



Willoughby City Council

Disability Discrimination Act Action Plan

March 2013

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Endorsed by Council – March 2013

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APPENDIX - WCC DDA ACTION PLAN - IMPLEMENTATION

Acknowledgements

The following Disability Discrimination Act (DDA) Action Plan was prepared in accordance with guidelines developed by the Australian Human Rights Commission (AHRC) and following a review of Council's 2006 DDA Action Plan. DDA Action Plans from other local government areas including the City of Sydney, La Trobe, Canada Bay and North Sydney, have also been studied to inform the development of this Plan. A list of references is located at the end of this document.

This document may use the following terminology to refer to conditions that could cause a person to experience access issues;

- Person/People with disabilities
- Person/People with "additional" or "special" needs
- Person/People with special access needs
- A person/people who use(s) a wheelchair / walking frame
- Hearing impaired
- Frail aged/Aged
- Mobility impaired
- Speech impaired
- Vision or sight impaired
- Mental health condition

A person may have one or a combination of several disabilities or conditions.

Throughout this plan the terms "access" or "accessibility" can refer to physical, financial, social, sensory, verbal and cultural access.

The following acronyms could be used to describe people or groups of people in the community:

- Aboriginal or Torres Strait Islander (ATSI)
- Culturally and Linguistically Diverse (CALD)
- Non-English Speaking Background (NESB)
- Gay, Lesbian, Bi-sexual, Trans-sexual or Intersex (GLBTI)

Consultation

Willoughby City Council established an Access Committee in 1998 to provide Council with specialist advice and support regarding disability issues. The membership comprises of Councillors, community members, carers, Council officers and professionals with an interest in disability and access issues. The overarching aim of the Committee is to provide "a barrier free environment and promote physical access and mobility to services and facilities in the Willoughby City Local Government Area".

The content of this Action Plan was informed by Council officers, service providers and the membership of Council's Access Committee. It was also informed by information sourced through extensive document reviews. A list of references is located at the end of the Plan.

Action Plan - Structure, Reporting & Monitoring

Under Section 61 of the Disability Discrimination Act a service provider should include in its DDA Action Plan provisions relating to the following;

1. Policy making and implementation
2. Communication & customer service
3. Community participation and decision-making
4. An accessible environment for a diverse community
5. Community facilities, service delivery and programming
6. Employment, training and internal staff support

Willoughby City Council's 2013 revised DDA Action Plan (Appendix) is therefore structured with these 6 items representing the headings for each section.

The Action Plan identifies a number of strategies and allocates responsibility for implementing those strategies within a stated timeframe. The strategies are reported against on an annual basis and the Action Plan is fully reviewed every 5 years to ensure Council maintains its focus on addressing current and emerging access issues.

The Plan is reviewed in consultation with community representatives, access and disability-related organisations and services, and the Council officers responsible for its implementation.

This DDA Action Plan is due to be fully revised by 2018.

Demographic Indicators within Willoughby

Using the Survey of Disability, Ageing and Carers (SDAC)* in 2009 the Australian Bureau of Statistics (ABS) identified around four million people in Australia (18.5% of the population) that reported a disability. Disability was defined as “any limitation, restriction or impairment which restricts everyday activities and has lasted or is likely to last for at least six months.”

The SDAC identified four levels of core activity limitation and describes these levels in terms of severity. The levels of severity are as follows;

- Profound - the person is unable to do, or always needs help with, a core activity task.
- Severe - the person:
- sometimes needs help with a core activity task
 - has difficulty understanding or being understood by family or friends
 - can communicate more easily using sign language or other non-spoken forms of communication.
- Moderate - the person needs no help, but has difficulty with a core activity task.
- Mild - the person needs no help and has no difficulty with any of the core activity tasks, but:
- uses aids and equipment
 - cannot easily walk 200 metres
 - cannot walk up and down stairs without a handrail
 - cannot easily bend to pick up an object from the floor
 - cannot use public transport
 - can use public transport, but needs help or supervision
 - needs no help or supervision, but has difficulty using public transport.

Of all people in Australia in 2009, 634 600 (2.9%) were classified as having a profound limitation in one or more of the core-activities; 636 000 (2.9%) had a severe limitation; 659 200 (3.0%) had a moderate limitation and 1 214 500 (5.6%) had a mild limitation.

2011 ABS statistics indicate the population of Willoughby is 67 356 people. When the 2009 ABS percentage for disability is applied to the 2011 Willoughby population it is estimated that around 12,460 Willoughby residents live with a disability. When the 2009 SDAC disability classification percentages are applied to the 2011 Willoughby population, it is deduced that approximately 1,953 Willoughby residents live with profound limitations; 1,953 with severe limitations; 2,021 with moderate level limitations; and 3,772 with mild level limitations.

* Note – The Survey of Disability Ageing and Carers (SDAC) is conducted every 6 years. The 2011 Australian National Census does not include a direct question about living with a disability in Australia. It is therefore unable to identify people who are deaf, blind, have an intellectual, physical or any other disability, unless they receive support with everyday basic care needs from other people. However not all people with a disability receive support. These people are not identified through the National Census.

Prevalent Conditions

The main conditions associated with disability throughout Australia in 2009 were back problems (15.6%), arthritis (14.8%), hearing loss (6%), leg damage from injury/accident (3%), depression (3%) and asthma (3%). The main conditions associated with profound/severe disability were similar: back problems (13.0%), arthritis (12.8%), dementia (4.0%), autism and related disorders (3.2%), depression (3.1%) and stroke (3.1%).

