

**Final Report**  
**on**  
***THE ACCESS PROJECT***

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**Prepared for  
the District Council of Victor  
Harbor**

**By**

***Capable Consulting  
Human Services Consultants***

**Elizabeth Jardine, Principal Consultant**

In Association with

***MASHROB Equitable Access  
Consultancy***

**Margaret Ashton, Access Consultant**

**September 1999**

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Elizabeth Jardine  
**Capable Consulting**

September 1999

# DISTRICT COUNCIL OF VICTOR HARBOR

## REPORT ON

# *THE ACCESS PROJECT*

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## Final Report

# ***THE ACCESS PROJECT***

## **Executive Summary And Recommendations**

Council commissioned this report in November 1998, and the consultants, Capable Consulting, commenced work in February 1999. The consultants have gathered information from a variety of sources in order to draw together a picture of current access provisions for all within the Victor Harbor area. From that picture, they have compiled a report which will form the basis of an Access Action Plan consistent with requirements of the Disability Discrimination Act 1992 (DDA).

The definition of 'disability' as used in the Act is intentionally broad. It includes:

*physical, psychiatric, intellectual, sensory and learning disabilities, as well as physical disfigurement and the presence in the body of an organism causing, or capable of causing, disease; total or partial loss of part of the body and malfunction or disfigurement of part of a person's body. It includes a disability that presently exists, existed in the past but has now ceased to exist, or may exist in the future, as well as a disability that is imputed or presumed to a person (DDA 1992).*

The Act also makes it unlawful to discriminate against an associate of a person with a disability based on the person's disability.

Information for this report was gathered by reviewing available policy documents, speaking with elected members, members of the DDA Steering Committee, senior staff, and local service providers. Other Council staff members were surveyed by questionnaire, a public meeting with focus groups was held, and other members of the public were surveyed by a questionnaire published in the *Victor Harbor Times* in March 1999, and circulated via a range of Council and community services. An access audit of selected sites/facilities was carried out.

Results of the above activities will provide the basis for making recommendations for changes in policy, practices and procedures to achieve access for all to Council services, as well information and the local built environment.

From the recommendations, an Access Action Plan will be formulated. This will be set out in the form of goals, strategies to achieve them, officers responsible for their achievement, and a timeframe for action. As required under the DDA, the Plan will also provide a built-in evaluation and review procedure to permit monitoring of progress of the Plan's implementation.

Major areas for action will include:

- provision of appropriate levels of disability awareness training for staff;
- amending various policies to ensure provision for people with disabilities and to protect Council from formal complaints;
- a Web-site for Council and upgrading e-mail facilities for speed, economy and convenience; carrying out an assessment of the need for alternative information formats, whether in the library or in regard to general council information, and for special equipment in the library for people with impaired vision;
- examining means of improving standards of construction work, and upgrading Council properties to provide appropriate access and egress;
- conducting a campaign to raise community awareness of disability issues, particularly in regard to businesses, clubs and associations etc.

A draft access policy is included for Council's consideration, and a model has been developed for deciding priority of upgrade for facilities.

The report reveals a number of areas (policies, practices, and procedures) where access, whether physical, attitudinal or communicational, is an issue, and Council is vulnerable to complaints. This particularly applies in the areas of planning approvals, and access to Council premises.

There is a need for increased disability awareness on the part of staff and elected members to ensure systematic implementation of Council's Access Action Plan. Council presently has no formal Access Policy. This omission could render it liable to complaints. A draft policy for Council's consideration will be found in Section 3.

It would be beneficial for Council to establish a closer association with local business organisations, and work cooperatively with them to achieve greater access for all in the Victor Harbor area. The SA Tourism Commission has recently released a disability strategy, and the Fleurieu is one of nine areas to be audited for tourist accessibility.

Recommendations of the report are listed below, together with some context, and page reference numbers. In the body of the report, the recommendations follow consecutive order, according to the context in which they were developed. In this summary, they are grouped, for reader convenience, according to functional areas.

## Recommendations

The recommendations are the basis of Council's Access Action Plan. Their whole thrust is towards inclusion of people with disabilities and the elderly in all aspects of Council activity, and community life. Implementation will therefore minimise discrimination and complaints, and maximise Council's compliance with the DDA.

### 1 Corporate Services

#### Corporate Plan

Implementation of Recommendation 1 will ensure ongoing and systematic implementation of the Access Action Plan. This must be demonstrable if the Plan is to act as part-defence in case of formal complaints.

#### **Recommendation (Corporate Plan) 1 P19**

That the DDA Action Plan be linked to Council's Strategic Plan and budgetary process, and that annual and triennial provision be made where necessary to achieve accessibility.

The purpose of Recommendation 2 is to ensure inclusion of the needs of the elderly and people with disabilities in Council's Corporate Plan.

#### **Recommendation 2 (Wording of Corporate Plan) PP 19-20**

#### Principles

#### Maintenance of Standards

To reflect current usage and avoid offence, that the words *the less able* be deleted and replaced by the words *people with disabilities and the elderly*.

#### 1.3, Arts and Cultural Development

##### Strategy 1

To avoid discrimination, (1) should include the word *accessible*, as well as *affordable*.

##### Strategy 13

Specify inclusion of people with disabilities and the elderly in encouraging Arts and Cultural programs. (See Fleurieu Region Community Services Strategic Plan, 1997)

#### 1.4 Community Transport Services

Add additional strategy: *ensure accessibility and availability for people with disabilities and the elderly, of community transport.*

#### 1.6 Heritage

Add additional objective: *ensure that where possible, heritage facilities used by the public are accessible to all community members* (see Martin, E.J. Reference List Appendix 10).

Strategy 14: Add the words, *while acknowledging requirements of all relevant legislation including the DDA 1992.*

#### 2.0 Infrastructure:

Add Strategy 7: *All infrastructure works will be carried out observing relevant Australian Standards, and with reference to HREOC Advisory Notes on Access to Premises (See reference list)*

## 1 Corporate Services (cont)

### **Recommendation 2 PP 19-20(cont)**

Add Strategy 8: *Ensure appropriate consultation with people with disabilities and the elderly to ensure maximum accessibility.*

#### 2.2 Traffic Management

Strategy 5: include the words *including people with disabilities and the elderly.*

#### 2.7 Walking Trails

Strategy 2: include the words *maximum [accessibility and] use.*

#### 2.8 Road Facilities

Strategy 3: add the words *[and placed to allow a clear unobstructed path of pedestrian travel.*

**NB where Council by-laws discriminate against people with disabilities, ie, preclude equitable access, council is vulnerable to formal complaints.**

#### 3.1 Natural Resource Management

Add an additional objective: *investigate options for beach access for people with disabilities and the elderly at popular areas.*

### Access to Council Premises

Council is at present vulnerable to complaints about access to the Administrative Centre. Implementation of recommendation 16 will demonstrate Council's intention to acquire accessible premises. Recommendations 49 and 50 refer to ongoing auditing and upgrading of other Council owned and operated premises. Recommendation 17 points to the need for an extensive consultation process around acquisition of accessible Council premises.

### **Recommendation 16 (Council Premises) P27**

To avoid discrimination, in 2000/01 budgetary considerations, Council begin to make provision for new accessible premises for include Council Offices and the Council Chamber, and could include the Art Gallery and Library etc. Any new premises should be constructed with reference to HREOC *Advisory Notes on Access to Premises*, or later access Standards as they become available. (There is now provision for a Standard for Access to Premises to be developed under the DDA).

### **Recommendation 49 (Building Audit) P44**

That Council refer to the building/facilities audit report to determine where currently audited access problems exist, refer to Australian Standard 1428.2 to rectify inaccessibility, and to the prioritisation model (Section 9) to ascertain priority for upgrade.

### **Recommendation 50 (Continuing Building Audit) P44**

That Council ensure auditing of all Council-owned and operated buildings/facilities and CBD streetscapes for DDA compliance.

### **Recommendation 17 (Community Consultation) P27**

That Council plan and implement a community and business education campaign about community benefits of new accessible council premises, and disability awareness.

## 1 Corporate Services (cont)

### Information Technology

At present different sections of Council operate on different IT systems. There is no overall communication system between sections at different locations. Although preliminary steps have been made towards establishing an Internet Web page, this is not yet in existence.

The following recommendation outlines the advantages of upgrading to a consistent IT system, and developing a Web page.

#### **Recommendation 27 (Information Technology) P30**

That to prevent discrimination, to increase the tourist market, to improve communication with community members, and to handle communication economically, Council update the computer system to

- allow efficient communication between all sections of Council
- Allow Internet access to at least one computer in each section,
- ensure that as it is developed, the Web-site is accessible to people with disabilities, and,
- ensure that mechanisms are in place in each section for regularly updating the relevant section of the Web-site and checking e-mail.

### Policy for Access

The Regional Community Services policy addresses the needs of all members of the community in relation to such services, and specifically includes people with disabilities and the elderly. However, Council currently has no formal Access Policy, and this could render it liable to complaints of discrimination.

#### **Recommendation 19 (Access Policy) P28**

That to minimise complaints, to provide an example to other local organisations, and lessen the likelihood of vicarious liability, Council formulate and implement an Access Policy which will be linked to, and inform, all other relevant Council policies, procedures and practices.

## 2 Human Resources

### Policies

Recommendations 8 – 12 relate to Human Resources policies.

Implementation of these recommendation will increase inclusiveness of the documents, and assist in implementation of the Access Action Plan.

#### **Recommendation 8 (EEO Policy) P21**

That Council's EEO policy include reference to the DDA.

#### **Recommendation 9 (Health and Safety Policy) P22**

Add to paragraph (a) on P10, the words, *ensuring equity of access and egress.*

#### **Recommendation 10 (Grievance Procedure) P22**

Include in Council's grievance procedure advice that a person may, if they wish, be accompanied by an advocate/support person of their choice at any grievance discussion or disciplinary procedure.

#### **Recommendation 11 (factors that may affect work performance) P22**

Include in factors that may affect work performance, home/personal conditions.



**Recommendation 12 (Job and Person Specifications) P22**

Review all job and person specifications to ensure that they demand only the *inherent requirements* of the particular position, and specify that employees have an understanding of the DDA.

Ensure that all management position descriptions specify a requirement to implement the Access Action Plan.

Ensure that all other position descriptions specify that employees are required to implement their Action Plan responsibilities.

**Staff Training**

Staff training in disability awareness is critical to staff members' understanding of the issues, and therefore to practices that take into account the needs of people with disabilities and the elderly. Good customer service involves addressing the needs of all.

**Recommendation 18 (Staff and Volunteer Training) P28**

That to minimise discrimination and subsequent complaints, and avoid *vicarious liability*, Council ensure that adequate and appropriate training in disability awareness is provided for council staff and volunteers on a regular ongoing annual basis, and that such training is formally administered and documented in the same way as is OH&S training.

**Recommendation 33 (Field Staff Training) P32**

To lessen the likelihood of complaints, and provide a safe community environment, Council implement regular training for field staff and their supervisors in the areas of disability awareness, and the importance of DDA compliance. Training should include wheelchair and white cane simulation exercises.

### 3 Community Services

**Community Grants Scheme**

Although Council officers are flexible and helpful in their reception of applications for community grants, the present wording of the Guidelines gives no indication of this, and would appear to preclude applications from some people with disabilities. Implementation of recommendations 13 and 14 will ensure applicants of a flexible approach.

**Recommendation 13 (Community Grants Scheme) P22**

To ensure there is no discrimination against people with disabilities in applying for funding, that future copies of the *Guidelines* include reference to availability of assistance, where necessary, to complete the form, as well as a statement that alternative formats would be acceptable where people are unable, because of disability, to complete the written form.

