

Disability Advisory Council of Victoria

Accessible Place, Accessible State 2020

Recommended Policy Outline for the
Victorian Government

DACV Accessible Place Working Party
December 2005

Table of Contents

Table of Contents	1
Glossary	2
1. Background.....	3
3. Demographic Context.....	4
4. Access in a Regulatory Context	6
5. Ten Accessible Place Guiding Principles	7
6. Strategic Recommendations.....	9
Appendix 1: DACV Accessible Place Working Party Terms of Reference.....	13

Note this is the text version of the *Accessible Place, Accessible State 2020* paper a PDF/ text version is also available on the DACV website.

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Glossary

Public and commercial buildings [premises]– are places other than private dwellings, including accommodation (other than dwellings), offices, education centre, childcare centre, art and craft centre, car park, cinema, hospital, research centre, service station, saleyard, leisure and recreation facility, place of assembly, retail premises, transport terminals, industry and warehouse.

Visitable dwellings – Visitable dwellings allow everyone (including wheelchair users) to visit with dignity, including staying overnight, and for an occupant with a disability to reside temporarily.

Adaptable dwellings – All adaptable dwellings should be visitable, but there are additional provisions that enable the dwelling to be altered without major structural works and at a much lower cost to make it fully accessible and useable in the future.

Accessible dwellings – Accessible dwellings allow full access and use for all occupants and visitors.

Source: Australian Standard AS1428.2 – Design for Access and Mobility Enhanced and Additional Requirements – Buildings and Facilities 2003 and as used by the City of Melbourne in Municipal Strategic Statement Access Provisions

1. Background

The Disability Advisory Council of Victoria (DACV) Accessible Place Working Party (Working Party) was established for the purpose of assisting the DACV develop a new policy framework regarding access to the built environment.

The Working Party members believe that by utilizing the currently available intelligence and by learning from how other states and nations have managed access issues, the Victorian Government can also make meaningful progress towards making the state a more accessible place for all Victorians.

The Working Party's key deliverable was to oversee the development of this policy paper for DACV endorsement. The background to the DACV's objectives and the Working Party's Terms of Reference are provided in appendix 1.

Organisations that have participated in the Working Party and provide in principal support for the direction outlined in this paper are as follows:

- Disability Advisory Council of Victoria (DACV)
- Australian Federation of Disability Organisations (AFDO)
- Action for Community Living (ACL)
- Victorian Rural and Regional Advocacy Network (VRRAN)
- ParaQuad Victoria
- Equal Opportunity Commission of Victoria (EOCV)
- Disability Support and Housing Alliance (DSHA)
- Victorian Council of Social Service (VCOSS)
- Housing Resource and Support Service (HRSS)
- Blind Citizens Australia (BCA)
- Community Building Statewide Built Environment Working Group
- Victorian Disability Advocacy Network (VDAN)
- Local Government Disability Planners Network

The DACV and the members of the Working Party wish to work collaboratively with industry and government in making our built environment a more accessible place for all Victorians.

This paper contains demographic content in relation to disability and access to the built environment. The paper provides 30 key recommendations in working towards the strategic improvement of access to the built environment within Victoria.

2. Victorian Policy Context

The Victorian government have demonstrated a significant commitment to social policy reform over the last six years. This is reflected through key policy documents such as Growing Victoria Together, A Fairer Victoria, Victorian State Disability Plan 2002 – 2012 (State Disability Plan), The Justice Statement and annual budget papers.

In May 2005 the Victorian Government launched its social policy action plan – '**A Fairer Victoria - Creating Opportunity and Addressing Disadvantage**'. The Government affirmed its commitment 'to make Victoria an accessible place for people with a disability' by outlining a range of strategies including reviewing guidelines for the procurement of capital works and major events. The development of disability action plans across Victorian Government departments was also identified as a significant tool to affect change.

The **State Disability Plan** also outlines the right of people with disabilities to live and participate in the community on an equal basis with other citizens of Victoria. The State Disability Plan emphasises that in order to maximise the opportunities for people with disabilities the government must support communities so that they can become more inclusive. The Victorian Government Justice Statement released in May 2004 highlights that human rights provide fundamental protections for all members of our society. It articulates the value of common humanity, highlights principles of human dignity and emphasises the prerequisites of these for a free and democratic society.

