



Arts Access Australia

**Arts Access Australia | Submission on the National Disability
Insurance Scheme - Bill exposure Draft**
January 2013

For Attention of:

Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

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About Arts Access Australia

Arts Access Australia (AAA) is the peak national body for arts and disability.

We work to increase opportunities and access for people with disability as artists, arts-workers, participants and audiences.

AAA is a disability-led organisation that provides three key services for our members:

- Representation and Advocacy
- Facilitation and Development
- Information and Advice

We deliver a range of key national projects including the Cultivate professional development grants, the new Arts Access Award and national Art Prize, and a range of other meetings, seminars, events and activities. We are unique because we work with people with disability in all areas of the arts, across all art forms, all age groups, and all types of impairments.

Who we work with

Our members include the state peak arts and disability bodies, disability and mainstream arts organisations, disability services, and individual artists and arts-workers with disability (and more).

AAA welcomes the opportunity to provide comment on the National disability Insurance Scheme (NDIS) draft Bill. Our comments are informed by the experiences of Australians with disability who access the arts and their vision of how access to arts and culture can be improved.

AAA has chosen to make comment on general principles of the legislation as they relate to arts and cultural access specifically, rather than on specific areas of the legislation.

General Principles

AAA strongly supports the principles of the NDIS. We particularly acknowledge the explicit recognition of the United Nations Convention on the Rights of Persons with Disabilities. In formulating the NDIS Bill, we ask that the Australian Government recognise the human right to cultural participation as it did in becoming a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The cultural sections of UNCRPD Article 30 state:

1. Parties recognise the right of persons with disability to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disability:
 - Enjoy access to cultural materials in accessible formats;
 - Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

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- Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
- 2. Parties shall take appropriate measures to enable persons with disability to have the opportunity to develop and utilise their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.
- 3. Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disability to cultural materials.
- 4. Persons with disability shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

We therefore strongly recommend that the NDIS provides support for the independence, inclusion, social economic and cultural participation of people with disability. The explicit acknowledgement of cultural participation is important in recognizing the significant role which culture plays in the lives of all Australians, including people with disability.

Opportunities for access to arts and culture remain limited for people with disability and levels of access differ according to where a person lives and what support they receive. The NDIS presents a unique opportunity to address this inequity by enabling people with disability choice about how they access arts and culture whether as audiences, artists, arts workers or administrators.

Access to culture in the context of the NDIS is particularly relevant in terms of making career pathways and training opportunities available to people with disability. The value of such opportunities will be measured by an increase in the number of people with disability in paid employment and a cultural and attitudinal change brought about by increased numbers of artists with disability on Australian stages and screens and in our galleries.

Further, providing that cultural access is made explicit in the Bill, we fully support the delivery of “reasonable and necessary” supports to people with disability. We are concerned that if access to culture is not explicit, there is the potential for the definition of “reasonable and necessary” to exclude support for cultural access. This could cause people to miss out on the social, emotional and economic benefits of access to arts and culture which Australians without disability take for granted and the identity and community connectedness which is so important for people with disability, many of whom already experience marginalization and exclusion.

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We also welcome the acknowledgement of the important role which families, carers and other networks can play in the lives of people with disability. However, we recommend that the assessment of reasonable and necessary supports also take into consideration the fact that, for instance, an artist without disability would not need to rely on a family member to assist him or her to travel to a venue and give a performance. Requiring an artist with disability to utilize this kind of informal support can impact on the perceptions of others about the talent and professionalism of that person.

Personalised Planning Provisions

We welcome a person-centred approach to planning which provides choice and empowerment to individuals. We ask that careful attention is given to ensuring that NDIS participants are meaningfully engaged in the planning and review processes outlined in the legislation.

We also recommend that people with disability be provided with resources, as required, to assist them in planning and identifying their goals and aspirations. We have spoken to many people with disability who have expressed concern as to how they transition to individualized funding and in particular, how they ensure access to arts and culture is a priority.

Advocacy and Complaints

We believe that assuming that the person-centred approach is working well, independent advocacy should not be needed. However, we do recommend that it is provided for in the legislation to cover instances where issues arise.

It is also vital that the NDIS legislation recognizes that the NDIS is not a replacement for systemic advocacy. While the NDIS has the potential to make significant positive change in the lives of people with disability, it will not have the capacity to remove barriers to areas such as physical access to arts and cultural venues and the attitudinal barriers which limit access to areas such as employment and education opportunities.

Conclusion

We commend the Australian Government for its work on the NDIS to-date and for acknowledging the rights of individuals with disability to choice and personal empowerment. We assert the right of Australians with disability to enjoy equal access to arts and culture and believe that the NDIS presents a once in a generation opportunity to address low levels of cultural participation by Australians with disability.

Yours sincerely, Emma Bennison CEO Arts Access Australia.

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