



MUSEUM
OF AUSTRALIAN
DEMOCRACY

OLD PARLIAMENT HOUSE

Disability Action Plan 2011–2014

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Statement of Endorsement

The Museum of Australian Democracy at Old Parliament House is pleased to endorse the Disability Action Plan 2011-2014. This plan has been the result of extensive consultation with external and internal stakeholders and is the beginning of a long term commitment to ensure everyone has equal access to the information, ideas and experiences provided by the museum.

A handwritten signature in black ink, appearing to read 'Jenny Anderson', with a long, sweeping horizontal stroke extending to the right.

Jenny Anderson
Director

14 October 2011

The Museum of Australian Democracy

The Museum of Australian Democracy at Old Parliament House (MoAD) is a living museum of social and political history, located in a nationally listed heritage building in Parkes, Canberra.

The vision of the Museum of Australian Democracy at Old Parliament House is:

‘To celebrate, debate and experience the journey of Australian Democracy’.

MoAD helps people to understand Australia’s social and political history by interpreting the past and present and exploring the future. We achieve this by:

- bringing alive the importance of Parliament in the lives of Australians
- interpreting, conserving and presenting the building and our collections
- providing entertaining and educational public programs
- providing a range of other services that enhance the visitor experience

Our Client Services Charter identifies the services, facilities and programs we provide to help achieve our Vision. Our Client Services Charter sets out the standards of service which visitors to MoAD can expect. We aim to:

- engage with, inform, educate and entertain our visitors
- continually strive to improve the visitor experience
- take account of the diverse backgrounds, needs and expectations of all of our clients and stakeholders

As a national cultural icon on the National Heritage List and Commonwealth Heritage List, all refurbishment, conservation and preservation actions are carried out in accordance with the *Old Parliament House Heritage Management Plan 2008–2013*. The *Heritage Management Plan* in conjunction with the *Corporate/Business Plans* and the *Old Parliament House Interpretation Plan 2008–2013* provide the framework to meet the purpose of the institution.

Disability in Australia

In 2007, Australia signed the *United Nations Convention on the Rights of Persons with Disabilities* in a global effort to promote the equal and active participation of all people with a disability. The Convention puts the responsibility back on society to ensure that all people must be provided with opportunities to reach their full potential, regardless of their situation or disability.

Nearly one in every five Australians identifies as having a disability¹. The Commonwealth *Disability Discrimination Act (DDA) 1992* (Cth) provides protection for everyone in Australia against discrimination based on disability with regards to the provision of goods and services and access to premises. Disability discrimination happens when people with a disability are treated less fairly than those without a disability (attachment 1).

Disability discrimination also occurs when people are treated less fairly because they are a relative, friend, carers, co-worker or associate of a person with a disability. The DDA

¹ Australian Bureau of Statistics 2009 *Survey of Disability, Ageing and Carers*, 18.5% of Australians identified a limitation, restriction or impairment which restricted their everyday activities and had lasted or was likely to last for at least six months.

provides for organisations to prepare a disability action plan (s.61) and lodge it with the Australian Human Rights Commission as a public statement of their commitment to substantive equality for people with a disability (attachment 2).

MoAD Disability Initiatives

In 2011 we completed the Community Learning Strategy developed in consultation with staff across the museum. The Community Learning Strategy outlines principles aimed at increasing access to, and involvement in, the museum's programs, activities and collections to ensure diversity of voice and ideas, participation styles and locations and ongoing opportunities for learning and engagement for visitors and users. The Strategy is a commitment to working with targeted audience groups, particularly those who may experience disadvantage, to ensure that specific access and learning needs are identified and met.

The Community Learning Strategy is based on the principle that all visitors deserve high quality opportunities to participate in MoAD programs regardless of social, economic, physical or intellectual barriers. The strategy is also consistent with the Australian Government's *Social Inclusion Agenda* – a socially inclusive society where all Australians feel valued and have the opportunity to participate fully in the life of our society².

The museum has put in place a number of services and facilities to enable people with a disability to participate in activities and programs including:

- five accessible car parking spaces at the front and side of the building
- tactile ground surface indicators (TGSIs) at the front entry steps of the building
- concierge assisted disability access at the front of the building and a platform lift
- wheelchairs available for loan
- hearing loops installed in the Members' Dining Room
- website auditing to determine compliance with international website standards for access (W3CA)
- Braille and tactile signage to toilets
- captioning or subtitling in a range of audio-visual programs including Cabinet-in-Confidence, the Press Gallery, Prime Minister's Office and Welcome to Country
- transcripts of audio programs in the Press Gallery.

However, the Community Learning Strategy recognises more can be done to enable people with a disability to enjoy the facilities, programs and services that are accessible to other members of the community.

As a national icon, the museum is committed to ensuring that access for all people, including people with a disability, is available to and within the building and its surrounds.

The Disability Action Plan 2011–2014 is our commitment to putting in place actions to improve the visitor experience to MoAD and to help meet our obligations under the DDA. It also represents a positive statement of equal opportunity and leadership in eliminating disability discrimination and guaranteeing equality of opportunity for all Australians with disabilities who visit the museum.

