

# Chapter 3

## Key concerns and ongoing accessibility issues

3.1 Evidence to the inquiry shows that many of the same accessibility concerns raised in the first Shut Out report still exist. While there is positivity about the National Disability Strategy 2010-2020 (Disability Strategy)<sup>1</sup> in general, there are ongoing concerns with progress across a wide range of areas of access and types of disability. This chapter will highlight the key concerns raised in submissions and during hearings regarding accessibility issues that have continued since the implementation of the Disability Strategy.

### What are the main concerns with the Disability Strategy?

3.2 Broadly speaking, a lot of the criticisms of the progress of the Disability Strategy relating to inclusive and accessible communities received during this inquiry fell into consistent themes of consultation, coordination, and a lack of commitment leading to a lack of progress on implementation.

3.3 A great deal of evidence pointed to a lack of ongoing consultation with people with disability resulting in outcomes that were ineffective in resolving barriers to accessibility. Other evidence pointed to a lack of proactive coordination across a range of policy areas, meaning outcomes were significantly delayed and in some cases no concrete progress was seen to be made at all. These two issues are discussed later in this chapter.

3.4 Beyond these themes, many submitters and witnesses provided specific examples of ongoing accessibility concerns across various parts of the physical environment, such as the built environment, housing, transport and communication, and for groups with particular needs, such as Aboriginal and Torres Strait Islander peoples. These issues were presented to the inquiry as examples of a lack of progress under the Disability Strategy.

### Accessing the built environment and housing

3.5 A major factor in creating accessible and inclusive communities is ensuring people with disability can access the built environment and appropriate housing. For example, a fully accessible built environment improves capacity for social inclusion,<sup>2</sup> while appropriate housing and its distribution for people with disability can avoid concentrated areas of disadvantage and also promote inclusive communities.<sup>3</sup>

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1 Council of Australian Governments, *National Disability Strategy 2010–2020 (Disability Strategy)*, <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/national-disability-strategy> (accessed 28 November 2017).

2 Centre for Applied Social Research, *Submission 6*, p. 1.

3 Monash University - Departments of Occupational Therapy and Architecture (Monash University), *Submission 44*, p. 10.

3.6 The Centre for Applied Social Research made the point that improvement in accessibility of built environment would result in reduction in need for formal or paid support for many people with disability. However, since the introduction of the Disability Strategy, a significant proportion of the existing built environment remains inaccessible.<sup>4</sup>

3.7 The ACT Council of Social Service (ACTCOSS) noted that there is no effective legal mechanism to drive comprehensive improvements to access to the built environment, especially in existing buildings. This is because the current *Disability Discrimination Act 1992* (Disability Discrimination Act) relies on people with disability making individual complaints which can be onerous, expensive and can only be enforced in a superior court.<sup>5</sup>

3.8 In her evidence to the committee, Ms Libby Callaway, a Senior Lecturer in the Department of Occupational Therapy at Monash University, identified three key barriers to people with disability being able to access housing: limited, well-located stock, low affordability and a lack of physical access.<sup>6</sup> Other submitters explained that lack of accessibility in housing increases social exclusion of people with disability,<sup>7</sup> and furthermore there is a 'very serious lack' of accessible housing in regional and remote Australia.<sup>8</sup>

3.9 There is also a chronic shortage of well-located, affordable housing for people with disability with high and complex needs.<sup>9</sup> The NDIS targets six per cent of people with disability with highly specialised housing needs under its Specialised Disability Accommodation program, but unless there is action on the other 94 per cent, then people with disability will continue to be stuck in hospital beds or entering aged care as young people.<sup>10</sup> Additionally where providers do wish to provide Specialised Disability Accommodation, there are barriers in accessing accreditation and funding.<sup>11</sup>

3.10 The Australian Network for Universal Housing Design (ANUHD) and Rights and Inclusion Australia (RIA) have expressed concern that there is an expectation from governments that private industry is responsible for addressing discrimination, which relies on the 'good will' of the industry to provide appropriate housing. ANUHD and RIA pointed to a number of factors that contribute to the reluctance of private housing developers to build accessible housing: the housing industry wants more reliable buyer demand than the disability sector provides; there is a lack of immediate financial incentives for building accessible housing; the structure of the

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4 Centre for Applied Social Research, *Submission 6*, p. 2.

5 ACT Council of Social Service (ACTCOSS), *Submission 83*, p. 4.

6 Ms Libby Callaway, Monash University, *Committee Hansard*, 4 July 2017, p. 51.

7 Australian Network for Universal Housing Design (ANUHD) and Rights and Inclusion Australia (RIA), *Submission 1*, p. 18; Centre for Applied Social Research, *Submission 6*, p. 2.

8 First Peoples Disability Network (FPDN), *Submission 40*, p. 2.

9 Summer Foundation, *Submission 29*, p. 7.

10 Ms Libby Callaway, Monash University, *Committee Hansard*, 4 July 2017, p. 51.

11 Mr Anthony Ryan, Youngcare, *Committee Hansard*, 30 October 2017, p. 11.

volume building sector means changes to designs to accommodate accessibility increases building costs too much; and there are still assumptions that people with disability live in facilities or congregate housing and do not live in the community.<sup>12</sup>

3.11 Submitters raised concerns about limited opportunities for people with disability to participate in the mainstream housing market because of their low rates of employment and therefore limited purchasing power. Rentals are often inaccessible due to costs and physical characteristics of housing stock.<sup>13</sup> The committee also received evidence from the Physical Disability Council of NSW that where NDIS home modifications are available, they are not effective due to rental instability and the requirement for tenants to restore property to original condition.<sup>14</sup>

3.12 The Monash University Departments of Occupational Therapy and Architecture indicated that integrated technologies in the built environment, such as home automation, could hold significant benefits in allowing people with disability to live independently. However, consideration needs to be made to ensure buildings have the necessary access to communications systems and electricity infrastructure, including back-up solutions.<sup>15</sup>

### ***Standards and legislation for the built environment***

3.13 The Australian Blindness Forum suggested that the Disability Strategy has not delivered any outcomes in relation to improving accessibility in the built environment due to long and protracted reviews of national standards.<sup>16</sup>

3.14 The Disability (Access to Premises – Buildings) Standards 2010, made under the Disability Discrimination Act, came into effect on 1 May 2011 and are subject to five-yearly review. However, some groups believe that these standards are not high enough to provide true accessibility<sup>17</sup> and raised concerns that there is no coordinated mechanism for monitoring the implementation of these standards.<sup>18</sup>

3.15 The committee also received a large amount of evidence that there is an emerging, strong view that mandatory minimum accessibility standards should also be enacted into the Building Code of Australia.<sup>19</sup> The Building Code of Australia, in

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12 ANUHD and RIA, *Submission 1*, pp. 13–14.

13 Summer Foundation, *Submission 29*, p. 8; Physical Disability Council of NSW (PDCN), *Submission 30*, p. 3.

14 PDCN, *Submission 30*, p. 3.

15 Monash University, *Submission 44*, pp. 13–14.

16 Australian Blindness Forum, *Submission 18*, p. 6.

17 Ms Samantha Jenkinson, People with Disabilities WA (PWD WA); *Committee Hansard*, 24 August 2017, p. 5.

18 Disabled People's Organisations Australia (DPOA), *Submission 39*, p. 20; Australian Federation of Disability Organisations (AFDO), *Submission 43*, p. 10.

19 Mr Alistair McEwin, Australian Human Rights Commission (AHRC), *Committee Hansard*, 4 July 2017, p. 21; Dr Margaret Ward, ANUHD, *Committee Hansard*, 4 July 2017, p. 25; Mr Michael Fox, RIA, *Committee Hansard*, 4 July 2017, p. 26; Ms Serena Ovens, PDCN, *Committee Hansard*, 4 July 2017, p. 58; Ms Mary Ann Jackson, Visionary Design Development, *Committee Hansard*, 6 July 2017, p. 34.

conjunction with the Plumbing Code of Australia, forms the National Construction Code issued by Australian Building Codes Board.