When the 2009 percentages are applied to the 2011 Willoughby population it is reasonable to surmise the following within the Willoughby community;

DISABILITY – GENERAL	PROFOUND/SEVERE DISABILITY
Back problems (15.6%) – 10 508 people	Back problems (13.0%) – 8 756 people,
Arthritis (14.8%) - 9 969 people	Arthritis (12.8%) – 8 622 people,
Hearing loss (6%) – 4 041 people	Dementia (4.0%) – 2 694 people,
Leg damage from injury/accident (3%) – 2 021 people	Autism and related disorders (3.2%) - 2 155 people
Depression (3%) – 2 021 people	Depression (3.1%) - 2 088 people
Asthma (3%) – 2 021 people	Stroke (3.1%) – 2 088 people

The prevalence of disability increases as people age and develop conditions that cause restrictions in daily living. In 2009, 9% of children aged 5-14 years had a reported disability, compared with 28% of people aged 55-59 years and 81% of people aged 85 years and over (Australian population - ABS Statistics). From the 2011 Willoughby population these percentages translate as 719 people aged 5-14 years (from a total of 7 989 people), 1 034 people aged 55-59 (from a total 3 694 people) and 1 222 people aged over 85 yrs (from a total of 1 509 people) living with one or several disabilities.

Australia-wide there was no significant difference in the overall rates of disability between males (18%) and females (19%), but there were significant differences across age/sex groups. Males aged 5-14 years had higher rates of profound or severe core-activity limitation (6.6%) compared to females of the same age (3.0%). For people in their 70s however, this pattern reversed and of those aged 85 years or over, women had significantly higher rates of profound/severe core-activity limitation (58%) than men (45%) in the same age bracket. These trends are important for the Willoughby LGA which has a significant aging population with 16.9 % of the total population aged 50 - 64 years and 12.6% aged above 65 years.

Statistics sourced from the ABS Website:
4429.0 - Profiles of Disability, Australia, 2009
and 2011 Census *Quickstats* for the Willoughby LGA

Willoughby's ATSI Population

Aboriginal and Torres Strait Islander people with disability are among the most disadvantaged members of the Australian community. They often face multiple barriers to meaningful participation in their own communities as well as the wider community, facing double disadvantage because of discrimination on the basis of their Aboriginality as well as their disability. The prevalence of disability among Aboriginal and Torres Strait Islander people (37%) is approximately twice that of the non-Indigenous population and the proportion of disability is similar in remote and non-remote areas

The high prevalence of disability or long-term health problems occur in Aboriginal and Torres Strait Islander communities for a range of social reasons, including poor health care, poor nutrition, exposure to violence and psychological trauma (e.g. arising from removal from family and community) and substance abuse, as well as the breakdown of traditional community structures in many areas.

The National Indigenous Reform Agreement (NIRA) reflects a partnership between all levels of government to work with Indigenous communities to achieve the target of *Closing the Gap* in Indigenous disadvantage.

Pg 25 *National Disability Strategy 2010 – 2020*. Dept. of Families, Housing Community Services & Indigenous Affairs website

The access needs and interests of Aboriginal and Torres Strait Islander (ATSI) people who live in or visit the Willoughby LGA are also addressed within this DDA Plan. 2011 ABS statistics indicate that 135 ATSI people reside within the Willoughby LGA and make up 0.2 % of the Willoughby population. Willoughby Council is committed to ensuring the access needs of these people are effectively addressed.

Willoughby's CALD population

The residential and visiting population within the Willoughby Local Government Area is culturally diverse, with more than 13.6% of the residential population having been born in Non-English Speaking countries. 2011 ABS statistics indicate that 40.4% of households speak two or more languages at home (which is significantly higher than the NSW average of 24.5%). As English is often a second, third or fourth language for many residents, this Action Plan also addresses issues of equity, access and participation in community life by people from Non-English speaking backgrounds.

The Goal of the Willoughby DDA Action Plan

Implementation of the Action Plan will provide people with a disability with equitable and dignified access to infrastructure and services provided by Willoughby Council, and equitable and dignified access to other businesses and services located within the City of Willoughby in accordance with the Disability Discrimination Act 1992.

The goal of this Action Plan is to;

- Ensure change within the physical and social environment in order to decrease barriers to access
- Maintain and promote the rights of people living with a disability
- Encourage inclusiveness and inclusive practice throughout the community

Key Access Objectives within the Willoughby LGA are;

- Safe and convenient point to point access throughout the city and suburban areas
- Coordinated and accessible public transport – to, from and within the LGA
- Sustained employment and workplace training opportunities for people with disabilities
- Social inclusion opportunities – mainstream and specialist/supported
- Accessible retail and social spaces (including recreation spaces)
- Financial equity – i.e. the reduction of financial disadvantage for people with a disability
- Our aging population is able to age in place (safely, supported and connected)
- Affordable and accessible accommodation for people with disabilities
- Making access and accessibility a “standard consideration” for infrastructure and development projects initiated by both the public and private sectors
- An aware and educated community – about the needs and interests of people with disabilities
- Improved community attitudes and consideration for people with disabilities
- Acceptance and support for people living with a disability as individuals first and foremost (i.e. not as people who are defined by their disability)
- After school and holiday care options for children and young people with a disability or special need
- Increased respite options for carers and family members

Council’s Role in Implementing the Plan

Leadership – Council will lead by example within the local community and learn from best practice from around Australia and internationally to address access and other issues that impact upon people with disabilities and their friends and families.

