

# Chapter 1

## Introduction

**1.1** For people with disability, the accessibility and inclusivity of the community in which they reside fundamentally impacts how they live, work and socialise. A lack of accessibility creates external barriers that are not a function of a person's disability, but are a function of how well, or poorly, the community interacts with and provides support for that person's life.

**1.2** While the past decade has seen an increased focus in Australia on issues that impact people with disability, there are still many issues to address to ensure that communities are fully accessible to, and inclusive of, Australians with disability, their families and carers.

**1.3** In 2008, Australia ratified the United Nations *Convention on the Rights of Persons with Disabilities* (Disability Convention), which sets out the fundamental human rights of people with disability.<sup>1</sup> In 2009, Australia also became party to the *Optional Protocol to the Convention on the Rights of Persons with Disabilities*, which sets up an individual complaints procedure.<sup>2</sup>

**1.4** During 2008–2009, the Australian Government commissioned the National People with Disabilities and Carer Council to undertake extensive consultation, resulting in the report *Shut Out: The Experience of People with Disabilities and their Families in Australia* (Shut Out report).<sup>3</sup> The findings of this report informed and ultimately resulted in the development of the Council of Australian Governments' (COAG) *National Disability Strategy 2010–2020* (Disability Strategy).<sup>4</sup>

**1.5** Concurrently, a new mechanism for funding support for people with disability was investigated by the Productivity Commission, and subsequently the National Disability Insurance Scheme (NDIS) was announced in 2012.<sup>5</sup>

---

1 United Nations, *Convention on the Rights of Persons with Disabilities*, [https://treaties.un.org/Pages/src-TREATY-mtdsg\\_no-IV~15-chapter-4-lang-en-PageView.aspx](https://treaties.un.org/Pages/src-TREATY-mtdsg_no-IV~15-chapter-4-lang-en-PageView.aspx) (accessed 28 November 2017).

2 United Nations, *Optional Protocol to the Convention on the Rights of Persons with Disabilities*, [https://treaties.un.org/Pages/src-TREATY-mtdsg\\_no-IV~15~a-chapter-4-lang-en-PageView.aspx](https://treaties.un.org/Pages/src-TREATY-mtdsg_no-IV~15~a-chapter-4-lang-en-PageView.aspx) (accessed 28 November 2017).

3 Australian Government, *Shut Out: the Experience of People with Disabilities and their Families in Australia* (Shut Out report), <https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/shut-out-the-experience-of-people-with-disabilities-and-their-families-in-australia> (accessed 28 November 2017).

4 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).

5 Parliamentary Library, *Budget Review 2012-13: National Disability Insurance Scheme*, [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/BudgetReview201213/NDIS](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/BudgetReview201213/NDIS) (accessed 28 November 2017).

**1.6** Together, these actions represent one of the greatest social development projects ever undertaken in Australia, to improve the lives of every Australian with disability and their families and carers. These programs were designed not just to be undertaken by Australian governments, but were intended to stimulate a partnership between government, industry and the community to achieve change. The Disability Strategy in particular, stated:

This commitment recognises the need for greater collaboration and coordination by all governments, industry and communities to address the challenges faced by people with disability. A new approach is needed to guide policies and program development by all levels of government and actions by the whole community, now and into the future.<sup>6</sup>

**1.7** These activities represent a significant body of work still underway by Australian governments, industry and communities, and, if successful, should result in meaningful improvement in the measurable quality of life indicators for people with disability.

**1.8** This inquiry provides an opportunity to examine if and how the Disability Strategy is driving change to improve those life indicators. This inquiry has focused on one aspect of the Disability Strategy, the accessibility and inclusiveness of the Australian community for people with disability. The evidence received during the inquiry underscores that accessibility is a threshold issue – accessibility is a necessary first step to achieve progress in other reform areas, most significantly in the implementation of the NDIS. Thus, a lack of progress in achieving accessible and inclusive communities has significant negative flow-on effects to achieving progress across the whole of the Disability Strategy.

### **What is the Disability Strategy?**

**1.9** The Disability Strategy is a COAG agreement, developed to establish a ten-year national plan for improving life for Australians with disability, their families and carers. The purpose of the Disability Strategy is to:

- Establish a high level policy framework to give coherence to, and guide government activity across mainstream and disability-specific areas of public policy.
- Drive improved performance of mainstream services in delivering outcomes for people with disability.
- Give visibility to disability issues and ensure they are included in the development and implementation of all public policy that impacts on people with disability.
- Provide national leadership toward greater inclusion of people with disability.<sup>7</sup>

---

6 *Disability Strategy*, p. 3.

7 *Disability Strategy*, pp. 8-9.

