



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON EDUCATION AND COMMUNITY INCLUSION  
Mr Michael Pettersson MLA (Chair), Miss Laura Nuttall MLA (Deputy Chair),  
Ms Nicole Lawder MLA (Member)

## Submission Cover Sheet

Inquiry into Disability Inclusion Bill 2024

**Submission Number: 02**

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## Inner South Canberra Community Council

### Disability Inclusion Bill 2024

### Standing Committee on Education and Community Inclusion Inquiry

### Submission by the Inner South Canberra Community Council

The Inner South Canberra Community Council (ISCCC) welcomes this opportunity to make a submission to the Standing Committee considering the Disability Inclusion Bill. The Inner South Community Council (ISCCC) is a voluntary, not for profit, association operating in the inner south area of Canberra. The ISCCC's objective is to preserve and improve the social, cultural, economic, and environmental well-being of Inner South Canberra and the Inner South Canberra community. Eight inner south community groups participate in ISCCC activities.

2. The ISCCC warmly endorses the purpose of the Bill in promoting disability inclusion in the ACT through the provision of an enhanced legal, strategic and administrative framework to drive systemic change.

3. It is the intention of the ISCCC to convene a forum for people with disability and carers, to help us articulate issues which they face in the Inner South of Canberra, in the lead up to the ACT elections. It has not been possible to arrange the forum in time to incorporate its outcomes in this submission. People with disability obviously face many problems, only some of which are reported to community organisations such as the ISCCC. However, some issues confronting people with disability and carers regularly come to our attention through the role of the ISCCC in representing the concerns of the community to Government. In this submission, we seek to draw the Standing Committee's attention to those issues, in the hope that our experience will assist the Committee in advising the Assembly on the scope of the proposed legislation and other action which could be taken in connection with it.

### Mobility

4. We regularly receive complaints about obstacles to mobility for people with disability, as well as elderly people, in the Inner South. We have heard of studies of the condition of our walkways which have identified up to 30% of pavers being broken. The poor condition of many of our paths is of general community concern - anyone can trip over a broken pavement and break a bone. But the consequences for people with disability can be much more serious, while the fear of navigating our footpaths can act as a deterrent to leaving the home. It has been represented to us that failure to maintain footpaths properly represents a form of discrimination against people with disability, which may yet be tested in the courts. Far better that the Government takes preemptive action by instituting a vigorous and proactive program of footpath maintenance, rather than relying on the random mechanism of 'fix my street' complaints to identify the worst problem locations.

5. An associated issue is the condition of ramps, particularly at road crossings, but also into public areas such as shopping centres. Many kerb ramps appear to be steeper, shorter and narrower than

the Australian standard AS 1428.1:2021 of a gradient of between 1:8 and 1:14 and 1 metre wide. The contrast is clear when visiting newer establishments, such as the National Arboretum, where the gradients and widths are far easier to negotiate, probably because they do comply with the standard. The fear of tipping over can deter people with disability and their carers from venturing out, or force them into long detours. Many commercial establishments, such as cafes and restaurants, still have steps at their entrance, often to such an extent that they are inaccessible to those using wheelchairs or other wheeled mobility aids. We recognise that this is not public property controlled by government. However, a simplified complaint process - simpler than the national human rights process - or even a modest government subsidy, could enable affected citizens to persuade proprietors, without undue negative publicity, to improve access to their premises.

6. Elderly people as well as people with disability have good reason for concern about the obstacles commonly encountered on footpaths. Most recently, these have included large numbers of abandoned e-scooters and helmets: hiring companies should be required to retrieve these much more quickly, and safe docking stations should be mandated. The same goes for supermarket trolleys, which are commonly encountered in plague proportions around major shopping centres such as Manuka and Kingston. The supermarkets do not take their responsibility to keep the trolleys off our footpaths seriously. The Government should insist on better performance, backed up with penalties. There should be better signage on park footpaths requiring dogs to be on leads.

7. In the hours of darkness, an issue of great concern to people with disability, as well as the general community, is the poor state of street lighting in many parts of the Inner South, which compounds the risks from broken pavements and difficult crossings.

8. There are too few pedestrian crossings in key locations, especially near retirement facilities and nursing homes, that enable safe access to bus stops and shopping centres. Better strategic planning and consultation would help to locate preferred locations.

### Public Transport

9. People with disability often have difficulty accessing buses, and some people also find the design of the new bus shelters problematic. The partial replacement of the taxi service by Uber has not made it any easier for people with disability to find accessible rides. Problems accessing transport compound the difficulties people with disability experience in order to access medical services. This particularly affects residents in the Oaks Estate, who need to transit via Queanbeyan in order to access medical services in Canberra.

### Accessible housing

10. The ISCCC, through the Griffith and Narrabundah Community Association, has had a good deal of involvement in the issue of accessible housing, where the Government has sought to override the rights of people with disability.

11. The ISCCC recommends that the ACT Government ensures that the Australian Standard for Adaptable Housing ([AS 4299-1995](#)) continues to be mandated for all public housing dwelling likely to be used by people with disability, as it was under the previous Territory Plan.

12. The existing standard [AS4299](#) is now almost 30 years old and seems likely to be replaced by an updated standard in the next few years. When the new standard is promulgated the Government should act with alacrity to ensure that the highest standards are speedily incorporated into Canberra's planning rules. In the current environment, where the government is searching for

better outcomes, it should also be easy to incorporate AS 4299-1995 as a mandated rule under the new planning system.

13. By way of background, the former Territory Plan allowed an increased density (three dwellings rather than two) of housing on blocks developed to provide housing for tenants with a physical or mental disability – known as Supportive Housing. Housing ACT sought to exploit this provision by claiming that all its tenants needed support (presumably by virtue of being government tenants) and consequently any site developed by Housing ACT should be considered Supportive Housing with its associated higher permitted density.

14. This approach neglected the requirement in the Territory Plan that any Supportive Housing development had to comply with the Access and Mobility Code and the Australian Standard for Adaptable Housing AS4299. This required that Supportive Housing developments had to be suitable for people with restricted mobility such as having to use a wheel chair (wider doorways, room to turn a wheel chair around, accessible switches, benches and equipment in the kitchen and laundry, accessible toilets and bathrooms, etc). In a number of cases recently Housing ACT proposals to redevelop blocks as so called Supportive Housing have been rejected by the ACT Civil and Administrative Tribunal (ACAT) because they did not comply with the standard.

15. Squeezing three dwellings on to a standard RZ1 suburban block intended for at most two dwellings is, as might be expected, a tight fit. In some of the non-compliant proposed redevelopments, it seemed likely that a driver would need to be extremely agile for their car to successfully enter or exit the garages attached to the dwellings.

#### Community Consultation

16. The new Disability Advisory Council which is proposed in the Bill seems a useful innovation, if it adequately reflects what the disability community has asked for. We hope it can be tasked with working in cooperation with the Community Councils on issues which affect particular areas within Canberra. Online participation is particularly important in reaching out to groups of people with mobility problems. Our own recent experience has been that online participation is expensive to provide to a professional standard. A legislated requirement for the Government to fund or establish a unit to provide online facilities for the Disability Advisory Council and Community Councils would be helpful in paving the way for effective consultation for people with disabilities.

#### Conclusion

17. Many of the issues described above are hiding in plain sight: they do not need new legislation or strategy documents to fix, just some willpower and clear direction on the part of the Government. Hopefully, the Committee can advise the Government that it should get on with effective and speedy action to tackle most of these common concerns, without waiting for the innovations of the proposed legislation to be rolled out.

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