3.16 A new edition of the National Construction Code is due to be formalised in 2019 and will take into account feedback from the review of the standards in 2015. However, witnesses told the committee that any changes to the code which would introduce targets for private dwelling accessibility would not be available until the 2022 edition.<sup>20</sup>

3.17 The Department of Industry, Innovation and Science also explained to the committee the relationship between the standards and the National Construction Code and the roles of state/territory and federal governments in achieving building accessibility:

Schedule 1 of [the] standards, the access code, sets the performance requirements and technical specification for which a building certifier, building manager or building developer is required to avoid access related discrimination. The access code is replicated in the National Construction Code and enforced through state and territory building laws and regulations. As you know, the states and territories have constitutional responsibility and authority for building regulations, not [the] Commonwealth.<sup>21</sup>

3.18 The Deafness Forum of Australia recommended in their submission that the standards should specify a timeframe for all buildings to be compliant with the standards.<sup>22</sup> However, the Association of Consultants in Access Australia was mindful that:

While the [Disability Discrimination Act] Premises Standards does contain one small [requirement] for Affected Part upgrades of existing building the provision is usually nullified by the Lessees Concession within the same legislation.<sup>23</sup>

3.19 This means many building upgrades do not need to meet accessibility requirements of the standards.<sup>24</sup>

3.20 The standards likewise do not address all of the built environment concerns of people with disability: the Australian Blindness Forum observed that the standards still lack 'wayfinding standards' for people with vision impairment,<sup>25</sup> while Amaze suggested to the committee that the standards should include signage beyond toilets and exits.<sup>26</sup>

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20 Mr Neil Savery, Australian Building Codes Board, *Committee Hansard*, 1 November 2017, pp. 46, 49–50.

21 Department of Industry, Innovation and Science, *Committee Hansard*, 1 November 2017, p. 47.

22 Deafness Forum of Australia, *Submission 28*, p. 5.

23 Association of Consultants in Access Australia (ACAA), *Submission 25*, p. 6.

24 ACAA, *Submission 25*, p. 6.

25 Australian Blindness Forum, *Submission 18*, pp. 4–5.

26 Amaze, *Submission 24*, p. 12.

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### *Access to public facilities*

3.21 Evidence provided to the committee shows that access to public buildings and infrastructure remains ad hoc. While some excellent work is being done in some local council areas, accessibility for people with more complex needs is often not being achieved.

3.22 Inability Possability, a volunteer organisation focussed on the needs of young people with acquired brain injury (ABI), submitted that most access to public space is rated for people who have small wheel chairs and can self-drive. Large power chairs used by young people with severe ABI require more space through doorways and corridors and ramped access.<sup>27</sup> Likewise, recreational spaces such as restaurants rarely have accessible amenities.<sup>28</sup>

3.23 In regions with improving levels of accessibility, evidence presented shows that local governments appear to be leading the way in providing accessible facilities in their communities, with many councils already in the second or third iteration of disability and inclusion planning.<sup>29</sup>

3.24 However, local governments, particularly in rural and regional areas, often require state or federal government grants to fund accessible infrastructure, particularly where existing structures are upgraded to meet these requirements.<sup>30</sup>

3.25 Furthermore, local governments need guidance about accessible infrastructure beyond buildings, such as footpaths, playgrounds, and road crossing, particularly for groups with specific needs.<sup>31</sup>

### *Access to housing*

3.26 Mr Fox from RIA explained that while there is legislation around transport, communications, and public building access, there are no mandated national access requirements for housing:

... housing accessibility is voluntary rather than mandatory, and we believe this is, essentially, the final step in the comprehensive access strategy that Australians are so proud of. We have achieved so much, but housing is the missing link, in our opinion. Currently, there are no national access requirements for housing. There are all sorts of different guidelines. There is Australian standard 4299, which is called up by many local councils. There is Livable Housing Australia, which is used for the voluntary code. There is New South Wales SEPP 65. Many local governments around Australia have developed control plans that vary—five per cent, 10 per cent, 15 per cent, 20 per cent. It is really all over the place, and the builders

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27 Inability Possability, *Submission 23*, p. 4.

28 Centre for Applied Social Research, *Submission 6*, p. 2.

29 Australian Local Government Association (ALGA), *Submission 42*, p. 2; Ms Simone Spencer, Department of Communities WA, *Committee Hansard*, 24 August 2017, p. 21; Ms Julie Waylen, National Disability Services WA, *Committee Hansard*, 24 August 2017, p. 63.

30 ALGA, *Submission 42*, pp. 4–5.

31 ALGA, *Submission 42*, pp. 4–5.

and developers we speak to say that that is costing money because every development has to meet a different set of requirements. Everyone has to go through the process—'Which one do we apply this time?'.<sup>32</sup>

3.27 The Livable Housing Initiative sets up voluntary Universal Access design standards, however it is estimated that only five per cent of housing stock will meet a standard by 2020.<sup>33</sup> Compliance with the guidelines has been low, due to their voluntary nature<sup>34</sup> and despite agreement on measurable targets in the guidelines in 2009, no reviews have been undertaken to measure progress.<sup>35</sup> Witnesses told the committee that the aspirational target for all homes to meet universally accessible design specifications by 2020 is unlikely to occur due to the voluntary nature of the target and the number of compliant houses currently being produced.<sup>36</sup>

### ***Universal Design and the built environment***

3.28 While many submitters recommended Universal Design approaches to housing, such as in the voluntary Liveable Housing Standards discussed above, they also noted that universal design and built environment accessibility often needs to go beyond access for people with physical impairments and should include design for other issues such as hearing impairment, cognitive impairment, psychosocial disability, or autism, which may take the form of acoustic considerations, adjustable lighting, or use of particular colours.<sup>37</sup> Personalisation and customisation of spaces, even those built with universal design in mind, is still essential to meet the needs of individuals.<sup>38</sup>

3.29 It is important to note that the Disability Strategy embeds the concept of Universal Design as an underlying approach that should inform solutions to all types of accessibility issues, and is not constrained to being a design approach only for the built environment. The following box explains the concept.

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32 Mr Fox, RIA, *Committee Hansard*, 4 July 2017, pp. 25–26.

33 Ms Sands, DPOA, *Committee Hansard*, 4 July 2017, p. 5; Mr McEwin, AHRC, *Committee Hansard*, 4 July 2017, p. 17; Dr Ward, ANUHD, *Committee Hansard*, 4 July 2017, p. 25; Mr Fox, RIA, *Committee Hansard*, 4 July 2017, p. 26; Ms Callaway, Monash University, *Committee Hansard*, 4 July 2017, p. 5; Mr Carl Thompson, Australian Rehabilitation and Assistive Technology Alliance (ARATA), *Committee Hansard*, 6 July 2017, p. 26; Mr Garry Ellender, Access Housing, *Committee Hansard*, 24 August 2017, p. 31.

34 National Disability Insurance Agency, *Submission 93*, p. 4.

35 ANUHD and RIA, *Submission 1*, p. 7.

36 Mr Savery, Australian Building Codes Board, *Committee Hansard*, 1 November 2017, p. 49; Dr Anne Byrne, Department of Industry, Innovation and Science, *Committee Hansard*, 1 November 2017, pp. 48–49.

37 ANUHD and RIA, *Submission 1*, pp. 7–9; Dementia Australia, *Submission 16*, p. 12; Amaze, *Submission 24*, p. 6; Mental Health Commission of NSW, *Submission 17*, p. 5; Self-Help for Hard of Hearing People, *Submission 11*, p. 5; AFDO, *Submission 43*, p. 10.

38 Monash University, *Submission 44*, pp. 11–12.

### **Box 3.1 Universal design**

#### **The National Disability Strategy and Universal Design**

Taking a universal design approach to programs, services and facilities is an effective way to remove barriers that exclude people with disability. Universal design allows everyone, to the greatest extent possible, and regardless of age or disability, to use buildings, transport, products and services without the need for specialised or adapted features.

Some examples of universal design include:

- light switches that can be reached from standing and sitting positions and which feature large flat panels instead of small toggle switches
- a ramp that is incorporated into a building's main entrance
- captions on all visual material such as DVDs, television programs and videotapes.

The principles of universal design can also be applied to the design of programs run by government, businesses and non-government organisations. This results in greater efficiency by maximising the number of people who can use and access a program without the need for costly add-ons or specialised assistance.

Universal design assists everyone, not just people with disability. For example, wider doorways are better for people with prams, while decals on glass help to keep everyone safe. Providing information in plain language can assist people who speak English as a second language and people with poor literacy.

As the population ages, the incidence of disability will increase, and universal design will become even more important.<sup>39</sup>

### **Accessible transport**

3.30 Accessible transport is fundamental to the inclusion objectives of the Disability Strategy<sup>40</sup> but remains a key problem for many people with disability.<sup>41</sup> Many submitters argued that providing accessible transport should go beyond providing accessible buses and trains in accordance with the Transport Standards, and include other considerations such as:

- access at a wide range of times during the day;<sup>42</sup>
- access beyond major metropolitan areas;<sup>43</sup>

39 *Disability Strategy*, p. 30.

40 Centre for Applied Social Research, *Submission 6*, p. 3, ARATA, *Submission 22*, p. 8, Monash University, *Submission 44*, pp. 19–21.

41 Ms Jenkinson, PWD WA, *Committee Hansard*, 24 August 2017, p. 6; Dementia Australia, *Submission 16*, p. 12; Ms Deanne Marie Ferris, Blind Citizens WA Inc., *Committee Hansard*, 24 August 2017, p. 47.