---

## ***Outcome areas***

**1.10** The Disability Strategy covers six outcome areas, which are based on issues raised during the Shut Out report consultations and are aligned to principals within the Disability Convention:

1. Inclusive and accessible communities—the physical environment including public transport; parks, buildings and housing; digital information and communications technologies; civic life including social, sporting, recreational and cultural life.
2. Rights protection, justice and legislation—statutory protections such as anti-discrimination measures, complaints mechanisms, advocacy, the electoral and justice systems.
3. Economic security—jobs, business opportunities, financial independence, adequate income support for those not able to work, and housing.
4. Personal and community support—inclusion and participation in the community, person-centred care and support provided by specialist disability services and mainstream services; informal care and support.
5. Learning and skills—early childhood education and care, schools, further education, vocational education; transitions from education to employment; life-long learning.
6. Health and wellbeing—health services, health promotion and the interaction between health and disability systems; wellbeing and enjoyment of life.<sup>8</sup>

**1.11** The terms of reference for this inquiry focus on the first outcome area, inclusive and accessible communities.

### ***Inclusive and accessible communities: policy directions***

**1.12** The six Disability Strategy outcome areas are further broken down into policy directions. For inclusive and accessible communities, the policy directions are:

1. Increased participation of people with disability, their families and carers in the social, cultural, religious, recreational and sporting life of the community.
2. Improved accessibility of the built and natural environment through planning and regulatory systems, maximising the participation and inclusion of every member of the community.
3. Improved provision of accessible and well-designed housing with choice for people with disability about where they live.
4. A public, private and community transport system that is accessible for the whole community.

5. Communication and information systems that are accessible, reliable and responsive to the needs of people with disability, their families and carers.<sup>9</sup>

***Inclusive and accessible communities: future action***

**1.13** The Disability Strategy also identifies areas for future action relating to Outcome One of the Disability Strategy:

1. Improve access and increase participation of people with disability in sporting, recreational, social, religious and cultural activities whether as participants, spectators, organisers, staff or volunteers.
2. Support the development of strong social networks for people with disability.
3. Monitor adherence to and evaluate the effectiveness of the Disability (Access to Premises – Buildings) Standards 2010 and Disability Standards for Accessible Public Transport 2002 and improve the accessibility of reports.
4. Promote the development of Disability Access Facilitation Plans by airlines and airport operators to improve communication between operators and passengers with disability.
5. All levels of government develop approaches to increase the provision of universal design in public and private housing in both new builds and modification of existing stock.
6. Improve community awareness of the benefits of universal design.
7. Promote universal design principles in procurement.
8. All governments adopt the mandated conformance levels for web accessibility as a baseline requirement to ensure more people with disability have access to online information and services.
9. Use the National Broadband Network as an enabling technology platform to deliver innovative services, communication and support for people with disability, their families and carers.<sup>10</sup>

***Roles and responsibilities***

**1.14** The Disability Strategy explicitly states it does not change any existing roles and responsibilities for delivery of disability programs and services, but instead 'seeks to create a more cohesive whole-of-governments approach'.<sup>11</sup>

---

9 *Disability Strategy*, pp. 31-33.

10 *Disability Strategy*, p. 35.

11 *Disability Strategy*, p. 24.

## Consultation: Shut Out report

**1.15** As noted above, the Disability Strategy was based on the findings of the Shut Out report's extensive consultation held with people with disability, their families and carers as well as key advocacy organisations, from October 2008 to November 2008. The Shut Out report detailed the systemic disadvantage faced by people with disability. It is worthwhile to note that an analysis of the topics most often raised in the submissions to the Shut Out report consultation shows that 'social inclusion and community participation' were jointly the issues most often raised in submissions alongside 'disability services', showing that the personal impact to people with disability of the lack of accessible and inclusive communities has long been a priority for the disability community.<sup>12</sup>

**1.16** The Shut Out report is a valuable resource for this inquiry, as it provides a snapshot in time of the barriers faced by people with disability to social, cultural and economic participation in the community and allows for a comparison with the evidence presented during this inquiry on those barriers.

**1.17** Additionally, the Shut Out report identified proposed solutions to those barriers faced by people with disability. This inquiry provides an opportunity to review progress implementing those solutions nearly 10 years on from the consultation and six years after the Disability Strategy was adopted by COAG.

**1.18** The Shut Out report presented key findings and solutions in themes. Following is a summary of the key solutions proposed to be achieved under the Disability Strategy which are of greatest relevance to achieving accessible and inclusive communities, the focus of this inquiry.

