

Accessible Place,
Accessible State 2020

Recommended Policy Outline for the
Victorian Government

Accessible Place Working Party
November 2005

DACV Accessible Place Working Party

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Appendices

- 1. Victorian Regulatory & Policy Framework for Access**
- 2. Government Procurement and Capital Works Processes**
- 3. Accessible Place Working party Terms of Reference**

Glossary

- **Public and commercial buildings** – 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 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: City of Melbourne, Accessible Buildings Policy July 2004

1. Background to this paper

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

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 3.

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)
- Para Quad
- Equal Opportunity Commission of Victoria (EOCV)
- Disability Support and Housing Alliance (DSHA)
- Victorian Council of Social Services (VCOSS)
- Housing Resource and Support Service (HRSS)
- Blind Citizens Australia (BCA)
- RuralAccess Statewide Built Environment Working Group
- Victorian Disability Advocacy Network (VDAN)
- Council of the Ageing (COTA)
- 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 an overview of the Victorian policy, regulatory and demographic context and proposes 30 strategic recommendations.

DACV Accessible Place Strategy Map

Policy Vision

An accessible place for all Victorians by 2020

Policy Mission

Develop an agreed strategic road map for the development of an accessible place that integrates all policies and initiatives that affect the accessibility of the built environment and public spaces

Ten Guiding Principles

Access is a human rights issue	Disability is a social construct	Holistic definition of access	Industry wide strategic approach	Proactive regulatory governance
Complementary market based mechanisms	Focus on accessible housing	Revisit traditional cost-benefit rationales	Whole of government approach to PWD	Minister for Planning as the Project Champion

Strategic Recommendations (30)

Proactive Regulatory Governance	Industry Capability, Awareness & Commitment	Whole of Government Approach to Disability
<ol style="list-style-type: none"> 1. Use Government procurement policies to set the pace of development 2. Draft 2004 Access to premises Standard as the contemporary disability access standard (A Fairer Victoria) 3. Incorporate access strategies within Disability Action Plans 4. Active enforcement and performance monitoring processes 	<ol style="list-style-type: none"> 5. Strategic plan by 2006/07 6. Develop practitioner education, training & awareness 7. Incorporate access in practitioner education & training 8. Establish an industry portal 9. Showcase the Commonwealth Games Village 10. EEO targeted media campaign 11. Creative use of market mechanisms 12. Task force to develop incentives 13. Communication & awareness campaign targeting property owners & developers 	<ol style="list-style-type: none"> 14. Creation of a Minister for Disability Issues and an Office for Disability Issues or an Accessibility Directorate
Improve the Accessible Housing Stock	Equity of Access to all Public Premises	Equity of Access to all Public Spaces
<ol style="list-style-type: none"> 15. Statewide accessible housing regulation by 2007 16. Alignment of planning provisions 17. Approve MCC strategy as a pilot 18. Consistency between new building regulations & planning provisions 19. Utilise the Victorian property Fund 20. Expand the DHS Home Renovation Service 21. Office of Housing to increase property modifications 22. Community Housing to increase property modifications 23. Database to match accessible housing supply with demand by location 	<ol style="list-style-type: none"> 24. Draft Access to Premises Standard (Feb 2004 version) to come into effect by May 2006 25. Review of current building stock – industry to provide Action Plans to HREOC 26. Government leadership via procurement of accessible property (owned or leased) 27. Active enforcement of standards by building surveyors and statutory planning authorities 28. Unjustifiable hardship clauses to remain for existing buildings 	<ol style="list-style-type: none"> 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 projects must ensure that accessibility is prioritised

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, 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 Victorian State Disability Plan 2002-2012 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 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 that all Victorians attach to our common humanity that is essential to human dignity and a vital prerequisite for a free and democratic society.

Access to and use of public premises, infrastructure and housing is an important human right that is often not realised by people with disabilities due to the level of inaccessibility of these facilities.

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.

The disability rate increases with age from 4% of children with a disability to 41% of people aged 65 –69 and 92% of people 90 years and over.

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 with disabilities to do what people without disabilities take for granted – go to school, go to work, go out to socialise and pay taxes.

For older Victorians and people with a disability an increased supply of visitable 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.

An increased supply of visitable homes throughout Victoria will ensure that no one may be excluded from family and neighbourhood celebrations.

