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Submission made by Julia Farr Association

Australia's Initial Report under the Convention on the Rights of Persons with Disabilities

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The Julia Farr Association makes this submission to the Australian Government Attorney-General's Department on Australia's first report under the United Nations Convention on the Rights of Persons with Disabilities (hereafter referred to as UN Disability Convention).

1.0 INTRODUCTION

The Julia Farr Association and its predecessor organisations have been involved with the disability community and older persons for over 130 years. The Julia Farr Association is an independent, non-government entity based in South Australia that fosters innovation, shares useful information, and promotes policy and practice that support vulnerable people to access the good things in life. We are not a service provider – we deliver research, evaluation and information services that are anchored upon the stories shared by people living with disability and other people in their lives. As such, we feel we are in a good position to offer comment and analysis without vested interest.

The Julia Farr Association acknowledges that the Australian Government's draft initial report to the UN Committee on the Rights of Persons with Disabilities provides detail on a wide range of measures, legislation and actions that currently exist, or are in the process of being implemented or developed, that promote and protect the rights of people living with disability. However, given the short time frame to make comment, and the size and coverage of the report, we are unable to respond to all the areas addressed. We therefore have chosen to respond to issues which relate to three particular articles in the UN Disability Convention:

- Article 9 – Accessibility;
- Article 19 – Living independently and being included in the community;
- Article 30 – Participation in cultural life, recreation and leisure.

2.0 ARTICLE 9 – ACCESSIBILITY

The importance of people living with disability having ready access to places and services within their community is strongly supported by the UN Disability Convention, which states that people living with disability should be able to participate fully within their community through having equal access to their physical environment, transportation, public services and facilities¹.

However, the Julia Farr Association has identified through extensive consultation with the disability community² that people living with disability continue to experience difficulties accessing their local community. Some of the barriers include:

¹ United Nations n.d., *Convention on the rights of persons with disabilities and optional protocol*, <<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>>.

² Our qualitative and quantitative research with the disability community has included feedback from: Over 700 attendees at across the previous three **Loop** conference programs, which take topics out to country areas in South Australia; Around 800 participants in our **tellus** survey in 2008 and currently over 490 participants in the new 2010 version (the survey is still open); People involved in a range of specific surveys conducted on topics of interest, including people's experiences using access taxis and accessing services from their local General Practitioner;

- People not being able to readily access transport when required
 - Of the 400 people who answered the Julia Farr Association 2010 **tellus** survey³ question “*Is it easy for you to use public transport from where you live?*”, 46% stated that it was not easy for them to use public transport for reasons including different modes of transport not being readily available or physically accessible, and people not being able to access transport without support from others;
- People not being able to readily access premises within their community
 - “Examples of the range of barriers people living with disability experience include toilets being inaccessible, toilets being used for storage, service counters being too high, narrow doorways and corridors, uneven car park surfaces, a lack of accessible signage, and no ramps provided or ramps having insufficient gradients”⁴.

The types of access barriers people living with disability experience are further corroborated by the report, *Shut Out: The Experiences of People with Disabilities and their Families in Australia*, prepared in response to the consultation about the National Disability Strategy which included over 750 submissions. The report states that:

“More than 27 percent of submissions said that lack of access to buildings and facilities is a barrier to full participation in the community, while 29 percent identified a lack of transport as a significant barrier to inclusion”⁵.

The *Shut Out* report also identified the frustration people experienced with the slow pace of legislative and policy reforms in regards to access to public premises and transport.

2.1 Paragraph 52 and 53 of the draft initial report – Access to transport

The *Disability Standards for Accessible Public Transport* (hereafter referred to as ‘Transport Standards’) introduced in 2002, “establish minimum accessibility requirements to be met by providers and operators of public transport conveyances, infrastructure and premises”⁶. Review of these standards occurred in 2007, with a final report presented to the Australian Government for consideration. The final report and response from the Australian Government is yet to be released to the public. With the review data now three years old, it is of critical importance that the report and recommendations be released

Participants attending a range of JFA-hosted workshops on topics including personal choice and control, building networks, personal planning and action, and community development.

³ Information about the **tellus** survey can be found at:

http://www.surveymonkey.com/s/JFA_Living_with_Disability_Survey.

