
Upper Hume regional forum

The Disability Discrimination Act (DDA) inquiry was invited by Janine Sullivan, Rural Access Project Officer in the Upper Hume Region of Victoria, to attend two forums in the Upper Hume region. The Presiding Commissioner and two staff members attended the following forums:

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| Tallangatta | 10.30 am – 12.30 pm Friday 15 August | Access Committees for Towong and Indigo Shires Tallangatta Memorial Hall |
| Wodonga | 2.00 pm – 4.00 pm Friday 15 August | Wodonga Access Group, City of Wodonga Wodonga Committees Room |

This note was prepared by Productivity Commission staff who attended the forums, and checked by Janine Sullivan for accuracy. This note records issues and suggestions raised at the forums and does not represent the views of the Commission. Individual participants have not been identified.

Discussions ranged widely, but issues and suggestions have been grouped under four broad headings:

- awareness of the DDA
- disability discrimination in the region
- effectiveness of the DDA
- making a complaint

Awareness of the DDA

People involved in their local access committees or disability groups are aware of the DDA and the complaint process associated with it. However, the general community, including shopkeepers and other small businesses, is not aware of it.

Developers and builders are not aware of the DDA or disability access issues in general. They often meet some but not all of the access requirements, so that buildings are still not accessible in practice. Local examples include installing ramps for motorised scooters but not installing doors that are wide enough for them, or combining disability toilets with a baby change room, but not labelling the room

as such. Ramps are installed only in response to vigorous lobbying, not in response to an awareness of the DDA or access requirements in the Australian Building Codes.

Council staff who work outside the community services sections (e.g., in planning, tourism or waste disposal) are not aware of their responsibilities under the DDA. Disability access and DDA requirements are seen as an add-on, to be addressed by community services, rather than as part of everyone's core business.

Disability discrimination in the region

The main discrimination issues discussed were access to public buildings and access to public transport.

Public buildings

Many examples were given of inaccessible public buildings, including doctors' rooms, chemists, post offices, shops, art galleries and Commonwealth and local government offices. Some of these are in heritage buildings that are difficult to modify, but others are new or newly refurbished buildings that should be accessible as a matter of course.

For example, a movie house was renovated two years ago. Access ramps were added and the cinemas are wheelchair accessible. However, the ticket box is on a mezzanine level that is not accessible. Captioning is available rarely on request and service providers are requested to cover costs if not enough people attend the session. It is also not well advertised.

Several people alleged that the Australian Building Code is not being enforced for new and significantly renovated buildings. There are no penalties for failing to meet the Code. Public buildings are being approved for construction that do not have disabled access and may not meet the Building Code on many points.

A significant local issue was clarifying who is responsible for ensuring that public buildings are accessible. If a new or renovated building is not accessible, who is responsible — the owner, builder, council or (private) building inspector? Until very recently, local councils sub-contracted planning approvals to private building inspectors. This job is now being undertaken directly by council (one position shared between two councils) to improve accountability, quality and cost controls.

Access around the built environment (footpaths and roads) is limited. Several people said this is due to scarce resources in rural areas, but others said lack of awareness of disability access requirements (such as ramps in footpath curbs) on the part of local councils and environment planners and builders is also a factor.

Government laws and programs

All government buildings should be accessible but, currently, even local offices that people with disabilities need to visit regularly, such as Centrelink and FaCS, are not accessible. Access problems include physical access to buildings, incomplete information, inconvenient appointments and attendance requirements.

There are no Auslan interpreters available locally. Transport costs to get one (e.g. for legal or medical purposes) are higher than the fee itself. Local hospitals, legal services and even courts have apparently relied on the families of Auslan speakers to interpret for them. This is not always appropriate or adequate.

Public transport

There is no public transport service in the Towong area. The only wheelchair accessible taxi in the region is in Wodonga. It charges a fee to get to rural locations as well as the fare itself, so a round trip can cost over \$100. The Victorian taxi subsidy pays 50 per cent of the fare, up to \$50. Taxis are too expensive for most people. Some said they have resorted to hitching a ride into town in the local mail van.

Victorian taxi vouchers are not always accepted by NSW drivers, even though they are supposed to be. This is a problem for border regions and inter-state holidays.

Telecommunications

Public phones are not very accessible. Many have been removed rather than made accessible.

Telstra advertised a program which would provide a mobile phone to all people with (mobility) disabilities in rural areas. In the trials, conducted by Telstra and the PDCA, the phone provided did not work (wrong sort of phone). No further information about this program had been given to the participant since the trial run.

Accommodation

There are limited accommodation options for people with disabilities, even in larger regional centres. Public housing is not always suitable for social and physical access reasons. The private rental market is tight, so people who might require the landlord to spend money on adjustments are not considered. However, it is impossible to prove that this is the reason they have missed out on the property and that discrimination has occurred. The private rental market is particularly inaccessible to people with 'volatile' mental illnesses. Many people with disabilities live with their families because no other housing options are available (rather than through choice).