Advocacy - Council will advocate for the right of people with disabilities to have equitable access to local services, facilities and life opportunities.

Partnership – It is not feasible for Council acting alone to address gaps in service provision or to initiate organisational change outside its own corporate structure. However, Council will facilitate the development of partnerships between relevant

stakeholders, businesses and service providers in order to fulfil the objectives of this Plan and ensure continuously improving access for people with disabilities.

Communication - Continued communication with key stakeholders about continuously evolving access needs, and how they can be most effectively addressed now and into the future.

Background to the Willoughby City Council DDA Plan

Willoughby Council first produced a Disability Discrimination Act (DDA) Action Plan in 1998. Since then it has been updated annually, with this Plan being the second full revision of the Action Plan since its initial adoption. All Divisions of Council including the Community, Corporate, Infrastructure and Environmental Divisions are responsible for implementation of the Plan.

The Disability Discrimination Act (DDA) 1992

The Disability Discrimination Act makes it unlawful to discriminate in the provision of goods, services or facilities, against people on the basis that they have, or may have, a disability. It also makes it unlawful to discriminate against a person on the basis that one of their associates has, or may have, a disability. The DDA reinforces Councils' general obligation to not treat a person with a disability less favourably than it would treat a person without a disability in a similar circumstance. The DDA recognises that people with disabilities constitute a significant proportion of the population and that they have a right to participate as fully as possible in community life. The DDA requires that appropriate anti-discrimination standards be met where possible and reasonable, regardless of the number of people involved. It applies to all local governments throughout Australia.

What is a Disability Action Plan?

A Disability Action Plan is a strategy for changing and improving an organisation's operational practices and procedures that may otherwise result in discrimination against a person/people with a disability. The development of a Disability Action Plan helps an organisation to identify potentially discriminatory practices and provides a blue-print for change. The DDA states that organisations should develop an Action Plan to eliminate discriminatory practices and should register their plan with the Human Rights Commission. The development of an Action Plan is therefore a legislated requirement.

The Australian Local Government Association (ALGA) also suggests councils develop and register a Disability Action Plan:

- to reduce the likelihood of complaints lodged with the Australian Human Rights Commission; and
- as sound business practice in that implementation of such plans improves Councils' performance in fulfilling their community service responsibilities to people with a disability, their families and associates.

People from ATSI & CALD Backgrounds

The Willoughby City Council DDA Action Plan includes strategies that will assist Aboriginal and Torres Strait Islander (ATSI) people and people from culturally and linguistically diverse (CALD) backgrounds to access services and facilities within the City of Willoughby. Although these people may not have a physical or intellectual disability, the cultural and language differences for some ATSI people, and the foreign environment and limited English language skills of some CALD community members can often present significant barriers to their ability to access services and information, or to participate actively in community life.

How the DDA Action Plan relates to “*The Willoughby City Strategy - Council’s Community Strategic Plan 2010 – 2025*”

Council’s Vision

Willoughby: the vital hub of the region, where residential, cultural, economic and environmental interests are respected and balanced and our communities enjoy a diversity of lifestyles.

The principles underpinning both this DDA Action Plan and the Willoughby City Strategy are highly complementary. Council welcomes and values the contributions that all people make to the life of the Willoughby community, and is committed to facilitating the inclusion of its residents and visitors in community life. Council is proactive in its endeavours to ensure its facilities and services are accessible, and that the broader community works towards the provision of services and amenities that are accessible to people with special access needs.

Willoughby City Council’s Strategic Plan states: “Social justice means that all people receive a “fair go” at the opportunities of life. It is about recognising that our society is made up of many different communities and working to ensure that no group or section of society is excluded.

“We will respect the four interrelated social justice principles of equity, access, participation and rights:

- Equity – the fair distribution of resources with a particular emphasis on protecting those people who are considered vulnerable;
- Access – People are provided with opportunities to use relevant services and facilities regardless of their circumstances;
- Participation – encouraging and providing opportunities for people to take part in those decision making processes that impact on their quality of life;
- Rights – People should not be discriminated against and that everyone is entitled to be informed and involved.

“A key responsibility for any Council is to represent, promote, support and work with the community in all its varied dimensions to achieve positive local outcomes. A connected community which encourages active citizenship is essential to the future life of the city.”

Pg 12. Willoughby City Strategy 2010 – 2025.

Council's Access & Equity Policy

In August 2006 Willoughby Council adopted a revised *Access and Equity Policy*. With the exception of changes to the demographic information contained in the Policy (as per Census data collected in 2006 and 2011) Council's *Access and Equity Policy* remains unchanged. The Policy provides a framework for the design and implementation of programs and services across all Council Divisions. It is reviewed and revised every 3 to 5 years. A brief excerpt of Council's *Access and Equity Policy* is cited below. A full copy of the Policy can be viewed or downloaded from Council's website - www.willoughby.nsw.gov.au

Purpose

Willoughby City Council is committed to a 'whole of Council' approach to promoting access and equity in all its policies, plans and programs. The Access and Equity Policy ensures that Council complies with relevant Local Government, State and Federal legislation.

Definitions

Access: the necessary conditions are created to enable individuals or groups desiring to use Council services, facilities, works and/or programs to have access to them – regardless of their race, culture, religion, language, age gender or disability

Equity: residents who are entitled to use Council services are to be treated fairly in relation to other users and have an equitable share of the resources which Council manages on behalf of the community.