**Recommendation 14 (Community Grants Scheme) P23**

To avoid discrimination, an audio version of the *Guidelines* should be made available on request.

### 3 Community Services (cont)

#### Tourist and Community Information

Victor Harbor is a popular seasonal tourist destination. Tourists include people with disabilities and the elderly, and numbers are likely to increase considerably over the next 20 years. At present, there is little widely available information about any accessible facilities. The current Community Guide published by *The Times*, does not provide any such information, and nor do Council's Tourist maps.

The SA tourism commission has recently published a *Disability Strategy*, and has called for tenders to audit various tourist facilities, including some in the Fleurieu Region. This information will no doubt be available at some stage.

#### **Recommendation 15 (Community Guide) P23**

- (1) Negotiate with *The Times* office to produce an easy-to-use community guide/map which includes specific information about accessible facilities (toilets, telephones, car parks, public information directories, ATMs) as well as disability services, or
- (2) alternatively, investigate other means of funding and producing such a document.
- (3) Publicise the Guide and ensure distribution of it to all households in the Council district.

#### Dissemination of information

At present the greater part of Council information to the public is provided in written form, apart from any articles appearing in *The Times*, which are available on audio tape.

Written communication is not accessible to people with vision impairment, or some learning disabilities. Alternatives would include audiotape, e-mail, and a Web-page accessible to people with disabilities.

#### **Recommendation 20 (Alternative Information Formats) P28**

That Council carry out a community survey to assess the needs for alternative formats for both general Council information, and library needs, of people with disabilities and the elderly, and investigate means of obtaining any necessary equipment.

#### Community Transport Scheme

Several respondents commended the Community Transport Scheme. Others, however, were not able to use it, mainly because the bus steps are too high. Any steps, of course, preclude use of the bus by wheelchair users. People also said they were not aware of the available alternative of using the Access Cab for the price of a bus fare.

#### **Recommendation 21 (Community Transport) P28,**

To minimise discrimination, fit a low retractable step to the community bus as a short-term measure. In the long term, when the lease is renewed, obtain a bus with low steps, and ramped access for those who require it.

### 3 Community Services (cont)

#### **Recommendation 22 (Advertise Community Transport) P29**

Regularly advertise throughout the region details of availability of community transport facilities and options.

#### Volunteers

Some Community Services, including the Tourist Information Centre, the library, the Caring Neighbourhood Project and the Community Transport Scheme, involve volunteers in their activities. The Caring Neighbourhoods Scheme is highly successful and well regulated, and has clearly documented rights and responsibilities for both volunteers and clients.

Although volunteers working with the elderly and people with disabilities in their own homes are required to undergo police checks, this has not occurred in all areas. To help ensure security of both volunteers and clients, and protect Council from possible litigation, Council should consider action to bring the various volunteer programs together. This would help ensure effective management and consistency between programs.

#### **Recommendation 23 (Volunteers) P29**

- (1) Determine a means of bringing together the various volunteer programs auspiced/provided by Council.
- (2) In the short term, ensure that the *Caring Neighbourhoods Volunteer Handbook* is adapted for use by, and made available to, all volunteers,
- (3) ensure that Council's recently ratified Volunteer Policy be adhered to by all relevant sections

#### **Recommendation 24 (Volunteers) P29**

To ensure safety of service recipients and protect Council from possible litigation, that any volunteers working with the frail aged and people with disabilities, are engaged under the same conditions as those with the Caring Neighbourhoods Project.

#### **Recommendation 25 (Library Volunteers) P30**

To ensure effective running of the library volunteer service, contact South Coast Volunteer Service for support in running the program. Consider whether one of the existing volunteers, with appropriate support, would be willing to take on the task of managing the program.

#### Library Equipment

The library has no special equipment, eg, Kurtzweill Personal Reader, to enable people with vision impairment to access information independently or with privacy.

#### **Recommendation 26 (Library) P30**

Carry out a survey to determine the level of need for special equipment for people with vision impairment, and investigate means of obtaining any equipment found necessary, eg assistance from local service clubs.

### 3 Community Services (cont)

#### Non-Council Premises

There were many complaints about lack of access to non-council premises, including the great majority of businesses. The Business Association has stated willingness to work with Council to educate the business community about the advantages in increasing access. There were also complaints about a lack of accessible sport and recreation facilities, and the need for additional venues. The SA tourism Commission is also examining ways of increasing access to tourist facilities, whether privately or publicly owned.

Physical access will achieve a measure of inclusion, but will fall short if attitudinal issues are not addressed. It would be useful for Council to encourage local businesses to sponsor training and information sessions in disability awareness

#### **Recommendation 45 (Community Disability Awareness Strategy) P36**

That Council work with the Business Association to

- a) implement and publicise an annual Access Awards Scheme and invite participation from local businesses.
- b) investigate other means of encouraging local businesses to provide access, and publicise improvements in accessibility.
- c) encourage local businesses to participate in disability awareness training

#### **Recommendation 46 (Tourism) P37**

That Council examine ways of working with the SA Tourism Commission to increase access in the area, particularly in the area of accessible sports and recreation venues.

### 4 Sport and Recreation

#### Advisory Committee

Like anyone else, people with disabilities and the elderly have sport and recreation requirements. At present the sport and Recreation Advisory Committee has no representation from these areas, so there is little awareness of their needs. Implementation of Recommendation 28 will help address this.

#### **Recommendation 28 (Sports and Recreation Committee) P31**

Include on the Sports and Recreation committee, people with an understanding of the disability area.

#### Beach Access

Recommendations 29 – 31 concern beach access. This is a difficult area, but is possible to address in the longer term.

#### **Recommendation 29 (Beach Access) P31**

That Council investigate short term options for access for people with disabilities to the most popular beach access sites, and ensure that access points are clearly signposted.

#### 4 Sport and Recreation (cont)

**Recommendation 30 (Beach Access) P31**

That to avoid discrimination, in the longer term, Council research a variety of means of providing beach access for people with disabilities and the elderly, and indicate access points with clear signage.

**Recommendation 31 (Beach Access) P31**

Refer to Access Audit (section 11) and Model for Upgrade Prioritisation (Section 3) and prioritise sites for access upgrade. Continue to conduct a coastal facility audit and develop a program for upgrading beach access

Leasing of premises

Several sporting bodies lease their premises from Council. As part of its community leadership role, and to protect itself and lessees from complaints of discrimination, Council should work with lessees to increase inclusion where possible.

**Recommendation 32 (Leasing of Council Premises) P32**

To protect Council and lessees from liability under the DDA, that Council provide lessees with relevant guidelines for access, and development of a DDA Action Plan. (See Appendix 7

**See also Recommendation 43 (public toilets), P36**

**See also Recommendations 18 P28 and 33 P32 (Staff Training)**

#### 5 Technical services

Policies

The present wording of several Council policies does not allow specifically for inclusion of the needs of people with disabilities and the elderly. Recommendations 3 – 7 address this. There were several complaints about a lack of consistency in infrastructure works, particularly kerb ramps. The Access audit states '*there are few kerb ramps in Victor Harbor that comply with the relevant Australian Standard*'. To address this issue, it is recommended that Council develops, and ensures compliance with, a set of minimum standards.

**Recommendation 3 (Paving Surfaces) P20**

Delete the words *lawn or compacted crushed rock* from Policy F11.

**Recommendation 4 (Paving surfaces) P20**

Add to *Paving Blocks* section of policy F11:

*All paved surfaces shall be inspected twice annually for lifting, and pavers replaced as necessary to achieve a smooth surface.*

**Recommendation 5 (Handrails) P20**

That wording of Policy R4 be amended to read: *A steel handrail shall be erected on both sides of the steps and comply with requirements of AS1428.2 Clause 8. (This recommendation is also applicable to any other stairs for use by the public.)*

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## 5 Technical services (cont)

### **Recommendation 6 (Refuse Collection) P21**

That the words: *except where a householder, by reasons of disability (documented, by eg, medical certificate), is unable to place the bin on the kerb, and requests assistance*, be added to policy R6 (c)

### **Recommendation 7 (Street Signs) P21**

That the wording of policy S3 be amended to read: *Clear and unambiguous street signs and directional signs shall be displayed within the Council district.*

### **Recommendation 34 (Minimum Standards) P32**

Since current Australian Standards do not ensure compliance with the DDA, that Council set its own standards for minimum compliant requirements in relation to a safe environmental infrastructure. This would include attention to roads, footpaths, kerbing, signage, vegetation, and any other relevant factors. These standards should be rigorously enforced.

### **Recommendation 35 (Minimum Standards) P33**

to ensure implementation of the 'minimum standards' document (see Recommendation 34 above), that Council develop a minimum standards checklist for ease of use by field staff and supervisors.

### Pavement Encroachments

A-Frame signs and other encroachments on footpaths pose a hazard to many elderly people, wheelchair users, those with vision impairment, and people pushing prams and strollers.

### **Recommendation 39 (Encroachments) P34**

That to avoid complaints and minimise discrimination, Council institute regular and consistent policing of footpath encroachments and, where appropriate, enforce compliance with the relevant legislation and by-laws.

### **Recommendation 40 (A-Frame signs) P34**

That Council investigate alternative means of advertising as a substitute for A-frame signs, and work with the business community to implement such means.

### Car Parking

There have been complaints about a lack of dedicated parking at convenient locations, and of insufficient policing of those parking spaces, resulting in abuse of spaces by people without disabilities.

### **Recommendation 41 (Car Parking) P34**

That Council erect deterrent signs, eg, "Penalty \$500", institute regular and consistent policing of dedicated parking spaces, amend, and enforce compliance with, relevant by-laws.

### **Recommendation 42 (Car Parking) P34**

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That Council examine means of providing additional parking space for people with disabilities in Ocean Street, along the Esplanade, and other appropriate sites.

### Accessible toilets

Lack of accessible public toilets was a cause for several complaints. Some 'accessible' toilets are not accessible because a person with mobility impairment cannot negotiate the approach to them.

## **5 Technical services (cont)**

### ***Recommendation 43 (Public Toilets) P36***

Make regular budget provision to permit a planned upgrade of accessible public toilets, including provision of accessible pathways to them. Ensure accessible toilets are unisex.

### The Causeway and Horse tram

Staff members made some suggestions about improving access to the horse tram. These included lengthening the island platform, providing ramps, and removing one set of stairs from the interior of the tram.

### ***Recommendation 36 (Causeway) P33***

That to ensure greater safety and accessibility, Council negotiate with the Department of Transport to improve the surface of the Granite Island Causeway.

### ***Recommendation 44 (Horse tram) P36***

Investigate and implement, where possible, means of making the horse tram accessible to people with disabilities.

### Pedestrian Crossings

As Victor Harbor grows from a small country town to a major regional centre, the need for pedestrian crossings has increased with increasing traffic. While this creates a hazard for everyone, the elderly and people with disabilities are at particular risk of accidents. Poor footpaths have also been cited as a major barrier to access.

### ***Recommendation 47 (Pedestrian Crossings) P43***

Monitor usage, and assess priority for, pedestrian crossings at:

- a) Intersection of Seaview Road and Torrens Street
- b) Adjacent to Hospital and Bay Village in Bay Road
- c) Intersection of Ocean Street and Coral Street.
- d) Esplanade end of Ocean Street

### ***Recommendation 48 (Footpath Maintenance) P44***

Ensure adequate budgetary provision for footpath maintenance and construction, with particular attention to paving surfaces and kerb ramps.

**See also Recommendations 18 P28 and 33 P32 (Staff Training) and recommendations 37 (Access to premises) P33, and 38 (workload) P33.**

## **6 Planning and Building Services**

### Workload

It was reported that the heavy workload in the section has been skewed towards completing official paperwork, leaving little time for site inspections.



