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# Submission to the Disability Royal Commission

20th May 2021.

# Promoting Inclusion: Civic Participation

Despite its national reputation as an egalitarian society, for many years Australia has excluded many people from full enjoyment of the privileges of living here. Changing community attitudes and awareness of human rights have led to many attempts to change this aspect of Australian life over the past fifty years. The Disability Discrimination Act and the sequential National Disability Strategies, with their State and Territory counterparts, have demonstrated the nation's commitment to offering equal opportunities to people with disabilities. The National Disability Insurance Scheme provides one of the first mechanisms for collecting national data about people with disabilities and for learning about our needs, our goals and our progress towards achieving them. No matter what efforts are made by individuals or what policies and programs are implemented by governments, Australia will not become an inclusive society until all aspects of the community consider and value equally the needs of all Australians, including those with disability.

Statistics cannot capture exclusion. They do consistently reflect the lower proportion of people with disability who participate in various aspects of society, including employment, higher education and home ownership. While many individuals who are blind or vision impaired first experience exclusion as a personal issue, their repeated exposure to it and their discovery, through meeting or discussing with their peers, that these experiences have been shared by so many others, eventually lead them to realise that the barriers we confront are systemic. Versions of these exclusions have been experienced by all members of the BCA Board, its volunteers and the majority of the staff, who are blind or vision impaired. These concerns are demonstrated in the numerous case studies of people BCA has supported with individual advocacy.

This Disability Royal Commission is a unique opportunity to tell Australia what life is like for people with disability and to explain how this makes us vulnerable to violence, abuse, neglect and exploitation. We need to be included fully in society by having full access to public transport, education, employment, healthcare, citizenship and all activities of daily life. Blind Citizens Australia is pleased to respond to the Promoting Inclusion Issues Paper.

Blind Citizens Australia (BCA) is the national representative organisation of Australians 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. We provide peer support and individual advocacy to people who are blind or vision impaired across Australia. Through our campaign work, we address systemic barriers limiting the full and equal participation of people who are blind or vision impaired. Through our policy work, we provide advice to government and the community on issues of importance to people who are blind or vision impaired. As a consumer-based organisation, our work is directly informed by lived experience of blindness and vision impairment. Our members, our directors and a majority of our staff are blind or vision impaired.

## Question 3: Do you think Australia is an inclusive society? If not, why not?

BCA will be lodging other submissions in relation to some of the barriers which exclude people who are blind or vision impaired. This submission will focus on barriers to civic participation.

Australians who are blind or vision impaired find it difficult to be included in many areas of life.

In most cases, this is because accommodations which would make it possible for us to participate have been overlooked and systems have been designed without taking our needs into account.

### Elections

Australians who are blind or vision impaired face barriers in exercising the most basic of democratic rights.

Securing a method of casting a secret, independent and verifiable vote for people who are blind or vision impaired has remained at the top of BCA's policy agenda for several years. Steps have been taken to enhance access to voting for people with disability in a number of states, however most of these solutions still fall well short of meeting the needs of people who are blind or vision impaired. Further, greater consistency is required across all jurisdictions to provide a more uniform approach to accessible voting that effectively upholds the rights of Australians who are blind or vision impaired. BCA asserts that a system of remote voting must be made available for all federal, state territory and local government elections to better allow people with disability to exercise their right of citizenship and their compulsory democratic responsibility, through the electoral process.

In Federal, state and territory elections, voters can attend polling places in person, either at a pre-poll or on election day. Specific venues are usually publicised as accessible, since many of the schools and halls where voting takes place are not. At a polling place, a person who is blind or vision impaired can have a companion assist them to fill out the printed ballot or they can request the assistance of an electoral official to do so. In either circumstance, voting is not secret, independent or verifiable.

Since 2013, a telephone alternative has been offered in Federal elections. Electors who identify as unable to complete a printed form can call a 1800 number, during the pre-poll term and on election day, and speak to an operator, who will cast their vote by completing a ballot for them. A second operator listens and confirms that the ballot has been completed in accordance with the caller's wishes. This system still requires trust that the officials are following instructions. It is not secret and cannot be verified. The voter uses a personal identification number, chosen by them, so that then are anonymous to the officials. This system also permits a person to vote informally, unlike automated systems, as officials must complete the ballot precisely as directed.

IVOTE offers voters who are blind or vision impaired a secret, independent and verifiable vote. It is used in NSW and WA. Voters are able to vote electronically, where they can use the technology with which they are familiar, to record their vote secretly, independently and in a way they can check. For those not choosing to use technology in this way, there is an automated telephone system, where callers select their preferred candidates by pressing numbers on their phone's keypad in response to prompts.

The practical application and availability of remote voting varies considerably throughout the country. Remote voting is not currently implemented for all state elections. Some jurisdictions are still amending legislation to permit it. In the recent Tasmanian election, for example, voters who are blind or vision impaired were able to vote using a computer. This was equipped with appropriate software and was not connected to the internet. The voter was able to independently and secretly complete the ballot paper and check for correctness. It was then printed and lodged in a ballot box. This system was only available in a small number of locations and therefore excluded the many people who were not able to make their way to them.