Policy Statement

Council will ensure that its resources are fairly distributed and rights and responsibilities of all people are recognised. The community will be consulted about decisions relating to program development and service delivery to ensure these effectively meet their needs. The Policy strategies will be implemented in accordance with Council's sustainability performance indicators.

Policy Objectives

- 1. To recognise and value the diversity of the community.*
- 2. To plan and deliver services, which effectively meet the needs of the diverse community and ensure resources are distributed fairly.*
- 3. To provide opportunities and encourage the community to participate in and influence decisions related to Council's policy and program development and service delivery.*
- 4. To foster communication and community understanding that the rights and responsibilities of all people are recognised.*
- 5. To plan and develop processes, which ensure an accessible urban environment to all who reside, work in or visit the city.*
- 6. To ensure that Council implements its policies, services and programs in an economically, socially and environmentally sustainable manner.*

When describing the difference between “equity” and “equality” the policy states; *“Many people believe that true equality means treating everyone exactly the same. [However] Everyone is not the same – people do not have the same opportunities, education, lifestyles, skills, talents or personalities.”* This is certainly applicable for people with disabilities and/or special needs who often require additional support in order to take up the “same opportunities” as enjoyed by the wider community.

Physical, cultural, structural and attitudinal barriers can generate enormous difficulty for people living with a disability. Affordability of services is another barrier faced by many people who live with disabilities. These barriers can limit a person’s participation in community life and can directly impact on their general health and wellbeing. In some cases these barriers also affect the person’s social and professional networks, their carers and the organisations that support them. One of the objectives of the DDA Action Plan is to ensure these barriers are substantially mitigated or removed entirely.

Council is well placed to address these barriers through implementing policies and workplace practices that support participation and inclusiveness, and promote access for all community members. As an employer Council is also well placed to maintain a non-discriminatory, accessible and supportive work environment for its employees and volunteers.

Structural barriers within the built environment can be addressed by improved planning, detailed consideration of the needs and interests of people with disabilities, and ensuring that the development of new facilities and the update of existing facilities adhere to legislated requirements, Australian Standards and the current Australian Building Code.

Barriers to employment and equitable service provision can be addressed through better communication between businesses / service providers and people in the community who live with disabilities so that business practices are informed by real life experiences (both positive and negative) and directly influenced by best practice achievements.

Council aims to encourage the participation of people with disabilities in community life and to facilitate their access to employment, recreation and other services by

- Fostering inclusive community attitudes and practice
- Creating an accessible environment (built and natural)
- Protecting and advancing the rights of every person to enjoy full access to services and facilities
- Providing services for people with disabilities (where other levels of government, the private or community sectors may not or cannot)
- Advocating to other levels of government and to the private sector re. access related issues, needs and interests

It is anticipated that the continued implementation and review of Council’s DDA Action Plan together with application of Council’s Access and Equity policy will produce continuous improvements for people with disabilities who live and work within, or visit the Willoughby LGA. Ongoing attitudinal and infrastructure improvements will also assist in creating a more sustainable built environment capable of responding to our community’s changing circumstances and our family and community needs. Ultimately all community members will benefit from these changes as our their individual capacity changes over time.

The Legislative Framework - A brief History

Disability Discrimination Act - 1992 (Commonwealth)

(Inc. Changes to the DDA: Disability Discrimination & Other Human Rights Legislation Amendment Act. 2008)

The DDA states that it is unlawful to discriminate against people with a disability. It requires all employers, educators and providers of services in the public and private sectors to make whatever adjustments are necessary and reasonable to allow people with disabilities to use those services to the same extent as other people.

The Disability Services Act 1993 (NSW) Section 9 of the Act requires all NSW Government departments and other public authorities to prepare and implement an Action Plan to encourage the provision of services that promote access and inclusion of people with disabilities.

Commonwealth Disability Strategy 1994 - provided a 10 year framework for Federal government organisations to identify and remove barriers in program development and delivery; and to develop plans and actions to ensure planning and service provision took into account the needs of people with disabilities.

The NSW Government Disability Framework (1998) - encouraged Councils to develop Action Plans that support the objectives of the DDA Act so that people with a disability or special needs have proper and dignified access to facilities, events and services. The DDA went well beyond earlier State legislation, especially in the breadth of the definition of disability and the inclusion of carers, friends and co-workers of those with disabilities among those entitled to lodge discrimination complaints under the Act. The Framework recommended that councils seek to implement strategies that result in:

- Ensuring people with disabilities have access to buildings used in the provision of services;
- Promoting positive attitudes to people with disabilities through the information and education councils provide to their own staff, the users and potential users of their services;
- Ensuring that Council staff who have or may have contact with the public have been educated adequately in what is required of them in their dealings with people with a disability;
- The provision of information about Council and local services which is accessible to people with a wide range of disabilities;
- The adjustment of Council's work environment across all aspects of employment to accommodate the needs of people with disabilities; and
- The identification of strategies for handling complaints by or for people with disabilities

It also supports the following principles:

- People with disabilities have access to services provided to the general community;
- The focus will be on the whole of the needs of individuals in their own communities;
- Co-operation among service providers with the active participation of people with disabilities will result in better service delivery;

- The uniqueness of people with disabilities of Aboriginal and Torres Strait Islander background will be recognised; and
- The legal rights of people with disabilities will be recognised and protected.

Disability Standards for Accessible Public Transport (Transport Standards) 2002 (Commonwealth)

These were the first Disability Standards to be introduced in Australia. The creation of the Transport Standards recognised that access to public transport is vital for people with disability, their families and their carers to fully participate in community life. The intent of the Transport Standards was to provide greater certainty and clarity around obligations under the *Disability Discrimination Act 1992* as they relate to the provision of public transport without discrimination against people with disability.