## 6 Planning and Building Services (cont)

### ***Recommendation 38 (Workload) P33***

That the Director of Environment and community services and the Director, Technical Services, work with staff members to ensure a balance in workload and ensure that site inspections are carried out.

### ***Advisory Notes on Access***

At the time of interview, no relevant staff member knew about the *Advisory Notes on Access to Premises* published by the Human Rights and Equal Opportunity Commission. These Notes address, as far as possible, the current inconsistency between the DDA and the Building Code of Australia. Use of the Notes would help developers and builders include the needs of people with disabilities and the elderly, and increase their own compliance with requirements of the DDA.

### ***Recommendation 37 (Access to Premises) P33***

That relevant Council staff members (planning and construction) familiarise themselves with, and recommend use of, the *HREOC Advisory Notes on Access to Premises* (See Reference List)

***See also Recommendations 18 P28 and 33 P32 (Staff Training)***

## 7 Conclusion

Council has obligations under the DDA. The Act makes it incumbent on council to examine all aspects of its operations which are covered under the Act to ensure that discrimination on the grounds of disability is eliminated as far as possible.

The consultants are confident that if Council adopts recommendations of the present report, complaints about disability discrimination will be minimised. The right of people with disabilities to make their way around, and feel included in, the local community will be upheld

# DISTRICT COUNCIL OF VICTOR HARBOR

## Final Report

# *THE ACCESS PROJECT*

**FINAL REPORT**

**SEPTEMBER 1999**

## **1 Background**

This report details the project, commissioned by the District Council of Victor Harbor, to develop an Access Action Plan consistent with provisions of the Disability Discrimination Act 1992 (DDA). The Council commissioned Capable Consulting to assist in developing the Disability Action Plan. The Built Environment Audit was carried out by Margaret Ashton, of MASHROB Equitable Access. The report outlines the methodology for the study, provides information about the DDA and what is needed for compliance, and details research and consultation findings.

An Action Plan for an organisation is a strategy for changing those practices, policies and procedures which may result in discrimination (intentional or unintentional) against people with disabilities and their associates. An Action Plan will help Council identify any discriminatory practices and offer a blueprint for change where necessary.

Although it is not compulsory under the DDA for organisations to formulate Disability Action Plans, the Human Rights and Equal Opportunity Commission is obliged to consider them when determining complaints of discrimination.

The DDA requires that people with disabilities be given equal opportunity to participate in, and contribute to, the full range of economic, social, cultural and political activities. Under the Act, access for people with disabilities, including access to the goods, services and facilities provided by organisations, becomes mandatory.

It has been stated that organisational responsibilities under the DDA are relevant to everyday consumer service and risk management for local government (Foskey 1997, cited Gow, 1998).

In its Strategic Plan, the National Disability Advisory Council of Australia included as its mission statement the following:

*The - - - Council promotes and seeks to achieve its vision that, by 2,000, all sectors of Australian society, including government, business and the general community, will automatically include the needs of people with disabilities when developing policy, in providing goods and services, and in all other aspects of community life (NDACA 1997).*

Organisational Access Plans, including those of local government, will help achieve this vision for Australia.

Council has long been aware of issues for the elderly and people with disabilities, and has established a DDA Action Plan Steering Committee to oversee development of the Action Plan. The membership comprises elected members of Council, community representatives, and senior staff.

The Council is being pro-active in wanting to uncover further access issues, and address any current practices and procedures, which may, unwittingly, discriminate against people with disabilities.

Over 22% of the South Australian population consists of people with disabilities (ABS 1998) and in addition, has the highest proportion of elderly people in Australia (see Appendix 1). This is particularly significant, since at the same time, population fertility rates are declining, meaning that there will be fewer young people in the near future.

People with disabilities will be increasingly amongst those requiring the services of local government agencies, and attending cultural, sporting and recreational events. Access issues are also important in the Victor Harbor area, in that the town is a seasonal tourist destination for many people of all ages.

There is a strong positive correlation between disability and aging. Statistically, the incidence of disability in the 0–4 years age group is 4 %, that in the 60 –64 years 40%, and over 85 years, 80%. Victor Harbor's population is the oldest in Australia, with almost 30% of people aged over 65, and less than 20% under 15 years. The population of Victor Harbor is predicted to double by 2011, with a corresponding increase in numbers of elderly people.

## 2 Purpose of the Consultancy

The purpose of the consultancy is to develop an Access Action Plan consistent with Section 61 of the DDA. To conform with the DDA, Action Plans must include:

- development of policies and programs to achieve the objectives of the Act;

- communication of these policies to people in the organisation, and in the case of local government, to people in the community;
- review of the organisation's operations to identify any discriminatory practices;
- development of the means of evaluating the policies and programs adopted, including goals and targets where these can be reasonably determined, and
- appointment of responsible officers to implement the plan.

## 3 Key Terms

### 3.1 Disability:

The definition of 'disability' as used in the Act is intentionally broad. It includes:

*physical, psychiatric, intellectual, sensory and learning disabilities, as well as physical disfigurement and the presence in the body of an organism causing, or capable of causing, disease; total or partial loss of part of the body and malfunction or disfigurement of part of a person's body. It includes a disability that presently exists, existed in the past but has now ceased to exist, or may exist in the future, as well as a disability that is imputed or presumed to a person (DDA 1992).*

The Act also makes it unlawful to discriminate against an associate of a person with a disability based on the person's disability.

### 3.2 Discrimination

Discrimination may be either direct or indirect.

*Direct discrimination* means denying someone, or their associate, an opportunity or benefit because of an irrelevant personal characteristic. It means treating someone unfairly or unequally because they belong to a particular group of people, in this case, people with disabilities and/or their associates.

*Indirect discrimination* occurs when requirements (rules, policies, action, procedures) are the same for everyone, but have an unequal or disproportionate effect or result on particular people, in this case, people with disabilities and/or their associates.

Examples may be found in *A User Guide to the Disability Discrimination Act* (see Resources List), Appendix 10

### 3.3 Reasonable adjustment

*Reasonable adjustment* refers to any alterations or modifications necessary to ensure equal participation and performance of a person with a disability. While the term is not expressly defined in the Act, it may be inferred from sections 5(2) and 15(4) and section 6 which makes indirect discrimination unlawful.

Under current legislation, access to programs and services may not be limited on the basis of cost of services and adjustments required unless it can be demonstrated that such adjustment would impose *unjustifiable hardship* on the organisation in question.

### **3.4 Unjustifiable hardship:**

Unjustifiable hardship is:

*The basis upon which a respondent can defend a complaint of disability discrimination. The respondent might successfully argue that not to discriminate would impose upon him/her an unjustifiable hardship. In determining unjustifiable hardship, the Human rights and Equal Opportunity Commission considers all the circumstances of the particular case, including*

- *the benefits and detriment to relevant persons,*
- *the effect of the relevant disability,*
- *financial circumstances, and,*
- *any Action Plan given to the Human Rights and Equal Opportunity Commission by the respondent. (HREOC, No date)*

### **3.5 Inherent requirements:**

Inherent requirements are the essential activities of a job. The DDA does not force employers to employ people in jobs where they are unable to perform the *inherent requirements*. Employers may consider a number of factors when deciding whether or not a particular activity is an *inherent requirement* of a job:

- *Are employees actually required to perform the particular activity?*
- *Is the activity the reason the position exists?*
- *Can adjustments include another employee performing the activity instead?*
- *How much time is spent carrying out the activity?*
- *What happens if the activity is not performed?*
- *Are there any relevant provisions of enterprise agreements or awards?*

(HREOC: *Good Business Practice* 1994).

### **3.6 Vicarious liability**

As an employer, Council may be liable for acts of discrimination by an employee or agent unless the Council can establish that it *took reasonable precautions and exercised due diligence* to prevent the discriminatory action.

## **4 Methodology**

### **4.1 Need for 'Ownership' of the Plan**

It is critical for the ongoing implementation and success of the Action Plan that Council staff, and, as far as possible, members of the local community, feel able to 'own' it. The consultants believe that long-term success will depend on key decision-makers understanding the issues, as well as their responsibilities under the Act.

The methodology is therefore based on a broad consultative approach involving all levels of Council personnel and members of the community, as well as other community representatives from eg. local businesses and relevant organisations. This helps ensure that stakeholders have an

appreciation of the precepts involved, and opportunity to contribute. Several methods were used to obtain relevant information on which to base development of the Action Plan.

#### **4.2 Review of Relevant Documentation**

Council policies and related documents, including earlier reports, were reviewed to ensure that there was no discrimination against people with disabilities, and that where necessary, attention will be drawn to access issues. The aim of this is to ensure that Council policies and related practices do not unwittingly promote or condone discriminatory practice.

#### **4.3 Consultation with Staff and Councillors**

A briefing session was presented to elected members, with the opportunity for both participants and the facilitator to seek and /or provide further information. Each of the Directors was interviewed, as well as several representative members of staff. Names of those interviewed appear in Appendix 2.

In addition, a questionnaire survey on disability access was circulated to all staff members, together with an information sheet about the Disability Discrimination Act and its implications. Copies of these will be found in Appendix 3.

#### **4.4 Community Consultation**

A community questionnaire survey, together with a descriptive article, was published in the *Victor Harbor Times*. This was accompanied by an invitation to a public meeting where community suggestions about access issues could be received. Copies of the article concerned appear in Appendix 4.

Major disability-related organisations were contacted individually for their input to the project. Flyers advertising the public meeting (see Appendix 5) were distributed by Council to all community service organisations in the area as well as via the Community Transport Service, and displayed in the library.

## **5 Research Phase**

### **5.1 POLICY AND DOCUMENTATION REVIEW**

All relevant available documentation was reviewed to assess consistency with the Disability Discrimination Act. Documents reviewed included:

*The Corporate Plan*

*The Policy Manual*

*The Human Resources Manual*

A representative sample of job specifications.

*Occupational Health, Safety and Welfare Policies and Procedures;*

*The Times Community Guide*

*Fleurieu Region Community Grants Scheme: Guidelines and Application form*

#### **5.1.1 Corporate Plan:**

Victor Harbor's Corporate Plan was drawn up to clarify Council's purposes and roles, and to determine likely corporate goals.

The principles of the Plan are admirable, and care needs to be taken that they are observed, and therefore reflected in Council practice. The section *Maintenance of Standards* is particularly germane to this report, since many complaints have been based on lack of standard practice in construction of infrastructure.

As yet the Plan contains no strategies or timeframes. It is not linked to the budgetary process. The Plan is presently under review. The current Plan covers a five-year period. Council has established a *Local Area 21 Steering Committee* whose task is to structure the Corporate Plan into a Strategic/Resources Plan to cover a three-year period, consistent with the revised Local Government Act (1999).

Incorporation of the following recommendation in the review of the Plan would help to avoid discrimination and complaints.

**Recommendation 1 Corporate Plan**

That the DDA Action Plan be linked to Council's Strategic Plan and budgetary process, and that systematic budget provision be made where necessary to achieve accessibility.

**Recommendation 2 (Wording of Corporate Plan)**

Principles

Maintenance of Standards

To reflect current usage and avoid offence, that the words *the less able* be deleted and replaced by the words *people with disabilities and the elderly*.

1.3, *Arts and Cultural Development*

Strategy 1

To avoid discrimination, (1) should include the word *accessible*, as well as *affordable*.

Strategy 13

Specify inclusion of people with disabilities and the elderly in encouraging Arts and Cultural programs (See Fleurieu Region Community Services Strategic Plan 1997).

1.4 *Community Transport Services*

Add additional strategy: *ensure accessibility and availability for people with disabilities and the elderly, of community transport*.