42 Ms Ovens, PDCN, *Committee Hansard*, 4 July 2017, pp. 59–60.

43 Monash University, *Submission 44*, p. 19.

- attention to the needs of people with impairment issues such as dementia;<sup>44</sup>
- training for drivers and conductors on public transport who may not be aware of the Transport Standards, or who refuse assistance dogs entry onto public transport;<sup>45</sup>
- non-transport related infrastructure barriers which prevent access to public transport such as lack of accessible pathways and kerbs;<sup>46</sup> and
- ensuring options such as planes, long distance coaches and taxis are also accessible to people with disability.<sup>47</sup>

3.31 National Disability Services made the point that disability organisations have been significant providers of transport for people with severe disability in the past, but an unintended consequence of the rollout of the Disability Strategy has been that an increasing number of them are reviewing this provision as it is not financially viable under the NDIS.<sup>48</sup>

3.32 The committee has been informed that people with disability are often forced to shoulder the financial burden of inaccessible public transport by using taxis or expensive private transport options.<sup>49</sup> The committee heard that changes to the mobility allowance under the NDIS (discussed further in Chapter 4) have exacerbated this burden and reduced access and utilisation.<sup>50</sup> This evidence also highlights that overall supplies of taxis have fallen, which impacts numbers of wheelchair accessible taxis.<sup>51</sup> There are further concerns that the growth of the ridesharing platforms, such as Uber, may threaten the ongoing viability of mobility taxis and further restrict the availability of transport options for people with disabilities.<sup>52</sup>

3.33 The Australian Federation of Disability Organisations (AFDO) was critical of inconsistency in the dimensions of public transport infrastructure and vehicles across the country causing ongoing issues for people with physical disabilities.<sup>53</sup> They also noted that 'assisted access' programs on public transport place a burden on people with disability to use systems at designated places at designated times and staff are often reluctant to provide necessary assistance.<sup>54</sup>

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44 Dementia Australia, *Submission 16*, p. 12.

45 Australian Blindness Forum, *Submission 18*, p. 7.

46 PDCN, *Submission 30*, p. 4; AFDO, *Submission 43*, p. 9.

47 ACAA, *Submission 25*, p. 4; AFDO, *Submission 43*, p. 9.

48 National Disability Services, *Submission 21*, p. 3.

49 Centre for Applied Social Research, *Submission 6*, p. 4.

50 National Disability Services, *Submission 21*, p. 3; AHRC, *Submission 38*, p. 15; ParaQuad Association of Tasmania, *Submission 58*, p. 3; Ethnic Disability Advocacy Centre, *Submission 66*, p. 5.

51 Mr Thompson, ARATA, *Committee Hansard*, 6 July 2017, p. 27.

52 Australian Medical Association (AMA), *Submission 47*, p. 2.

53 AFDO, *Submission 43*, p. 8.

54 AFDO, *Submission 43*, pp. 8–9.



3.34 Submitters told the committee that insufficient audible information continues to cause problems for vision-impaired people when using public transport.<sup>55</sup> They also recommended that transport help points should include dynamic real time visual information, including captioning, for deaf people and noted there is inconsistency in the availability of hearing loops in public transport buildings and vehicles. Digital media such as apps and SMS messaging to make transport accessible for these groups does not help those who are not digitally literate or do not have access.<sup>56</sup>

### ***Standards and legislation for transport***

3.35 The Disability Standards for Accessible Public Transport 2002 (Transport Standards) seek to provide certainty to providers and operators of public transport services and infrastructure about their responsibilities under the Disability Discrimination Act. These standards are subject to a statutory five-yearly review.<sup>57</sup>

3.36 The Department of Infrastructure and Regional Development stated in their submission that the Transport Standards continue to be effective in bringing forward investment in accessible infrastructure and conveyances, and in requiring governments, public transport operators and providers to plan and implement upgrades to the conveyances and associated infrastructure they are responsible for.<sup>58</sup>

3.37 The Minister for Infrastructure and Transport commenced the second statutory review of the Transport Standards in 2012, with the final report produced in 2015. This review found that although the Transport Standards have generally been effective in removing discrimination, they are not optimal in their present form. The review also discovered that a number of parts of the legislation, as well as the legislative guidelines, may need to be amended to provide a more flexible response to cover the different modes of public transport and the different environments in which public transport networks operate across jurisdictions.<sup>59</sup> The second review also received submissions from local governments pointing out that, while having the best intentions to ensure accessibility for people with disability, especially through providing accessible bus stops, they bore a large part of the burden of providing infrastructure with little or no financial assistance.<sup>60</sup>

3.38 Submitters complained that while the Minister's five-yearly reviews continue to make recommendations: the recommendations are not implemented or consistent;<sup>61</sup> there is no coordinated mechanism for monitoring the implementation of these standards;<sup>62</sup> and there is a lack of enforcement of compliance with the standards.<sup>63</sup>

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55 AFDO, *Submission 43*, p. 8.

56 Self-Help for Hard of Hearing People, *Submission 11*, p. 5, AFDO, *Submission 43*, p. 8.

57 Department of Infrastructure and Regional Development, *Submission 77*, p. 8.

58 Department of Infrastructure and Regional Development, *Submission 77*, p. 9.

59 Department of Infrastructure and Regional Development, *Submission 77*, p. 10.

60 Department of Infrastructure and Regional Development, *Submission 77*, pp. 10–11.

61 Australian Blindness Forum, *Submission 18*, p. 7; see also AFDO, *Submission 43*, p. 7; AHRC, *Submission 38*, p. 19.

62 DPOA, *Submission 39*, p. 20.

The Disability Services Commissioner of Victoria recommended in his submission to the committee that public transport should have mandated and enforceable accessibility standards.<sup>64</sup>

3.39 There are also gaps in accessibility related to specific exemptions to the standards: for example, school buses are currently exempt from the Transport Standards, with full compliance not due until 2044.<sup>65</sup> The Bus Association Victoria Inc. also expressed a related concern that the implementation of the NDIS would not provide an appropriate transport solution for all students with disabilities and told the committee this would have impacts not just on the safety of children being transported, but would also increase the workload for their schools:

The principals—indeed, some of the staff of the school—are extremely concerned at the prospect of managing multiple vehicles at their school at school arrival time and school pick-up time, because at present they manage just one bus operator, who might have one, two or three buses coming into the school.

... It is also of concern to the bus operators, because we are talking about a very vulnerable type of passenger here. The benefit of the special school bus network is that every bus has a supervisor on board the bus, as well as the driver, who attends to the needs of the children on that bus. Uber, community transport, carpooling and these other what we consider less-safe modes of transport don't have that.<sup>66</sup>

### **Accessibility of communication and digital information**

3.40 While improvements have been made in the availability, affordability and accessibility of communications products and services for people with disability, there are concerns that there is 'still a long way to go before all Australians with disability have the essential connectivity to benefit from our digitally connected society'. Barriers to reaching accessible communications include lack of access to appropriate equipment and devices; lack of awareness about mainstream options; lack of suitable connections, set-up and training and ongoing support; inaccessible services; and issues of affordability.<sup>67</sup>

3.41 The Australian Blindness Forum complained that information about disability is usually not available in formats that can be read by people who are blind or vision impaired.<sup>68</sup> Other submitters noted that electronic information in general is often not accessible, nor provided in various accessible formats.<sup>69</sup>

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63 AFDO, *Submission 43*, pp. 9–10.

64 Disability Services Commissioner Victoria, *Submission 2*, p. 3.

65 AFDO, *Submission 43*, pp. 7–8; see also Tasmania Bus Association, *Submission 95*.

66 Dr Christopher Lowe, Bus Association Victoria Inc, *Committee Hansard*, 6 July 2017, p. 9.

67 Australian Communications Consumer Action Network (ACCAN), *Submission 35*, p. 4.

68 Australian Blindness Forum, *Submission 18*, p. 4.

69 Centre for Applied Social Research, *Submission 6*, p. 7; PDCN, *Submission 30*, p. 4; ACCAN, *Submission 35*, p. 4.

3.42 The submission from ACT Disability Aged Carer and Advocacy Service (ADACAS) made the point that while technology has potential to be an enabler to more inclusive communities and opportunity for people living disability, that same potential may be lost due to web accessibility barriers:

People with cognitive and learning disabilities are particularly at risk to further marginalisation here – as less is understood about the specificity of supporting digital access for this group. Increasingly government, business, education, retail and entertainment information, service and functions operate on line. While applications that help us shop, enjoy friendships, bank, find a new home or new job are free and plentiful, they are often inaccessible for people with disability.<sup>70</sup>

### ***Web accessibility and web services for people with disability***

3.43 The National Broadband Network (NBN) is seen as vital communication tool for people with disability<sup>71</sup> and this was reflected in the Disability Strategy.<sup>72</sup> The committee was told by a number of submitters and witnesses that one barrier to web accessibility is gaining a connection to the internet, particularly a connection that can support high-bandwidth accessibility solutions such as video calls. The submission from Monash University advised that their National Housing Roundtable participants reported that the NBN has not yet offered this anticipated capacity.<sup>73</sup>

3.44 Internet-enabled technologies are useful tools to build participation, autonomy and environmental control, but affordability, access and user literacy can be significant barriers for people with disability who may be living on low incomes or without access to 'soft technologies' to build skills.<sup>74</sup> The committee was presented with a number of examples of the limitations of internet-enabled technologies as solutions to accessibility, such as:

- Deaf people require higher levels of data in their phone or internet accounts to allow for Auslan–visual communication, which poses a problem of affordability.<sup>75</sup>
- Only one third of vision impaired people having access to the internet, and therefore cannot use accessible services that are only supplied online.<sup>76</sup>

3.45 For people with disability for whom transport is difficult, the internet is an important communication and social tool, and often becomes a social meeting place. However disability communications websites such as ABC's *RampUp*, are often funded as a temporary communication portal for a specific purpose, rather than a

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70 ADACAS, *Submission 85*, pp. 2–3.