Review of the Disability Standards for Accessible Public Transport Final Report, October 2009

The Building Code of Australia (BCA) & the Disability (Access to Premises) Standards (Premises Standards) 2010

The Building Code of Australia (BCA) and the Premises Standards are the key regulating policies that provide guidelines for the provision of access to buildings, services and facilities. The BCA is produced and maintained by the Australian Building Codes Board (ABCB) on behalf of the Australian Government and each State and Territory Government. The Access to Premises Standard is administered by the Attorney General's Department. The Access Code for Buildings is located in Schedule 1 of the Premises Standards.

The Code outlines a uniform set of technical provisions and performance requirements for the design and construction of buildings and other structures throughout Australia. It outlines minimum standards that should ensure buildings can be easily and safely accessed and navigated by people with disabilities. The Code is referenced in all State and Territory building legislation and applies both to new buildings and to new building work on existing buildings.

Changes to the Building Code of Australia (BCA) – May 2011

The Building Code of Australia was updated in 2011 so that its specifications align more closely with the objectives of the Disability (Access to Premises – Buildings) Standards 2010. The 2012 version of the BCA was implemented from 1st May 2012.

In February 2013 the Australian Human Rights Commission released a publication titled *Guideline on the application of The Premises Standards (Version 2)*. This guide is designed to assist people & organisations who are responsible for buildings and people who are interested in access to buildings to understand the application of the *Disability (Access to Premises) Standards 2010*. The guide is available from: www.humanrights.gov.au/disability_rights/standards/PSguide.html

The **Disability (Access to Premises - Buildings) Standards 2010** set performance requirements and provide references to technical specifications to ensure dignified access to, and use of, buildings for people with disability. The Premises Standards were reviewed in 2011 to coincide with implementation of the new Building Code of Australia. The Access to Premises Standards consist of:

- six initial parts set out the legal application of the Premises Standards and certain exceptions and concessions, and
- an Access Code for Buildings (Schedule 1), which contains a nationally applicable set of Performance Requirements for providing non-discriminatory access to, and use of, those buildings and areas of buildings to which they apply and technical Deemed-to-Satisfy Provisions for those Performance Requirements.

The purpose of the Premises Standards is to:

- provide for equitable and dignified access to new buildings and those areas of existing buildings that undergo renovation or upgrade that requires a building approval, and
- provide greater certainty to those involved in the design, construction, certification and management of buildings in relation to the level of access required in the buildings covered by the Premises Standards.

The Premises Standards are minimum requirements which require full compliance by building certifiers, building developers and building managers. Although full compliance with the Standards is a legal requirement, all authorities with responsibilities under the Standards, including Council, are encouraged to implement levels of access beyond those required under the Standards. Where it is possible to achieve higher degrees of access than specified within the minimum requirements it would be good practice for Council to do so.

Section A10. Pg 16. *Guideline on the application of The Premises Standards*

Version 2 February 2013

Other Australian Standards

The Access Code incorporates a number of Australian Standards which specify technical requirements for access. In general these standards outline requirements for equipment, amenity, signage and tactile surfaces that make public spaces more accessible and navigable for people with disabilities. These Standards include:

- the revised AS 1428.1:2009 General requirements for access – New building work (and Amendments 2010),
- AS/NZS 1428.4.1:2009 Means to assist the orientation of people with vision impairment – Tactile ground surface indicators (and Amendments 2010); and
- AS/NZS 2890.6:2009 Off-street parking for people with disabilities.

Split of Responsibility for Aged People and People with Disabilities between the Federal Government and State Governments (respectively) – 1 July 2012

As an outcome of the National Health and Hospitals Network Agreement, the Commonwealth of Australian Government (COAG) has established the Commonwealth Government as the level of government with full funding, policy, management and delivery responsibility for a national aged care system.

The Commonwealth will assume:

- a. funding and program responsibility for basic community care services currently provided under HACC for people 65 years or over (50 years and over for Indigenous Australians); and
- b. funding responsibility for specialist disability services provided under the National Disability Agreement for people aged 65 years and over (50 years and over for Indigenous Australians).

The States will assume responsibility for:

- a. funding and regulating basic community care services currently delivered under HACC for people under the age of 65 (under 50 for Indigenous Australians); and
- b. funding packaged community and residential aged care services delivered on behalf of the Commonwealth for people under the age of 65 (under 50 for Indigenous Australians).

The Commonwealth is working with the States and Territories to develop funding arrangements, with a transfer to Commonwealth operational responsibility for HACC aged care services from 1 July 2012.

“COAG Age Split outcome - impact on NSW HACC services” Dept. of Human Services, Ageing, Disability & Home Care website.

Universal Design – whilst it is not a legal requirement, service providers, planners and architects are increasingly adopting an approach of “universal design” in relation to access. Universal design is an inclusive approach to the planning of products, services, buildings and spaces to ensure that access needs are addressed at the planning stage, rather than being 'add-ons' once the item or asset is completed.

Australian Flexible Learning Framework, 2006

What do we mean by “Disability”?

In 2008 the definition of “disability” was re-defined within the “*Changes to the DDA: Disability Discrimination & Other Human Rights Legislation Amendment Act.*” The Act now defines “disability” in relation to a person, as:

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

and includes a disability that:

- (h) presently exists; or
- (i) previously existed but no longer exists; or
- (j) may exist in the future (including because of a genetic predisposition to that disability) ; or
- (k) is imputed to a person.