Community attitudes

Several people said community attitudes are the biggest discrimination problem in regional areas. There is no awareness of disability access or other issues. There are fewer people with each type of disability than in the city, so they are even more of an invisible minority than in city areas. Many are not mobile on their own. They are often spoken for by their families, who are the principal carers in most cases.

Northern Victoria has had a hard time financially and socially due to drought, bushfires and other factors. So disability discrimination issues do not currently rate highly. A common attitude is that everyone is 'doing it tough', so people with disabilities must learn to cope, like everyone else. There is also a strong feeling (even among some people with disabilities themselves) that disability access should not be a high priority for scarce community resources during times of drought, fire and flood. The smaller and more remote the council, the more constrained are their resources.

Local government does not consider disability access as part of its 'core business'. For example, street renovations / revitalisations are done for aesthetic, tourism and local business reasons, without fully considering disability access needs. Planners, designers and contractors are not adequately aware of disability access issues.

Providing access for people with disabilities is still viewed as an act of charity or goodwill, rather than meeting people's basic rights.

Effectiveness of the DDA

The DDA brought so much hope when it was established in 1992, but it has been very disappointing. There has been no practical change in regional areas.

The DDA has failed because there are no enforcement or positive support measures. It should be enforced as part of mainstream regulation, not a separate area of responsibility by a separate agency. For example, disability access in transport should be enforced by transport authorities, or in buildings by building inspectors, councils and planning authorities.

The DDA in employment

The DDA has had no effect in employment. Affirmative action is needed instead. It worked for women in the public sector in the 1970s and 1980s and should now be done for people with disabilities. For example, organisations with disability responsibilities should actively employ people with disabilities, because they have knowledge of the issues. Yet people with disabilities are employed mainly in administrative positions, not management positions, even in the public sector.

At the very least, all government agencies, including local government, should make all their buildings accessible, so that people with disabilities can work there.

Employers worry too much about the potential costs of employing a person with a disability. In most cases, the adjustment costs are small, but employers don't even consider them. Government subsidies should be increased to break this barrier.

Workplace Modifications Grants (up to \$800) are too small to cover much. Also, the scheme is not widely known by people with disabilities, let alone employers.

Many people with disabilities can work part time or casual hours only. This significantly reduces their employment opportunities and work conditions.

DDA in education

Students with disabilities and their families often have to move to larger towns to get access to suitable services. This is not a discrimination issue as such, but a problem of access to specialist services in small population centres. Hearing impaired children who require Auslan or other special education formats must move to the city to get them. The number of people requiring each specific type of service is too small to justify the cost, or to attract a trained person to come and do the job.

A local TAFE college installed a raised seating platform in its cafeteria. Students who cannot access it complained to the TAFE, but not to HREOC. The TAFE allegedly did not follow the advice of their own disability access consultant. It argued that the seating complies with the DDA because equivalent accessible

seating is available elsewhere in the cafeteria. The students felt that even if this did comply with the DDA (of which they were uncertain), it was not in the spirit of the DDA, and was an not an appropriate attitude or action for a TAFE college.

DDA standards

More standards across all individual sectors would help but they need to be monitored and enforced.

DDA action plans

All three local councils have a disability action plans (Towong and Wodonga shires have registered action plans with HREOC but Indigo has not due to a current review). However, some are developed by the community services sections and are not implemented beyond that section (in planning or tourism departments, etc.). It was felt that these were 'paper plans' with limited effect across council behaviour or policy.

Making a complaint

With regard to physical access to public buildings such as shops and offices, threatening to make a formal complaint under the DDA has brought results in several cases (e.g. getting entry ramps installed and suitable supermarket trolleys).

One person made a complaint to HREOC under the DDA against a university in 1993. The case was conciliated by HREOC. The university brought barristers to the hearing. The student represented herself. She found this very daunting. HREOC found there was discrimination. The university undertook to do four things to rectify the discriminatory situation, but later, only implemented one of them. There was no follow-up or enforcement by HREOC of the conciliated agreement. As a result, the complainant said she would never make a formal complaint to HREOC again and that she advises others not to bother. She would go to the EOCV instead next time, because they respond better, and their conciliation agreements are better enforced.

A local example of a DDA complaint that is not resolved was a railway station, which is in a heritage building. Ramps were installed in response to a DDA complaint, which was conciliated. However, the doors are still too narrow and the toilets are unlocked during limited hours only (when the station is manned).

The DDA has been modified (following 2000 amendments) and HREOC has even less power now. Conciliation is a good process but going to court is not. The risk of bearing costs is too great for people on disability pensions and low incomes.

The DDA is seen as too difficult, and HREOC as too distant, to respond effectively to complaints. There are no sanctions or penalties for failing to act on conciliated outcomes. The need to go to court for any sort of enforcement is discouraging.