A more accessible place will enable everyone to lead full and independent 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 (CTH) (DDA)
- Planning and Environment Act 1987 (VIC) (PEA)
- Local Planning Schemes
- Equal Opportunity Act 1995 (VIC)
- Australian Standards
- Building Code of Australia (VIC)
- Building Act 1994 (VIC)
- Building Regulations 1994 (VIC)

However regulation that will have a significant impact on the development of an accessible built environment will be the Disability Standard on Access to Premises (Premises Standard). From a regulatory perspective, once finalised and implemented, the current draft Premises Standard will facilitate a national approach to accessibility of buildings. However several key limitations will remain:

- The exclusion of residential housing from the Premises Standard and the DDA.
- The need to align other legislation and regulation that also address access issues (see the list above).
- Concern about the impact of additional building costs on existing and potential investment in the built environment.
- Concern that the Premises Standard may not go far enough to have a meaningful impact on accessibility of public premises.

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

The complex network of regulations, policies and processes that help shape the accessibility of the built environment and public spaces are illustrated in appendix 1 and 2.

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. 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.
3. The ***definition of access*** is a holistic approach that includes public premises, housing, public spaces, public transport, educational facilities, places of employment and information (see appendix four).
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** of strengthening access regulations (for both public premises and housing) given the following challenges:
 - 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 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 (DSE) 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 as a learning and awareness raising tool.

10 Undertake a targeted media campaign by Equal Opportunity Commission EOC/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 services 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 an 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 local planning amendment C60 or an agreed visitable standard.

17 Approve the MCC strategy as a pilot.

18 Ensure consistency between a visitable building regulation and planning provisions.

Existing Housing:

19 Make funds available from the Victorian Property Fund for 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 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 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 for existing buildings.

Ensure equity of access to all public spaces in Victoria

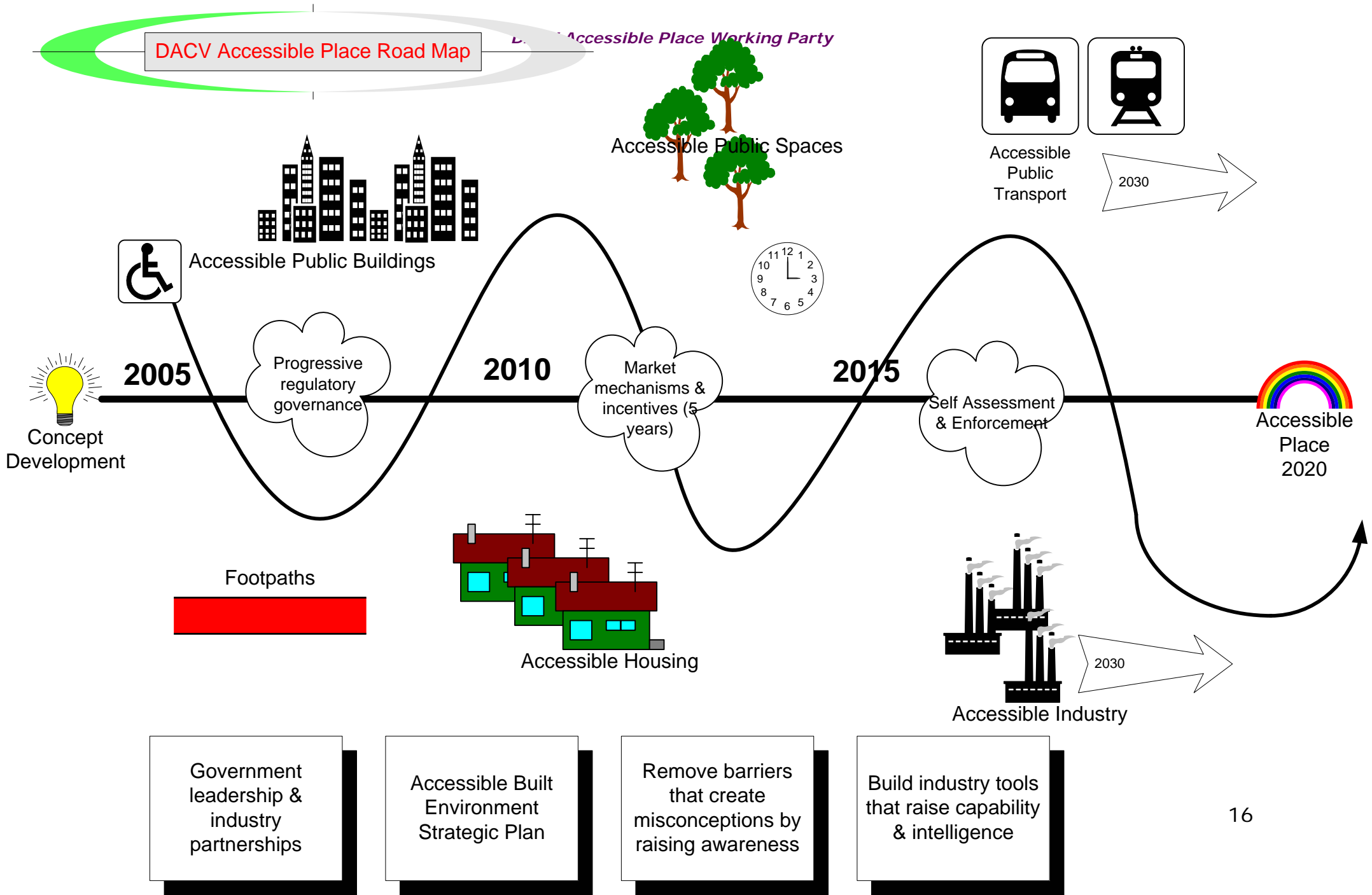
29 Ensure equity of access to the external built environment for all Victorians, as outlined by provisions under the Equal Opportunity Act.