To avoid doubt, a *disability* that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

What is Disability Discrimination?

Under the Disability Discrimination Act it is discrimination;

- to treat a person less favourably, because of his or her disability, than a person without that disability would be treated in the same or similar circumstances. This type of discrimination is also known as *direct discrimination*.

- where the same treatment applies to people with and without a disability but the impact is to disadvantage or exclude people with a disability in a way which is not reasonable. This is known as *indirect discrimination*. For example: stairs are the same for everyone but some people cannot use them; print on paper is the same for everyone but some people cannot read it.

- to treat a person with a disability less favourably because he or she uses an assistive device, or is accompanied by an interpreter, reader, assistant or carer or by a guide dog, hearing dog or other animal trained to provide assistance.

Human Rights Commission website - www.humanrights.gov.au/disability_rights/faq/discrimination.htm

Making a Formal Claim of Disability Discrimination to Council

The DDA is currently a complaints-based legislation (as opposed to compliance-based). If a person with a disability or their associates believe that he or she has been discriminated against while utilising Council-owned services or facilities, they are encouraged to notify Council of their concerns. Council will seek to address these concerns in consultation with the complainant and the officers that manage the relevant site or service. If the issue cannot be resolved the person is entitled to lodge a formal complaint with the Australian Human Rights Commission (AHRC). The Commission will investigate the complaint and may attempt to resolve the issue through conciliation between the individual and Council. In situations where an issue cannot be resolved the complaint can be heard in the Federal Court.

Under the DDA organisations are required to modify rules or requirements and adapt premises or equipment so that indirect discrimination does not occur. This is referred to as making “*reasonable adjustments*”. Under the DDA organisations are required to make reasonable adjustments to provide access for people with disabilities unless the adjustments would cause that organisation “unjustifiable hardship”. In order for the Human Rights Commission to agree that “unjustifiable hardship” is a reasonable claim the HRC would take into consideration the following;

- the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and
- the effect of the disability of a person concerned; and
- the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and
- in the case of the provision of services, or the making available of facilities - an action plan given to the Commission under section 64.

How to Notify Council re. an Access Concern/Need

Any person can contact Council via a number of avenues to;

- Report an access issue,
- Request that access improvement works be undertaken,
- Seek information relating to access to local services, programs and facilities.

Primary avenues of contact for members of the public are:

1. Willoughby City Council Website - www.willoughby.nsw.gov.au
2. Customer Services Desk
In person - Level 4. 31 Victor St, Chatswood.
Phone - 9777 1000
Email: email@willoughby.nsw.gov.au
3. Aged and Disability Coordinator – Phone: 9777 7975
4. LINCIS (for information about disability and access service providers Via Council’s website: <http://www.willoughby.nsw.gov.au/Library/eresources/426/>

Secondary avenues of contact re. access issues are; staffed Council-managed facilities such as MOSAIC Multicultural Centre, Dougherty Community Centre, Willoughby Park Community Centre, Chatswood City Library (The Concourse),

other community libraries and the Willoughby Leisure Centre. Staff at Council managed facilities can forward community requests to the relevant location within Council.

OR

an individual could contact Council's Elected Members according to the relevant Ward.

If a person feels they have been discriminated against within a Council-managed service or facility they could;

- 1. Notify the Manager or Coordinator of the relevant service or facility**
- 2. Notify the Branch Manager of the relevant branch**
- 3. Contact the relevant Director about the behaviour or experience; or**
- 4. Write to the General Manager about the behaviour or experience.**

**Willoughby Council's postal address is: PO Box 57
Chatswood NSW 2057**

Note: A list of useful contacts that could assist people with access and discrimination issues is located on pages 22-26 of this document.

Community Representation re. Access

The (Willoughby) Access Committee

The Access Committee is a formal committee of Willoughby City Council. Membership on the Access Committee is voluntary and comprises of Elected Representatives of Council, Council officers, community representatives, and representatives of local professions and organisations with an interest in access issues. The Committee provides advice and recommendations to Council on matters relating to physical access and attitudinal barriers for all people in the Willoughby LGA. The Committee meets regularly and Agenda items can be added by contacting the Aged and Disability Services Coordinator on (02) 9777 7975.

The aim of the Access Advisory Committee is to provide a barrier free environment and to promote physical access and mobility to services, employment and facilities in the Willoughby Local Government Area (LGA), and to advise Council of any access issues.

The HACC (Home and Community Care) Advisory Committee

The HACC Committee is also a formal committee of Willoughby City Council. The Committee provides advice and recommendations to Council on matters relating to the provision of services to aged and frail aged people, people with disabilities and their carers. Membership on the HACC Committee comprises of Elected Representatives of Council, Council Officers, community representatives, representatives of local service providers and organisations with an interest in the provision of services to older people, people with a disability and their carers. The Committee meets regularly. Agenda items can be added by contacting the Aged and Disability Services Coordinator on (02) 9777 7975.

The aim of the HACC Advisory Committee is to develop, maintain and promote independent living for aged people, people with a disability and their carers in the Willoughby Local Government Area (LGA).

Index of Organisations (that can provide assistance)

The following organisations can offer information or assistance in regards to disability discrimination.

Anti-Discrimination Board of NSW

The Anti-Discrimination Board was set up under the NSW *Anti-Discrimination Act 1977* to administer that Act. It is the Board's role to promote anti-discrimination and equal opportunity principles and policies throughout NSW.