Access to the built environment is an important human right that is often not realised by many people requiring the use of mobility aids. Historically, these people have been denied the ability to access and utilise much of the built environment and denied the basic human right of freedom of movement. The improvement of access to the built environment would therefore work towards reducing discrimination experienced by people with impairments and work towards the construction of a more inclusive society for all. In addition, an accessible built environment would assist mothers with infants in prams, enhance mobility for the aged, assist people using shopping trolleys and assist tradespeople making deliveries.

Over recent years many initiatives have been undertaken in Victoria that focus on improving the accessibility of the built environment and public spaces however this effort has been fragmented and progress has been slow. The time has come to develop a more focused strategy that encompasses a vision for Victoria as an accessible place; this will require strong leadership from government, industry and the community.

3. Demographic Context

There are over 3.9 million people with disabilities living in Australia or 20% of the population. In addition to this there are 2.6 million carers (ABS 2004). In Victoria there are 987,000 people with disabilities (19.9% of the population) and 609,400 carers.

Disability is strongly correlated to age. The disability rate increases with age from 4% of children with a disability to 41% of people aged 65 to 69 and 92% of people 90 years and over. The need for accessible housing is therefore substantial and is predicted to increase with the aging of our population.

Measurable injustices are revealed when comparing the standard of living of these individuals:

Table 1 Profile of people with disabilities (ABS 2004)

Measure	people with disabilities	people without Disabilities
Completed year 12	30%	49%
Completed a degree	13%	20%
Labour force Participation	53%	81%
Unemployment rate	8.6%	5%
Gross median weekly income	\$255	\$501

There are of course injustices that cannot be easily measured such as exclusion, discrimination and social isolation from the socio-economic mainstream, which are a violation of human rights.

The accessibility of the built environment, public spaces and transport directly contribute to the ability of people of all ages with disabilities to do what people without disabilities take for granted – go to school, go to work, go out to socialise.

An increased supply of accessible housing will help maintain strong family relationships, informal networks and community connections, enable people to access home based support services, will limit the demand for specialist housing, and avoid costly admissions or long stays in acute hospitals.

A more accessible place will work towards enabling everyone to live independent and fully inclusive lives.

4. Access in a Regulatory Context

Regulation affecting accessibility in the built environment can be found in several key pieces of legislation and regulation. The most important of these are:

- Disability Discrimination Act 1992 (DDA)
- Planning and Environment Act 1987
- Local Planning Schemes
- Equal Opportunity Act 1995
- Australian Standards
- Building Code of Australia
- Building Act 1994
- Building Regulations 1994

Regulation that will have a significant impact on the improvement of access to the built environment will be the introduction Australian standards which will codify the Disability Discrimination Act (1992) with the Building Code Act (1994) of Australia. The development of the Access to Premises Standards (Premises Standard) will from a regulatory perspective, will facilitate a national approach to the improvement of accessibility throughout the built environment. However, several key limitations will remain:

- The exclusion of residential housing from the Premises Standard and the DDA.
- Concern over who should contribute to costs in providing access to existing buildings without access.
- Concern about the impact of additional building costs in providing access to potential building investments.
- Concern that premises standard may not go far enough to have a meaningful impact on improving accessibility throughout the built environment.

The Premises Standard will not address the apparent inconsistencies between the Planning and Environment Act (PEA) and local planning schemes. These inconsistencies will have an impact on the ability of the building regulation to enhance access. Unresolved issues in relation to how access is affected in the planning phase of building and construction and how this impacts on building legislation and regulation, will need to be addressed by the Victorian Government.

5. Ten Accessible Place Guiding Principles

The Working Party advocates systemic change, which can only be achieved through an integrated, industry wide approach. The key principles that will drive systemic change are as follows:

1. Access is a human rights issue and requires systemic change within building and planning processes.

2. The **definition of access** is a holistic approach that includes public premises, housing, public spaces, public transport, educational facilities, places of employment and information.

