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Blind Citizens Australia

# Response to Issues Paper –

# Rights and Attitudes Towards People with Disabilities

# Royal Commission into Violence, Abuse, Neglect and

# Exploitation of People with Disabilities

## About Blind Citizens Australia

Blind Citizens Australia (BCA) is the national representative organisation of people who are blind or vision impaired. Our mission is to inform, connect, and empower Australians who are blind or vision impaired and the broader community.

## Introduction

BCA is pleased to have the opportunity to respond to this important issues paper on the rights of, and attitudes towards people with disabilities. This paper will focus on matters pertaining to people who are blind or vision impaired. Case studies will be cited to effectively highlight the ongoing challenges for people who are blind or vision impaired, and the continuing need for advocacy in addressing these issues, both at an individual and a systemic level.

## Question 1: Where and when in life do people learn about the rights of people with disability? How could this be reinforced and/or improved?

Anecdotally, it appears that attitudes towards people who are blind or vision impaired are formed at a very early age, based on what children learn from their parents, others who are influential in their lives, and within educational settings. Parents of children who are blind or vision impaired, frequently report on social media forums that their children experience difficulties being accepted into their peer groups and included in social activities at school, or that they are being bullied by their peers. This exclusion, both overt and subtle, appears to stem from the belief by peers of children who are blind or are vision impaired that they cannot keep up, or cannot function as independently or fully as their sighted peers. Unless these beliefs are counteracted through education by parents, teachers and role models, attitudes become ingrained and harder to influence in later years. This creates a perpetuating cycle, instilling negative attitudes toward people who are blind or vision impaired, from generation to generation.

If not addressed, or left unchallenged early on, the following quote illustrates how someone who is totally blind can experience the results of these attitudes.

“In school, I struggled to fit in. Especially primary school and I guess in high school I struggled to fit in. The kids, I would say they didn't know how to handle my disability. I'm totally blind. So, it was the kind of treatment where they'd be nice to my face, but then behind my back I'd be excluded. They'd go to parties and send messages on Facebook. Whenever I expressed a sadness about not being invited. They used to say "oh we're sorry. Next time we'll invite you", but I never got an invitation. Then after that I got a message saying that they didn't want me to end up in the wrong crowd like them because they drank a lot, and if they were found out to be underage drinking they'd get suspended, and just coming up with all sorts of obstacles and excuses about why they didn't invite me. They’d say, "we're just looking out for you", and I'm like "no you're not. You're basically excluding me. If you don't want me around, just say it", you know what I mean”.

As this example highlights, it can be difficult to prove that such attitudes are prevalent, but the presence of these mindsets are often deduced by those subjected to them, through examining the behaviour of those who exhibit them.

Attitudes can also be inherited by children from their parents, or others who are influential in their lives. If a child is given the message from an early age, that difference amounts to abnormality or incompetence, the behaviours they demonstrate are likely to be informed by these attitudes, and endorsed even if subconsciously, by those who share their beliefs with their children. One parent of a child with multiple disabilities stated, “People are conditioned to speak in whispered tones when a person with a disability is nearby. People are told its rude to stare, when in fact it is actually rude to condition other children to pretend the child with the disability doesn’t exist. Well-meaning or disability-phobic (its tantamount to the same result) shoo their children away from other kids with disabilities. Additionally, people often don’t look at or speak with the person with a disability. They talk to their helper or assistant”.

Mainstream activities can also be impacted for children with disabilities even at an early age, as the following example illustrates.

“When my son was about 2 1/2, we joined a swim class for mothers and tots. It was here I experienced an unpleasant situation. The staff would not allow me to stay in the water with my son while other mums stayed out of the pool while the little ones were in the water with support jackets. The instructor felt if I were to stay in the water with my son, (for his security), others’ tots would want the same. We really had to leave the program. That was hard. To this day people will stare at my son. For the most part I’ve dealt with that but will admit it sometimes hurts”.

It is this blanket approach to inclusion that can prevent the right to learn or to experience certain facets of life from truly occurring. Perhaps in this instance, the swim school could have facilitated a tailored approach, that would enable the child to engage in his swimming activity.