71 Mr Thompson, ARATA, *Committee Hansard*, 6 July 2017, p. 26; Mr David Gibson, WA Deaf Society, *Committee Hansard*, 24 August 2017, p. 40; Deaf Australia, *Submission 33*, pp. 29–30.

72 *Disability Strategy*, p. 33.

73 Monash University, *Submission 44*, p. 13.

74 ARATA, *Submission 22*, p. 8.

75 Deaf Australia, *Submission 33*, pp. 29–30.

76 ACCAN, *Submission 35*, p. 8.

permanent communication channel.<sup>77</sup> Disabled People's Organisations Australia (DPOA) told the committee that when *RampUp* was discontinued, there was significant concern and outrage from the disability community; as there are very few opportunities for people with disability to have public discourse, the portal gave people a space to discuss issues, and fostered writers with disability to develop their skills and voice.<sup>78</sup>

### ***Telecommunications accessibility***

3.46 A number of general concerns about national telecommunications accessibility were raised during the inquiry. These included that:

- The Universal Service Obligations for telephone and carriage services are not being met for people with disability.<sup>79</sup>
- While the National Relay Service provides a wide range of services to improve telecommunications access for deaf, hearing-impaired and speech-impaired people (including SMS relay, captioned telephony, two-way internet relay and the National Relay Service mobile app), not all services are available at all times and this leaves gaps in accessibility.<sup>80</sup>
- Deaf, hearing-impaired and speech-impaired people have inadequate access to Triple Zero '000' emergency services when 'out and about' in the community, and the use of SMS relay for emergency calls has not solved this issue.<sup>81</sup>

3.47 The high cost of living with a disability, particularly for those reliant on disability support pensions, was also raised with the committee in relation to telecommunications access. Some agencies suggest that the Centrelink Telecommunications Allowance program be reviewed to ensure that all income support recipients are able to connect to the telecommunications services which best suit their needs.<sup>82</sup>

### ***Access to interpreters***

3.48 The committee heard from advocates for the deaf community that the Disability Strategy has resulted in negative changes in accessibility for deaf Australians, in part due to the lack of interpreter standards in the NDIS<sup>83</sup> and the ongoing shortage of skilled Auslan interpreters across Australia.<sup>84</sup>

3.49 Furthermore, with the introduction of the NDIS, it is assumed that deaf people who have an interpreting fund in their package would be expected to cover the costs

77 Ms Sands, DPOA, *Committee Hansard*, 4 July 2017, p. 5.

78 Ms Sands, DPOA, *Committee Hansard*, 4 July 2017, p. 5.

79 Mr Wayne Hawkins, ACCAN, *Committee Hansard*, 4 July 2017, pp. 44–45.

80 Deaf Australia, *Submission 33*, p. 5; ACCAN, *Submission 35*, p. 5.

81 ACCAN, *Submission 35*, p. 5.

82 ACCAN, *Submission 35*, p. 11.

83 Mr Kyle Miers, Deaf Australia, *Committee Hansard*, 6 July 2017, pp. 1–2; Mr Gibson, WA Deaf Society, *Committee Hansard*, 24 August 2017, p. 39.

84 Mr Gibson, WA Deaf Society, *Committee Hansard*, 24 August 2017, p. 40.

of an interpreter for sporting and cultural activities. This means that the boundaries between the NDIS and the requirements under Disability Discrimination Act that 'goods and services' accommodate people with disability have become muddled: it is unclear in many instances who is responsible to ensure that a service is accessible – the venue or the person with disability.<sup>85</sup>

3.50 There also continue to be systemic barriers to accessing and utilising professional interpreters for Culturally and Linguistically Diverse (CALD) people with disability. Government and non-government organisational staff are often unaware of their responsibilities to provide interpreters, and CALD people with disability often do not possess the information, or possibly the self-advocacy skills required to secure access to an appropriate interpreter.<sup>86</sup>

### ***Technology advancements as disadvantages to accessibility***

3.51 Advocates for blind and vision-impaired people told the committee that IT procurement is often done without first checking accessibility. Some improvements in technology for the able community, such as touchscreens, can actually mean less accessibility for disabled community. Touchscreen technology is inaccessible to people who are blind or vision impaired as it is not tactile, and any voice over functions cause privacy and security issues for those with disability.<sup>87</sup>

3.52 Despite these ongoing concerns about touchscreen technologies, according to submitters these technologies continue to be rolled out in Government offices following the implementation of the Disability Strategy.<sup>88</sup>

3.53 While a number of companies have 'developed methods for making touchscreen-based devices accessible to people who are blind or have low vision...these solutions are not standardised across manufacturers and operating systems'<sup>89</sup> and have caused particular concern following the recent introduction of touchscreen ATM and EFTPOS machines across Australia.<sup>90</sup> The Public Interest Advocacy Centre (PIAC) submission outlined a situation where a blind woman was required to whisper her PIN number to her doctor's surgery receptionist in order to make a payment on a touchscreen EFTPOS device, and noted that the accessibility solution for that particular device involved an audio-played instruction which lasts more than 10 minutes and would be impractical to use in a busy setting.<sup>91</sup>

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85 Deaf Australia, *Submission 33*, p. 26.

86 Federation of Ethnic Communities' Councils, *Submission 20*, p. 4.

87 Ms Ferris, Blind Citizens WA Inc., *Committee Hansard*, 24 August 2017, pp. 47–48.

88 Australian Blindness Forum, *Submission 18*, pp. 8–9; Vision Australia, *Submission 64*, p. 12.

89 Vision Australia, *Submission 64*, p. 15.

90 Public Interest Advocacy Centre (PIAC), *Submission 54*, p. 22; Vision Australia, *Submission 64*, p. 4; ACTCOSS, *Submission 83*, p. 5.

91 PIAC, *Submission 54*, pp. 22–23.

### ***Communications disabilities***

3.54 The committee also heard evidence from advocates for people with communications disabilities. Ms Dixon, National President of Speech Pathology Australia, explained how communications disabilities have different considerations for accessibility:

The National Disability Strategy does refer to communication access as an important component of accessible communities where it talks about inaccessible services and programs. Unfortunately, any progress made against the strategy appears to have been confined to improvements in physical access. We have seen almost no attention by governments to improving how accessible our communities are for people with communication problems. There are approximately one million Australians who have speech, language or communication problems. We know from recent ABS data that about a quarter of a million people with disability report to need assistance with communication. Communication access is a similar idea to providing curb cuts for people with physical disability. It is about changing the environment, including people in the environment, to enable people with communication disability to access that environment.

Communication barriers exist for people to use a range of government and community services that the rest of us take for granted: health services, Centrelink and Medicare, the electoral system, the justice systems, aged care services, the local post office, local council services and transport systems. Even the best designed physically accessible built environments do not enable inclusive and accessible access for people with communication disability unless a focus is made on what needs to be done in that environment to enable effective two-way communication.<sup>92</sup>

3.55 There are no standards or guidelines to ensure that community facilities and services, including transport, are accessible to people with little-to-no speech, or speech and language difficulties.<sup>93</sup> Even government services, such as Centrelink, have limited accessibility for people with communication disabilities.<sup>94</sup> Advocates are working to improve policy and regulation in this area, for example through the Communication Access Network, which is a community capacity building service in Victoria.<sup>95</sup>

### ***Standards and legislation for communication and digital information***

3.56 While the Disability Discrimination Act is supported by a series of disability standards for access to premises, transport and service, there are no Accessible Information and Communication Standards that require information to be fully

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92 Ms Gaenor Dixon, Speech Pathology Australia, *Committee Hansard*, 30 October 2017, p. 33.

93 Ms Denise West, Scope, *Committee Hansard*, 30 October 2017, p. 35.

94 Ms Dixon and Ms Patricia Johnson, Speech Pathology Australia, and Dr Stella Koristas, Scope, *Committee Hansard*, 30 October 2017, pp. 37–38.