3. Victoria must move away from the medical model of disability to the social model that advocates that **disability is a social construct** where disability is defined as the social attitudes and barriers that 'disable' an individual from being a full and inclusive member of the community. In terms of access, policy makers must respond to the features of property, not to the features of the perceived impairment.

4. The Working Party recommends that industry and government must take a **strategic approach** to make meaningful and sustainable inroads towards building an accessible place.

5. Proactive regulatory governance is essential in achieving meaningful, long term change. This entails:

- Strong legislative imperatives for improved access standards in building and planning legislation
- Active enforcement of legislation
- Improvement of lodging and hearing complaints process
- Implement strategies to combat misconceptions and reshape public attitudes.

6. As regulation and standards only cover minimum access provisions, it is important to **incorporate market-based incentives** for industry to adopt practices above the minimum standards.

7. The Working Party is cognisant of the need to maintain housing affordability, however effort must be directed at **expanding the supply of accessible homes in both the private and public market.**

8. The government needs to ***revisit the benefit-cost analyses*** in looking towards implementing access regulation (for both public premises and housing). Of significant challenge would be:

- i. Have all the direct and indirect costs and benefits been fully incorporated?
- ii. How do we measure the value of diversity and inclusiveness in our society?
- iii. Can access be debated as an economic argument given the significant human rights implications?

The Working Party therefore suggests that more creative and qualitative measures are used that consider the implications of the long term structural changes that are occurring in our communities, rather than focussing on immediate term financial costs and benefits.

9. A ***project champion*** is essential for long term momentum and focus. This should be the Minister for Planning.

10. While access is for all Victorians, a long term view needs to be taken with regard to integrating all issues and policies related to people with disabilities. For example, Victoria would benefit from creation of a Minister for Disabilities and an Office for Disability or an Accessibility Directorate as is in operation in other countries such as New Zealand and Canada. The benefits of such a strategy would be to provide ***a whole-of-government approach and strategic overview of all issues, services and regulation affecting people with disabilities.***

6. Strategic Recommendations

The Working Party recommends a vision that provides a stretch target for Victoria – ***Accessible Place, Accessible State 2020***. The Working Party challenges the community sector, industry and government to unite and work smarter to achieve this target.

The DACV Working Party recommends the following policy position be supported by all community and industry stakeholders and adopted by the Victorian State Government:

The Vision:

An accessible place for all Victorians by 2020: A state that values inclusiveness, diversity and human rights.

Mission:

Develop an agreed strategic road map for the development of an accessible place that integrates all policies and initiatives that increase the supply of visitable housing and improves the accessibility of the built environment and public spaces.

30 Strategic Recommendations:

Proactive regulatory governance within 3-5 years

- 1** Use of government procurement policies to set the pace of development to commence by FY2006/7.
- 2** Victorian Government adoption of the draft 2004 Access to Premises standard as the 'contemporary disability access standard' (A Fairer Victoria 10.6).
- 3** Incorporation of access strategies in government department disability action plans.
- 4** Active enforcement and performance monitoring processes established at the local and state government level by FY2007/08.

Strengthen industry capability, awareness & commitment

- 5** Establish a whole of government and whole of industry Accessible Built Environment Strategic Plan by FY2006/7 to be facilitated by Department of Sustainability and Environment (DSE) as a whole of government and whole of industry approach to creating an accessible place in Victoria.

6 Work with education providers and industry associations to incorporate access in education, training and professional development courses for building practitioners and designers.

7 Establish an industry portal via the Building Commission/ Department of Sustainability and Environment website to provide building practitioners and consumers with a comprehensive and user friendly resource.

8 Establish an industry award to promote best practice in innovative accessible and sustainable design.

9 Showcase the Commonwealth Games village as a best practice access housing project.

10 Undertake a targeted media campaign by Equal Opportunity Commission Victoria EOCV/DSE to raise public awareness of access as a human rights issue. This strategy will require substantial government resourcing to maximise its effectiveness.

11 Creative use of market mechanisms to complement progressive regulatory governance, including the use of taxation incentives and flexibility in planning schemes that can only be used in conjunction with a demonstrated use of smart accessible design.

12 Minister for Planning to set up a task force that will develop a suite of incentives for use over a limited period of 3-5 years as a mechanism to generate interest, buy-in and awareness among property developers and consumers.