In adulthood the same exclusion can occur. A person who is blind and who wanted to study physiotherapy at university reports, “I approached the department of I think biology thinking I'd like to transfer now from the arts degree with all the soft sciences to hard sciences. I thought this was a general thing, that after completing one year you could transfer. Other students seemed to have no problem if they wanted to choose their course of study. Unfortunately, this is where there was a huge wall set up, and the definite answer was "no, there's no way". You can continue on. No problem at all, you can continue becoming a psychologist or whatever I wanted to do in the soft science, along those lines. But no way. The reason they gave, and I still cannot believe their mentality. It was definitely not a person-centred approach by any means, or student centred. It was, they were thinking of the other students, my fellow students. If I were to do group work like looking down a microscope, the other students would suffer, at my expense kind of thing. Nothing like "why don't we do it together. Why don't we start a conversation to see how it can be done”? Nothing like that was ever put to me. So being possibly the stubborn person that I am, I decided there must be some way around it. I had a good government job; I was able to save up money. And in my travels, I actually went to Canada and found out that they had run a program there for blind and vision impaired. I think it was the first, and in the end,

I actually transferred my courses to Calgary”. In other words, this person had to leave Australia to find an educational institution, which would accommodate her needs, so that she could pursue her right to education in the field she chose. She successfully completed her master’s degree in Physiotherapy, in Canada, where her needs were accommodated very successfully.

Having highlighted these examples, it is now appropriate to consider more specific issues which demonstrate that the rights of people who are blind or vision impaired are not implemented, and how these rights are informed by negative or ill-informed attitudes towards people who are blind or vision impaired. Case studies which have been cited from BCA’s individual advocacy over the last eighteen months will be highlighted.

### Dog Guide Access

Dog guide access is a significant issue, according to the number of advocacy cases, where BCA has aided individuals. People who use a dog guide for mobility assistance, continue to face, at best misunderstanding, and at worst, ongoing ignorance regarding the rights of people who are dog guide users, to access any premises with their dog. The need to constantly explain to business owners, that dog guides are allowed in any public place or establishment, is frustrating for those who use dog guides, but also has an impact on BCA's own resources in terms of time and energy of staff. Legislation regarding dog guide access is robust, but penalties vary from state to state. Without a national framework, the issue of dog guide access is likely to persist. It may be an issue brought about by cultural or religious beliefs and practices, which need to be negotiated to promote compliance with legislation. Many instances of people being refused access to premises with their dog guide, are a result of the attitude that people who have service dogs, are somehow aberrant or different, with no separation being recognised, between untrained pets and exceedingly well trained dog guides. Business owners tend to ignore Workarounds for minor issues, such as the hair a dog might leave in a taxi or uber, instead presenting this as an obstacle to access. this denies the right of dog guide users, to access any conveyance or premises, that a person without a disability would be able to. A recent survey conducted by dog guide service providers in NSW confirmed that refusal of people who are accompanied by a dog guide is very common by taxi and ride share drivers. This highlights the need for continuing advocacy to address this matter, not to mention the discrimination and frustration which people who are supported by their dog guides routinely experience.

The following case study demonstrates some of the myths that still exist, regarding the training guide dogs receive, and the patronising attitudes that are still prevalent, towards people who are blind or vision impaired.

“A young man, when travelling with his dog guide, was denied access to the upper deck on a double decker sight- seeing bus run by the City Sight Seeing Tour Company. After complaining he was told that this access denial was due to a company policy and Health and Safety regulations. Two reasons that were given to him for the denial were, that other passengers maybe frightened of the dog, and the dog could jump out of the bus through the large open gap on the top deck. He was also told that he should consider himself to be fortunate to be allowed on the bus at all with his dog. During the interaction with the driver, he was asked where his carer was, as they wanted to speak with someone in this capacity rather than the man himself. The man found this approach to be demeaning and patronising, as he was not accompanied by a carer. Even if he had been, he would still want to be spoken with, rather than spoken about.