**Table 1.1 Shut Out report key findings and solutions**

<i>Social inclusion and community participation solutions, pages 14–17</i>	
The Disability Strategy should play role in establishing a social inclusion framework.	Implement an integrated approach to policies, programs and services and an end to segregated services and options for people with disability.
Greater protection of rights, including own motion powers for the Human Rights or Disability Discrimination Commissioner, a comprehensive review of Commonwealth and state and territory legislation and policies for any discrimination against people with disability and an increase in funding for advocacy services.	Creation of a specific service—a 'one-stop shop'—where people with disabilities and their families, friends and carers could access information about services and programs.

12 *Shut Out report*, p. 3.

<i>Services, support and equipment solutions, pages 21–25</i>	
Create a system that truly places people with disabilities and their families, friends and carers at the centre.	Establish a nationally coordinated and funded equipment and assistive technologies scheme to eliminate existing inequities and ensure portability across jurisdictions.
Create an external accreditation system with regular monitoring of service standards.	Develop strategies to ensure increases in housing stock numbers and options.
<i>Employment solutions, pages 41–42</i>	
Government to lead from the front by improving public service participation rates.	Development of a more flexible individualised approach to employment support programs for people with disabilities.
Campaign to address negative employer and recruiter attitudes.	
<i>Built environment and transport solutions, pages 44–46</i>	
Speed up the current schedule of change conducted under the Disability Standards for Accessible Public Transport.	More resources to be made available for upgrades, modifications and retrofitting.
Create a central authority responsible for overseeing compliance with the <i>Disability Discrimination Act 1992</i> to improve accessibility.	Greater regulatory and legislative oversight to ensure existing and future infrastructure complies with universal design principles, including public buildings, public spaces, private businesses and private dwellings.
Modify government procurement practices to ensure all facilities and equipment purchased by government are fully accessible.	

*Adapted from the Shut Out report.*<sup>13</sup>

**1.19** The Shut Out report also outlined key features to be included in the Disability Strategy, as recommended by submitters to the consultation. The key features for the Disability Strategy to include were:

- Adoption of a coordinated national approach to enhance consistency across jurisdictions.
- Development of underlying principles that reflect the UN Disability Convention. Many submissions made it clear they expected the National Disability Strategy to realise the rights enshrined in the Convention. Without a strong Disability Strategy, many participants feared that the Convention

---

<sup>13</sup> *Shut Out report*, pp. 14–17, 21–25, 41–42 and 44–46.

---

would fail to change the lives of Australians with disabilities and become just another piece of meaningless rhetoric.

- Creation of an Office of Disability to coordinate efforts across portfolios and between levels of government.
- Implementation of policies under the Disability Strategy by each level of government and all government agencies, with clear outcomes and performance measures.
- Provision of funding increases to advocacy and other non-government agencies to participate in monitoring and evaluation of the Disability Strategy.<sup>14</sup>

**1.20** The following chapters will examine the Disability Strategy, the implementation plans and progress to date, to evaluate whether it is achieving the vision and goals for inclusive and accessible communities as captured under the 2008 Shut Out national consultation report.

### **What is accessibility?**

**1.21** Evidence presented to the inquiry suggested there is significant concern that there is a fundamental lack of understanding of what constitutes accessibility from a disability perspective, as well as a tendency to focus on more obvious notions of accessibility such as wheelchair ramps or braille readers. National Employment Services Association (NESA) summed up the issue of what constitutes accessibility and stated:

[A]ccessibility is far from just a physical mobility issue. The concept touches any kind of human interaction with the external environment, and covers mobility, visual and auditory perception, cognitive issues and so forth. Rather than treating accessibility as a question of providing environmental modifications aimed at a particular kind of disability, the notion is more reasonably thought of in terms of global ease of use of the physical and technological environment, and clarity of communications, both in their form and their content.<sup>15</sup>

**1.22** Agosci Inc. agreed that there is a tendency to focus on physical accessibility, and submitted that because accessibility-related regulations typically focus on the physical, employment and transport barriers, the accommodation requirements of people who use augmentative and alternative communication methods are rarely addressed. Agosci Inc. submitted it 'seeks to broaden the concept of an "accessible community" to one which actively recognises and accommodates Communication Accessibility'.<sup>16</sup>

---

14 *Shut Out report*, p. 61.