² Australian Government, Social Inclusion Agenda <http://www.socialinclusion.gov.au/>

The Disability Action Plan was developed over a three month period with input from many stakeholders:

- consultants were engaged to provide advice on disability access and to assist in the development of the plan
- a survey was sent to all staff inviting comments on how the visitor experience could be improved. Thirty-eight responses were received from all sections including: Community Learning, Events, Executive, Exhibitions, Facilities, Finance, Heritage, Human Resources and Governance, Interpretation, Marketing, Research and Collections, Schools Learning, Visitor Services and Web Services and IT.
- selected staff attended a consultation to identify key priority areas for action
- invitations were extended to national and local disability advocacy organisations and disability service providers to attend a tour and participate in a consultation forum. The forum identified aspects of the visitor experience that work well, barriers to access and strategies to bring about meaningful change.
- relevant documentation was reviewed to ensure proposed actions are consistent with MoAD policies and any relevant applicable, accessibility legislation
- a workshop was held with senior management to discuss the draft disability action plan and to refine and agree on strategies and actions. The workshop also confirmed who would be responsible for implementing the actions and the timelines
- a presentation of the Disability Action Plan was made to all staff
- people with a disability and representatives of the disability organisations who participated in the tour and consultation forum were provided with a copy of the final Disability Action Plan for comment
- executive endorsement was obtained for the final Disability Action Plan.

Disability Action Plan Scope

The Disability Action Plan 2011–2014 has been developed based on the structure of the MoAD Strategic Plan 2009–2012 and uses the definition of disability as defined by the DDA (see Attachment 1). In determining the scope of the plan consideration was given to:

- the restrictions in place as a heritage listed building and the capacity to alter the building fabric internally and externally
- the resources and our capacity to implement actions.

The scope of the plan includes:

- visitor experiences including: Community Learning, Events, Exhibitions, Interpretation, Marketing, Research and Collections, Schools Learning, and Visitor Services
- facilities including: exhibition areas, interpreted spaces and the cafe (i.e. excludes staff, tenant and corporate areas)
- web Services and IT.

The consultations and reviews identified action is required to improve access in the following areas:

- *access to the building and way finding* – undertake further accessibility reviews of the building and its surrounds against the recently adopted access standards and devise methods to enhance accessibility, taking into account the *Heritage Management Plan*; lobby ACT government/National Capital Authority and public transport providers to make the museum more accessible (i.e. bus stops, car parking, pedestrian paths, crossings, etc.), enhance the accessible entry arrangements; review and develop ways to make exhibits more accessible and memorable for people with a disability, improve signage and way finding and consider ways to allow for the evacuation of people with a disability during an emergency
- *publications* – development of an Access Map that clearly shows accessible car parking, entry and exit points, toilets, exhibitions, café, physical barriers that may limit access, etc
- *website access* – more information to identify disability access services and facilities; and options for virtual tours and podcasts
- *targeted promotion* – of events, exhibitions and programs
- *specialist tours* – e.g. tours providing more sensory experiences and conducted outside of operational hours to minimise distractions from busy crowds
- *self-guided tours* – with disability access features to enable people to self-guide, e.g. virtual tours and improved iPod tours
- *staff Training* – disability awareness training for all staff (and volunteers), with priority given to Visitor Services (e.g. sighted guiding, descriptive narration) and IT Services (web accessibility standards)
- *consultation with disability representatives* – to ensure the museum’s work continues to address disability access.

Implementation and Review

The Disability Action Plan is not a static document, it will be monitored and reviewed biannually by the Executive Management Group and the Senior Management Meetings to report on progress and to make changes where these are identified as necessary.

People with a disability remain the focus of this plan. Ongoing consultation will occur via:

- the establishment of the Disability Reference Group which will assist in providing ongoing advice and feedback on the implementation of the Disability Action Plan
- feedback from our website
- the launch and communication of the Disability Action Plan.

The plan will be communicated via:

- internal staff meetings, Senior Management Meetings and the intranet
- externally through the website. Copies of the Disability Action Plan in alternative formats can be provided on request
- reporting on progress in our annual report
- lodging the plan with the Australian Human Rights Commission.

Attachments

Attachment 1: Definition of Disability

The *Disability Discrimination Act 1992* (DDA) has a broad definition of disability which has been adopted for this plan.

Disability Discrimination Act 1992

Section 4

Disability, in relation to a person, means:

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

and includes a disability that:

- (h) presently exists; or
- (i) previously existed but no longer exists; or
- (j) may exist in the future; or
- (k) is imputed to a person.

Attachment 2: Disability Access Legislation

The *Disability Discrimination Act 1992* (DDA) states it is unlawful to discriminate against a person on the grounds of their disability in the provision of access to and within any public building (s.23).

As the DDA is complaints-based legislation, rather than compliance-based legislation, it does not provide any design specifications to establish the acceptable means of access into premises. But the 'disability standards' enacted under the DDA (s.31), as well as other currently recognised access standards, are used to establish an acceptable level of accessibility to meet the intent of the DDA with regards to access to premises.