The company concerned in this case did agree to suspend their policy and review it to bring it into line with the state’s legislation, concerning assistance animals once an advocate from BCA intervened in the matter.

However, the fact that this incident occurred in the first place, and the manner in which the man was treated by the bus driver, was condoned by the company at the time, is evidence that despite comprehensive public awareness campaigns, having been conducted by multiple dog guide service providers, there is still a level of ignorance regarding the rights of people who have dog guides . and the attitudes towards these highly trained animals and their handlers is still a major problem.

There is a tendency for businesses and organisations, to utilise work health and safety or duty of care as a mechanism for denial of access. It appears that a great deal of education around the fact that a person who is blind or vision

Impaired must be treated the same way as any other individual. If a sighted person is permitted to engage in an activity, then a person who is blind or vision impaired is also able to.

### Pedestrian Access

Surprisingly, the most common issue that BCA was approached for assistance to resolve was pedestrian access, including access to the built environment. This may have been the result of infrastructure that was developed in the past, and which did not consider the needs of people with disabilities. If this is the case in most circumstances, it highlights the cost and inconvenience of retrofitting, as pedestrian access now must be created from existing pathways and road designs, which may pose significant cost to local councils. It may also require major restructuring and building works. It is indicative of a subconscious tendency to exclude people with disabilities, which has only been addressed via legislation relatively recently.

When new works are being undertaken, there is a need for consultation to be undertaken from the beginning, in order to avoid the creation of a lack of accessibility. Adhering strictly to legislative requirements may technically make premises or other infrastructure accessible, but there is still a big difference between providing an acceptable level of accessibility versus genuinely consulting people who are blind or vision impaired about what works best for them, when designing a new project or building.

### Education

Education continues to be an issue which requires ongoing monitoring and advocacy, for many people who are blind or vision impaired. This includes all levels of education. While there are comprehensive inclusion policies in most states at the primary and secondary school level, the practical implementation of these policies is still inconsistent, and largely dependent on attitudes and perceptions of frontline staff. State education departments and the National Disability Insurance Agency continue to bicker about who should take responsibility for therapeutic intervention, for students in the education setting. This only results in students being disadvantaged while intervention is delayed, due to arguments over who should bear the cost. In other words, the economic imperative has the potential to impact on the implementation of a child’s fundamental right to education and optimal development of skills.

At the tertiary level, attitudes towards people who are blind or vision impaired are still inconsistent. At best, students can experience very accommodating support staff and lecturers. At worst, they can be completely prevented from reaching their goals, as the following example illustrates.

“I think it's down to the culture that's built inside the faculty. So, when you get to those particular senior positions, how their attitude is towards making accommodative practices. If they're doing it, the culture moves down to the lower academics, the more early career academics that actually then do it. Whereas for example in the postgraduate department I was in, the senior members of the faculty were the ones that did not make these accommodations.

Therefore, because they were a longstanding pack of academics that had come through the system together, they blindly supported each other, and they all had the same attitudes. And those attitudes were pervasive and went down through the faculty then. I had some lecturers who were lower who let me know that they didn't agree with what happened to me, but they had nothing they could do to support me”.

There are few consequences for those who engage in discriminatory practice in education. Hence, discrimination continues unabated, particularly if students are not able to call out that discrimination.

Another case demonstrates the failure of both schoolteachers and students to comprehend the difference between practices which accommodate the needs of students, and what is regarded as “special treatment”.

“There was one time somewhere, where somebody got everyone together and gave a lecture about how they thought everyone would be extra nice to me just because I'm blind. I was there too, and it was like they were talking at me saying "you know you don’t need to pussy-foot with her just because she's blind. If she's being nasty to you, you can tell her to get lost. Or if you're being nasty to her, she can tell you to get lost. We don't need any of this pussy-footing". Also saying that she needs to be treated like everyone else, and made it sound like it was my fault that I was being pussy-footed I felt, in the tone of voice and that. So, because of that, I felt that the misunderstanding and sort of emotional bullying increased because it was like they didn't understand the difference between special treatment and adapting. So, there was one time where I was given extra time on something, and then someone else was like "why do you get extra time. You know that's not fair". I said, "why are you speaking like that". They said, "because you should be treated like everyone else".