95 Ms West, Scope, *Committee Hansard*, 30 October 2017, p. 38.

accessible, for instance in the same way that facilities must conform to Building Standards to enable access.<sup>96</sup>

### *Broadcast accessibility*

3.57 Part 9D of the *Broadcasting Services Act 1992* relates to the captioning of television programs for deaf and hearing impaired people and the obligations of broadcasters to provide captioning. The Act also applies different requirements to subscription TV compared with free-to-air and mandates increasing captioning levels for the subscription television industry.<sup>97</sup> Many exemptions for captioning are granted under the Act,<sup>98</sup> and one hundred per cent captioning for non-exempt programs across all subscription services is not set to be reached until 2033.<sup>99</sup>

3.58 The ABC provides the most captioned content of any broadcaster in Australia and told the committee that their content is accessible 'well above the legislated hours' set by the Act:

The ABC, like other broadcasters, is required by legislation to caption 100 per cent of programming between 6.00 am and midnight on our main channel, which we comply with. But, overall, over 24 hours a day for last financial year on our main channel we captioned 90 per cent of programming. For our multichannels, we captioned the majority of programming on those channels, as well. For example, on ABC2, from 7 pm to midnight, we captioned 97 per cent of programming. Across 24 hours a day it was 76 per cent of programming. So we do caption well above our legislative requirements under the Broadcasting Services Act.<sup>100</sup>

3.59 However, the Australian Communications Consumer Action Network (ACCAN) gave evidence that the ABC's voluntary captioning has in fact reduced since the implementation of the Disability Strategy, due to financial constraints, and they are now only providing what is required under law, which represents a reduction in the amount of captioned content available to people with disability.<sup>101</sup>

3.60 ACCAN also told the committee that securing the introduction of audio description on broadcast television, used by people with vision impairment, is an even greater challenge than introducing captioning. As there are no standards for audio description, and implementation is voluntary, it is unlikely to be done by any broadcaster.<sup>102</sup> There is no permanent audio description service on any Australian television, despite trials on ABC1 in 2012 and on ABC iView in 2015–16. There is a

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96 Deaf Australia, *Submission 33*, p. 24.

97 Australian Subscription Television and Radio Association, *Submission 3*; ACCAN, *Submission 35*, pp. 5–7.

98 Deaf Australia, *Submission 33*, p. 6.

99 ACCAN, *Submission 35*, p. 6.

100 Mr Kevin McAlinden, ABC, *Committee Hansard*, 1 November 2017, pp. 57 and 60.

101 Mr Hawkins, ACCAN, *Committee Hansard*, 4 July 2017, pp. 43–44.

102 Mr Hawkins, ACCAN, *Committee Hansard*, 4 July 2017, pp. 43–44.

government working group set to report on audio description by 31 December 2017.<sup>103</sup>

3.61 The committee were also informed of the emerging issues around captioning and audio description for online catch-up and on-demand television, which are growing areas for broadcast and not covered in the current *Broadcasting Services Act 1992*.<sup>104</sup>

#### *Web accessibility and ICT*

3.62 The Disability Services Commissioner of Victoria recommended in his submission to the committee that, in order to support the communication accessibility needs of people with disability, there should be minimum standards set for all government and public sector organisations for web accessibility; for example, in addition to WCAG 2.0 adherence, web content could include Easy English, Large Print, Rich Text Format, Auslan, audio and other community languages.<sup>105</sup>

3.63 The Australian Human Rights Commission (AHRC) noted in its submission that the Australian Government agreed in 2016 to adopt the European standard for the procurement of accessible Information and Communications Technology (ICT) (EN 301 549), known as the *Accessibility requirements suitable for public procurement of ICT products and services*.<sup>106</sup> However, other submitters recommended that national procurement guidelines for ICT should reflect the principles of Universal Design and mandate accessible ICT products and services.<sup>107</sup>

#### **Accessible and inclusive employment**

3.64 The committee notes that employment is not a specific area of focus for Outcome One of the Disability Strategy, but rather comes under Outcomes Three (Economic security) and Five (Learning and skills). However, evidence received through the course of the inquiry outlined a number of interrelationships between those areas of focus and the provision of accessible and inclusive communities.

3.65 The Australian Blindness Forum declared that the failure of the Disability Strategy to create inclusive and accessible communities has had 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.<sup>108</sup>

3.66 Significant accessibility barriers for economic participation through employment include lack of physical access to many places of employment,

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103 ACCAN, *Submission 35*, pp. 7–8; Mr McAlinden, ABC, *Committee Hansard*, 1 November 2017, p. 57.

104 ACCAN, *Submission 35*, pp. 5–6; Deaf Australia, *Submission 33*, p. 27.

105 Disability Services Commissioner Victoria, *Submission 2*, p. 2.

106 AHRC, *Submission 38*, p. 19.

107 ACCAN, *Submission 35*, pp. 8–9; AFDO, *Submission 43*, p. 11.

108 Australian Blindness Forum, *Submission 18*, p. 13.



discriminatory hiring practices, and lack of public transport options, and lack of quiet spaces for autism.<sup>109</sup>

3.67 People with disability experience lower economic participation through employment and figures show employment rates are getting worse. Workforce participation of people with disability has declined in past 30 years and has not improved with the introduction of the Disability Strategy.<sup>110</sup> A Deloitte study found that if the gap between the unemployment rate for people with and without disability could be reduced by just one third, phased in over the next decade, the cumulative impact on GDP over the next decade would be \$43 billion.<sup>111</sup>

### **Accessible and inclusive communities for Aboriginal and Torres Strait Islander peoples**

3.68 There are a number of unique accessibility concerns for Aboriginal and Torres Strait Islander peoples with disabilities, particularly in regional and remote communities. Evidence received by the committee outlined the following key concerns:

- Access to suitable housing is difficult in regional and remote communities and Indigenous housing initiatives have not taken the needs of people with disability into consideration.<sup>112</sup>
- Access to transport systems for indigenous people with disability in regional and remote settings. These systems are 'virtually non-existent' and there is often significant distance for people to travel to access health services, education or employment. When transport is available, it is generally informal in a standard vehicle not designed to support physical disabilities.<sup>113</sup>
- Lack of information and expertise in assistive technology in remote areas means people live without available aids.<sup>114</sup> Delivery of these systems should take into account challenges faced by Australians living in regional and remote settings, including Aboriginal and Torres Strait Island peoples.<sup>115</sup>

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109 Centre for Applied Social Research, *Submission 6*, p. 6; Amaze, *Submission 24*, p. 10; ADACAS, *Submission 85*, p. 5.

110 Bapcare, *Submission 12*, p. 2; National Employment Services Association (NESA), *Submission 26*, pp. 2–3; Ms Zammit, AFDO, *Committee Hansard*, 6 July 2017, p. 21.

111 NESA, *Submission 26*, p. 6.

112 FPDN, *Submission 40*, pp. 1–2; Mr Damian Griffis, FPDN, *Committee Hansard*, 4 July 2017, p. 9.

113 FPDN, *Submission 40*, p. 2.

114 Ms Loizour, Independent Living Centre WA, *Committee Hansard*, 24 August 2017, pp. 17–18.

115 ARATA, *Submission 22*, pp. 8–9.

- A high need for culturally appropriate advocacy and information to improve Aboriginal and Torres Strait Island peoples' engagement with the NDIS and local disability services.<sup>116</sup>
- Remote indigenous communities may not have access to electronic media, including internet access, causing difficulty in accessing online disability services or filling out government forms for support, such as for NDIS, which are often based online.<sup>117</sup>
- Commercial spaces, such as shops, in small Aboriginal communities are not accessible, effectively completely excluding people with disabilities.<sup>118</sup>

3.69 The committee were also informed that many emerging issues for Aboriginal and Torres Strait Island persons with disability related to a focus on NDIS for solutions to accessibility. The First Peoples Disability Network (FPDN) explained to the committee that the NDIS takes an individual approach and this is not how Indigenous communities tend to structure themselves; a 'whole of community' approach is more culturally appropriate as well as a better mechanism for inclusion in places with fewer NDIS participants.<sup>119</sup> Lack of individual advocacy in communities has resulted in many individuals having no-one to help them join the NDIS.<sup>120</sup> However, the committee heard that access to the NDIS alone is not enough to ensure accessibility: in remote communities, people can have a NDIS plan completed but have nothing they can purchase in their community, or be provided with accessibility aids under the NDIS that they are unable to use out in the community because the built environment is not accessible.<sup>121</sup>

### **Assistive technology as a solution to accessibility**

3.70 Assistive technology (AT) is a key enabler in delivering accessible communities, as AT devices enable people to enhance independence, work, care for themselves and participate in community activities, and are part of an integrated solution for accessibility.<sup>122</sup> However, a range of evidence was submitted to the inquiry to indicate that both a lack of consultation and a lack of coordination has impacted progress to deliver AT solutions to accessibility issues.

