

The Independent Living Centre NSW is scheduled to appear on Tues 15 July.

Attached are three short documents that may be considered appendices to our submission.

They provide an international perspective on issues related to the built environment and disability discrimination in general.

These documents were taken from www.ictaglobal.org

<<INTERNATIONAL ACCESS M Fox 2002.doc>> <<M Fox Paper
2001.doc>> <<The
Accessible Games SL-L CAE.doc>>

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INTERNATIONAL ACCESS & EQUITY PERSPECTIVES FROM CATALYST TO MAINSTREAM

GLOBAL FRAMEWORK

Access, equity and rights based legislation are now becoming mainstream in a number of more developed countries around the world.

This major change in attitudes and awareness has come about primarily in the last ten years, resulting in more inclusive opportunities for everyone, including older persons and people with a disability.

However this access and equity movement has tended to primarily impact on more developed countries such as Australia, New Zealand, Japan, Hong Kong, Canada, Northern Europe, United Kingdom and the United States of America.

These and a number of other countries have embraced this catalyst for change, but perhaps 80% of the world's population are not able to share the significant benefits of a rights based approach.

Many less developed countries have major social, cultural, environmental and economic problems including starvation, warfare, poverty and environmental breakdowns - resulting in a lower priority being placed on rights based issues such as access and equity. In a number of developed countries, such as Australia, well organised and effective access and equity policies and legislation are in operation.

However this often tends to favour urban areas with well established multi modal transport and higher density land uses. In many cases the situations and provision of services are far less accessible or equitable in rural, remote and indigenous communities.

RI & ICTA

Rehabilitation International (RI) is a worldwide network of people with disabilities, service providers and government agencies working to improve the quality of life of people with disabilities. Most countries throughout the world are members of RI, represented by elected or nominated National Secretary Organisations.

RI has established expert commissions to investigate, research and promote key aspects of the RI agenda including access, equity and rights based legislation. ICTA (International Commission on Technology & Accessibility) is one of these RI commissions, and the ICTA charter includes information exchange and promotion of accessible technology and environments on a global scale. ICTA is managed by a Global Executive and regional sub-commissions have been established in the Asia Pacific, Africa, Europe, Latin America and North America. Information on ICTA is available at the best practice accessible website www.ictaglobal.org.

MORE DEVELOPED COUNTRIES

Rights based philosophies and legislation exist in various forms around the world, and are best exemplified by the DDA (Disability Discrimination Act) of Australia and the UK, together with the ADA (Americans with Disabilities Act) in the USA.

The DDA is primarily complaints based legislation - giving a person who considers they have been discriminated against, the right to lodge a formal complaint in alternative formats. The complaint can relate to any service provision including transport, public domain, communications, education, employment or the built environment - and complaints are resolved by conciliation or the Court.

The ADA is essentially a Federal mandate to achieve compliance with set access requirements and timelines. The ADA is managed through the Access Board in Washington DC and legal aspects are resolved by the Department of Justice. Most such legislation over the past ten years has been physical access oriented, perhaps due to legislators being more easily able to understand the access requirements of a wheelchair user than a person with intellectual or sensory limitations.

The advent of legislation such as the DDA and ADA during the past ten years has significantly changed the balance of access criteria and compliance. Recent and current legislation enhancements in Australia for example, now include specific requirements for accessible information, communications, tactile signage, luminance contrast, hazard indicators, guidance systems, way finding, and audio / visual alarms and warnings. This evolving change is resulting in more equitable access legislation to benefit everyone, including older persons and people with a physical, sensory or intellectual disability.

In the USA and Australia, harmonising of rights based best practice criteria with building and equipment legislation is a high priority. In many cases consumers, advocates, legislators and access consultants are promoting best practice access criteria and service provision. Conversely the building industry, property owners, many government departments and consultants are seeking more certainty as to minimum access requirements.

Australian access legislation is moving to a performance based approach and this requires a comprehensive knowledge base, together with effective consumer consultation. This performance based approach provides building owners and consultants with an alternative to conventional deemed to satisfy / specific code compliance, and the key performance based criteria are safety, equity & dignity. Access consultants in Australia and the UK have formed Access Associations and Registers of Access Consultants to provide building owners and service providers with more certainty regarding the quality of professional access advice.