So, I felt because of that lecture, it was like no one understood the difference between adapting and special treatment”.

What is interesting in this example is that the person concerned felt that what was intended by a teacher to give students some guidance in how to interact with her, ended up heightening the level of resentment and discrimination towards her which she experienced. There appears to be a lack of understanding that all accommodative practices are meant to do is to level the playing field as much as possible, and not to advantage anyone who requires adjustments to be made at all. The issue of jealousy, and the belief that people with disabilities are being given an easy ride, appears to be something which needs to be addressed in order to prevent bullying and discrimination regarding accommodative practices in the first place.

### Employment

People who are blind or vision impaired continue to face extraordinary barriers in their quest to gain employment. While there are success stories from people who have gained and maintained employment, and even held high profile paid positions, this is not the case for most people who are blind or vision impaired. One of BCA’s major projects at present is the development of a website and associated initiatives which aim to bust the myths employers continue to subscribe to regarding the ability a person who is blind or vision impaired has to contribute to a workplace, and even to work safely and effectively in a professional environment.

People who are employed often face discrimination, both subtle and overt, by employers, as the following example shows.

“I was assembling the kitchen parts for cabinets. I was totally blind, and I was using air screwdrivers and staple guns and all that sort of equipment. Although I was taken on, a lot of the guys that I worked with had very archaic ideas, that "being blind how could I do that". For instance, they said, the manager would say "give xxx that particular job". And they'd say, "oh no, he can't do that". He'd say "why, why can't he do that". They'd say, "oh he's blind".

And further.

“In my experience, when you have a disability and you're working in mainstream employment, you’ve got to give 150 percent all the time. If you don't, my experience is that if you don't do the job, or if you don't try and do that job with 150 percent quality, you get looked down on. It's like "what do you expect, he's blind or he's in a wheelchair" or, this is the mentality”.

This latter quote illustrates the pressure faced by people who are blind, or vision impaired to perform to an extraordinarily and unsustainably high standard, just to be regarded as equal to their peers. Wolf Wolfensberger’s (1985) Theory of Social Role Valorisation, illustrates how a person with a disability must perform to a higher standard than a person without a disability to gain the same credibility.

If a person who is blind or vision impaired has difficulty performing a task, it is often assumed by an employer or manager that it is due to a lack of ability. In fact, it is most likely due to software being inaccessible, or to a lack of willingness to allow a person to perform a task in a different way that produces the same result but which accommodates the needs they have. Again, the theme of difference being perceived as abnormality, is evident in these scenarios.

Recruitment also poses significant and often devastating challenges for people who are blind or vision impaired, as demonstrated by the following observation.

“In finding employment, I find that employers are happy to say they encourage and support people with disability through recruitment and employment. But when it comes to the recruitment process, reasonable adjustments cannot be done.  For example, you must complete a timed test, but the test time cannot be extended for the product they have.  This includes some Public Sector departments that hire external recruitment firms to carry out their recruitment.  I have only recently been told to just do my best for the test and then get a rejection email.”

Recruitment processes are often inaccessible to begin with, due to software designed for tasks such as psychometric testing not meeting the Web Content Accessibility Guidelines (WCAG). Similarly, if a person who is blind or vision impaired does obtain employment, customer relations management (CRM) systems are often not designed with accessibility in mind. This unfairly creates the perception among employers that a person who is blind or vision impaired is incompetent and not capable of performing the duties of their role.

Even if a person who is blind or vision impaired resorts to a state based anti-discrimination complaint, or a national Human Rights and Equal Opportunity Commission complaint, there is a tendency to enable the employer to deny culpability. More often than not employers continue to discriminate with little or no penalty, due to the fact that any court challenge is out of the reach of individuals who are blind or vision impaired, or the case is not worth pursuing, as the cost is often higher than the award.