1.6 *Heritage*

Add additional objective: *ensure that where possible, heritage facilities used by the public are accessible to all community members* (see Martin, E.J. Reference List).

Strategy 14: Add the words, *while acknowledging requirements of the DDA 1992*.

2.0 *Infrastructure*:

Add Strategy 7: *All infrastructure works will be carried out observing relevant Australian Standards, and with reference to HREOC Advisory Notes on Access to Premises (See reference list)*

Add Strategy 8: *Ensure appropriate consultation with people with disabilities and the elderly to ensure maximum accessibility.*

## 2.2 Traffic Management

Strategy 5: include the words *including people with disabilities and the elderly.*

## 2.7 Walking Trails

Strategy 2: include the words *maximum [accessibility and] use.*

## 2.8 Road Facilities

Strategy 3: add the words *[and placed to allow a clear unobstructed path of pedestrian travel (with reference to existing by-laws)].*

**NB** where Council by-laws discriminate against people with disabilities, ie, preclude equitable access, Council is vulnerable to formal complaints.

## 3.1 Natural Resource Management

Add an additional objective: *investigate options for beach access for people with disabilities and the elderly at popular areas.* (See Sports and Recreation recommendations P28)

### 5.1.2 Policy Manual

Council has few formally documented policies in any area. Most activities appear to be based on traditional practices.

#### Policy F11: Footpaths

(2) Specifies that suitable footpath surfaces include *lawn or compacted crushed rock*. Such surfaces are dangerous and create access difficulties for people with disabilities, people with babies in prams, and the frail elderly. Use of these surfaces is therefore discriminatory.

#### **Recommendation 3**

Delete the words *lawn or compacted crushed rock* from Policy F11.

During the consultation process, there have been several complaints about uneven pavers creating hazards.

#### **Recommendation 4**

Add to *Paving Blocks* section of policy:

*All paved surfaces shall be inspected twice annually for lifting, and pavers replaced as necessary to achieve a smooth surface.*

#### Policy R4: Recreation Reserves

##### Encounter Lakes

1 (ii) states that *a steel handrail shall be erected on at least one side of the steps*. Many elderly people, and ambulant others with disabilities will have greater weakness on one side or the other, and able to use only one arm, whether right or left, to negotiate stairs. Rails therefore should be required on



both sides, and should comply with the relevant Australian Standard. Use of AS1428.2 is more likely to ensure compliance with DDA requirements, than 1428.1. This is also applicable to any other stairs for use by the public.

**Recommendation 5**

That wording of Policy R4 be amended to read: *A steel handrail shall be erected on both sides of the steps and comply with requirements of AS1428.2 Clause 8.*

Policy R6 Refuse

(c) States that *Council plant or staff will not enter property to collect bins.* There are, and will be increasing numbers of, elderly people and people with disabilities who are unable to place refuse bins on the footpath. While some people will have friends or neighbours who will help, this is not the case for everyone.

**Recommendation 6**

That the words: *except where a householder, by reasons of disability (documented, by eg, medical certificate), is unable to place the bin on the kerb, and requests assistance,* be added to policy R6 (c)

Policy S3 Street Signs

States that *wherever practicable, street signs and directional signs shall be erected within the Council district.*

Lack of signage, and poor signage has created problems within the central business and residential district, both for people with disabilities and those without disabilities. While there may be some rare circumstances where appropriate signage cannot be erected, there seems little excuse for this in the central area of town.

**Recommendation 7**

That the wording of policy S4 be amended to read: *Clear and unambiguous street signs and directional signs shall be erected within the Council district.*

### 5.1.3 Human Resources Manual

Equal Employment Opportunity Policy Statement:

The introduction to this document states that:

*The District Council of Victor Harbor believes it has a social responsibility towards all members of its community and is required to create an employment environment which reflects the current values and needs of the community.*

The local community could be assumed to have over 20% of people with disabilities, yet, as far as is known, Council does not presently employ any person with an identified disability.

Section 1 cites the South Australian Equal Opportunity Act. This Act, however, recognises only intellectual and physical disabilities while the DDA, which over-rides discrepant State legislation, has a much broader definition of disability.

**Recommendation 8**

That Council's EEO policy include reference to the DDA.

*Employee Information Booklet*

Safety Policy P10:

(a) states that the Council

*will provide and maintain, to the best of its ability, a safe and healthy working environment in compliance with Federal and State regulations.*

**Recommendation 9**

Add to paragraph (a) on P10, the words, *ensuring equity of access and egress.*

Grievances P14

Under *disciplinary action*, there is no mention of a person being able to be accompanied, if desired, by an advocate or support person.

Personal/home conditions may also affect people work performance. This is widely known, and officially recognised by many organisations, yet it is not included in the final paragraph on P16.

**Recommendation 10**

Include in Council's grievance procedure advice that a person may, if they wish, be accompanied by an advocate/support person of their choice at any grievance discussion or disciplinary procedure.

**Recommendation 11**

Include in factors that may affect work performance, home/personal conditions.

**5.1.4 Sample of job and person specifications**

Some job and person specifications contain requirements that are outside the *inherent requirements* of the relevant position (see Key Terms P16 -17).

All job descriptions should require that employees have an understanding of the DDA.

All management position descriptions should specify that managers are required to implement the Access Action Plan. All other job descriptions should require employees to implement their Action Plan responsibilities.

(HREOC, no date)

**Recommendation 12**

- (1) Review all job and person specifications to ensure that they demand only the *inherent requirements* of the particular position, and specify that employees have an understanding of the DDA.
- (2) Ensure that all management position descriptions specify a requirement to implement the Access Action Plan.
- (3) Ensure that all other position descriptions, where relevant, specify that employees are required to implement their Action Plan responsibilities.

To maximise DDA compliance, it would be useful to refer to the employment guides issues by the Human Rights and Equal Opportunity Commission and the Australian local Government Association (see Reference List).

**5.1.5 Fleurieu Region Community Grants Scheme: Guidelines and Application form.**

This document states that *All applications should be on the standard application form [which] must be signed by two members of the organisation applying for funding.* At present assistance is provided, on an informal level,

to people who require it. There is, however, no specific statement on the form that assistance is available.

**Recommendation 13**

To ensure there is no discrimination against people with disabilities in applying for funding, that future copies of the *Guidelines* include reference to availability of assistance, where necessary, to complete the form, as well as a statement that alternative formats would be acceptable where people are unable, because of disability, to complete the written form.

**Recommendation 14**

To avoid discrimination, an audio version of the *Guidelines* should be made available on request.

### **5.1.6 Tourist and Community Information**

*The Times* Community Guide is not a council document, being provided by *The Times* newspaper. While it is a useful community guide, the current format does not provide any information about specific facilities such as accessible public telephones, toilets, accessible or otherwise, public car parks with accessible parking spaces or public information directories.

While *Disabilities Services* are listed in the table of contents, there is only one service listed here, while the others are scattered about under *Health Support Groups*. This would be confusing for anyone seeking disability services as such.

Council has produced tourist maps, which have the same shortcoming.

Ideally, Council would produce its own comprehensive Community Guide, but it is recognised that lack of resources may preclude this. Joint funding may be available to produce a more informative guide. People with disabilities recommend the format used by the City of Adelaide for ease of use.

**Recommendation 15**

- (1) Negotiate with *The Times* office to produce an easy-to-use community guide/map which includes specific information about accessible facilities (toilets, telephones, car parks, public information directories, ATMs) as well as disability services, or
- (2) alternatively, investigate other means of funding and producing such a document.
- (3) Publicise the Guide and ensure distribution of it to all households in the Council district.

## **5.2 CONSULTATION PHASE**

Active research took the form of consultation with a variety of stakeholders; elected members, senior and general staff, local service provider organisations, local business, and the public.

### **5.2.1 Internal consultation**

#### **5.2.1.1 Elected Members**

Only four elected members were present at the designated briefing session. Senior staff members also attended this session. The following comments, therefore, cannot be imputed solely to elected members, and are not necessarily representative of their views. Nine people attended the meeting.

**5.2.1.1 Elected members (cont)**

**Numbers rating priority of inclusion of people with disabilities**

High	6
Medium	3
Low	0
None	0
Unsure	0

**Reasons for priority ratings:**

**High**

**(Comments in boxes are the expressed opinion of participants.)**

*Everyone should have priority of inclusion  
 People with disabilities should not have to feel disadvantaged  
 People with disabilities and the elderly have not been given the priority they deserve in the past. We'll probably get to be old ourselves one day.*

**Medium**

*Many competing needs for council resources  
 Must be realistic. Full inclusion will be hard to achieve.  
 Budget constraints.*

**What does Council need to do?**

**Physical Access**

*Make access available to all by structural changes/furniture changes.  
 Treat everybody sympathetically and equally.  
 Improve access to most council buildings.  
 Program of improving access to public toilets.  
 Carry out audit to determine what needs to be done to maybe remedy the situation. Action Plan needs to span several years to cover the situations identified.  
 New Civic Centre  
 Town Hall – demolish or renovate.  
 Policy for all infrastructure work to conform with DDA requirements.*

**Communication Access**

*Need to make provision for people with vision impairment (alternative formats).  
 Some public documents should be in braille.  
 Use modern communication technologies.  
 No resources to address at this time.  
 Lack of communication access has been a problem for some people with disabilities.  
 Use the Internet to send/receive information.  
 Use telephone interpreter service.  
 Counters need to be lower.  
 Staff members need training to handle people with disabilities, especially those with sight, hearing or speech difficulties  
 Unsure on this one as I am not aware of staff training issues.  
 Put Council newsletter on the Internet. Develop website.*

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**5.2.1.2 Elected members (cont)**

**Attitudinal access**

*Treat others as we would like to be treated ourselves.  
Training reinforcement for staff and elected members.  
Community education about disability issues.  
Ongoing awareness training.  
Include in policies on employment/EEO etc.  
Customer service standards should include working with people with disabilities.*

**Attitudinal access (cont)**

*Mount an education campaign for business and advertise that we are an "access" town.  
Senior staff need to model appropriate attitudes.  
Ensure clear expectations and guidelines from the organisation.  
I don't think anyone actively discriminates. They probably just don't think.*

**Any other issues that need to be addressed?**

*There is no one person better than anyone else as to how people think.  
I believe much can be done within our normal maintenance budget for such items as kerb adjustments and ramps, but we must commence education of businesses as to requirements  
Council can make community traders more aware and encourage shopkeepers to make their premises more disability friendly.  
Need to integrate Council's DDA Plan into broader council strategies.*

**Any particular policies or strategies of Council that specifically provide for access?**

*Council provides ramped access to main office.  
Program of improvement for footpaths and public conveniences.  
Ausroads pedestrian code.  
Development of DDA Action Plan  
General statement about disability in Corporate Plan.  
Staff would consider access issues in planning new services, (but may be inadequate).*

Six of the nine respondents said they were not aware of any Council policy or practice that provided specifically for access. Two people pointed out that the ramp into Council premises is not user-friendly, and needs to be reconstructed.

**General Comments**

Other informal comments were noted during the session. The attitude of those Council members present, to implementation of disability access, is favourable.

Participants acknowledged that Council has an obligation to provide access and that it makes sense to plan how they are going to do it. The main barrier to access was said by some members to be a lack of available resources.

People appreciated the fact that the Plan will inform Council of what is necessary to achieve equitable access. Participants agreed that the Action

Plan would be incorporated into Council's overall strategic and resources planning process, and thus allow necessary expenditure to take place on a planned, rather than an ad hoc, basis.

Participants were asked for an estimate of a likely timeframe for Action Plan implementation. Responses varied overall from 3 years to 15 years, with the majority agreeing that 5 - 10 years would be the most likely period, with the need for ongoing maintenance work continuing.