3.71 AT and home modification are important for accessibility, but there are often long wait times for professional assessments and people often do not know what products are available or what is best. The Australian Rehabilitation and Assistive

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116 Ms Averil Williams, Developmental Disability Western Australia, *Committee Hansard*, 24 August 2017, p. 53.

117 FPDN, *Submission 40*, p. 2.

118 FPDN, *Submission 40*, p. 2.

119 Mr Griffis, FPDN, *Committee Hansard*, 4 July 2017, pp. 10–11.

120 Mr Griffis, FPDN, *Committee Hansard*, 4 July 2017, pp. 14–15, Mr McEwin, AHRC, *Committee Hansard*, 4 July 2017, p. 20.

121 Mr Griffis, FPDN, *Committee Hansard*, 4 July 2017, p. 11, Mr McEwin, AHRC, *Committee Hansard*, 4 July 2017, p. 20.

122 ARATA, *Submission 22*, pp. 3 and 5.

Technology Alliance told the committee that the 'soft technology' of expert advice is often the key to improving the uptake and impact of AT.<sup>123</sup>

3.72 However, there are concerns about gaps in AT solutions for accessibility from submitters. According to the Independent Living Centre WA, AT information services have generally been block funded from a variety of sources, often at a state level, however there is no indication of future funding under the NDIS.<sup>124</sup> Furthermore, the Macular Disease Foundation Australia described how subsidies for AT for low vision are inconsistent at national, state and territory levels and inconsistent depending on whether diagnosis occurs before or after age 65.<sup>125</sup>

### **Meaningful consultation: seeking better outcomes**

... unfortunately, saying 'we are going to consult' when you have one meeting and [saying] that is 'consultation' does not really mean that anything has come out of it.<sup>126</sup>

3.73 As outlined at the start of this chapter, a recurring theme from submitters and witnesses was the impact that poor consultation has had on the effectiveness of the implementation of the Disability Strategy. The committee received a large amount of evidence outlining concerns with consultation processes, including a number of concerns about both the quality and frequency of consultation across a broad range of sectors.

#### ***What does consultation look like?***

3.74 The text of the Disability Strategy stressed the importance of consultation. Each of the implementation plans for the Disability Strategy included a section 'Embedding the voice of people with disability', which set out the commitment of all governments to engage with people with disability, their families, carers and representative organisations. Specifically, the plan intended for this to occur in the following three ways:

- Providing advice and feedback to governments on the development and progress of each implementation plan through representative organisations of people with disability and government advisory bodies.
- Encouraging government agencies to adopt protocols that ensure people with disability and their representative organisations have the opportunity to contribute to policy and program development.
- Ensuring the experiences of people with disability are reflected in the Disability Strategy progress reports to the Council of Australian Governments and in the evaluation of the Disability Strategy. This would be done by

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123 ARATA, *Submission 22*, p. 5.

124 Ms Gerri Clay, Independent Living Centre WA, *Committee Hansard*, 24 August 2017, pp. 14–15.

125 Macular Disease Foundation Australia, *Submission 41*, pp. 2–3.

126 Ms Belinda Rodman, All Abilities Consultative Committee, Mornington Peninsula Shire Council (AACC), *Committee Hansard*, 6 July 2017, p. 16.

engaging with people with disability, their families and carers, through their representative organisations.<sup>127</sup>

3.75 The Department of Social Services addressed engagement protocols in the Disability Strategy in its submission to the inquiry:

Engagement protocols outline an agency's approach to involving people with disability in actions and decisions that impact on the lives of people with disability, their families or carers. All agencies and jurisdictions should, within their portfolio responsibilities, consider how people with disability might be included, or inadvertently excluded, in the course of their work. The protocols apply to governments' responsibilities as policymakers and administrators, and as an employer.<sup>128</sup>

3.76 The second implementation plan report renewed the Council of Australian Governments' commitment to ensure that government agencies develop protocols for engagement and consultation, noting that the first phase of the Disability Strategy had focused on Commonwealth agencies over state and territory groups. It also set out a plan for stakeholder input in monitoring implementation progress through consultation with and feedback from people with disability, their families, carers and their disability representative organisations. However, this plan did not include guidelines for the nature of this consultation, such as the form or frequency it should take.<sup>129</sup> DPOA noted in their submission that this consultation was not meeting expectations of the community:

While there has been opportunity to provide feedback to DSS regarding the progress of the [Disability Strategy] and the development of the Second Implementation Plan, these opportunities often rely on one-off consultation forums and meetings, and the provision of written submissions. There is no 'built-in' engagement mechanism for people with disability to genuinely inform design, implementation and evaluation of the [Disability Strategy].<sup>130</sup>

3.77 People with Disabilities WA told the committee that the lack of consultation is not only a Commonwealth level issue, but is also an issue at all levels of government:

We have a state plan here in WA called Count Me in, which is meant to be the iteration of the National Disability Strategy at the [state] level...There are programs and bits and pieces happening, but it happens behind the scenes. The coordination that happens around it isn't happening with the sector in terms of people with disabilities and our representative groups.<sup>131</sup>

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127 Council of Australian Governments, *Laying the Groundwork 2011–2014*, January 2013, p. 16; Council of Australian Governments, *Driving Action 2015–2018*, October 2016, p. 16.

128 Department of Social Services, *Submission 70*, p. 26.

129 *Driving Action 2015–2018*, October 2016, pp. 18–19.

130 DPOA, *Submission 39*, p. 14.

131 Ms Jenkinson, People With Disabilities WA, *Committee Hansard*, 24 August 2017, p. 3.

3.78 As part of fulfilling their responsibilities under the Disability Strategy, the Australian Local Government Association (ALGA) released their *Disability Inclusion Planning* guidelines in 2016 to assist councils in meeting their obligations under the Disability Strategy. These guidelines set out the disability consultation requirements for each state and territory, with a focus on how consultation impacts the success of local governments and councils at an implementation level. In addition, some States and Territory governments explicitly require consultation with people with disability when developing plans as part of their disability discrimination legislation, while others do not.<sup>132</sup>

3.79 ALGA's *Disability Inclusion Planning* guidelines provide information for local governments about disability consultation at all stages of planning, implementation, and reporting, and resources on how to implement inclusive consultation.<sup>133</sup> As an example of how consultation and progress can occur at the local government level, ALGA also provides a 'Good disability inclusion practice in local government' model, which outlines the following recommended approaches:

- Integrate disability inclusion actions with other policies and strategic plans.
- Disability inclusion is a process not a project.
- Consult with people with disability in a meaningful and ongoing way.
- Establish and foster an Advisory Committee.
- Leadership and support of elected officials and senior staff.
- Build strong partnerships with community organisations and service providers.
- Train council staff to encourage inclusive practice.
- Develop formal and informal networks between councils.
- Disability inclusion aims to go beyond compliance.
- Develop 'SMART' (i.e. specific, measurable, agreed upon, realistic and time-based) disability inclusion actions and goals.
- Involve people with disability within council—as employees, volunteers and elected members.
- Implement access audits.<sup>134</sup>

### ***Getting consultation right***

3.80 The inquiry received a great deal of evidence regarding consultation, indicating the level of importance given to this issue by many submitters and witnesses. The evidence showed that despite consultation protocols developed by

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132 ALGA, *Submission 42, Attachment A: Disability Inclusion Planning – A Guide for Local Government*, pp. 23–32.

133 *Disability Inclusion Planning – A Guide for Local Government*, pp. 35 and 58.

134 *Disability Inclusion Planning – A Guide for Local Government*, p. 35.

individual government agencies, local governments and captured within the Disability Strategy itself, the quality of consultation remains inconsistent, where it occurs at all.