One of the 'disability standards' under the DDA that is relevant to the museum is the *Disability (Access to Premises – Buildings) Standards 2010* (known as the Premises Standards), which came into operation on 1 May 2011.

The Premises Standards (Schedule 1 – Access Code for Buildings) sets out technical access requirements and references a number of access standards (Australian Standards) within to ensure appropriate access to and within buildings for people with a disability. If access arrangements covered in the Premises Standards are satisfied, an anti-discrimination claim cannot be made in relation those particular access arrangements under the DDA. But other access arrangements beyond the scope of the Premises Standards are subject to a potential anti-discrimination claim under the DDA (e.g. exhibit designs).

The Premises Standards applies to new buildings or parts of existing buildings that are upgraded or refurbished. Also, when undertaking new works within an existing building, the Premises Standards requires the principal building entrance and the path between the principal building entrance and the new works (known as the 'affected part') to be upgraded.

Consequently, if any new building works, upgrades or refurbishments are undertaken by the museum, the application of the Premises Standards will have a significant impact upon the museum; in particular achieving compliance to the 'affected part' of building in relation to any new works.

This is problematic given that the principal building entrance does not afford compliant access (steps up to the entrance) and many paths, corridors, doorways and lifts within the existing building would not satisfy the Premises Standards and upgrading most of these existing areas will not be possible under the museum's *Heritage Management Plan*, as it will compromise the existing heritage fabric.

Also, existing portions that remain unaltered will not be subject to the Premises Standards. In either case, the museum could still be subject to an anti-discrimination claim under DDA for these portions of the building.

Although there are obvious conflict between the general principals of the Premises Standards and the museum's *Heritage Management Plan*, there several ways in which the museum can either satisfy the Premises Standards or mitigate their risk against a complaint under the DDA. One option is to consider the various mechanisms to achieve compliance with the Premises Standards; another option is to consider the exemptions or concessions within the Premises Standards.

In addition to the technical (deemed-to-satisfy) provisions within the Premises Standards, it also allows for the development of alternative solutions (performance requirements), which can include management solutions in lieu of these technical provisions. These solutions can

be devised to provide reasonable access (intent of the DDA) without having an adverse impact upon the heritage fabric of the building or affect the heritage interpretation of the building. For example, almost all doors within the building would not comply with the technical requirements of the Premises Standards to afford independent access, but an effective management solution would be to simply ensure that all doors into public spaces are kept open or fully automated. Other options where access is restricted or limited include providing audio/visual exhibit options (e.g. additional screens near exhibits, virtual tours, use of portable media players, etc.) for specific areas of the building or exhibits.

The Premises Standards also provides several concessions for existing buildings that can be relied upon by the museum. The key exemption relates to 'unjustifiable hardship', whereby due to the building's heritage controls (and possibly resources), compliance with the Premises Standards (throughout the building or portions of the building) will impose an 'unjustifiable hardship' under the DDA (s.29A). There are number of criteria to ascertain 'unjustifiable hardship' – the most relevant to the museum is the effect upon the heritage significance of the existing building and expect that if the museum sought legal advice in this regard, this position would have significant merit.

In its on-going commitment to accessibility, the museum has undertaken a number of accessibility reviews in the past, but given the most recent changes to the access standards, it is important that the museum undertakes further updated accessibility reviews to gauge the impacts of the new legislation. It is important that these reviews look at the museum in a holistic way to ensure the entire visitor experience addresses all relevant access considerations for the premises.

The Premises Standards does not cover all aspects of the museum and its surrounds; for example, the exhibits, interpretive spaces and events are not covered by the Premises Standards. Consequently, the museum needs to look at other access standards or guidelines (e.g. Access Guidelines by the Smithsonian Museum), as well as consulting with key disability groups to ensure that their exhibits, interpretive spaces and events are accessible to the wider community. This approach would be seen to extremely favourable by the Australian Human Rights Commission (who administer the DDA), and the broader community, whereby the risk of a complaint would be significantly reduced.

In addition to the above comments regarding ways to mitigate the risk of a complaint under the DDA, organisations are able to prepare a disability action plan (s.60). An action plan can serve two functions:

- i. Risk management – in the event that a claim of discrimination is made against an organisation the organisation's disability action plan can be used as a demonstration of the action it is taking to address disability discrimination. It is therefore important that an organisation includes in the plan, those actions it has the capacity to implement and intends to implement.
- ii. Positive statement of equal opportunity – Government authorities play an important role in leading the community in eliminating disability discrimination and guaranteeing equality of opportunity for all Australians with disabilities. The disability action plan makes a public statement about the intention to provide equal opportunity to people with a disability to access its goods, services and facilities.

In conclusion, it is imperative that the museum achieves an equitable balance between the heritage controls and the access standards in all decisions under their action plan. This will

require a review and update of relevant policies to ensure that access is highly regarded in any future alterations and/or exhibits.

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