13 In partnership with the building industry, establish targeted communication and awareness campaigns aimed at property developers, property owners, property managers and lessees. The key message is (a) human rights issues and (b) potential business benefits.

Establish access as a key tenet of a whole of government approach to disability in Victoria within 1-2 years

14 Creation of a Minister for Disability Issues and an Office for Disability Issues or an Accessibility Directorate.

Improve and increase the availability of accessible housing stock in Victoria

New Housing

15 Statewide visitable housing regulation to be progressed immediately with a Regulatory Impact Statement (RIS) undertaken in mid 2006 and legislation in parliament by 2007.

16 Alignment of all planning provisions across Victoria made consistent to at least the standard set by Melbourne City Council (MCC) local planning amendment C60 or an agreed visitable standard.

17 Approve the MCC strategy as a pilot.

18 Ensure consistency between visitable building regulations and planning provisions.

Existing Housing

19 Make funds available from the Victorian Property Fund for people with disabilities (PWD) to modify rental properties. A condition of this funding is that the access features of these properties must not be removed when tenancy changes.

20 Expand the Department of Human Services (DHS) Home Renovation Service for PWD in modifying their homes from a once-only payment to once every five years to meet changing needs.

21 The Office of Housing to increase property modifications to ensure that an equitable proportion of the total public housing stock is visitable and adaptable.

22 Community and Social Housing to adopt a similar policy to above.

23 Establish a database that matches accessible housing supply and demand by location.

Ensure equity of access to all public premises in Victoria

New premises

24 Draft Access to Premises Standard to come into effect by May 2006 (provision as specified in the February 2004 version in full).

Existing Premises

25 Undertake a review of current building stock by encouraging industry and private businesses that are currently without minimum access standards, to provide Action Plans to Human Rights and Equal Opportunity Commission (HREOC).

26 Government to show leadership in ensuring that all government owned or leased buildings provide access provisions to at least the 2004 draft of the access to premises standard.

27 Ensure the active enforcement of standards to refurbished property by building surveyors and statutory planning authorities.

28 Unjustifiable hardship clauses to remain only for existing buildings.

Ensure equity of access to all public spaces in Victoria.

29 Ensure equity of access to the external built environment for all Victorians, as outlined by provisions under the Equal Opportunity Act.

30 Neighbourhood Renewal (NR) projects must ensure that accessibility is prioritised. For all NR projects to incorporate an access audit as part of any review or evaluation.

These 30 strategic recommendations form a road map that will steer the state of Victoria towards becoming an accessible place for all Victorians.

Appendix 1: DACV Accessible Place Working Party Terms of Reference

Background:

The Disability Advisory Council of Victoria's principal purpose is to provide advice to the Minister for Community Services on issues concerning people with disabilities in order to assist the Victorian Government achieve its stated policy objectives as detailed in the Victorian State Disability Plan 2002 – 2012.

The State Disability Plan states "the Government will improve access to buildings and other venues in communities, by assessing existing building standards and their impact on people with a disability." (42).

In May 2005 the Victorian Government launched its social policy action plan – 'A Fairer Victoria - Creating Opportunity and Addressing Disadvantage'. The Government reaffirms its commitment 'to make Victoria an accessible place for people with a disability' by outlining a range of strategies including reviewing guidelines for the procurement of capital works and major events. The development of disability action plans across Victorian Government departments also was identified as a significant tool to affect change.

The DACV in its second term has identified 'improving access to the built environment' as one of its key priority issues.

Terms of reference:

- The DACV Accessible Place Working Party (*the Working Party*) will be established for the specific purpose of assisting the DACV develop new policy ideas regarding access to the built environment.
- The *Working Party* will oversee the development of a policy advice paper for DACV endorsement.
- The *Working Party* will bring together individuals and representatives from organisations that have a particular interest in public policy that is associated with 'access to the built environment'.
- The *Working Party* will be task focussed and time limited and will meet three times over a period of four months (July – October 2005).
- The *Working Party* members will be expected to read the prescribed reading in order to contribute and actively participate in the time limited and outcome focused meetings.
- A member of the DACV will chair the *Working Party*.