3.81 Local groups gave evidence to the committee about positive stories of consultation through local government Advisory Committee models recommended by the ALGA guidelines above. Carers Queensland informed the committee of the accessibility improvements they achieved after engaging with the Toowoomba Council Regional Access and Disability Advisory Committee, including:

- After asset mapping of shops, rubber matting has been laid down to create wheelchair access for some of the stores.
- A performing arts organisation now has a number of people with disability doing programs in dance, martial arts and drawing, without requiring a support person to be present.
- The Languages and Cultures Festival now has an Auslan interpreter.<sup>135</sup>

3.82 However, it appears that local government Advisory Committees are not established in every local government area, and where they do exist, are not always properly engaged by developers, business owners and the broader community to provide accessibility feedback and advice. The committee heard an example from the Mornington Peninsula Shire Council's All Abilities Consultative Committee (AACC), where the AACC was invited to give feedback at the opening of a new vineyard cellar door and restaurant on the Mornington Peninsula, rather than being consulted at the start of construction:

The facility had, in their minds, done a lot of consultation presumably with consultants and industry experts to ensure that the facility was going to be attractive. There was a lot that they did do; however, our committee was invited to attend a few days out from the actual opening. The members of the management team were obviously really excited to have us there and were hoping that this was going to be an opportunity for us to be extremely jubilant about how amazing the place was. The reality was that we sat down at the tea after the tour and came up with the huge list of things that had actually not been addressed...It just seemed a crazy to us that we had not been invited right at the very beginning of the process. Why wait until things were already up and running to then come in and say, 'Come and have a look at this and give us your recommendations'? Our point is that we really believe that we need to be involved right at the very beginning.<sup>136</sup>

3.83 Submitters also expressed concerns that individuals were not being consulted at all about some access and inclusion issues in the community. AFDO noted that while it is pleased to see that the Disability Strategy implementation plans commit to engagement with people with disability, 'this promise to consult is expressed through a

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135 Ms Jocelyn Dee Wills, Carers Queensland, *Committee Hansard*, 30 October 2017, pp. 20-21; see also Ms Rodman, AACC, *Committee Hansard*, 6 July 2017, p. 14; Municipal Association of Victoria, *Submission 75*, p. 2.

136 Ms Rodman, AACC, *Committee Hansard*, 6 July 2017, p. 16.

commitment to engage with representative organisations rather than individuals'.<sup>137</sup> Furthermore, AFDO made the point that many of the representative organisations which receive funding from government are population-based, rather than disability specific organisations, which adds to their concerns about the adequacy of consultation:

It is difficult for generalist or population based organisations to have a comprehensive and in depth understanding of all the issues facing people with specific disabilities or conditions. It is unrealistic to expect a small number of organisations to have the depth of both experience and contacts to ensure adequate representation on any particular issue. It is also true that while there are issues common to all or many people with disability, there are particular issues that have a disproportionate impact on specific disability types. It is important that this expertise is not lost.<sup>138</sup>

3.84 Others held concerns about entire communities being left out of planning, or engaged too late in the process.<sup>139</sup> Mr Damian Griffis, CEO of FPDN, gave evidence to the committee about the impact of leaving communities out of consultation, particularly Indigenous, rural and remote communities.<sup>140</sup> In one example, he reported a lack of consultation ahead of the National Disability Insurance Scheme (NDIS) rollout in Tennant Creek and ongoing issues with accessibility due to this:

I was out in Tennant Creek a couple of weeks ago and an old fellow said very succinctly, 'I've got this flash wheelchair, but it is meaningless; I cannot get around my community.'

In a lot of ways, too often in the disability space in our community these things are sort of 'a bridge too far'. There has not been the front-end investment in fundamentally understanding the market. At the community event that we had in Tennant Creek a couple of weeks ago—and we were very keen to just talk with community—the community said to us, 'This is the first time anyone has come to talk to us about disability.' So that means that there have been plenty of presentations going on up there and a lot of PowerPoint presentations but they have not connected with community—the community has not gained an understanding of what all this talk is about.

At the front end we need to invest in more engagement and more consultation around disability more generally before we can even to notions of people getting access to the NDIS.<sup>141</sup>

3.85 The committee also heard of instances where individuals were not able to be involved in a consultation process due to accessibility issues. A case study in the submission from ADACAS outlined a situation where a woman with a disability, who

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137 AFDO, *Submission 43*, p. 28.

138 AFDO, *Submission 43*, p. 28.

139 AACC, *Submission 32*, pp. 4–5; Mr Griffis, FPDN, *Committee Hansard*, 4 July 2017, p. 11.

140 Mr Griffis, FPDN, *Committee Hansard*, 4 July 2017, pp. 9–16.

141 Mr Griffis, FPDN, *Committee Hansard*, 4 July 2017, p. 11.

also cares for a son with significant disability, was disinvited from the National Disability Insurance Agency co-design consultation processes when she asked for either the support she needs to access email or to be contacted by phone or mail instead.<sup>142</sup>

3.86 A lack of industry-based feedback groups was cited as another concern for facilitating proper consultation. ACCAN raised in their submission that there is often limited information for or consultation with people with disabilities and their representative organisations when it comes to telecommunications and that '[i]ndustry peak body Communications Alliance, Optus and Telstra have all retired their respective consumer consultative forums over the last several years'.<sup>143</sup>

3.87 Another issue raised was that when feedback was sought from the community or advocacy organisations, it was sometimes not incorporated into solutions, or the solutions did not match what community had asked for. Mr Kyle Miers, Chief Executive of Deaf Australia, cited an example of consultation with the Department of Communications and the Arts in relation to the National Relay Service:

On the outcomes issues that were raised the community provided feedback to consultation to the federal government. Then a decision was made, but they did not close the loop and come back to us regarding the recommendation. For example, on having to register for the National Relay Service we thought: 'Really? Taking that approach was not part of the community consultation. We do not believe that is an effective way to run the service'.<sup>144</sup>

3.88 Deaf Australia also provided an example of how a rollout of caption technology in cinemas, considered to be a 'reasonable accommodation' by the AHRC, still failed to meet the expectations of the deaf community. The project was instigated following a complaint to the AHRC by Deaf Australia about the lack of access to captioned cinema in Australia; however the solution decided by the Australian Government, AHRC and cinema industry was designed without consultation with the deaf community. Deaf Australia explained that:

Many deaf people feel that the current equipment is 'a step backward' from an enjoyable experience as many experience a wide range of problems and issues when using this equipment and they are not enjoying movies as they should, and therefore, is not reasonably accommodated.<sup>145</sup>

3.89 Specific problems with consultation in accessible transport projects were likewise addressed by submitters.<sup>146</sup> Ethnic Disability Advocacy explained how a lack

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142 ADACAS, *Submission 85*, p. 4.

143 ACCAN, *Submission 35*, p. 10.

144 Mr Miers, Deaf Australia, *Committee Hansard*, 6 July 2017, p. 3.

145 Deaf Australia, *Submission 33*, pp. 32–33.

146 Mr John McPherson, *Submission 48*, p. 1; Queensland Advocacy Incorporated (QAI), *Submission 84*, pp. 10–11; Maroondah City Council, *Submission 72*, p. 6; Mr Daniel Leighton, Brotherhood of St Laurence, *Committee Hansard*, 6 July 2017, p. 41.



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of consultation in implementing solutions could have flow-on effects for people with disability in accessing their community:

Lack of consultation by transport authorities with those most impacted by changes made to transport routes or discontinuation of public transport services results in making it difficult for people with a disability get to their hospital appointments, their educational institutions or their workplaces. This limits independence as they then have to rely on informal supports.<sup>147</sup>

3.90 Multiple submitters and witnesses expressed disappointment in a lack of consultation in a recent Queensland Rail project to build new suburban trains. These new trains have a number of issues for accessibility, such as narrow corridors between carriages and inaccessible toilet spaces, and have been granted an exemption under the Disability Discrimination Act due to construction restrictions caused by the narrow gauge rail used in Queensland.<sup>148</sup> Queensland Advocacy Incorporated (QAI) stressed in their submission that there 'is no legislative mechanism to ensure that the Queensland state government consults with people with disabilities before commissioning railway infrastructure'. QAI argued that:

If given the opportunity to do so, people with disabilities could have identified these problems much earlier in the design process. This would have made the trains fully accessible and would have saved taxpayers a lot of money that must now be spent on the redesign and rebuilding of the trains.<sup>149</sup>

3.91 These negative experiences of consultation are not universal. In contrast, the NSW Disability Network Forum commended the 'approach of Transport for NSW, which brings together representatives of a range of disability organisations in the Accessible Transport Advisory Committee'.<sup>150</sup> Similarly, Blind Citizens WA told the committee they have a good consultation relationship with TransPerth:

We're very pleased with their inclusion of us in a lot of their planning of things like the East Perth redevelopment of the station, the new station at the stadium. We also worked with them on the Wellington Street Perth busport. It's really good to be included at the planning stage and to be able to go through and see how they can make it more accessible for people who are blind and vision-impaired. Public transport, as you can imagine, it is hugely necessary when you have vision impairment and are not able to drive. Being able to use the transport system safely is very important.<sup>151</sup>

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147 Ethnic Disability Advocacy Centre, *Submission 66*, p. 5.