The access agenda continues to develop in complexity and diversity. Current world issues include accessible information and websites, access to heritage building and the public domain, and consideration of allergies and obesity in the context of disabilities and discrimination.

LESS DEVELOPED COUNTRIES

Access and equity usually has a very different agenda in less developed countries. ICTA sub-commission members are involved in many access and equity initiatives globally. This provides a number of relevant examples and illustrations of the diversity of application and development of the access agenda.

ICTA Regional Sub-commissions link access and technology advocates and experts and are facilitating information exchange within and between regions. This

networking aims to minimise 're-inventing the wheel' - as in many cases issues that may be unique in one country or environment may have been effectively solved in another country.

For example comprehensive access awareness and implementation in Hong Kong is providing the opportunity of access and technology information exchange and technical assistance in many parts of China. The 2008 Beijing Olympic and Paralympic Games will benefit from the Sydney 2000 experience and access programs promoted by regional organisations such as ESCAP (Economic & Social Commission Asia Pacific) based in Bangkok.

ICTA Latin America Sub-commission has actively promoted the access agenda since establishment in 2000. A network of Standards Associations are promoting access criteria and a number of pilot access programs in urban and rural environments are being initiated.

The ICTA 2002 Global meeting is scheduled in Osaka during October, and this will provide a further opportunity to discuss, review and set global priorities, targets and criteria for access and equity worldwide.

OPPORTUNITIES & CHALLENGES

During the past ten years, many developed countries have certainly benefited from significant positive development of the access and equity agenda. However the global challenge is for more developed countries to initiate and effectively assist in implementation of appropriate access and equity programs in less developed countries. This requires co-operation with relevant global organisations such as the World Bank, World Health Organisation and International Standards Organisation.

Countries such as Australia need to develop more effective and appropriate access and equity programs in rural, remote and indigenous communities - and also encourage bilateral information and technical assistance exchange within the Asia Pacific region. Similar opportunities and challenges apply to other more developed countries throughout the world.

Continuing research, development and new initiatives will continue to drive the global access agenda towards a more equitable and mainstream world.

This paper was presented by Michael Fox at an ACROD NSW Conference in Sydney, Australia on 30 April 2002.

Michael Fox is a director of Access Australia Pty Ltd, Access International and the related company Michael Fox Architects. He is an experienced architect, planner and access consultant with involvement in access and equity since 1972.

Michael Fox is World Chair of ICTA, (RI International Commission on Technology and Accessibility); a member of the Corporate Board, House with No Steps, Sydney; ACROD NSW Committee of Management; Standards Australia Access Committee ME / 64 and 1992 - 2001 Chair of the Sydney NRAF (Northern Region Access Forum).

Impact of the Access Movement in Australia

February 2001

Michael Fox

ICTA Global Chair (RI International Commission on
Technology & Accessibility)

1 Evolution of the Access Movement

Since 1972 there has been a sociological and political revolution in Australia regarding access and equity for older people and people with disabilities.

We have progressed from a welfare based system to an equity and empowerment philosophy that can enable everyone to participate in all aspects of our community.

Australia, like many developed and less developed countries throughout the world, has recognised and addressed the inequality of services for people with disabilities.

The Access Movement has been a fundamental part of this changing philosophy, and one of the key elements was the development of Australian Standard AS1428 in the 1970s. The Standard was the first tangible access document for advocates and people with disabilities, and provided a set of requirements to achieve more accessible and equitable environments.

As the Australian Standard developed and was progressively adopted by government and the private sector, programs evolved to include the beginnings of accessible communications, transport, public areas and equipment. Part of this evolution has been the recognition of positive terminology. Accessible rather than disabled facilities are preferred.

Since 1990 the Building Code of Australia (BCA) has provided the basis for uniform national building and access provisions. The BCA includes variations for each state and territory and as the BCA develops these variations should reduce.

Australian Standard AS 1428 has been extensively and regularly reviewed and now comprises four sections. Regular amendment to the mandatory AS 1428 Part 1 are being prepared and incorporated into the BCA. A further six Australian standards on specific access issues are now being developed.

Today we consider accessible environments a normal and reasonable expectation in our society. The introduction of the Disability Discrimination Act (DDA) in 1992 has further raised this expectation by creating a situation where discrimination on the grounds of disability is illegal.