⁴ Fidock, A & Williams, R 2010, *tellus survey report 3: Accessibility*, Julia Farr Association, Unley, South Australia, p. 9.

⁵ National People with Disabilities and Carer Council 2009, *Shut out: The experiences of people with disabilities and their families in Australia: National disability strategy consultation report*, Commonwealth of Australia, <http://www.fahcsia.gov.au/sa/disability/pubs/policy/community_consult/Documents/NDS_report.pdf>, p. 6.

⁶ *Australia’s Initial Report under the Convention on the Rights of Persons with Disabilities. Draft for Public Consultation May 2010*, Paragraph 51, p. 15.

without further delay so that people living with disability can assess what is going to be done to improve access to public transport.

Despite the introduction of the Transport Standards, people living with disability continue to experience difficulties accessing public transport. There is no indication in the initial report about the level of impact the standards have had on making public transport accessible.

Therefore, the Julia Farr Association recommends that details on the progress of the Transport Standards final report be included in the initial UN Disability Convention report. This would provide the UN Committee on the Rights of Persons with Disabilities with current information on the progress of this important piece of work.

We also recommend that the findings of the Transport Standards final report be included in the initial report to demonstrate what improvements or changes have resulted from the Transport Standards.

R1 – Include in the initial report to the UN Committee on the Rights of Persons with Disabilities details on the progress of the final report of the 2007 Transport Standards review, and provide a summary of the report's findings to demonstrate the take up of the standards and the resulting improvements and concerns.

2.2 Paragraph 55 – Access to Premises

The *Disability (Access to Premises – Buildings) Standards 2010*, tabled in parliament in March 2010, will assist in harmonising the Building Code of Australia requirements with the *Disability Discrimination Act 1992*, and hopefully result in increased access to new or renovated public buildings. However, these standards do not address existing premises which can result in people living with disability not having equal access to buildings and places in their local community.

The Julia Farr Association recommends that the initial report include details on how the Australian Government is responding to the regulatory gaps that currently exist in regards to ensuring all public premises are accessible and non-discriminatory. This will demonstrate to the UN Committee on the Rights of Persons with Disabilities that measures are in place to ensure people's right to access public buildings and spaces in their local community is protected and promoted.

R2 – Include in the initial report to the UN Committee on the Rights of Persons with Disabilities comment on how the Australian Government is addressing the accessibility of other areas not included in the Disability (Access to Premises – Buildings) Standards 2010, to ensure all public premises are compliant with the Disability Discrimination Act 1992 and the Principles of the UN Disability Convention.

3.0 ARTICLE 19 – LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY

The UN Disability Convention highlights that people living with disability “have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement”⁷. However, many people living with disability are not able to exercise this right⁸. This is supported by recent data collected from the Julia Farr Association 2010 **tellus** survey where it was identified that over 28 percent of people did not choose where they lived⁹.

3.1 Paragraph 111, 115 and 121 – Living Independently within the community

Although there have been some positive developments in supporting people to move from institutions settings into community-based accommodation arrangements since the 1980s¹⁰, the statistics provided in *paragraph 111* highlight that in 2007-08 people living with disability continued to live in what the report describes as ‘supported living’ such as group homes (5.4%), or supported accommodation facilities such as institutions (4.1%).

We recognise that people living with disability may need supports to live within their community and acknowledge the investment the Australian Government made in 2008 of \$100 million in capital funding for supported accommodation to create an additional 313 supported accommodation places by 2012, highlighted in *paragraph 115*. However, if the only option available to people is a type of supported living where they have to share a house with other people living with disability, this does not guarantee independence and active participation within their community, particularly if people are not provided with the opportunity to choose where in the community they live or are not adequately supported to maintain and develop links with family and personal networks.

Research undertaken by the Australian Housing and Urban Research Institute in 2007 on housing careers highlights the relationship between people living with disability experiencing fewer housing options and having an increased reliance on support services, lower average incomes and less opportunity to participate in the formal labour market¹¹. We believe the Australian Government needs to consider practical measures that can help ensure people living with disability are provided equal opportunity in their housing options, including where to live in the community and who to live with. Such measures should be reported in the initial report to the UN Committee on the Rights of Persons with Disabilities.