30 Neighbourhood renewal projects must ensure that accessibility is prioritised. For all NR projects to incorporate an access audit.

These 30 strategic recommendations form a road map that will steer the state of Victoria towards becoming an accessible place for all Victorians. A draft roadmap is as follows:

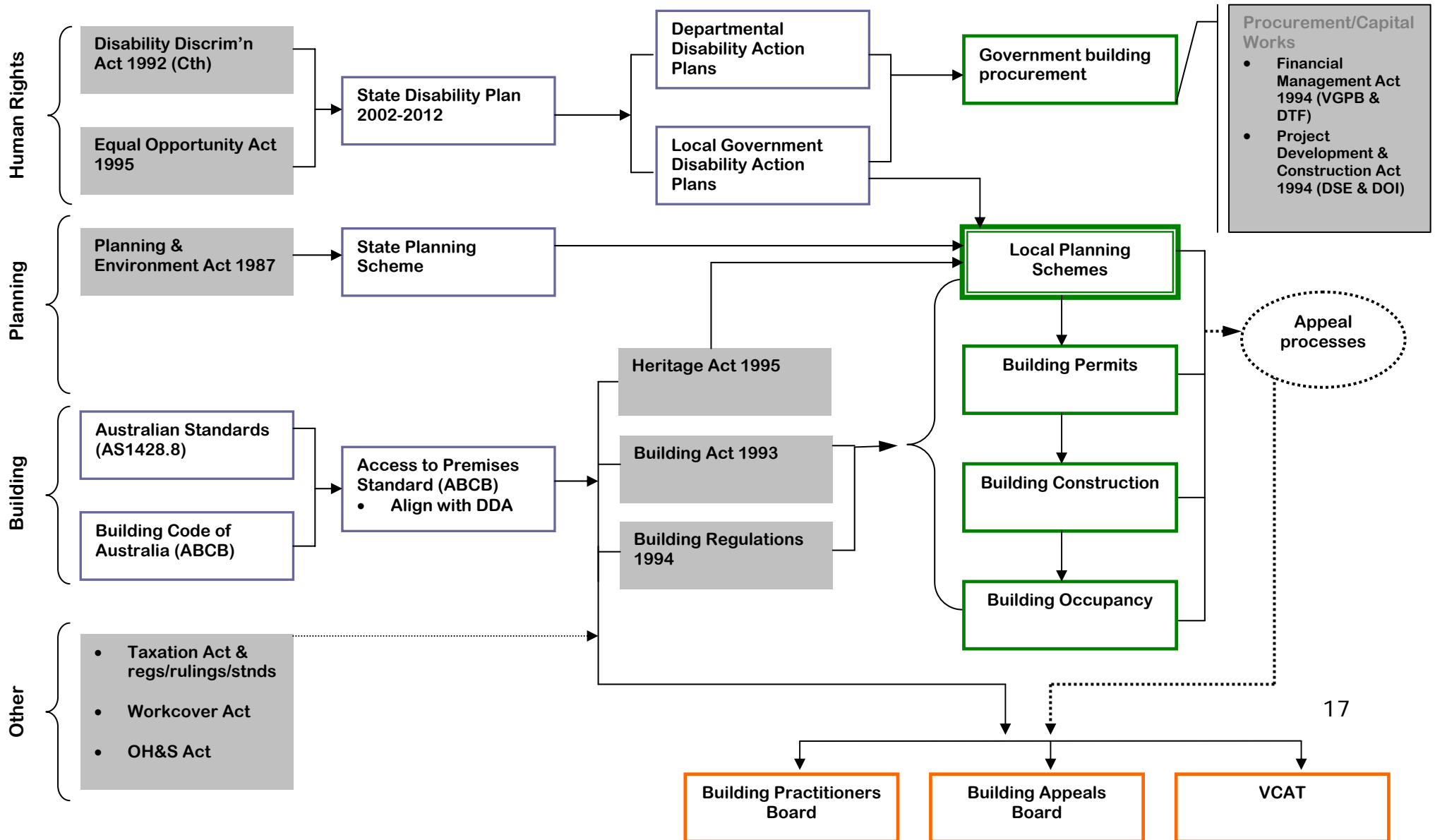
DACV Accessible Place Road Map

London Accessible Place Working Party



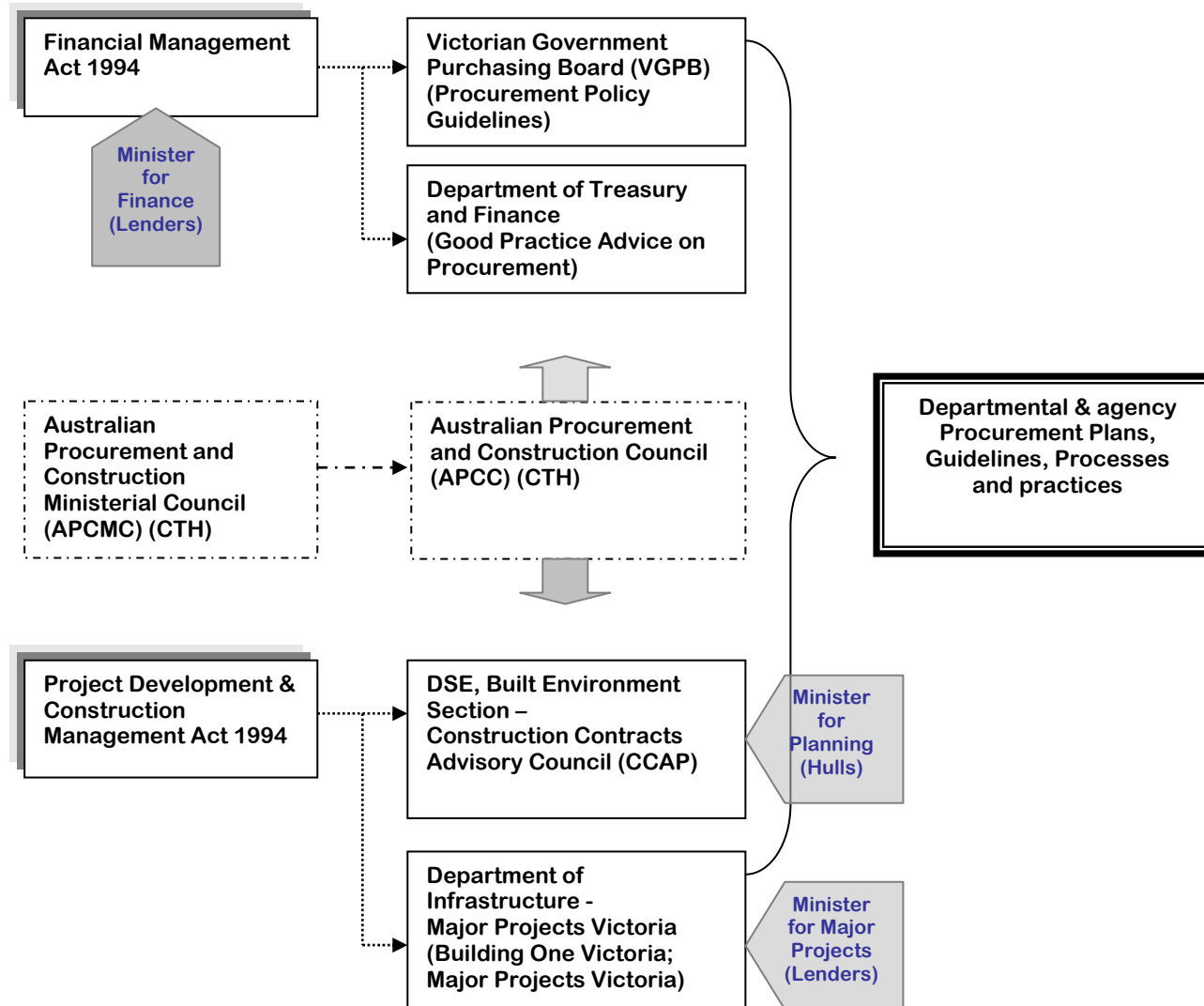
Appendix 1: The regulatory & policy framework affecting access in Victoria