15 National Employment Services Association, *Submission 26*, p. 4.

16 Agosci Inc., *Submission 15*, pp. 4–5.

**1.23** Speech Pathology Australia agreed there was an almost exclusive focus on physical access to the built and natural environments, which 'undermines the ability for the National Disability Strategy 2010–2020 to achieve its goals'.<sup>17</sup>

**1.24** The inclusion of cognitive impairments such as dementia and autism in discussions of accessibility was also raised by submitters. Amaze submitted that for people with on the autism spectrum, accessibility went beyond the physical features of the built environment and included 'a need for routine/predictability and delayed or single channel processing'.<sup>18</sup>

**1.25** Dementia Australia similarly submitted that accessibility issues related to dementia are mostly found in social-construct barriers such as attitudes to dementia and a lack of awareness, rather than physical barriers to the built environment.<sup>19</sup>

**1.26** The ACT Disability, Aged and Carer Advocacy Service submitted that communication accessibility is a key issue:

To be fully included in society is to be recognised by others in our society as a full citizen, able to take an active part in civic life and in personal decision making. It is in the recognition of and access to rights that citizenship is found. All people have rights - but ability to actually use and enjoy these rights on an equal basis with all others requires that information is provided in a form that the person can comprehend, that communication meets the communication needs of the individual and that support for decision making is available as required.<sup>20</sup>

**1.27** NESA further argued that in addition to a focus on physical accessibility, 'end-to-end accessibility' was also being missed when considering accessibility:

For example, providing obstruction-free access to a building is no good if the building has internal stairs and no lift, or if there is no accessible public transport to get anywhere near it in the first place.<sup>21</sup>

**1.28** Chapter 4 discusses recommendations made to this inquiry on ways to create formal definitions of accessibility, as a first step to creating solutions to accessibility barriers. Overall, submitters contended that a more sophisticated understanding of accessibility is needed, before progress can be made to achieve truly inclusive and accessible communities.

## **Report structure**

**1.29** Following this introductory chapter, this report consists of three subsequent chapters:

---

17 Speech Pathology Australia, *Submission 19*, p. 2.

18 Amaze, *Submission 24*, p. 6.

19 Dementia Australia, *Submission 16*, p. 6.

20 ADACAS, *Submission 85*, pp. 1–2.

21 National Employment Services Association, *Submission 26*, p. 4.

- 
- Chapter 2 outlines the Australian Government's Disability Strategy plans and progress reports and compares those to the Australian Civil Society report to the United Nations under the Disability Convention and the United Nations Disability Committee conclusions on Australia's progress;
  - Chapter 3 examines the evidence presented regarding ongoing accessibility issues being experienced by people with disability and the impact to their lives; and
  - Chapter 4 discusses the barriers to improving accessibility and contains the committee's conclusions and recommendations.

### **Conduct of the inquiry**

**1.30** On 29 November 2016 the Senate referred the delivery of outcomes under the National Disability Strategy 2010–2020 to build inclusive and accessible communities to the Senate Community Affairs References Committee (committee) for inquiry and report by 13 September 2017 with the following terms of reference:<sup>22</sup>

- (a) the planning, design, management, and regulation of:
  - (i) the built and natural environment, including commercial premises, housing, public spaces and amenities,
  - (ii) transport services and infrastructure, and
  - (iii) communication and information systems, including Australian electronic media and the emerging Internet of things;
- (b) potential barriers to progress or innovation and how these might be addressed;
- (c) the impact of restricted access for people with disability on inclusion and participation in economic, cultural, social, civil and political life; and
- (d) any other related matters.

**1.31** On 7 September 2017, the Senate granted an extension of time for reporting until 29 November 2017.<sup>23</sup>

### ***Submissions***

**1.32** The inquiry was advertised on the committee's website and the committee wrote to stakeholders inviting them to make submissions.

**1.33** The committee also issued media releases to promote public awareness about ways individuals could engage with the inquiry. Media releases were published on the committee's website and were tweeted using the @AuSenate handle.

**1.34** The committee invited submissions to be lodged by 28 April 2017. Submissions continued to be accepted after this date.

---

22 [Journals of the Senate](#), No. 21, 29 November 2016, p. 656.

23 [Journals of the Senate](#), No. 59, 7 September 2017, p. 1895.

**1.35** The committee received 96 submissions from government agencies, organisations and individuals. A list of submissions provided to the inquiry is available on the committee's website<sup>24</sup> and in Appendix 1.

### *Public hearings*

**1.36** The committee held five public hearings at locations around the country:

- 4 July 2017—Sydney;
- 6 July 2017—Melbourne;
- 24 August 2017—Perth;
- 30 October 2017—Brisbane; and
- 1 November 2017—Canberra.

**1.37** A list of witnesses who provided evidence at public hearings is available at Appendix 2.

### *Notes on references*

**1.38** In this report, some references to *Committee Hansard* are to proof transcripts. Page numbers may vary between proof and official transcripts.

---

24 See: [www.apf.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/AccessibleCommunities](http://www.apf.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/AccessibleCommunities)