#### **5.2.1.2 Interviews with Key Staff**

Fifteen key staff members were provided with an information sheet (see Appendix 3), and interviewed for their views on issues that they saw need to be addressed and possible solutions. Names of those interviewed will be found in Appendix 2. The following issues arose.

##### **General**

Victor Harbor is said to be '*having growing pains as it transforms itself from a small country town to a large regional centre*'. The local resident population is growing at 3.5% per annum, and tourism at 10%. Council is under budgetary constraint, and borrowings are likely to increase markedly this year.

There was an acknowledgment that Council need to 'clean up its act' regarding DDA compliance, and to exercise a community leadership role to help ensure greater accessibility in Victor Harbor.

##### **Council Premises**

There is uncertainty about the future of the present Council offices and chamber. The building has been described as 'hopeless' and 'a disaster' regarding access. "It should be sold or demolished". There are access difficulties for customers, for elected members, and staff members. It would be almost impossible to employ a person with any mobility impairment in the present building, or to have a councillor with mobility impairment. There is always the possibility of such a person being elected.

In regard to regular Council meetings, any person who is unable to access the building is also unable to take part in a deputation, to make a presentation to Council, or simply attend a meeting. As these are rights of all citizens, it is discriminatory to deny access to people with disabilities.

Council's own *Confidentiality Code of Practice* states in part that *public access to Council and Committee meetings is guaranteed and encouraged*.

If any person with a disability wishes to attend a Council or other committee meeting, the meeting would be held in alternative accessible premises. This addresses the issue in the short term, but still constitutes 'special treatment', whereas the point of the DDA is inclusion and ordinary treatment. It also means that any person with a disability wishing to attend a meeting must give advance notice of their intention. This is not required of other citizens, and is therefore discriminatory.

While the ideal situation would be to relocate to purpose-built new premises to include tourism, the library and the Art Gallery in addition to Council Offices, budgetary constraints appear to preclude this at present. It has been stated that putting more money into the building is 'a lost cause' and 'throwing good money after bad'.

Given the present discriminatory practice and Council's vulnerability to complaint under the DDA, it would be prudent for Council to include provision for new premises in the triennial budget.

It should be borne in mind that:

*There is a need to show leadership in design and assessment of council's own development proposals, which might well be designed to meet the requirements of AS1428.2 rather than the BCA benchmark of 1428.1 (Gow 1998).*

Acquisition of new premises would require extensive consultation process to inform and educate the community about benefits to all community members of new Council premises. Mitcham Council is presently carrying such a process and may prove a useful source of reference. (See Appendix 11)

**Recommendation 16**

To avoid complaints, in 2000/01 budgetary considerations, Council begin to make provision for new accessible premises for Council Offices and Council Chamber and could include the Art Gallery and Library etc. Any new premises should be constructed with reference to HREOC *Advisory Notes on Access to Premises*, or later access Standards as they become available. (There is now provision for a Standard for Access to Premises to be developed under the DDA).

**Recommendation 17**

That Council plan and implement a community and business education campaign about community benefits of new accessible council premises and community facilities.

**Disability Awareness**

Staff members are said to have little or no understanding of the DDA. Disability issues are not included in orientation of new staff. Disability awareness training has not been offered in the past, nor, according to job and person specifications, are staff members required to have knowledge of the issues, as they are with OH&S and EEO.

Customer service training is offered to staff members, and telephone skills training was held in 1998, but neither of these included disability awareness elements. Disability awareness training has been shown to improve confidence and competence of staff in subsequent dealings with people with disabilities.

It was stated that most staff members have no "intimate awareness" of disability issues. It was said that attitudes of some staff members towards people with disabilities need to be addressed by training and education. An example was given of one member mimicking speech and actions of a person



with a disability, to entertain other staff in the tearoom. The audience applauded this behaviour.

Many of Council's volunteers work with the elderly and/or people with disabilities, yet have not received any disability awareness training.

**Recommendation 18**

to minimise discrimination and subsequent complaints, and avoid *vicarious liability*, Council ensure that adequate and appropriate training in disability awareness is provided for Council staff and volunteers on a regular ongoing annual basis, and that such training is formally administered and documented in the same way as is OH&S training.

**Access Policy**

Council community programs provide much appreciated help for people with disabilities and the elderly. These services are supported by the Community Services Policy. At present, however, Council has no formal Access Policy and this could create difficulties in defending complaints of discrimination (see Section 8 for a draft for Council's consideration).

**Recommendation 19**

to minimise complaints, to provide an example to other local organisations, and lessen the likelihood of vicarious liability, that Council formulate an Access Policy which will be linked to, and inform, all other relevant Council policies, procedures and practices.

**Communication**

At the time of interview, all Council communication with the community was in written form, assuming the ability to read. There are considerable numbers of people who, through vision impairment or other factors, are unable to read. Local service clubs are often willing to assist in providing equipment for people with vision impairment.

**Recommendation 20**

That Council carry out a community survey to assess the needs for alternative formats for both general Council information, and library needs, of people with disabilities and the elderly, and investigate means of obtaining any necessary equipment.

**Community Transport**

The Transport Service provides community transport between and within the Victor Harbor, Port Elliot and Goolwa areas. This includes shopping trips three times a week from the door to shopping centres. The service also leases two cars for transport to Adelaide, usually for medical reasons. Twenty-five volunteer drivers are employed, as well as 2.5 FTE staff.

Two new minibuses are leased every two years. Bus steps are said to be too high for many elderly users. While the community bus is inaccessible, the service will hire an access cab where necessary, and charge only bus rates (\$3.00 local). However, this appears not to be generally known amongst

users and potential users of the bus. It was said that the scheme is not widely advertised,

**Recommendation 21**

To minimise discrimination, fit a low retractable step to the community bus as a short-term measure. In the long term, when the lease is renewed, obtain a bus with low steps, and ramped access for those who require it.

**Recommendation 22**

Regularly advertise throughout the region details of availability of community transport facilities and options.

Knowledge of transport staff and volunteers concerning the DDA and its implications is said to be very low.

**See also Recommendation 18 P27** Re Staff and Volunteer Training

**Recommendation 23 (Volunteers)**

- 1 Determine and implement a means of bringing together the various volunteer programs auspices by Council to ensure consistency in their administration.
- 2 In the short term, ensure that the *Caring Neighbourhoods Volunteer Handbook* is adapted for use of, and made available to all volunteers.
- 3 Ensure that Council's recently ratified Volunteer Policy be adhered to by all relevant sections

**Library**

Library space is cramped, making it difficult for people using wheelchairs and gophers to negotiate the space. Books are shelved from the floor to high shelves, creating difficulties and necessitating people with disabilities having to ask for assistance.

**See Recommendation 16 P27** re new Council premises.

There is no accessible toilet for library users.

**See Recommendation 16 P27** re new Council premises

Several people stated that library staff members, although generally friendly, do not always have time to provide special assistance. At least until accessible premises are available, some people with disabilities and the elderly will invariably require assistance. Disability awareness training would help staff members to be more aware of people's needs.

**See Recommendation 18 P27** re Staff and Volunteer training.

Friends of the Library provide a courier service to nursing homes and people who are unable to visit the library in person. Volunteers are matched to readers, and select and transport books as requested. Although the volunteers are working with the frail aged and people with disabilities, no police check is made on them. This contravenes Victor Harbor's own recently ratified *Volunteer Policy*.

The librarian is not trained as a volunteer manager, and in any case, is fully occupied with running the library itself.

**Recommendation 24**

For security of service recipients and volunteers, to and protect Council from possible litigation, ensure that library volunteers working with the frail aged and people with disabilities, are engaged under the same conditions as those engaged in the Caring Neighbourhoods Project.

**Recommendation 25**

to ensure effective running of the library volunteer service, contact South Coast Volunteer Service for support in running the program. Consider whether one of the existing volunteers, with appropriate support, would be willing to take on the task of managing the program.

**See also Recommendation 23 P29**

All library community information is presently in writing and assumes the ability to read.

**See Recommendation 20 P28** re alternative information formats.

There is no special equipment in the library to enable independent access to information for people with disabilities.

**Recommendation 26**

Carry out a survey to determine level of need for special equipment for people with vision impairment, and investigate means of obtaining any equipment found necessary, eg assistance from local service club.

**Information Technology**

Council has no formal Information Technology Policy. Council staff now have access to e-mail, both internal and external, and members of the public can communicate with Council by email.

No Website has yet been developed, but a site has been purchased and a domain name registered.

Different areas of Council, Library, Community Transport Scheme all operate on different IT systems. There is no access to electronic communication for the Tourist Centre.

Once equipment is installed, electronic communication is cheap. A large number of Victor Harbor ratepayers live away from Victor, and access to electronic communication would be to their advantage, as well as Council's. Numbers of elderly people are now using electronic communication, as are younger people with disabilities. It was suggested that upgrading of Council's electronic communication system would enable staff to work more efficiently. It is critical that the Website be accessible to people with disabilities. HREOC has published Advisory notes to assist with this, available on their Website (see Resources List, Appendix 10).

**Recommendation 27**

to prevent discrimination, to increase the tourist market, to improve communication with community members, and to handle communication economically, that Council update the computer system to

- allow efficient communication between all sections of Council
- Allow Internet access to at least one computer in each section,
- ensure that as the Web-site is developed, it is accessible to people with disabilities, and,
- ensure that mechanisms are in place in each section for regularly updating the relevant sections of the Website and checking e-mail.

### **Recreation and Sports**

There is a Recreation and Sports Committee, which, however, at the time of interview, had no representation from people with disabilities. Procedures appear to be informal and based more on traditional practice than on formal policy. Reporting of unsafe facilities is not formalised.

It was stated that the Parks and Recreation Officer understands the basics of the DDA and its implications. There is, however, said to be little knowledge on the part of other workers who are likely to encounter people with disabilities in the course of their work, and need to understand those needs to ensure safe facilities.

There are a considerable number of barriers to access in Victor Harbor. There are over 100 reserves, many undeveloped, and most footpath areas are either unmade, or have potentially dangerous poor surfaces. There is a lack of access to toilets, even 'accessible' ones, such as Koenig's Hill Lookout.

The foreshore area is difficult to manage and make accessible, but some assistance is available from Coast Care groups and local service clubs. It was agreed that volunteers, at least during the summer, could move appropriate beach access matting sheets as required. See also Submission 2, Appendix 6. This tells that one family has decided not to build on their land at Encounter lakes because of a lack of access to the beach.

#### **Recommendation 28**

Include on the Sports and Recreation committee, representation from the disability area.

#### **Recommendation 29**

That Council investigate short term options for access for people with disabilities to the most popular beach access sites, and ensure that access points are clearly signposted.

#### **Recommendation 30**

That to avoid discrimination, in the longer term, Council research a variety of means of providing beach access for people with disabilities and the elderly, and indicate access points with clear signage.

#### **Recommendation 31 (Beach Access)**

Refer to Access Audit (section 11) and Model for Upgrade Prioritisation (Section 3) and prioritise sites for access upgrade. Continue to conduct a coastal facility audit and develop a program for upgrading beach access. **(See Recommendation 50 P44)**

**See also Recommendation 43 P36** re public toilets

**See also Recommendations 18 P27 and 33 P32** re staff and volunteer training

**See also Recommendation 46 P37** re accessible sports venues, and 'recreation' comments P37.

As Club and Association leases come up for renewal, the new lease agreements with Council will include a requirement that clubs and

associations develop their own DDA Action Plans. At present, Council is unable to provide any help in doing this. An Access Action Plan Guide suitable for community use is included as Appendix 7

**Recommendation 32**

To protect Council and lessees from liability under the DDA, that Council provide lessees with relevant guidelines for access, and development of a DDA Action Plan.