### Inaccessibility of Online Services

Inaccessibility of online services is still common, due to design of apps and websites that do not consider the needs of people who are blind or vision impaired. These services can easily be designed to accommodate these needs and the operation of screen-reading technology, but a lack of consultation often prevents this from occurring. Or, if accessibility guidelines are adhered to, this alone often does not translate into the intuitive usability of an app or website, for people who have an average knowledge of the technology they are using. There can be a tendency to "tick the boxes" when it comes to accessibility, but this is a superficial approach to inclusivity which may demonstrate the real attitudes towards people with disabilities that may exist.

The following example demonstrates how the inaccessibility of an app can diminish independence and autonomy for a person who is blind or vision impaired.

Recently BCA was contacted by a man, who was having accessibility issues with the app from a major bank. The app in question, enables people to track the price of their shares in various companies. He was unable to move through the various elements of the app, to access share tables, to make a watch list, so he could be informed of the latest share price trends

To the bank’s credit, the app has since been made accessible. This occurred following the intervention of an advocate from BCA, and due to the productive relationship, which had already been developed between BCA and the bank concerned. This highlights the ongoing need for advocacy, even when companies or government agencies have the intention of making their products accessible. It is only through genuine consultation that apps and online portals can be made truly and intuitively accessible from the beginning.

### Assistive Technology

The term “assistive technology” refers to any aid or piece of equipment that helps a person with disability perform an everyday task. Wheelchairs, prosthetic limbs, electronic communication devices and home modifications like ramps are all examples of assistive technology. For people who are blind or vision impaired, this equipment includes dog-guides, canes, screen-readers, magnifiers, smart phones and many other equipment that assists a blind or vision impaired person on a daily basis. These solutions can allow people with disability to move around independently, communicate, undertake self-care and continue leading full, active lives. (https://assistivetechforall.org.au/)

For many people who are blind or vision impaired, obtaining assistive technology remains a struggle, despite the introduction of schemes such as the National Disability Insurance scheme, Job Access, and My Aged Care. Not everyone is eligible for these schemes, and even those who are often do not receive assistive technology in a timely manner or cannot access it at all.

Assistive technology cannot be regarded as a luxury, yet many people accessing the NDIS are denied the technology they need to function independently, at their full capacity. This is particularly problematic for those who are unemployed. To become competitive in the job market, a person who is blind or vision impaired needs to acquire the skills to operate technology such as screen-readers. The best way to learn these skills is to be able to use the technology in daily life. Without these skills, it is extremely difficult, if not impossible, to gain employment. Learning on the job is rarely an option, and the lack of these skills would likely create a perception by an employer that a person who is blind or vision impaired is not competent to fulfill their role.

People over age 65 do not have equitable access to assistive technology. While it is possible to access this technology under the My Aged Care scheme, it usually comes at the cost of giving up other vital supports, in order to pay for it from a package.

Level 1 and 2 packages have no provision at all for assistive technology, and there is a waiting list to gain a higher-level funding package. The scheme is based on a medical model, in which supports are viewed from the perspective of health care, rather than disability. As a result, people over age 65 are denied the right to live to their full potential. The scheme essentially treats these people as though they are incapable of contributing to the community. In reality, the opposite is true. Many people over age 65 carry out voluntary roles, and people who are blind or vision impaired could easily do so as well, if they have access to the assistive technology they need. Interactions at all levels today are heavily reliant on the use of the internet and social media. Without access to assistive technology, people who are blind or vision impaired are precluded from a multitude of activities, socially, in employment, and in education.

Negative perceptions of people with disabilities generally, are reinforced by the failure of government, to provide equitable access to assistive technology, for everyone who requires it. People are disempowered by not having access to assistive technology and are prevented from implementing their right to full participation in society.

