

Senate Standing Committee on Community Affairs

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

Submission from Centre for Universal Design Australia

28 April 2017

Introduction

The Centre for Universal Design Australia (CUDA) was established in July 2016 to bring diverse groups together for the purpose of social and economic inclusion, to put Australia at the forefront of best practice in universal design and to gather and share knowledge and experience about universal design

Our vision is that we live in a world that is socially and economically inclusive of all people and that universal design as a concept of inclusion is part of everyday conversation and experience.

Our mission is to bring together diverse groups, gather and share knowledge and experience, and to put Australia at the forefront of best practice in universal design. To implement the concept of inclusion across design disciplines and policy development CUDA seeks to:

- Be a resource centre for the general public, advocacy organisations, industry, commerce, and health sectors
- Act as a clearing house to bring together the work of individuals and organisations to maximise resources, disseminate information, prevent duplication and identify gaps
- Provide education programs, assist the design disciplines to develop inclusive design curricula, and run practical training programs
- Encourage and foster cross-sectorial and interdisciplinary work
- Innovate by understanding users' real needs within their operational context
- Develop standards and checklists to assist in the practical application of universal design principles within individual disciplines and sectors
- Provide information via various formats including newsletters, website, social media, fact sheets, conferences, and seminars
- Provide input into public policy, strategies and plans at all levels of government
- Support research programs relating to social and economic inclusion
- Link with similar centres overseas and be a platform for international connections
- Increase understanding of the benefits of universal design within the population
- Set up special interest groups (industrial design, built environments, ICT)

CUDA welcomes the opportunity to make a submission to the Australian Government Senate Standing Committee on Community Affairs regarding the National Disability Strategy 2010-2020. In addressing the terms of reference we do so from the perspective of an understanding of the interests of: those who have, and will acquire a disability; and the underpinning framework of the built environment in Australia as it exists today. As such all of the references below will be discussed in general and in particular where noted.

- 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.

Executive summary

The Strategy is good, but a mindset change is needed for bigger impact

CUDA submits that the United Nations Convention on Human Rights (UNCHR) has not been fully understood in Australia regarding inclusiveness. The National Disability Strategy and the NDIS have gone a long way to address this, but the real impacts of an ageing population in Australia have yet to be felt, so age-related disability let alone acquired, cognitive, sensory or disease related disability is still only understood from a medical framework, not from a social or even 'normal part of society' framework. Calls for inclusiveness for people with disability is hitting tin ears – we generally, as per our television remote controls, only buy batteries when the old ones die, or in the case of a disability discrimination action – only when threatened with legal sanction. We ride our luck because it is the least we need to do. Regulation is resented, obeyed primly, and embeds an 'othering' mindset, but empathy and inclusiveness for all (social justice) can be and must be part of an Australian society serious about the UNCHR and must be embedded in next stages of the National Disability Strategy.

Ideas to address the issues:

a. The state of planning, design, management from a NSW perspective

Planning in NSW is undertaken by the Department of Planning and Environment, with development controlled through statutory planning instruments, currently underpinned by the *Environmental Protection Act 1979* and the associated Regulations 2000. These are prescriptive and subject to rules of law. Local Councils control development through Development Control Plans and are currently reviewing their Local Environmental Plans in light of state government initiatives for strategic planning approaches and common LEPs. This is the framework with which development sits - generally one which accepts diversity, but predominantly through prohibition or exclusion.

It is proposed to change the Planning Act in NSW to move away from the prescriptive 1979 Act to more of a performance-based, strategic act better aligned to government reforms and the NCC. If so, then performance solutions will need to have at its core not only safety concerns, but the concerns of all in society. A public good test will still need to apply to ensure the rights of all are protected, and especially the rights of people with disability.

Prior to the NSW Disability Inclusion Act 2014, which supports the NCC, (aligned to the UN Convention of the Rights of Persons with Disabilities), designers had little understanding or tools to meet their obligations in meeting the needs of people with disability, other than through various access standards predominately focussed on wheelchair access, not age-related or cognitive and sensory disability. Most designers use these standards hoping their projects would not be subject to a discrimination complaint, rather than re-examine their projects for inclusion and inclusive design.

Regulation continued: The ‘mindset of disability action in Australia – more regulation!’

Regulation and requirements as to the construction and safety of buildings is set out in the National Construction Code authored by the Australian Building Code Board (ABCB). Fundamental to the NCC is compliance to performance requirements to meet fire, structural, access, thermal energy and other targets. Most designers would work from the deemed to satisfy provisions, which are minimum standards, whereas the push to innovate through performance solutions has not met with the anticipated uptake in most developments. The designer opts for least resistance to their project.

Further, the Building Ministers’ Forum Communique dated 21 April 2017 noted Ministers are in agreement that COAG obtains a National Regulatory Impact Statement in the application of minimum accessibility standards for private dwellings in the National Construction Code (NCC). CUDA believes these moves are redundant as the NCC only needs to clarify access into private dwellings as a performance requirement, and allow the designer to meet this through innovation, not prescription.

b. Potential barriers to progress or innovation – ‘othering’

With statutory regulation on the one hand (a perceived over-regulation) and the economic impetus for innovation through performance solutions on the other hand it is understandable the construction, transport and planning industries have opposing objectives and views on additional layers of compliance or regulation. Most commercial developments seek certainty, and will resort to the courts for resolution, whilst infrastructure projects must seek consensus and satisfy a plethora of interests. Consequently designers will of necessity take advice as to the least complex and expensive approach. In such an environment the additional ‘layer’ of considering the rights of people with disability is left up to access consultants, ad hoc adjustments are made for onsite problems, and looking up the relevant clauses in the NCC ‘just to be safe’. Those with disability are not understood, and the ‘othering’ of disability continues.

d. Other matters: A new approach is needed – mindset change

It is only when big international events like the Olympics and the Paralympics come to a major city does the incapacity of that city’s infrastructure to be accessible and inclusive come to light. Heeding this, the Tokyo Olympics and Paralympics Plan for Action Universal Design 2020 focuses on two major changes: a ‘mindset’ change (treat people with disability with respect, educate the population about showing dignity to all, especially those with disability, and providing achievable and

appropriate accessibility targets for retrofits and for new infrastructure, transportation and buildings to help not only locals and visitors currently with disability to move around, but also to use the opportunity of the Olympics to address an ageing society where age-related disability will only increase.

A National Disability Strategy needs to be seen as a plan with the same all-of-agency connectedness as seen with the Sydney Olympic Authority, but not just for a one-off event but for future-proofing the city for an ageing society. Disability will in all probability impact on the majority of us, not just a minority, so the National Disability Strategy needs to reframe the Strategy as a whole-of-government, all-of-us strategy to truly change the way disability is addressed in Australia.

In summary:

Despite the prevalence of disability in the community, and an ageing population subject to age-related disability, CUDA believes strategies like the National Disability Strategy still need to be strengthened by a fundamental mind set change program to change the perception of disability in the community! Proof can be seen by social justice as not yet part of an Australian mindset, where designers and regulators request more and more rules to pursue compliance (a 'rules based' culture), and an absence of a community-wide 'justice for all' view. To truly reflect and embed the principles of the UNCHR in Australia we need a mindset change demanding social justice for all, including those with a disability.

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Centre for Universal Design Australia