**Construction and Maintenance**

Several people reported various concerns. Sectional staff should report potential or actual hazards they observe in the course of their work, but because of a lack of relevant training, they often fail to recognise these. As a consequence, hazards are not remedied. Most are said to be addressed only on an *ad hoc* basis when a resident complains directly to an elected member.

There are sometimes delays in dealing with overhanging vegetation. There is no longer a team carrying out this work on a regular basis. Delays create hazards, particularly for the elderly and people with disabilities, and therefore constitute discrimination against them.

Some of Council's footpath and kerb program is contracted out. Quality control is said to be achieved through specifications in the contract, and level of supervision. Several people expressed concern about the level of supervision being insufficient, again because of a lack of relevant training and awareness. It was stated that staff members need training in application of the relevant Australian Standards, and follow-up assessment of their work.

It was reported that the majority of kerb ramps are not constructed to Standard. According to one interviewee: '*there are no particular specifications for kerb ramps*'.

Another person reported that a consultant engineer had been engaged to design accessible kerb ramps. In spite of this, there are lips on many ramps, gradient requirements are not met, and inappropriate materials may be used because of the cost factor. For reasons of cost, roll-over kerbing is very popular. It is, however, unsafe for many wheelchair users and some people with mobility impairment such as the frail aged.

It was also said that the majority of the work team would have only minimal, if any, knowledge of the DDA or disability awareness.

**Recommendation 33**

to lessen the likelihood of complaints and provide a safe community environment, that Council implement regular training for field staff and their supervisors in the areas of disability awareness, and the importance of DDA compliance. Training should include wheelchair and white cane simulation exercises.

**Recommendation 34**

Since use of current Australian Standards does not ensure compliance with the DDA, that Council set its own standards for minimum compliant requirements in relation to a safe environmental

infrastructure. This would include attention to roads, footpaths, kerbing, signage, vegetation, and any other relevant factors. These standards should be rigorously enforced.

**Recommendation 35**

to ensure implementation of the 'minimum standards' document (see Recommendation 34 above), that Council develop a minimum standards checklist for ease of use by field staff and supervisors.

The Granite Island Causeway surface is difficult for wheelchair users and ambulant people with disabilities to negotiate. This is, however, the responsibility of the Department of Marine and Harbours.

**Recommendation 36**

to ensure greater safety and accessibility, that Council negotiate with the Department of Transport to improve the surface of the Granite Island Causeway.

**Planning and Construction**

Section 23 of the DA makes it unlawful to discriminate against people with a disability, or their associates, in relation to access to, and use of, premises that the public enter or use.

In the absence of consistency between the Building code of Australia and the DDA, the HREOC Advisory Notes for Access have been available since 1997 to provide guidelines for *people who build, manage, design, own, operate, regulate, or use premises*. Copies are available from HREOC either by post, or from their web-site (<http://www.hreoc.gov.au/disability-rights/standards/>)

At the time of interview, the interviewer understood that there was no knowledge on the part of relevant staff of the above guidelines. While use of the *Advisory Notes* does not necessarily ensure compliance with the DDA, it is likely to reduce the likelihood of a successful complaint being made.

**Recommendation 37**

To avoid complaints, that relevant Council staff members familiarise themselves with, and recommend use of, the *HREOC Advisory Notes on Access to Premises* (See Resources List Appendix 10)

**See also Recommendations 18 P27 and 33 P32** re staff training

At the time of interview, one staff member stated that there was no time to inspect premises/developments and sign off on them because of large volumes of paper work. It was also said that the paper work was of prime importance to protect Council from litigation. This may explain a recent cinema development, which has no accessible toilet, no emergency exit and no access to the upper level. According to HREOC (1999) a recent decision (*Cooper vs Coffs Harbour City Council*) makes it clear that:

*Local government and other building approval authorities have a critical role to play in relation to the DDA in exercising development and building approval.*

The commissioner adds:

*If approval authorities exercised their powers with due regard to the provisions of the DDA, the likelihood of unlawful acts and subsequent*

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*successful complaints against developers, owners, operators and local government authorities would be significantly reduced.*

**Recommendation 38**

That the Director, Environment and Community Services and the Director, Technical Services work with staff members to ensure a balance in workload and ensure that site inspections are carried out.

**Encroachments**

Pavement encroachments by A-Frame signs and displays of goods are not adequately policed. These are addressed only when complaints are received. During research for this project, there have been a number of complaints

about moveable signs, clothes racks etc. from people with vision impairment, as well as wheelchair users.

Adelaide City Council is presently trialing banners on verandah posts as a non-intrusive alternative to A-frame signs.

**Recommendation 39**

That to avoid complaints and minimise discrimination, Council institute regular and consistent policing of footpath encroachments and, where appropriate, enforce compliance with the relevant legislation and by-laws.

**Recommendation 40**

That Council investigate alternative means of advertising as a substitute for A-frame signs, and work with the business community to implement such means.

**Car Parking**

Several staff members stated they consider there is insufficient parking for people with disabilities, and existing spaces are inadequately policed.

**Recommendation 41**

That Council erect deterrent signs, eg, "Penalty \$500", institute regular and consistent policing of dedicated parking spaces, amend, and enforce compliance with, relevant by-laws.

**Recommendation 42**

That Council examine means of providing additional parking space for people with disabilities in Ocean Street, along the Esplanade, and other appropriate sites.

**5.2.1.3 Staff Questionnaire Survey**

A questionnaire survey on disability access was circulated to Council staff, together with an information sheet about the Disability Discrimination Act and its implications. Copies of these will be found in Appendix 4. Fifteen responses were received.

**Results:**

**Direct involvement in working with people with disabilities and/or the elderly**

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Direct involvement	Yes	No	Total
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Report on the Access Project

<b>Numbers</b>	6	9	<b>15</b>
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**Attitudes to elderly and people with disabilities: priority accorded access provisions:**

Priority	High	Medium	Low	None	Unsure	Total
Numbers						
%	9	4	0	0	2	15

**Reasons Given for Above Responses:**

**(Comments in boxes are the expressed opinions of participants)**

**Reasons given (High priority)**

*Most of our population is elderly and we welcome many tourists  
 People with disabilities are part of the community.  
 We have high awareness of needs of people with disabilities, now we need to action our ideas.  
 Everyone has the right to access facilities.  
 Victor is a tourist town and a retirement town. We need to allow for easy access.  
 People with disabilities pay rates too.*

**Reasons given (medium priority)**

*Council has immense pressure on developing infrastructure. Priorities must be related to costs.  
 There are many wheelchair access ramps. Council does what it has to do.  
 People with disabilities should be treated as equals, but realistically this isn't always possible.  
 People with disabilities are people too and shouldn't be treated any differently.*

**Disability Awareness Training**

**Numbers who have previously participated in DA Training**

Numbers participating	Yes	No	Unsure	Total
	11	4	0	15

**Awareness of discriminatory Council practices, policies, attitudes**

Response	Yes	No	Unsure/no resp	Total
Numbers aware	5	10	0	15

**Discriminatory Issues Cited**

**Issues cited**

*Cost would be a large factor.  
 People need help to use the horse tram  
 No-one [in council] knows sign language  
 Staff members think wants of people with disabilities are unrealistic.*

**What Should Council do to Increase Access?**

**Suggestions**

*Footpaths should be included when roads are upgraded/constructed.  
 Need more and better toilets for people with disabilities.  
 Provide more access points, ramps, rails in public facilities and footways.  
 Consult with people with disabilities in the community to produce realistic results.  
 Consult with the people most concerned.  
 Put surveys such as this to all ratepayers.  
 Increase the maintenance program on footpaths and kerb ramps.*

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**What Should Council do to Increase Access?**

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**Suggestions (cont)**

*Fix up SMG footpath on road side. It is very dangerous.*  
*Horse tram. Lengthen island platform to allow access to both ends of tram. Need ramps instead of steps.*  
*Take out one set of stairs in horse tram. Would make wheelchair access easier without destroying heritage character.*  
*Set minimum standards for construction and keep to it.*  
*Provide wider doorways for wheelchair users.*

**Summary of Staff Survey**

The majority of respondents would accord high priority to access issues. Those who chose medium priority were concerned with what they saw as lack of resources, although at least one person misunderstood the concept of equity to mean treating everybody alike.

Staff had several useful suggestions to make to improve equity, including ways of addressing horse tram issues (see above). Several comments suggested that the recently offered staff training had increased awareness of disability issues.

**Recommendation 43**

Make regular budget provision to permit a planned upgrade of accessible public toilets, including provision of accessible pathways to them. Ensure accessible toilets are unisex.

**Recommendation 44**

Investigate and implement means of making the horse tram accessible to people with disabilities.

**5.2.2 Community Consultations**

**5.2.2.1 Local Business Representation**

Discussion with the Chairman of the Victor Harbor Business Association indicated a willingness to provide information to members about the DDA and its implications, and to work with Council to promote disability awareness amongst the community.

It was acknowledged that 'good access equals good business' and that businesses need to protect themselves against complaints under the DDA.

The SA Tourism Commission has recently released a disability strategy, and the Fleurieu is one of nine areas listed for audit for tourist accessibility. Council should follow this up.

**Recommendation 45 (Community Disability Awareness Strategy) P36**

That Council work with the Business Association to

- d) implement and publicise an annual Access Awards Scheme and invite participation from local businesses.
- e) investigate other means of encouraging local businesses to provide access, and publicise improvements in accessibility.
- f) encourage local businesses to participate in disability awareness training

**Recommendation 46**

That Council examine ways of working with the SA Tourism Commission to increase access in the area, particularly in the area of accessible sports and recreation venues.

**5.2.2.2 Local Service Providers**

Six local service providers were interviewed, either face to face, or by telephone. Names of those interviewed are listed in Appendix 2. Issues arising are listed below.

(Comments in boxes are the expressed opinions of interviewees.)

**Physical Access**

- *Council's planning officers are responsible for The Crown Hotel being given approval for inaccessible toilets.*
- *Council's planning officers are responsible for the local cinema building a cinema with limited disability access. The toilets are inaccessible, the front counter is too high, and there is no emergency fire exit.*
- *There are insufficient accessible toilets.*
- *Most kerb ramps are unsuitable, many are dangerous and none appear to have been built to the relevant Australian Standard.*

**Employment**

- *Council has no commitment to employing people with disabilities. Several clients could work in outside teams, if Council thought beyond the physical issues.*
- *Lack of transport makes it difficult for people with disabilities get to work.*
- *Local businesses are not generally willing to employ people with disabilities, although some long-term placements have been achieved.*
- *An Awards Program for local business accessibility would help raise awareness and reduce prejudice.*
- *Council could help with employment of people with disabilities by*
- *employing them*
- *Promoting employment of people with disabilities to local businesses*
- *Rate reduction to businesses that take on a person with a disability.*
- *Community education - promoting forums with speakers about disability.*

**Recreation**

- *Recent tri-State games demonstrated lack of accessibility around the town, and there are few suitable venues.*
- *There is a need to develop recreation services for people with disabilities.*
- *Most sports facilities are not accessible, eg, bowling greens and golf course.*
- *There is no public swimming pool, let alone a hydrotherapy pool, and this is the town with the highest elderly population in South Australia.*

### 5.2.2.2 Local Service Providers (cont)

#### Attitudes

- *I have helped numerous people to write complaints about access issues, and Council doesn't respond*
- *All Council does as a contribution to people with disabilities is buy FWS biscuits for morning tea.*
- *Town Hall kitchen refurbished for FWS clients to rent and use for their business on a regular basis. This use was stopped because councillors wish to use it as an occasional change room.*
- *Council needs to demonstrate affirmative action rather than defensiveness.*
- *People with brain injuries may come across as impatient, rude and aggressive. Have poor neurological links and can't make the usual appropriate response. Staff need to act pleasantly regardless of the other person's behavior. "A soft answer turneth away wrath".*

### 5.2.3 Community Questionnaire Survey

The community questionnaire appeared in the Council Newsletter in April 1999 (see Appendix 5). It was also circulated via the library and the community transport scheme. It is therefore impossible to determine a response rate, as no record could be kept of numbers circulated.