The Human Rights and Equal Opportunities Commission (HREOC) provides an effective mechanism for implementation of the DDA and significant case law is developing throughout Australia to define the powers and impact of the DDA.

As this case law develops, the building industry is seeking more certainty due to the differences between the BCA and the DDA. Recent DDA case law has clearly

established that compliance with the BCA does not provide protection under the DDA. The current priority is to progressively develop a DDA Access Standard.

2 Current status & opportunities

Access and related changes that are impacting on our society includes

- Developing quality services and life opportunities for Australians with disabilities
- Promotion of the highest quality in service provision to deliver enhanced outcomes for service users
- identification of more innovative ways to develop print disability services
- Review of ICDH (International Classification of Impairment, Disability and Handicap) and evolution to Impairment, Activity & Participation criteria
- Involvement in reviews of the BCA and AS 1428, and commencement of a process for accreditation of access consultants

Relevant Australian organisations, government departments and agencies are active in the fields of Ageing & Disability, Children & Youth Services, Employment & Training, Accommodation and Technology.

Australia participates in programs to assist people with sensory and physical disabilities in the Asia Pacific Region. ACROD is the Australian affiliate of Rehabilitation International (RI), with involvement in the work of RI commissions and regional programs.

3 National & international perspectives

All of these activities have an access and equity agenda. Quality of service and better marketing are essential goals in our socio-economic world, and current programs to develop best practice accessible environments are a very important aspect.

The demands for quality and best practice require mechanisms for delivery of better services and consistent linkages to create genuinely accessible and equitable environments and opportunities.

Intrinsically linked with this quality goal is the issue of professional liability, regarding the identification and provision of competent and consistent access advice. Major building programs such as the Sydney 2000 Olympic & Paralympic Games have demonstrated an access pro-active approach, resulting in generally best practice access and equity for everyone including older people and people with disabilities.

This requires careful and detailed assessment by access consultants to ensure best practice access provisions and to minimise the risk of a DDA complaint being lodged. The process places significant responsibility on building owners, developers, architects and access consultants.

This liability is effectively a duty of care and requires careful research and consideration of numerous complex issues. Access considerations now extend from conventional physical building access to provisions for communications access, sensory access provisions, new technology and service animals.

To date most DDA cases have related to discriminatory transport, communications and public buildings. Future DDA actions may relate to service organisations including local councils and building professionals. A recent DDA case involved the requirement for a local council to consider the DDA during the development and building approval process.

In the US the Americans with Disabilities Act (ADA) is enforced by the Department of Justice (DOJ), in conjunction with the Access Board. A celebrated recent DOJ case involved a complaint against a major US firm of architects. The complaint alleged that the architects engaged in patterns of discrimination by designing several new sports arenas that were not accessible.

Through ACROD and RI, Australia has benefited from a constant exchange of information and experiences to assist in the creation of more innovative and accessible provisions. This information exchange has been facilitated by ICTA, the International Commission on Technology and Accessibility. ICTA is a standing commission of RI and Australia has participated in the work of ICTA since 1979. Examples of international information exchange have included accessible subsidised taxis from Canada, comparable sight lines in auditoriums and stadiums from the US, and accessible low floor buses from Europe.

Centres of access excellence are being established world wide and ICTA is currently involved in the identification and linkage of these centres to further facilitate effective and reliable information exchange. These centres include the Centre for Accessible Environments (CAE) in London and the Access Board in Washington.

ICTA has established regional commissions in Africa, Asia Pacific, Europe, Latin America and North America. Current ICTA programs include assistive technology, accessible transport and communications access.

4 Future directions & opportunities

The business, management and marketing aspects of disability services and access provisions will continue to develop and influence our society.

Access programs need to recognise the requirements of business, and provide a competent and consistent response. The building industry in Australia is seeking more certainty due to the differences between the BCA and the DDA, and the gradual recognition that compliance with the BCA does not provide protection under the DDA.

Access legislation is being developed through Standards Australia and the Building Codes Board. Current complementary access initiatives in Australia include

- Development of an Access Institute to initiate and carry out access information exchange, research and educational programs
- Establishment of ACA Australia, the Association of Consultants in Access, Australia as a national program to accredit access consultants

5 Access in the 21st Century

As we move into the new millennium, it is appropriate to reflect on our achievements in the creation of more accessible environments and the opportunities ahead.