### Service Provision

BCA has developed a service provider expectations policy that is designed not only to outline the rights and expectations of consumers to service providers, but also to educate consumers about what their rights are, and what is reasonable to expect from service providers. Instances of treatment that is patronising or controlling do still occur on the part of service providers, requiring advocacy by BCA on behalf of those affected, at both individual and systemic levels. BCA has found it necessary, following members reports of such patronising portrayals of people who are blind or vision impaired, by service providers, to state the following:

“8.1 Fundraising is integral to the operation of any blindness service provider, whether by seeking individual donations or by approaching corporate and philanthropic donors. Fundraising plays a dual role of raising money and educating the public. All fundraising, marketing and publicity material must promote people who are blind, or vision impaired as valuable contributors to society. Materials can demonstrate how investment in a service will empower people who are blind, or vision impaired to exercise our human rights, by emphasising our dignity, enablement, independence and diversity. Publicity can reflect that not all people who are blind or vision impaired seek to adjust or improve, but sometimes need services simply to live our lives. It is essential that all staff, consultants and volunteers involved in such activities be trained to recognise how they impact public attitudes to blindness”.

Perceptions are often developed and reinforced by marketing and fundraising personnel. Marketing and fundraising campaigns have the power to create public perceptions about various groups whose needs are highlighted. It is therefore critical that these perceptions are based on accurate information, which can only be gained through consultation with the people who are the subject of these campaigns. Marketing personnel often emphasise a lack of capacity as a method of endeavouring to gain sympathy for people who are blind or vision impaired. This tends to consolidate the public perception that a blind or vision impaired person is helpless, useless, or incapable. It is therefore imperative that marketers consult extensively with the subject of their campaign or promotion, in order to ensure accuracy, and promote the notion of independence and capacity.

### Immigration

Immigration is an issue that continues to impact people who are blind or vision impaired, and people with disabilities generally. The legislation which places the public economic interest at the forefront of decision-making processes is in itself based on perceptions of disability that are informed by a purely medical model, that views people with a disability as non-contributing members of society and incapable of caring for themselves. There is an underlying assumption that anybody with a disability would become a huge economic burden on Australia's taxpayers. The legislation is in direct breach of Australia's ratification of the United Nations Convention on the Rights of Persons with Disabilities. The recommendations of a 2009 inquiry into this legislation were not implemented by the federal government and have not been by successive governments.

BCA has had success in advocating for several visa applicants to be granted permanent residency when vision impairment was cited as the reason for rejection of their applications. However, the need to appeal decisions being made imposes immense stress on the people concerned. This is stress that people who do not have disabilities are not subjected to and demonstrates that it is still necessary to fight against discrimination and false perceptions of disability, that are enshrined in legislation.

### Transport

Transport is particularly an issue for people with disabilities living in rural and regional areas of Australia. It can be problematic in urban areas also, although improvements are slowly being made. While many transport providers are now in direct consultation with people with disabilities, when new vehicles are being designed for example, or when infrastructure is being upgraded, there is still a large degree of apathy in terms of the implementation of disability transport standards, particularly in rural and regional areas. Infrastructure is often very old in these areas, and it would indeed mean a substantial financial commitment to have this infrastructure upgraded and compliant vehicles made available. however, the failure to make these commitments could be the result of attitudes towards and perceptions of people with disabilities, among decision-makers.

Shared zones, and the introduction of E-scooters onto footpaths and areas where pedestrians and vehicles traverse the same space, pose a significant danger to people who are blind or vision impaired. People using canes or dog guides, to navigate these areas are often caught unawares by the sudden approach of an E-scooter, due to lack of signalling, and a lack of regard for the safety of pedestrians by riders of the motorised scooters. This is illustrated by the following quote.

“It's hard to detect scooters coming up from behind and where the scooters are dumped across the city. the bells equipped on the scooters are not enough to alert pedestrians.

We're not hearing the bell and we're not getting any other auditory signals like them calling out that they're coming up from behind".

For a full explanation of the impact of e-scooters on pedestrians, see <https://www.abc.net.au/news/2019-01-21/lime-scooters-cause-issues-for-vision-impaired-residents/10731510>

While companies say that they are implementing precautionary measures to prevent all pedestrians from being harmed, there is little chance of controlling the behaviour of those using the scooters, which are rented and then left at the end of the rider’s trip wherever a person sees fit at present. The fact that scooters can be left literally anywhere, poses an additional threat of injury for a person who is blind or vision impaired. E-scooters have been introduced to metropolitan areas with no consultation having been conducted with pedestrians, and with little regard for the heightened danger faced by people who are blind or vision impaired.