Thirty-four responses were received, in addition to two formal submissions. Copies of the submissions will be found in Appendix 6.

#### Results:

##### Numbers according priority of disability access.

Priority	High	Medium	Low	Unsure	Total
Numbers	29	1	0	3	34

##### Awareness of Access Difficulties preventing use of services

Awareness	Yes	No	Unsure	Total
Numbers	28	1	5	34

##### Difficulties cited by respondents

Service Access Difficulties	Numbers
<i>Town Hall toilets have steps.</i>	6
<i>No wheelchair access at Kent reserve, high gutter, no kerb ramp near toilets.</i>	3
<i>Need more kerb ramps at reserves, esp. Kent and Warland.</i>	4
<i>Council chamber upstairs, heavy doors to access inquiry area, dangerous ramp.</i>	3
<i>Steps into town Hall.</i>	8
<i>Available services not well publicised.</i>	3
<i>High steps on community bus. Should have a ramp to conform with requirements.</i>	4
<i>Heavy doors at tourist centre.</i>	4
<i>Toilets are below standard, poor placement of rails, paper</i>	2

<i>holders. Steep access to Kleinig's Lookout toilet is dangerous</i>	3
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### 5.2.3 Community Questionnaire Survey (cont)

#### Awareness of difficulties in getting around Victor Harbor

Awareness	Yes	No	Unsure	Total
Numbers	28	2	2	32

#### Local Access Difficulties Cited

##### Difficulties Cited

*Many kerb ramps too steep for wheelchair users.*

*Kerb ramps do not line up with each other. None appears to be built to Standard.*

*Uneven pavers cause people to trip.*

*Lack of control over bicycles, skateboards etc. on footpaths. Potential disaster for people with vision impairment.*

*Ocean Street, A-frame signs, clothes racks and other merchandise are hazards for vision impaired.*

*Corner of town hall and across the road on the Times corner, too much dip in the gutter, dangerous for people with mobility impairment.*

*Uneven paving hazardous for walking frame users.*

*Dip in paving all along ocean Street dangerous for vision-impaired and people with unsteady balance. Access difficulties everywhere. Only one pedestrian crossing. Torrens St "walk" light too fast for many elderly.*

*Most buildings inaccessible. Steps into shops. Heavy doors which open out. Lack of appropriate signage. No pedestrian access to BiLo group of shops.*

*No pedestrian-only walkways in any large car-park in Victor Harbor.*

*Very little shade in any car-park in town. Babies, the elderly and people with disabilities are all at risk getting into an overheated car.*

*Camber of many road crossings and footpaths is appalling (particularly opposite Times office, and near Senior citizens bldg..*

*Very few Ocean Street premises without steps.*

*High step to access Child and Youth Health rooms in CWA Building.*

*Goods displayed on footpaths under verandahs deny benefit of shade to pedestrians.*

*Dangerous footpaths everywhere. Too numerous to single any one out. New areas have no footpaths*

*Community bus service OK but not well enough advertised.*

*Bus doesn't run every day. Too hard to arrange appointments to fit in with bus schedule.*

*Need to keep mainland end of causeway clear of drift sand.*

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### Participation in community life

#### **Awareness of difficulties**

<b>Awareness</b>	<b>Yes</b>	<b>No</b>	<b>No response</b>	<b>Total</b>
<b>Numbers</b>	26	4	4	<b>34</b>

#### **Reasons cited for difficulties**

<b>Reasons Cited</b>	<b>Getting around</b>	<b>Way people treat each other</b>	<b>Way people think about each other</b>	<b>Unsure</b>	<b>No response</b>	<b>Total</b>
<b>Numbers</b>	24	15	9	2	3	<b>34</b>

<b>Comments on difficulties</b>	<b>Numbers</b>
<i>Lack of information about what is available. What about an information booklet in all letter-boxes?</i>	1
<i>General access difficulties apply to participation in community life.</i>	4
<i>Non-secured mats on slippery floors are a hazard.</i>	1
<i>ATM machines too high. ANZ steps are impossible!</i>	3
<i>Most bank buildings in Victor are inaccessible to anyone with mobility impairment, or wheeling a child in a pusher.</i>	4
<i>No appropriate parenting room for people to feed/change babies.</i>	1

#### **Involvement in the issue**

<b>Involvement</b>	<b>Person with a disability</b>	<b>Associate</b>	<b>Other (parent of baby)</b>	<b>Total</b>
<b>Numbers</b>	11	20	2	<b>34</b>

#### **Nature of disability**

<b>Nature of disability</b>	<b>Mobility</b>	<b>Vision</b>	<b>Intellectual</b>	<b>Frail Aged</b>	<b>Other</b>	<b>Total</b>
<b>Numbers</b>	16	5	4	7	2	<b>34</b>

#### **Age of Respondents**

<b>Age Groups</b>	<b>&lt;30</b>	<b>31-40</b>	<b>41-50</b>	<b>51-60</b>	<b>61-70</b>	<b>&gt;70</b>	<b>Total</b>
<b>Numbers</b>	4	5	6	5	6	6	<b>34</b>

### **Summary of Community Questionnaire survey:**

Ninety-three percent of respondents stated that Council should accord high priority to access issues. People with disabilities comprised 28% of the sample, while associates of people with disabilities comprised 62%. The remaining 10% were parents of small children, local service providers, or concerned citizens. Ages of respondents were evenly spread, from under 30 years to over 70.

Eighty-four percent of respondents were aware of difficulties in accessing Council services. Specific difficulties cited are listed in Tables 13 and 14 above respectively. Poor footpaths, lack of kerb ramps and quality of existing

kerb ramps were most often cited as barriers. There was also criticism of poor/ 'impossible' access to Council offices and the Council chamber.

### **Summary of Community Questionnaire survey (cont)**

Seventy percent of respondents stated they were aware of difficulties for people with disabilities in accessing the community life of Victor Harbor. The majority again cited physical access as a reason for this. Forty-three percent (15) also believed this was due to the ways people treat each other, and a further 28% (9) added 'the way people think about each other'. The latter two reasons indicate that community attitudes to people with disabilities are seen as problematic.

In addition to complaints about lack of access to Council facilities, there were numerous others about poor access to private businesses and other organisations.

### **5.2.4 Public Meeting**

A public meeting, held on 26 March 1999, was advertised in the *Victor Harbor Times* as well as the Council newsletter (see Appendix 7) and in various Council and community venues. The meeting was held at the Victor Harbor Community Centre, and attended by approximately 25 people, including people with disabilities, associates of people with disabilities, elderly people, service providers, and Council representatives.

Following an information session, participants broke into groups of 8- 10 people, each with a facilitator, so that comments about local access could be noted. The facilitators were each provided with a prompt sheet to ensure that only relevant information was elicited (see Appendix 8).

### **Issues arising from the public meeting**

#### **Physical Access: Council owned/operated facilities**

*No access at the Town Hall. Side door usually locked. Laneway past toilets dark and unsavoury. Steps into toilets. This is an issue for visitors as well as residents.*

*Council Offices not accessible, no accessible toilet, heavy doors, stairs to Council chamber. After-hours access around other side of building and up flight of stairs. Inquiry counter too high for people with disabilities in wheelchairs. Poor signage around building. Disability parking in wrong place. Needs to be closer and on building side of spoon drain.*

*Accessible website would assist many people with disabilities in accessing Council information.*

*Need better policing of disability parking in town.*

*The recreation centre is good, but almost impossible to book. Need an events venue*

*Need register of organisations that assist people with disabilities.*



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*Steps in public bldgs need to have a white or yellow line for easy visibility.  
Need more information about what accessible facilities are available.*

### **Issues arising from the public meeting (Cont)**

#### **Toilets**

*No accessible toilet at Town Hall*  
*Inappropriately placed hand-rails in toilets.*  
*No kerb ramp to access toilets on Kent Reserve.*  
*No accessible toilet on Connell Reserve.*  
*Signage for toilets is poor, particularly for people with vision impairment.*  
*Need unisex toilets as companions/attendants are not always of the same sex, eg husband and wife.*  
*Handrails are often too low or too far away. Should be constructed according to Standard.*

#### **Street-scapes**

*Pavers are uneven in many places.*  
*A-frame signs are dangerous to people with disabilities as are goods displayed on pavements*  
*Tree roots create hazards, particularly in Hill Street.*  
*Crossing in front of Police Station hazardous.*  
*Need pedestrian crossings at Hindmarsh Road, Coral Street, Bay Road, Victoria Street and the Esplanade, also at Esplanade end of Ocean Street, and on Adelaide Road near Adare Uniting church. Even pedestrian havens would be better than nothing.*  
*Road slopes too much where the bus stops in Sturt Street and Coral Street.*  
*Need to police bicycle and skate-board users*  
*Access between Harbor Traders and Victoria Street medical centre is poor*  
*Burke Street footpath is dangerous.*  
*No kerb ramps at Cobblestone Corner.*  
*Some street signs are illegible. Some do not exist, eg, cnr of the main road and Hardy St does not indicate southern section of Haywood Street.*

#### **Planning**

*Council planning staff follow the letter of the law rather than the spirit of it.*  
*Creates lots of problems.*  
*Plans provided are too small.*  
*Council has passed plans for premises which are not accessible, eg, local cinema, Crown hotel.*  
*Some planning staff need to have more patience*

#### **Library**

*Poor supply of hearing books at library. Some tapes damaged.*  
*Library staff don't always have enough time to attend to people with special needs.*  
*Circulation space in library limited.*  
*Library doesn't have any outreach service. Volunteers seem to be picky about who they work with.*  
*Books on high shelves out of reach of wheelies.*

#### **Privately owned/operated facilities**

*General access to Harbor Traders' area is poor.  
Cinema partly inaccessible. Impossible to access upper level. Have to make special arrangements to see movies. Seats too narrow for some people. Could have removable arms between them for greater flexibility and access.  
Access to most bank buildings is difficult. ATM machines too high  
Bowling club, golf-course, make no provision for people with disabilities. Denied access to these community facilities  
Limited space within shops for wheelies  
Majority of Ocean Street shops have entrance steps.  
Need more parking at doctors' surgeries.  
Kerb ramps on Victoria Street mostly have up to 2" lip – very difficult for wheelchair users.  
Several doctors need to change their attitudes to people with disabilities.  
Doctors' counters too high.  
RAA steps bad.  
No accessible entry through front of Grosvenor Hotel  
Most ATMs too high. ANZ steps awful.  
Need speed restrictions in Woolworth's car-park.*

#### **Privately owned/operated facilities (cont)**

*Need increased public awareness of all disabilities.  
Cinema only partly accessible.  
Only one Access Cab in area. Can't just ring up spontaneously. Have to book ahead.*

#### **Transport**

*Voucher service needs to be expanded.  
Need to advertise the service better.  
Only one Access Cab for the whole of the Fleurieu area.  
Community bus service is good, but access to it is bad (high steps, no ramp).  
Adelaide bus is terrible. High steps.  
Coral Street bus stop needs to have the camber on the road lessened. If the bus pulls into the kerb to allow easy access, the top of it would crash into the top of the shelter.*

#### **Summary of comment arising from the public meeting**

These results confirm, and add to, those of the community survey. Physical access is a major problem, regarding both Council-owned and operated facilities, and those of the private sector. There are insufficient accessible and unisex toilets, and access to existing ones is poor. Signage is said to be of poor quality or non-existent. A lack of pedestrian crossings, or even pedestrian 'havens' with appropriate railings, creates dangerous situations. Community transport services are appreciated but need improvement, particularly access to the bus itself. Council's planning staff members are said not to be aware of access provisions.