Post: PO Box A2122, Sydney South 1235

Office: Level 4, 175 Castlereagh Street, Sydney NSW 2000

Phone: (02) 9268 5555

Enquiries & Complaints - (02) 9268 5544

Fax: (02) 9268 5500

TTY: (02) 9268 5522

Toll free: 1800 670 812 (from rural or regional New South Wales)

Email: adbcontact@agd.nsw.gov.au

Email: complaintsadb@agd.nsw.gov.au

Website: www.lawlink.nsw.gov.au/adb

Australian Centre for Disability Law (ACDL) (formerly known as NSW Disability Discrimination Legal Centre)

Provides legal information and advice to people with disability who want to make a complaint of disability discrimination that happened in NSW.

TTY: (02) 9211 5549 or toll free 1800 644 419 (NSW only)

Phone (voice): (02) 8014 7000 or 1800 800 708 (NSW only)

Fax: (02) 9211 5518

Email: advice@disabilitylaw.org.au

Web: www.disabilitylaw.org.au

Centrelink

TTY: (02) 1800 810 586

Phone (voice): 1800 555 677 (using National Relay Service)

Web: www.centrelink.gov.au

Services for people with a disability - website:

www.centrelink.gov.au/internet/internet.nsf/services/disability and

www.centrelink.gov.au/internet/internet.nsf/individuals/iid_index.htm

Department of Education, Employment and Workplace Relations (DEEWR) C'wealth

Implements government policies and programs to provide education, employment and training opportunities for all Australians. Programs to assist job seekers with a disability include JobAccess which includes Workplace modifications and Auslan for employment.

TTY: Freecall 1800 554 609

Ph (voice): (02) 6240 8111 or 1300 363 079

Email: feedback@deewr.gov.au

Web: www.deewr.gov.au

Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) – C'wealth

The Australian Government's principal source of advice on social policy and is responsible for about a quarter of the government's budgetary outlays. Works in partnership with other government and non-government organisations in the management of a diverse range of programs and services designed to support and improve the lives of Australians. Committed to ensuring people with disabilities, and their families and carers, are recognised and encouraged to participate in the community.

TTY: 1800 260 402

Ph (voice): (02) 1300 653 227 (NSW office)

Fax: (02) 6244 7978

Email: fahcsia.internet@fahcsia.gov.au

Web: www.facs.gov.au

Disability Complaints Service

A free service to help people with a disability who wish to make a complaint about their rights being infringed.

TTY: (02) 9318 2138

Phone (voice): (02) 9319 6549 or 1800 424 007

Fax: (02) 9318 1372

Disability Discrimination Legal Centre (DDLC)

DDLC provides help and advice to people with disability in NSW who want to make a complaint of disability discrimination.

TTY: (02) 9310 4320 or toll free (NSW only) 1800 644 419

Phone (voice): 1800 800 708 (NSW Only)

Fax: (02) 9310 7788

Email: info@ddlcnsw.org.au

Web: www.ddlcnsw.org.au

Housing NSW

The Department provides safe, decent and affordable housing opportunities for people in need so that they can live with dignity, find support if needed and achieve sustainable futures.

TTY: 1800 628 310

Phone (voice): 1800 629 212

Fax: (02) 8255 6711

Web: www.housing.nsw.gov.au

Human Rights Commission formerly Human Rights and Equal Opportunity Commission (HREOC)

Administers federal laws relating to human rights infringements and discrimination. Its responsibilities fall within four main areas: anti-discrimination complaints, human rights complaints, public awareness and education, and policy and legislative development.

Postal: GPO Box 5218, SYDNEY NSW 1042

TTY: 1800 620 241

Phone (voice): (02) 9284 9600

By phone - 1300 656 419 (within Australia)

Fax: (02) 9284 9611

Email: paffairs@humanrights.gov.au or complaintsinfo@humanrights.gov.au

Web: www.humanrights.gov.au/disability_rights

Human Services: Aging, Disability and Home Care (ADHC) (formerly known as DADHC) - NSW

One of the largest human services organisations in NSW. Committed to ensuring that older people, people with disabilities and their carers are valued, lead independent lives and have the opportunity to participate fully in community life.

TTY: (02) 8270 2167

Ph (voice): (02) 8270 2000

Email: info@dadhc.nsw.gov.au

Web: www.dadhc.nsw.gov.au

Local Government and Shires Association of NSW

The peak industry bodies for Local Government in NSW.

Post: GPO Box 7003, Sydney NSW 2001

Location: Level 8, 28 Margaret Street, Sydney NSW 2000

Phone: 02 9242 4000

Fax: 02 9242 4111

Email: lgsa@lgsa.org.au

Phone: 1300 65 46 46

Facsimile: 1300 65 49 49

Mental Health Association NSW Inc

The Association's major activities include provision of the Mental Health Information Service, the Anxiety Disorders Support and Information program, support groups (including training and establishment of new groups), mental health promotion and advocacy.

Phone (voice): (02) 9339 6000 / 1300 794 991

Fax: **(02)** 9339 6066

Email: info@mentalhealth.asn.au

Web: www.mentalhealth.asn.au

NSW Equal Employment Opportunity (NSW Department of Premier and Cabinet) Public Sector Workforce

Manages and co-ordinates sector wide EEO strategic policy, programs and advisory functions and develops and implements programs to promote equal employment opportunity for EEO group members.

Contact the Director of Equal Opportunity in Public Employment:

Phone (voice): (02) 9228 4444

Email: eeo@dpc.nsw.gov.au

Web: www.eeo.nsw.gov.au

NSW Office of Fair Trading

Safeguards consumer rights and advises business and traders on fair and ethical practice.