148 Mr John McPherson, *Submission 48*, p. 1; QAI, *Submission 84*, pp. 10–11.

149 QAI, *Submission 84*, p. 11.

150 NSW Disability Network Forum, *Submission 8*, p. 2.

151 Ms Ferris, Blind Citizens WA, *Committee Hansard*, 24 August 2017, pp. 46–47.

3.92 Amaze also noted in its submission that consultation with people with disability and their families resulted in the successful development of an autism guide for visitors to the St Vincent's hospital Melbourne.<sup>152</sup>

### ***The changing nature of advocacy in consultation***

3.93 Advocacy groups play a major role in embedding the voice of people with disability in the National Disability Strategy.<sup>153</sup>

3.94 The committee heard that disability advocacy groups run for and with people with disability are imperative in representing the interests of people with disabilities,<sup>154</sup> in particular for CALD people with disability due to language issues and fewer networks, which results in barriers to access and service provision.<sup>155</sup>

3.95 However, the NSW Disability Network Forum raised concerns that many of the advocacy groups involved in consultation to date do not have secure funding and may not even be in existence going forward, which could cause issues with continuity of consultation.<sup>156</sup> The committee was informed by a number of submitters that the future funding level under National Disability Advocacy Program is uncertain.<sup>157</sup>

3.96 The Disability Network Forum expressed concern that failure to adequately fund advocacy could lead to a failure of inclusion agendas. Advocacy is particularly important to the development of large scale services such as transport and infrastructure,<sup>158</sup> as shown in the Queensland rail transport example above.

3.97 The DPOA also noted that some state and territory funding for disability representatives and advocates was ceasing, as these funds are being transferred to the Commonwealth in order to support the NDIS. This will have the effect of preventing or reducing engagement opportunities for people with disabilities through such organisations and reducing advocacy.<sup>159</sup>

### **Coordination challenges**

Each state and territory had a different approach with different ways of funding and different ways of implementation. I think we are still seeing that in many ways...So it is important that we think about it holistically...When you see a central coordination approach, that works well, because people with disability present from a wide range of backgrounds—people from overseas, young people with disability, older

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152 Amaze, *Submission 24*, p. 13.

153 *Laying the Groundwork 2011–2014*, January 2013, p. 16; *Driving Action 2015–2018*, October 2016, p. 16.

154 Deaf Australia, *Submission 33*, p. 6.

155 Federation of Ethnic Communities' Councils Australia, *Submission 20*, p. 2.

156 NSW Disability Network Forum, *Submission 8*, p. 3.

157 NSW Disability Network Forum, *Submission 8*, p. 1; PDCN, *Submission 30*, p. 7; ADACAS, *Submission 85*, p. 8.

158 NSW Disability Network Forum, *Submission 8*, p. 2.

159 DPOA, *Submission 39*, p. 14.

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people with disability and so on. So, when you coordinate and when you recognise that people with disability have unique needs and you coordinate their needs, it works well.<sup>160</sup>

3.98 The inquiry heard a range of concerns from witnesses and submitters that a lack of structured coordination of programs and projects under the Disability Strategy, resulted in disjointed outcomes that did not meet the needs of people with disability, were geographically restricted to certain local areas, or simply lacked progress as no single agency took a leadership role. The following sections of the report discuss these issues.

### ***National solutions to problems experienced nationally***

3.99 The committee received evidence from a number of submitters indicating concerns about the coordination of national standards and differences in legislative requirements and responsibilities at local, state and territory and federal levels of government, since the introduction of the National Disability Strategy.

3.100 As discussed in the section on consultation, the role of ensuring the roll-out of Disability Strategy and the accessibility of communities frequently falls to local governments and councils. ALGA notes that local governments operate within both state and federal frameworks, which causes practical issues with implementation of accessible solutions:

Due to the different requirements across jurisdictions, councils need to meet the various requirements of their State [or] Territory, as well as national requirements...It is important to ensure that Commonwealth and State legislation are consistent in terms of requirements and objectives, to incorporate the practicalities of implementation, and that local government is engaged in discussions and decisions on local priorities.<sup>161</sup>

3.101 Better linkages between state/territory and federal requirements in relation to disability and access could also improve collection of comparable data for the evaluation of programs.<sup>162</sup>

### ***Accessibility for everyone: a chain of challenges***

3.102 Issues of coordination were also cited as existing even within individual projects or programs to improve accessibility. The committee notes that some of the criticisms of the National Disability Strategy's progress were related to failures in the coordination between various accessibility solutions or in gaps of coverage within these solutions. A number of submissions discussed the broad nature of accessibility and the interdependency of different solutions to achieve accessibility in the community.<sup>163</sup>

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160 Mr McEwin, AHRC, *Committee Hansard*, 4 July 2017, p. 19.

161 ALGA, *Submission 42*, p. 3.

162 ALGA, *Submission 42*, p. 3.

163 Department of Social Services, *Submission 70*, p. 27; NESAs, *Submission 26*, p. 4; ADACAS, *Submission 85*, p. 1; DPOA, *Submission 39*, pp. 5 and 16.

3.103 The National Employment Services Association's submission described the movement of a person with disability through the environment as a 'whole chain of challenges', wherein if one link is broken, the 'whole process becomes impossible':

[T]here is no point assuring wheelchair access to your restaurant if you do not also assure it in the toilet facilities, or if the tables are too close together to allow easy circulation; a sign in braille is no good if it is out of reach; there is no point having a mostly [Web Content Accessibility Guidelines]-compliant website if access depends upon a CAPTCHA challenge (only accessible to sighted internet users), and so on. Well-meaning accessibility solutions are often proposed in piecemeal fashion which fails to take end-to-end accessibility into account.<sup>164</sup>

3.104 In other examples, Speech Pathology Australia explained that there is limited value in only providing physical accessibility solutions such as ramps and parking spots outside a public building, if the officers inside the building are unable to communicate with a person with disability to understand their needs; in such a situation, the missing link in the chain is training staff in accessible communication.<sup>165</sup>

3.105 Communication accessibility was the area most commonly cited for gaps for people with specific needs. ACCAN made the point that while the National Relay Service provides a wide range of services to improve telecommunications access for deaf, hearing-impaired and speech-impaired people, it does not meet the needs of people with multiple disabilities, people with intellectual disabilities, deafblind people or those who are CALD. These people will continue to experience gaps in access, as they are not protected under the current National Relay Service legislation.<sup>166</sup> Similarly, while the Australian Accessible Emergency Response System ensures any emergency messages issued during an emergency are accompanied by messages in Auslan for people who are deaf or hearing-impaired, they do not include messages with audio description for people who are vision impaired.<sup>167</sup>

### **What is the impact of these ongoing accessibility issues?**

3.106 In addition to the specific areas of concern raised above, the committee was informed about the general impact of ongoing accessibility issues in the community and various negative consequences of these accessibility issues on the health, wellbeing and participation of people with disability.

3.107 The Australian Medical Association commented that for people with disability, poor accessibility of services results in poorer health outcomes, less full and effective participation and inclusion in society, and a reduction in dignity, autonomy and the ability to be independent.<sup>168</sup>

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164 NESAs, *Submission 26*, p. 4.

165 Speech Pathology Australia, *Submission 19*, p. 9.

166 ACCAN, *Submission 35*, p. 5.

167 Australian Blindness Forum, *Submission 18*, p. 12.

168 AMA, *Submission 47*, p. 2.

3.108 National Disability Services explained that the ability to move easily around the community is essential for the economic and social participation of people with disability.<sup>169</sup> Other submitters told the committee that social isolation is one of the main consequences of restricted access for people with disability to participation in economic, cultural, social, civil and political life. Social isolation can lead to depression and other mental health issues as well as poor education, social and economic outcomes.<sup>170</sup>

### **Committee view**

3.109 Since the introduction of the Disability Strategy, Australian governments, industry bodies, community groups and individuals have been involved in myriad activities to improve the accessibility and inclusivity of communities. However, despite some positive instances indicating some progress there continue to be major problems in accessibility and inclusive for people with disability and the Disability Strategy has failed to live up to expectation for many.

3.110 Poor coordination and consultation across all sectors has made this situation worse and has had a negative impact on the effectiveness of the Disability Strategy.

3.111 Evidence received by the committee suggests that improvements to the consultation process, particularly by involving people and encouraging feedback at all stages of planning and implementation, could solve some of the ongoing problems which continue to frustrate the community in achieving accessibility goals.

3.112 Likewise, more considered coordination between governments, the private sector and disability advocates would ensure that standards and programs are developed, maintained and regularly reviewed, reducing gaps in access and inclusion across the community.

3.113 The committee notes that a recurrent theme in evidence to the inquiry is that there is a lack of centralised responsibility for the Disability Strategy. Many submitters have recommended the introduction of a federal body to take responsibility for oversight and implementation of the Disability Strategy. These recommendations will be explored in the next chapter.

3.114 Many of the concerns raised by submitters and witnesses to the inquiry are indicative of ongoing threshold barriers to meaningful change and progress in the community. Finding a way forward beyond these barriers represents the next great challenge for the effective implementation of the Disability Strategy. The next chapter will explore these issues further.

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169 National Disability Services, *Submission 21*, p. 2.

170 Australian Blindness Forum, *Submission 18*, p. 13; see also Dementia Australia, *Submission 16*, p. 15; Amaze, *Submission 24*, p. 7; Macular Disease Foundation Australia, *Submission 41*, p. 2.

