead by example by ensuring all its services are accessible
- a review of the DDA and its enforcement. It is very time-consuming and expensive for an individual to bring a complaint under the DDA. Relying on DDA complaints is not the answer to ensuring the DDA is enforced. It is unacceptable that a person with disability has to sue someone before any change can occur.
- Australian standards are not being future-proofed and starting from a place of accessibility. The Government and the Australian private sector need to engage with the disability sector and adopt the National Disability Strategy.
- Continuous community education campaigns to encourage a “community-up” approach.

Including people with disability in economic, cultural, social, civil and political life can only enhance the Australian economy and community. Assisting people who are blind or vision impaired to be independent and able to access all aspects of Australian life will generate more income for the government and will result in savings in the disability, aged care and mental health sectors. People who are blind or vision impaired want to be “lifters” not “leaners” but this is only possible if the environment around them is accessible.

The National Disability Strategy must be fully implemented in order to ensure the rights enshrined in the UNCRPD are complied with in Australia. In particular, ensuring that people with disabilities can, with dignity, independently access the community.

¹⁸ <https://www.yooralla.com.au/news-and-media/news-items/Travelling-in-the-shoes-of-others>