TTY: 1300 723 404

Phone (voice): 13 32 20

Fax: (02) 9895 0222

Web: www.fairtrading.nsw.gov.au

Disability website: www.fairtrading.nsw.gov.au/About_us/Access_and_equity

NSW Office of Industrial Relations

The Office of Industrial Relations provides information about and safeguards employment conditions, employer and employee rights and responsibilities, industrial relations legislation, equal employment opportunities, and more.

Auslan: www.industrialrelations.nsw.gov.au/In_another_language/Auslan.html

Phone (voice): 133 677

Email: OIRfeedback@oir.commerce.nsw.gov.au

Web: www.industrialrelations.nsw.gov.au

Standards Australia

Location: Level 10, The Exchange Centre. 20 Bridge Street, Sydney
Postal: GPO Box 476
Sydney NSW 2001
Fax: 02 9237 6010
Freecall within Australia: 1800 035 822
Email: mail@standards.org.au

United Nations

An international organization committed to maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights.

Email: admin@eeo.usyd.edu.au
Website: www.un.org/en/
Disability Rights – website: www.un.org/disabilities/

Workplace Ombudsman

Assists and enforces compliance with Commonwealth workplace laws, including the Workplace Relations Act 1996, the Independent Contractors Act 2006, and associated regulations.

TTY: 1800 555 677 then ask for 1300 363 264
Ph (voice): 1300 724 200
Web: www.wo.gov.au

Some contact information above was sourced from the Deaf Society of NSW website; www.deafsocietynsw.org.au/information

Abbreviations and Acronyms used in this Plan

ABS	Australian Bureau Statistics
ADHC	Human Services: Aging, Disability and Home Care (formerly known as DADHC - Department for Aged, Disability & Home Care)
AS1428	The main accessibility Standard. There are four parts to the Standard covering basic access, ramps, grab rails, tactile ground surface indicators, sanitary facilities, etc.
ATSI	Aboriginal and Torres Strait Islander
CALD	Culturally and Linguistically Diverse
CBD	Central Business District
DA	Development Application
DCC	Dougherty Community Centre
DCP	Development Control Plan
DoHA	Department of Health & Ageing (Commonwealth)
DDA	Disability Discrimination Act
DHS	NSW Human Services: Community Services (formerly DoCS - Department of Community Services) – New South Wales.
EEO	Equal Employment Opportunity
HACC	Home and Community Care
HRC	Human Rights Commission (previously Human Rights & Equal Opportunities Commission)
ISA	Inclusion Support Agency (previously Children's Services & Support Team)
LGA	Local Government Area
LGSA	Local Government & Shires Association (of NSW)
LINCS	Local Information Network for Community Services
LNS	Lower North Shore
MANEX	Managing Executive (of Willoughby City Council. Comprises of the General Manager and Director level staff.)
MOSAIC	Multi-cultural One Stop Assistance & Information Centre
NESB	Non English Speaking Background
NSROC	Northern Sydney Region of Councils
OOSH	Out of School Hours Care
PIP	Priority Improvement Projects
Pram ramp	Refers to the ramps that provide smooth transition from footpath level to road level. There are many designs of pram ramps – some of which include tactile pavers to indicate a road or differentiation in gradient.
TTY	TeleTYpewriter – a facility used for hearing or speech-impaired or hearing impaired people.
RNSH	Royal North Shore Hospital
WCC	Willoughby City Council

Reference List

Australian Local Government Association, 1995., Action Plans. Disability Discrimination Act: A Guide for Local Government.

Department of Ageing and Disability, 1998, NSW Government Disability Policy Framework

Human Rights and Equal Opportunities Commission, 1994., The Disability Discrimination Act – Good Business Practice; A Guide to Assist Employers.

Local Government & Shires Association, 1994., Disability Discrimination Act: A Guide to Best Practice in Local Government

The Allen Consulting Group. Review of the Disability Standards for Accessible Public Transport Final Report, October 2009. Report to the Minister for Infrastructure, Transport, Regional Development and Local Government and the Attorney-General

Willoughby City Council. Willoughby City Strategy Together Towards Tomorrow Community Strategic Plan 2010 – 2025. Pg 12.

Websites

Australian Bureau of Statistics - for 2011 Census information re. Willoughby LGA
www.abs.gov.au

Australian Building Codes Board. *Access for people with disabilities*
www.abcb.gov.au

Australian Government ComLaw - re; Disability (Access to Premises) Building Standards
www.comlaw.gov.au

Dept. of Human Services, Ageing, Disability & Home Care website
http://www.adhc.nsw.gov.au/sp/coag_reforms

Department of Education and Training
Disability Access – Whole of Life – All of Life.
www.det.nsw.edu.au/disabilityaccess

The Australian Human Rights Commission
About Disability Rights
www.humanrights.gov.au/disability_rights
www.hreoc.gov.au/disability_rights/dda_guide/dda_guide.htm
Guideline on the application of The Premises Standards - Version 2. February 2013
www.humanrights.gov.au/disability_rights/standards/PSguide.html

Australian Government, Attorney General's Department. Disability Discrimination Act 1992.
<http://scaleplus.law.gov.au/html/pasteact/0/311/top.htm>

The Deaf Society of NSW - for useful contact/referral points for people with disabilities
www.deafsocietynsw.org.au/information

Ramp Up (5 Aug 2011) - "Count us out; disability and the Census" by Craig Wallace.
www.abc.net.au/rampup/articles/2011/08/05