⁷ United Nations n.d., *Convention on the rights of persons with disabilities and optional protocol*, <<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>>, p. 13.

⁸ National People with Disabilities and Carer Council 2009, *Shut out: The experiences of people with disabilities and their families in Australia: National disability strategy consultation report*, Commonwealth of Australia, <http://www.fahcsia.gov.au/sa/disability/pubs/policy/community_consult/Documents/NDS_report.pdf>.

⁹ **Of the 404 people who answered the 2010 tellus survey question “Did you choose where to live?”, 115 people (28.5%) stated that they did not.**

¹⁰ Fidock, A & Williams, R 2009, *tellus survey report 2: Having choice and control*, Julia Farr Association, Unley, South Australia.

¹¹ Beer, A & Faulkner, D 2007, *21st century housing careers and Australia’s housing future*, Australian Housing and Urban Research Institute, Melbourne, Victoria, Australia.

The Julia Farr Association recommends that the initial report include details on proposed or current initiatives/programs that ensure people have access to the same range of common housing options as other community members.

“The benefits of offering common housing options to people living with disability are twofold. Not only do people have increased opportunities to develop their social networks and community involvement when they are living within their local community, there is also evidence to suggest that the cost of providing such community based options is less than larger congregate accommodation arrangements”¹².

For more information on common housing options refer to – www.cru.org.au/crutimes/CT40/CT40.doc, pp. 22-25.

R3 – Include in the initial report to the UN Committee on the Rights of Persons with Disabilities details on proposed or current initiatives/programs that ensure people have access to the same range of common housing options as other community members.

Paragraph 121 highlights the WA Community Living Initiative “which ensures that the persons with disabilities and their family lead the decision making by supporting adults to live in their own homes in the community”¹³.

The Julia Farr Association recommends that there needs to be greater coverage in the initial report on other proposed or current initiatives that place people living with disability at the centre of making decisions about where and with whom they live, and encourage and develop the natural networks and connections people have in their lives. The Julia Farr Association can provide examples as required.

R4 – Include in the initial report to the UN Committee on the Rights of Persons with Disabilities details on other proposed or current initiatives/programs that ensure people living with disability exercise choice and control about where and with whom they live within their community.

4.0 ARTICLE 30 – PARTICIPATION IN CULTURAL LIFE, RECREATION AND LEISURE

In Article 30 of the UN Disability Convention it reinforces the importance of people living with disability participating in recreational, leisure and sporting activities on an equal basis as others¹. The current initial report is not adequate in this regard.

¹² Fidock, A & Williams, R 2009, *tellus survey report 2: Having choice and control*, Julia Farr Association, Unley, South Australia., p. 8.

¹³ *Australia’s Initial Report under the Convention on the Rights of Persons with Disabilities. Draft for Public Consultation May 2010*, Paragraph 121, p. 33.

To illustrate, we offer one example here of the work that still needs to be done, given that the Australian Commonwealth Government is asked to report on “Measures taken to ensure that cultural, leisure, tourism and sporting facilities are accessible to persons with disabilities”¹⁴.

Going to the beach is deeply engrained within Australian culture. Yet, as we learned from recent correspondence with South Australian surf lifesaver clubs, very few beach authorities (just one in our current survey) have a beach-accessible wheelchair available for use by people living with disability. If these findings are replicable elsewhere, this means that our quintessentially Australian free recreational venue – the beach – is not accessible to many Australians living with disability.

We therefore recommend your report include measures to ensure that all of Australia’s public recreational venues are genuinely accessible to people living with disability.

R5 – Include in the initial report to the UN Committee on the Rights of Persons with Disabilities details on measures that ensure all of Australia’s free public recreational venues are genuinely accessible to people living with disability.

5.0 CONCLUSION

The Julia Farr Association welcomes the opportunity to work with you on the matters raised in this submission, and other issues relevant to your reporting.

We are very happy to offer supplementary information as required, and to work with you to identify further measures that will help Australia achieve new standards of access and inclusion as per the United Nations Convention on the Rights of Persons with Disabilities.

We look forward to a successful collaboration.

For further information about this submission, please contact:

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¹⁴ United Nations 2009, *Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities*, <<http://www.ohchr.org/Documents/HRBodies/CRPD/CRPD-C-2-3.pdf>>, p. 17.