Shared zones are in themselves dangerous, particularly for a person who has additional hearing impairment on top of blindness or vision impairment. The needs of drivers and riders have been prioritised over all pedestrians in many cities. Whether this is attitudinal or simply a case of ignorance by urban planners is uncertain. However, many attitudes are subconscious and so deeply ingrained, that they are extremely difficult to reverse.

### Disability Discrimination Act

The Disability Discrimination Act (DDA) has been heavily criticised for placing the onus on a person with a disability to prove that they have been discriminated against. BCA supports the argument that it should be up to large companies and government agencies at least, to prove that they have not been discriminatory. The following example demonstrates the impacts on individuals who choose to exercise their rights under the DDA.

“I am about to go to a conciliation meeting with an NSW local government body in the Australian Human Rights Commission, the case is quite a simple one. A Council allowed a building site to block a whole quadrant of an intersection which is my only access from my home into my local CBD with audible traffic signals. Effectively cutting me off from all essential services. I managed to talk to the building contractor, and they sorted out a safe path by making some adjustments for me. The council failed to act and didn't even respond to my complaint initially. The council are denying all responsibility and treating me as though I am accusing them of negligence. I just want them to take note of what went wrong and make some adjustments to their approval process, to prevent this sort of thing occurring again and again”.

“In my case, I don't mind a bit of argy bargy with them, but it would be terribly intimidating for many people. This is where it all goes wrong. In simple terms, I was denied access to my local doctor, post office, shopping centre etc. and council could have helped me to sort out the problem. instead, the process takes 6 months to get to conciliation and by that time their lawyers have worked themselves up into a frenzy spraying all sorts of irrelevant garbage at me about how they complied with state legislation and planning laws. Totally losing sight of the fact that a blind man couldn't get into town and they simply had no mechanism to fix the problem, or indeed prevent it”.

“My view is that respondents should not be allowed to attempt to muddy the waters and attempt to intimidate complainants by bringing a whole pile of irrelevant and somewhat legalistic clap trap to a matter such as mine. I completely agree that the onus would be better placed on respondents to show cause (without fault initially) as to why they did not discriminate. In my experience, this would bring shortcomings such as the ones in my case into sharp focus. Making excuses just doesn't cut it and using legal teams when you are a powerful government agency or council is hardly within the spirit of being a model litigant. Surely government bodies should be open to improvement, as should any business”.

“These situations are quite stressful for most people and the process should support an outcome that seeks to improve the situation, rather than having a series of long-winded processes. I also think that a much bigger effort should be put into training lawyers about how conciliation is supposed to work. Many are so focussed on being adversarial and protecting their clients that they fail to notice that conciliation is designed to prevent adversarial situations and blame. In fact, being sensible could save their clients a lot of money. If only they knew how to use it effectively. The other key recommendation for me is making the Federal Court a non-costs jurisdiction for the DDA and other human rights matters, (as is generally the approach in the Victorian Civil and Administrative Tribunal. there are plenty of instances where worthy cases have not gone ahead due to the fear of a costs order”.

## Conclusion

The issues and case studies in this response highlight pervasive and often subconscious attitudes that continue to exist regarding people who are blind or vision impaired. Such attitudes impact on the effective and genuine implementation of rights which people who are blind or vision impaired are often prevented from exercising, without considerable advocacy and emotional stress. People who are blind or vision impaired are often treated as irrelevant in our society, excluded, ignored, or denigrated. Early education and reinforcement of positive and correctly informed perceptions of, and attitudes towards, people who are blind or vision impaired, will hopefully make a difference over time. However, this is not a transformation which will happen quickly. As a result, peak advocacy organisations such as BCA will continue to exist and will require the sincere and wholehearted support of state and federal governments for many years to come.