

Productivity Commission  
Disability Discrimination Act (DDA) 1992 Submission

Dear Commissioners;

I would like to make comment to your current review of the effectiveness of the DDA.

My perspectives for this submission are from 45 years of personal experience of a profound physical disability and as a practitioner and Director of Disability Consultancy Services (DCS) Pty Ltd, an organisation established in 1996 to provide advice on access and DDA equity issues to Commonwealth local, state governments and architectural firms. I have seen cities transformed because of DDA provisions.

From both my personal perspectives I perceive the DDA has provided an invaluable, positive legal and educational framework for reinforcing the principles of independence and equity, begun by people with disabilities themselves, during the United Nations, International Year of Disabled Persons (IYDP) 1981. I was fortunate to be one of the Federal Government National Committee organising the events, policies and activities of that year.

While a great deal has been achieved through goodwill and negotiation, I believe the degree of progress would have been far less without this underlining reinforcement of the DDA and its provisions. In both my consulting work and personal life I have witnessed the DDA requirements instigating access work, providing an educational stimulation for better understanding as well as a legal reinforcement for those less willing to accept change.

It is now established that more accessible and inclusive societies have greater productivity and that to improve productivity even further, more infrastructure access work needs to happen in the built environment, as does more general areas of access. Research needs to be conducted into the effectiveness of areas associated with DDA provisions, such as Tactile Ground Surface Indicators for their effectiveness and their application as well as ways which can simply offer building owners and designs more certainty in their provisions.

The DDA legislation, being complaint based legislation, makes it virtually impossible to provide 100% independent access. For example even with all the provisions of AS1735 Part 12 lift requirements I am unable to operate a lift or manipulate a security system. While this reduces my personal productivity I do recognise today's financial and technology limitations to achieving immediate access. My productivity losses are however others gain, as I have to employ attendants, sadly without taxation relief an area I have long argued needs investigation.

I have also concerns associated with structural organisations associated with DDA legislation, such as the Australian Building Codes Board and Standards Australia. These associated bodies are taking far too long to clarify and assist the building industry to comply with the spirit of the DDA with some form of certainty. Building owners and local government building authorising bodies are rightly frustrated with the lack of certainty for compliance. Surely the simplest interim step to meet DDA compliance would be to meet Australian Standard AS1428.1 2001 requirements.

The financial self-interest of Standards Australia to develop and publish a complex plethora of codes is also of concern. I understand that there is a plan to develop a suite of ten parts of the AS1428 range, specifically addressing disability access. At approximately \$70 each manual it is a costly and time consuming effort to obtain, update and interpret the various requirements. As an example, AS1428.1 2001 instead of providing the necessary measurement requirements for a Disability Car Park, it cunningly refers you to yet another Standard outside of the disability suite to obtain this simple measurement.

I am also concerned at the dwindling lack of representation of people with disabilities themselves as representatives for their needs and interests within government advisory committees and policy development structures. Members of Standards Australia code development committees are expected to be financial members of that organisation and to transport themselves to Sydney for meetings. Few people with disabilities can independently afford this.

Most representatives today seem to be selected from the professional working bureaucracies and disability organisational structures rather than those who actually live with the problems and their consequences. Many organisational and bureaucratic representatives seem to display paternalistic and at times ideological complex views, which often tend to favour their own bureaucracy, career or structure. I often hear people speaking on behalf of people with disabilities using inappropriate language and inaccurate historical influences and actions.

While disability doesn't necessarily give one an instant expertise on issues associated with disability, there are plenty of people with disabilities, with the proven expertise and skill necessary to provide advice and to represent our own interests. Too often the DDA requirement for consultation with people with disabilities seems to happen after decisions or directions have been set.

Finally I would like to raise some future structural action areas for an organisation like the Productivity Commission to improve productivity. This action relates to international requirements, which effect people with disabilities in their use of airlines and watercraft.

Airlines insist that a person with a disability must be carried or use a small aisle chair to reach row 12 in the middle of the body of an aircraft and to then sit in the smallest seat on the plane. Other passengers have to then climb over the paralysed person who is loaded first, to get to the interior seats. This is all because a person with a disability is not

allowed to be seated in those seats close to an entrance because of an international requirement not. The arguments used to justify this action I believe do not stand up to rational argument and assume that the life of someone with a disability is less important than others.

I also understand that level access to interiors of cruise vessels is affected by international requirements relating to storm sills. Although there are alternative ways to prevent water entering cabins, these international requirements are apparently too rigid to allow for the use of these alternative methods.

I would be happy to appear at your Adelaide hearing should you wish.

Yours sincerely

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