Access enhancements can be easily measured in high technology urban areas. However the majority of the world is less developed than Australia and significant competing priorities of hunger, shelter and health care often make access priorities difficult to achieve.

Even in Australia we have primarily focussed on accessible urban areas. Different access approaches and strategies need to be identified and implemented in rural areas, remote and tropical communities. These are major challenges for government and the community. New technology provides a further access dimension. The widespread adoption of e-mail and Internet services is facilitating information exchange for people with disabilities and new technology is at the forefront.

Current research is providing interactive communications and enhanced equipment for people with a range of sensory impairments. The ICTA North American regional commission has convened virtual meetings by distributing an email agenda, opening the meeting for a set time, and providing progressive email summaries of comments and resolutions.

This paper has attempted to illustrate the diversity and the challenge of creating and maintaining more accessible and equitable environments. Access is not just about accessible ramps and toilets.

Access encompasses all aspects of our environment, and the Access Movement is progressively providing a more accessible and equitable world.

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web reference: http://www.ictaglobal.org/int_access_equity.html

The Accessible Games **by Centre for Accessible Environments, UK, March 2001**

The Sydney 2000 Olympic and Paralympic Games were an unqualified triumph in every respect, not least in setting a new benchmark for the accessibility of major sporting events. In November last year, international access consultant, Michael Fox, gave a presentation at the RIBA, jointly organised by the London CPD Region and CAE, on how this was achieved. Sarah Langton-Lockton reports.

The Sydney Paralympics attracted 4,000 athletes from 125 countries, competing in 18 sports. There were, for example, more than 600 athletes with a visual impairment and some 1,800 competitors who use wheelchairs. The events drew huge audiences and received extensive coverage on television world wide. Records were broken on the participation of disabled people, demonstrating that an accessible built environment is the predisposition for social inclusion. As CAE puts it: inclusion by design.

Michael Fox AM FRAIA MRAPI is the planning and design director of Access International and Access Australia Pty Ltd and the World Chair of the International Commission on Technology and Accessibility (ICTA). Access Australia's consultancy services in relation to the Sydney 2000 Olympic and Paralympic Games included access strategies, guidelines, audits and implementation programmes for the Olympic Co-ordination Authority (OCA) and Olympic Roads & Transport Authority (ORTA). Projects included the Olympic and Paralympic Games Public Domain and Games Village, Homebush Bay Hotel and Multi Use Arena.

Michael Fox said that Sydney was selected in 1993 to host the 2000 Olympic and Paralympic Games, a significant year in Australia since this was when the Disability Discrimination Act (DDA) came into force. To initiate the thinking and communication that are intrinsic to the planning process, several overarching organising committees were set up. These included the Sydney Paralympics Organising Committee (SPOC), OCA and ORTA. Transportation in all its aspects proved the key to the success of the Games.

Beyond the building code

OCA set up an Access Committee which was to have a powerful role in relation to the design agenda for all venues. For members of the Access Committee, all consumers, this was an empowering process. The first edition of the OCA Access Guidelines was published in 1994. This and subsequent editions drew on best practice from all over the world, going far beyond the Australian building code. By the time of the 1998 amendment to the guidelines, they had become a very useful package of documentation to guide the access process.

By this time, what Michael described as 'something magical' had happened: a spirit of cooperation between government at all levels and a shared understanding that the best practice opportunities that were being identified were all to do with access and equity of choice. The Paralympic Games were driving the agenda because it had become clear that this was the key to success, particularly in the Olympic Village, which would accommodate 15,000 people for the Olympics, 8,000 for the Paralympics and 4,000 in the long term. The three weeks between the Olympics and Paralympics provided for minimum retrofit.

The general access strategy was agreed in 1995, based on a linkage of three elements - communications, transport and built environment - in that order. The thinking was that if people did not have all the information they needed well in advance, they would not go to the Games. Unique road signs were therefore in place on every roadway around Sydney, three months before the event. This signage took account of lighting, luminance contrast and consistency of information. A 'Look Committee' was set up to get this right.

The next fundamental strategic issue was transport. ORTA specified low floor buses, accessible rail travel and taxis. There was a focus on interchange stations - 50 out of 400 underground stations in Sydney - and a real effort was made to make these accessible. It was acknowledged that accessible venues were important but transport and communications are what makes it all really work. Tickets to the Games provided free public transport through a 'dollar allocation', whereby ten per cent of the cost of each ticket was used to fund transport.