There is a complex network of regulations, policies and processes that help shape the accessibility of the built environment and public spaces. Access initiatives will need to drive changes throughout this matrix

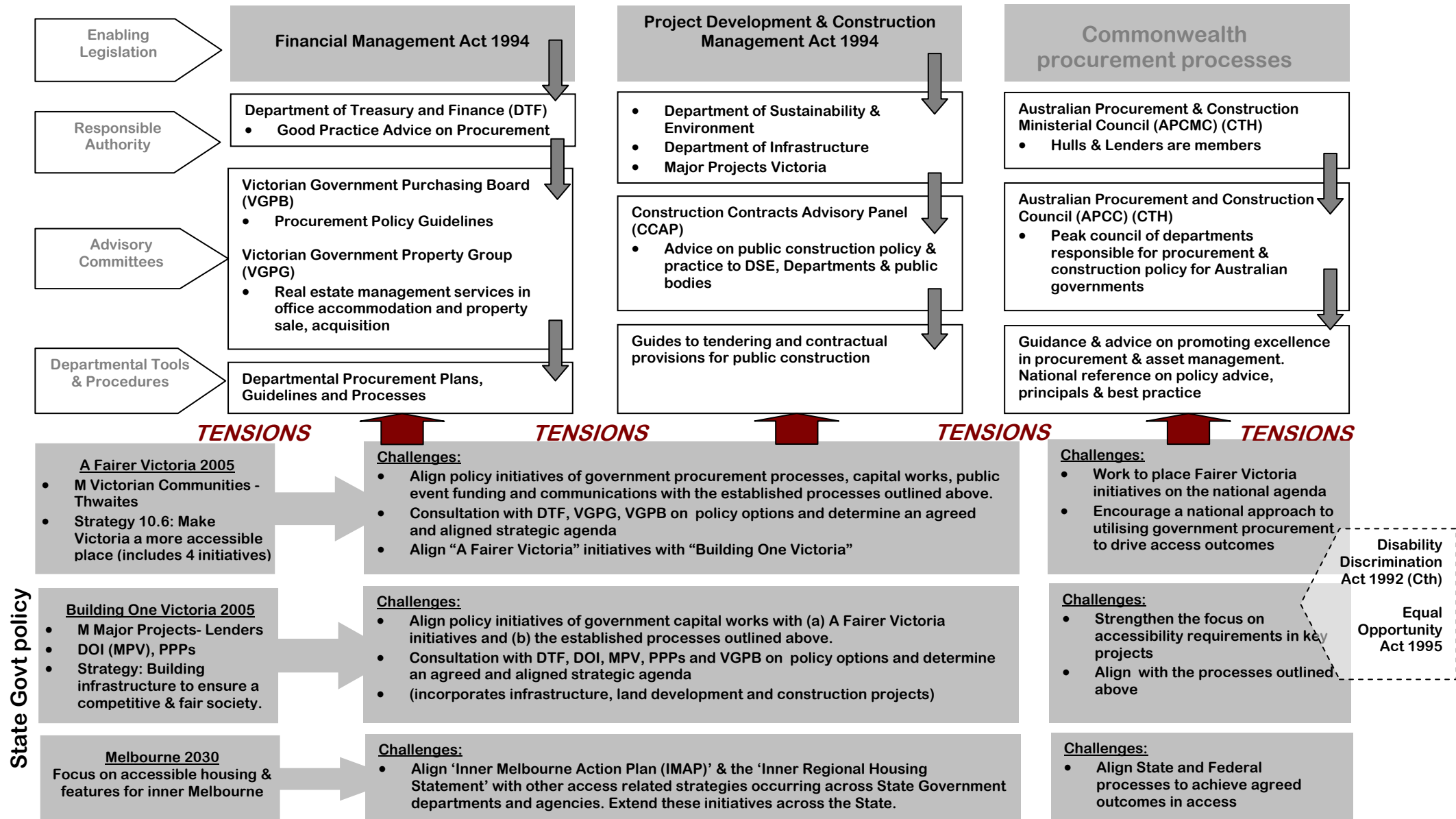


Appendix 2: A closer look at government procurement & capital work processes

There are eight government departments/agencies that will need to be consulted as part of the process of modifying government procurement and capital work processes. Furthermore, there are two key pieces of legislation that *may* require minor amendments.



Appendix 2 Continued: Tension in the system currently exists between the 'push' towards accessibility driven by the policies outlined in A Fairer Victoria, Melbourne 2030 and Building One Victoria and the 'pull' of the current regulatory framework whose processes offer minimum coverage of access issues.



Appendix 3: 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*.