#### **Recommendation 47 (Pedestrian Crossings) P43**

Monitor usage, and assess priority for, pedestrian crossings at:

- e) Intersection of Seaview Road and Torrens Street
- f) Adjacent to Hospital and Bay Village in Bay Road
- g) Intersection of Ocean Street and Coral Street.
- h) Esplanade end of Ocean Street

**Recommendation 48 (Footpath Maintenance) P44**

Ensure adequate budgetary provision for footpath maintenance and construction, with particular attention to paving surfaces and kerb ramps.

## 6 Discussion

The Victor Harbor Recreation and Sport Plan found that:

*More opportunities should be provided for people with disabilities and that the community members have a much greater appreciation of their legal rights and responsibilities in relation to the provision of leisure facilities and programs. [In addition] people with disabilities, mental illness and the frail aged demand access to appropriate leisure opportunities (Gray 1996).*

In Gray's report, there were several other references to the rights of people with disabilities to access appropriate leisure opportunities, and the likelihood of formal complaints against discrimination.

Council's own premises were found to be largely inaccessible to people with disabilities and many elderly people. Much of the townscape was reported to create access difficulties for people with disabilities, the elderly, and people with young children in pushers and prams (see Building/Facilities Audit Report, Section 11).

**Recommendation 49**

That Council refer to the Building/facilities Audit Report to determine where access problems exist, refer to Australian Standard 1428.2 to rectify inaccessibility, and to the prioritisation model (Section 3) to ascertain priority for upgrade.

**Recommendation 50**

That Council ensure auditing of all Council-owned and operated buildings/facilities and CBD streetscapes for DDA compliance.

A recent case before HREOC (Cooper vs Coffs Harbor City Council 1999), and the Commissioner's comments on the case, indicate that planning and development bodies have a clear responsibility to take into account the requirements of the DDA when considering planning approvals.

Unfortunately, the DDA is not specific in its requirements for access. While provision has been made for a DDA Standard for access and work is proceeding along these lines, there can be as yet no certainty about the level of access legally required. According to one source,

*There is a need for prudent risk management as well as a consideration of the council's own 'political' position having regard to the needs of its community. - - - (Gow 1998).*

It is understood that there is a need to distinguish between Council's statutory and developmental roles and that is not Council's role to achieve access to

local businesses. It would be mutually beneficial, however, for Council to exercise its community leadership role and work with local businesses to improve access.

## **6 Discussion (cont)**

There are various ways in which Council can encourage private enterprise to provide access. These could include an education campaign, promoting the commercial value of increased access, and the consequences of formal complaints; providing access stickers for shopfronts; or possibly in conjunction with local service clubs, developing annual access awards. See Appendix 9 for a Disability Action Plan Guide. This could be adapted and simplified for use by small business. SA Tourism Commission's recently published disability strategy indicates willingness to assist in increasing access to tourist facilities, whether publicly or privately owned.

## **7 Conclusions**

The report reveals a number of areas (policies, practices, and procedures) where access, whether physical, attitudinal or communicational, is an issue, and Council is vulnerable to complaints.

Council has a responsibility to avoid complaints. All staff members need to be fully aware of the implications of the DDA so that the needs of people with disabilities and the elderly are included in all areas of Council activities. This will help avoid many complaints.

There is a need for increased disability awareness on the part of staff and elected members to ensure attitudinal change where necessary for systematic implementation of Council's Access Action Plan.

Present Council Offices are of particular concern as they should be fully accessible to the public and to potential employees. Access to the present building could be achieved only with considerable difficulty and expense.

It would be beneficial for Council to establish a close association with local business organisations, and work cooperatively with them and other Fleurieu councils to achieve greater access for all in the area.

Council has obligations under the DDA. The act makes it incumbent on Council to examine all aspects of its operations which are covered under the Act to ensure that discrimination on the grounds of disability is eliminated as far as possible.

The consultants are confident that if Council adopts recommendations of the present report, complaints about disability discrimination will be minimised.

Rights of people with disabilities to make their way around, and feel included in, the local community will be upheld.

## 8 Draft Access Policy

*The District Council of Victor Harbor accepts its responsibilities under the Commonwealth Disability Discrimination Act (DDA) 1992 to implement services and programs which provide equitable access for people with disabilities.*

*The Council recognises that equitable access to services, premises, facilities and employment is a right for people with disabilities, and that the needs of people with disabilities should be determined in consultation with them, as a means of facilitating inclusive community participation*

*The Council recognises that policies, practices and procedures must be inclusive as well as non-discriminatory, and that particular measures may be required to enable equitable access and participation for people with disabilities.*

The definition of 'disability' as used in the Act is intentionally broad. It includes:

*physical, psychiatric, intellectual, sensory and learning disabilities, as well as physical disfigurement and the presence in the body of an organism causing, or capable of causing, disease; total or partial loss of part of the body and malfunction or disfigurement of part of a person's body. It includes a disability that presently exists, existed in the past but has now ceased to exist, or may exist in the future, as well as a disability that is imputed or presumed to a person (DDA 1992).*

The Act also makes it unlawful to discriminate against an associate of a person with a disability based on the person's disability.

## 9 Model for Upgrading Prioritisation

The DDA requires public buildings and facilities to be accessible for people with disabilities. The Council owns and/or controls a number of public facilities, most of which will require adaptation to be accessible. The following model for assessing priority of upgrading is based on one developed by Tea Tree Gully Council (1997).

To assess priority of upgrade, the Tea Tree Gully model examines the role of the facility in question against usage by people with disabilities. While the model is useful, one shortcoming is that it takes into account only actual usage, and ignores potential usage by people with disabilities. Clearly, people with disabilities will not use a currently inaccessible facility.

Another result of the shortcoming is that facilities likely to be used by children, eg, Scout halls and playgrounds, are given only a low priority because there are relatively low numbers of children with a disability and, therefore, low usage. It is vitally important for their development and future inclusion, however, that children with disabilities are given every opportunity to take part in age peer group activities.

Safety is also an important factor, and where this is an issue, priority should be high. Safety issues are not necessarily expensive to correct. Contrast colour strips painted on the edge of steps for instance, offer a safety factor to people with vision impairment.

### **Definitions**

The following definitions are used in the application of the model.

*Civic Purpose* is the role that a Council facility plays in the provision of Council service.

*Civic Role* means the intended purpose of the facility as it relates to the support and provision of local government services to the broad community, and where:

*High Civic Role* as applied to Council facilities means that it is used to service a wide range of community interests and/of serves a large number of people and where:

*Low Civic Role* as applied to Council facilities means that it is used to serve a limited range of community interests and/or serves low numbers of people.

*Usage* means the degree to which Council owned/operated facilities are used by members of the public, which includes children, the elderly and people with disabilities.



**Prioritisation model:**

<b>Civic Role</b>	<i>High</i>	*P1	P2
	<i>Low</i>	P3	P4
		<i>High</i>	<i>Low</i>

**Usage**

\*P = Priority

**Application of the model:**

Buildings/facilities having a high civic role and being highly used would be categorised as P1 and be scheduled for upgrade as a high priority. A P2 rating would carry medium priority, P3, low priority, and P4 would be assessed as required on a needs basis.

Where specific requests are made for access to a facility, these should be considered on an annual basis, taking into account the intended purpose of the building/facility and the existing priority list. Some budget provision should be made each year against such requests, since they may indicate an upgrade in priority.

Advice of the Access Committee should be sought in making decisions about access priorities, in initial priority setting, in annual reviews of priorities, and in the case of any specific requests.

Infrastructure elements, eg, footpaths, kerb ramps etc. and beaches/reserves may be prioritised similarly to buildings/facilities, but applying usage and safety criteria only.

## 10 References

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- SA Tourist Commission, *Disability Strategy 1999*

## **11 Building/Facility Audit Report**

The following report was prepared by Margaret Ashton of MASHROB Equitable Access Consultancy.

Buildings and facilities included were those listed for audit by the DDA Action Plan Steering Committee.

For a model to assist in assessing priority for upgrade see Section 3

## 12 Appendices

- 1 South Australian Population by age group.
- 2 Members of the DDA Action Plan Steering Committee and  
Names of people interviewed for this study
- 3 Memo and information sheet distributed to key staff members.
- 4 Memo and questionnaire distributed to general staff
- 5 Article advertising the Access Project appearing in Council Newsletter  
with community questionnaire
- 6 Submissions received in response to article.
- 7 Copy of Article appearing in Victor Harbor times, together with  
community questionnaire/flyer advertising public meeting.
- 8 Public meeting: facilitators' response sheet.
- 9 Access Action Plan Guide suitable for use by community organisations.
- 10 Disability Resources List.
- 11 Community Consultation

### Submission from T and M Johnson Inman Valley

(Excerpted from hand-written original)

The following comments are all based on my experiences in wheeling my child around Victor Harbor in a pram.

#### Car parks

No pedestrian access to BiLo group of shops. No good for people with prams. Could create a walkway directly in line with the pedestrian crossing just to the South of the roundabout, and another opposite McDonald's exit. Lack of pedestrian walkways in all large car parks. If you can't park near the shops, you take your life in your hands negotiating the traffic. How about some specifically sign posted parks for people with small children?

There is little shade in any car park in town. If I want a cool car for a hot baby I have no alternative but to park some distance from shops, and there are safety hazards due to passing traffic.

The camber of some footpaths and road crossings is appalling. It's a battle sometimes to keep a loaded pusher on the straight and narrow sometimes.

#### Businesses

Stepped entrances to business premises are a real pain. In Ocean Street, there are very few shops without a step or two out front.

The small internal size of many shops makes progress with a pram almost impossible. A pusher left outside a shop is a sitting duck for thieves.

Non-secured mats on slippery floors inside or outside shops can be a real nuisance, [as can] wares positioned under the verandah (Victor Harbor Pet Foods Store). This means easy and shady access is denied and I have often had to skirt around parked cars to get to the door.

The ANZ Bank steps are an absolute disaster. I can get out of the bank through the rear doors, but only if one of the fellows unlocks it for me. Two-way doors, those can be pushed or pulled from both sides, would make access a lot easier. Heavy doors, such as those at the Commonwealth Bank, are a real pain.

The state Bank ATM can't be accessed by [a person using] a wheelchair, and I have to leave the pusher at the bottom of the steps. At least there is a ramp and access inside the bank during business hours.

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### Parenting Issues

For all the parents who wish to feed or change their children in a [comfortable and] private area, Victor Harbor is very badly lacking. Apart from a sub-standard area in the Woolworths complex and the C and YH Office (Fridays and 2<sup>nd</sup> Tuesdays only)

I am unaware of anywhere else where parents can attend to babies. For people who live out of town and can't nip home, this is a major inconvenience. Trying to feed and change a baby in a hot car and get away from prying eyes, smokers, exhaust fumes, the sun, etc is an absolutely horrible ordeal for parents and babies alike. Victor Harbor may have the oldest population in Australia, but there are a lot of young families here too.

The high step to access the C&YH rooms on the CWA building and the almost total lack of shade around the building is horrendous. [Appointments may run late] and I have often seen parents with young babies trying to shelter in a few inches of shade on the southern side of the building. Could a ramp not have been included in the recent paving upgrade? Can large shady trees be planted in Crozier Road to shelter people with babies?

M. Johnson

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