Into the mainstream

OCA established a requirement for a generic Facility Access Strategy. This meant that all tenders had to demonstrate compliance with the Access Guidelines and had to include a Facility Access Strategy. This required the appointment of an access consultant, attendance at regular OCA meetings and access audits right through the process - at the planning and design phases, pre-tender and during construction, culminating with a post-occupancy audit. Industry accepted this because it was a mandatory requirement.

Access Australia undertook consultancy on many venues. Michael Fox said that within two years the consideration of accessibility had become a mainstream issue and through the Facility Access Strategies there swiftly developed an understanding of the relationship between physical built requirements and operational procedures.

The Olympic Boulevard

He showed slides of the Olympic Boulevard under an Indian Summer (October is usually quite cool). An important aspect of the public domain was that it should be easy to understand and easy to wayfind. There were no curbs and a system of tactile surface indicators, using colour and textures, delineated vehicular and pedestrian areas. Use of tactile indicators was kept to a minimum, to denote hazards only. Luminance contrast was considered adequate in relation to street furniture. Signage was prominent and consistent, using bright blue graphics on a white background. It included large indicators running down the boulevards, providing shelter and all numbered to serve as meeting places. This was popular and successful. Solar collectors provided for environmental as well as access best practice.

Olympic Boulevard accessible walkway

Legacy and overlay

Important concepts were those of 'legacy' - for the long term - and 'overlay' - additional provision for the duration of the Paralympics and removable thereafter. An example were the portable accessible WCs for the marathon and elegant security tents.

Portable accessible WCs

Partnership was also a key concept, with most of the main venues the result of partnership between the Government and the private sector. The several hundred acres allocated to housing were developed by private housing developers. They had to meet the Olympic and Paralympic criteria and, at the close of the Games, owned the site. Bovis Lendlease won the tender for the Olympic Village, with the opportunity to develop most of the site for conventional housing and an early return. The housing consisted of three-storey apartment blocks with accessible ground floors and, typically, two-storey houses in which a conventional garage became a bedroom and the laundry room became a bathroom. This met the Paralympic agenda for a whole team to be able live in a house through minimal retrofitting.

Housing in the Olympic Village

Some other contributors to success

The huge numbers of athletes and spectators - up to half a million people on site on any given day - required skilled crowd management and communications. To assist with this, 50,000 volunteers were recruited, including Michael Fox and his wife, Margaret. All volunteers undertook comprehensive training for six months prior to the event. This included extensive use of public transport arrangements for familiarisation purposes, communication with local groups of disabled people and the production of maps, guides and cassettes.

Key lessons were the importance of the process of access and the interplay between legacy and overlay. Through OCA's involvement, documentation was available which would influence the next generation of Australian standards on access. Because accessibility was taken on board at the onset, there was no additional cost and no mitigation of design quality.

Responding to a query about what did not work, Michael Fox said that when people bought tickets they were asked to tick boxes to say whether they needed wheelchair accessible seating/ enhanced sightlines. When people had omitted to tick relevant boxes, volunteers had to reallocate seats on the spot. The Australian code called for 1:100 wheelchair seating; the OCA guidelines specified 3:100. Conveniently located chairs could be plugged into wheelchair spaces if they were not needed and every wheelchair space had a conventional seat adjacent. The provision of comparable sightlines - so that people could see when those in front stood up - meant careful organisation and tiering of seats.

Asked to identify transferable ideas for the urban environment generally, Michael Fox highlighted the importance of consultation with users to move the conventional wisdom forward and the process of access, in which the key elements are paving, lighting, signing and street furniture. This had been a public transport event and the most successful element in this were low floor buses. Regarding consultation with consumers, he said that the consultees were all nominated by major disability organisations. They were all paid to attend meetings and prepare reports. The skills required were those of disabled people active in the real world.

Over half a million school children attended the Paralympics, and this next generation of Australians experienced increased awareness of people with abilities and disabilities, and shared the enjoyment of supreme sporting achievements. This will have a significant long term impact on community attitudes to access and equity.

Ref: <http://www.ictaglobal.org/accessgames.html>