

**Submission to the House of Representatives Standing
Committee on Legal and Constitutional Affairs.**

Submission No 136

Submission made by Dan Davidson
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**Re: Inquiry into the Draft Disability (Access to Premises-
Buildings) Standards.**

In this submission I will deal with issues of which I am conversant after a lifetime living as a person with a disability and experience as an advocate for my peers.

People with disabilities living outside the capital cities are more severely impacted than most, resulting in reduced employment opportunities together with less social inclusion.

The standards need to be clear that all multi- storey buildings have a lift. Exemptions have previously been suggested for premises up to two and three stories. This proposition should not be allowed because as many people have rightly pointed out in non-metropolitan areas there are few buildings of more than two or three stories in height.

In any case this nation cannot afford to deny access to People with Disabilities to Premises-Buildings be it situated in the heart of the C.B.D in one of our Capital Cities or a remote town anywhere in our great land. Everyone should have the same rights to access Premises-Buildings for any purpose; be it for employment, shopping, social, cultural, religious or sporting activities.

In the past Governments have tried to improve the participation rate of People with Disabilities in the Workforce and I say this is impossible to achieve unless Access to Premises-Buildings is guaranteed with no exceptions on any grounds whatsoever under any circumstances. It is about time that issues relating to disability are recognised as being beyond political party boundaries, and approached in a bi-partisan manner.

I would now like to write on an area, which is particularly near and dear to me and relates to my personal experience. I worked for a number of years in the Commercial Radio Sector and like many others in this field went on to pursue other employment avenues. Quite a number of us have returned to broadcasting via the Community Broadcasting Sector mainly in a voluntary capacity.

Over the years I have been a presenter, news reader-writer and trainer; also serving on a committee of management and various sub-committees with several community radio stations. I have also served the sector as a committee member of the Community Broadcasting Association of Victoria and this included 2 years as the Honorary Secretary of this organisation. Consequently I feel well qualified to make some observations on the almost total disregard of the access issue by a vast majority of Community Broadcasting Stations.

The Disability Discrimination Act became law in 1992 and in 1993 a meeting of the A.B.A (Australian Broadcasting Authority) made a ruling on what the DDA meant for Community Broadcasters. In a nutshell it decided that stations must provide access to People with Disabilities. As well as access to Premises-Buildings it had to give People with Disabilities the same rights as other members of the stations community of interest to serve the station as presenters, administrators etc. (the only exception to this was that the person had to fit the stations criteria of who it catered for .ie a youth station to be in the age range under 26 years, a Christian station to be a practising Christian, etc.)

(NB. The A.B.A has been replaced by A.C.M.A (Australian Communications and Media Authority) However when breaches of this condition of licence have been reported, it has failed to act.

I will now relate the accessibility issues at four stations that I will call A, B, C and D. (I am prepared to name the stations on request.)

Station A offered no access to its building. It was located upstairs and I may add inadequate stairs. Prior to this outfit receiving a permanent licence a promise was made to me and the A.B.A that different accessible premises would be obtained. After going to air and the appointment of a new manager the station decided to remain in it's old building. I protested and was informed that the station advised A.C.M.A that it could not afford to move at the present time but would at a later point in time. However now several years later has extended its stay in the same premises, leaving studios still without access. This is a capital city wide community licence.

Station B started out in ground floor premises, but over the years has made several moves each time upstairs without lift access. Currently its studio is on the first floor, offices on the next level. No part of this station's operations are accessible. Again this station promised to seek more suitable premises but many on the committee of management could not be bothered pursuing this course of action. Location: a provincial city.

Station C is a small outer suburban station and has a ramp to provide access. The only problems it has of concern are the emergency exit and accessible toilet door that is heavy to operate.

The location of this station is a council owned building. Council claims toilet door is built to standards, but station management disagrees.

Station D is a success story. Only open 2 years and always had the Disability Community in mind. Current premises have ramp and access. New premises plan drawn up and prime concern has been provision for People with Disabilities and the ageing population. This station is in a small country city and started with nothing. Therefore Community Radio Stations cannot claim exemption on the basis of financial hardship. Determination and the willingness to serve all members of their community of interest is all that is required.

The acknowledged "Father" of community broadcasting is the Hon. Tony Staley, a former Communications Minister who did much to advance the sector. In recognition of his contribution the most prestigious award at the annual Community Broadcasting Association of Australia Awards is the "Tony Staley" award. Mr Staley has said that Community Broadcasting was meant for all those denied access to mainstream media. People with Disabilities certainly rate highly in this category .

To sum up in general it is time to dispense with all the "furphies" that have been raised in the past as excuses. One is the Heritage listings of buildings. I would point out that the Disability Discrimination Act overrides the Heritage listing.

Medical Science has made advances in recent time that extend people/s life but cannot turn back all infirmities that cause mobility problems. Australia has a rapidly ageing population and cannot achieve the policy of inclusion and full participation by all without access to Premises and Buildings. Access to the built up environment is part and parcel of this. The pathways to buildings must also be accessible.

To business I would say expenditure on access will pay dividends -it opens up your commercial activities to the widest possible number of people. How many businesses are at present closing their doors on potential customers. In business operations some expenses are unavoidable and add access to this category.

The current economic downturn would be an ideal time to promote activity by making funds available from the Economic Stimulus Package to Community, Cultural, Sporting and Recreational Groups to address the Access Issue.

In future there should be no ifs or buts - no defence to failure to provide Access should be tolerated!

Remember: ACCESS IS A HUMAN RIGHTS ISSUE.

Dan Davidson - Disability Advocate