Local governments play a key role in the lives of Australians who are blind or vision impaired. Local governments maintain footpaths, regulate retail and pedestrian precincts, are central in emergency management and offer community services which all residents should be able to access. Not every jurisdiction makes it compulsory to vote in local government elections. However, it is essential that people who are blind or vision impaired have the opportunity to choose their local government representatives.

Local government elections are administered by the state electoral commissions, but are covered under separate legislation in regard to remote voting options. Many local government elections are by postal vote only, although some larger council regions do offer in-person voting on election day. Remote voting options should be available for all local government elections. Alternative formats must be available for postal votes. Where in-person voting is offered, assistance must be available to any voter requiring it.

If voters who are blind or vision impaired are to be able to make informed choices when voting, they need access to accurate and timely information about candidates, their parties and their policies. Such information should be available in accessible formats. People who are blind or vision impaired will not have access to the plethora of posters, billboards and pamphlets which proliferate at election time. Election ads should be audio described, as the audio content in such ads is frequently designed to be at variance with what is shown on the screen. It is vitally important that websites and other information are published by the person to whom they purport to belong. With no ability to check images or verify logos, people who are blind or vision impaired could find it difficult to distinguish the fake websites which some political parties consider part of fair play. How-to-vote cards must also be available in accessible formats.

### Jury Service

A call to jury service is a civic responsibility for all Australian citizens who are not exempt by law. Currently, state and territory legislation differs with respect to eligibility of people who are blind or vision impaired for jury service. In some states and territories, blindness or vision impairment disqualifies people from jury service. In others, at the administrative level, blindness or vision impairment is accepted as an infirmity which can excuse people from jury service. In the latter case, it is closer to a quasi disqualification. In the ACT, people who are blind or vision impaired can now serve as jurors.

Past negative assumptions about the capacities of people who are blind or vision impaired have entrenched the belief that they could not form a valid assessment of a defendant's guilt or innocence. This view stems from a focus on the lack of abilities, such as to read transcripts, or to assess the demeanour of a witness, or to see the visual evidence. This devalues the lived experience that a person who is blind or vision impaired could bring to a jury--the ability to detect subtleties in voices and to draw inferences from listening carefully from the language used and the life and educational skills in weighing and assessing arguments and evidence. Each juror brings a range of capacities and skills and other potential jurors are not required to prove their abilities just to be eligible for selection. At present, a person needs only to say that they are blind or vision impaired to be excused or ineligible, depending on the jurisdiction, for service. There is no requirement for medical examination when a person receives a summons to jury duty; the current system depends on self-disclosure. It is likely that some people who are vision impaired have served on juries. Without access to appropriate support or assistance with visual information, their verdicts may not have reached the desired standard of reliability.

Australians who are blind or vision impaired should have the right and responsibility to serve on juries and play their role in sustaining the justice system. If the golden thread of the English legal system is trial by one's peers, then an inclusive society would recognize and affirm that one's peers include people with disability. People who are blind or vision impaired should be provided with whatever support is necessary, so that they can perform this duty in the same way as other jurors. Written material can be made available electronically or could be read or described by an appropriately trained support person.

Objections that have been raised include the rule that there cannot be a thirteenth person in a jury room. Legislation could override this rule, which also prevents the inclusion of people who rely on interpreters. People providing support or interpreting services could be required to swear or affirm that they would not disclose jury proceedings or take any part in jury deliberations. Procedures would need to be developed to specify at what stage a disability should be disclosed and who is responsible for identifying and providing appropriate supports. This would need to include recognition that there may be some instances where it is not possible to provide enough support for the person to carry out the role of juror satisfactorily. At the point of selection, there would need to be a discretion exercised so that a person who is blind or vision impaired is not selected as a juror for a trial which depends substantially on visual evidence.

There are many people who are blind or vision impaired who cherish the dream of one day being allowed to sit on a jury. It must be admitted, however, that there is some anxiety in the blindness community at the prospect of being "forced" to do jury duty. This sentiment echoes many in the broader community. Due to the internalized ableism with which many of us live, many people who are blind or vision impaired would doubt their capacity to perform the duties required and to reach a sound verdict. Education campaigns and narratives from peers who have successfully fulfilled this role would be needed to increase confidence and combat this hesitancy.

### Dog Guide Refusals

In group discussions, surveys, social media posts and conversations, users of dog guides routinely report being refused a service because they are accompanied by an animal. Cafes and restaurants are the most common offenders, followed by taxis and ride-share services. Many travellers report being denied service by consecutive drivers. In many cases, taxis simply do not stop when they see a dog or booked Ubers mysteriously cancel or fail to arrive ′presumably because they drive off when they see the dog′. Motels, theatres, office buildings and hospitals also refuse entry.

The Disability Discrimination Act (DDA) and the various state and territory Assistance Animals Acts make it illegal to refuse someone a service or deny them access because they are accompanied by a dog guide. Dog guides can go anywhere a member of the public can go, with very limited exceptions, such as zoos and operating theatres.

At present, the consequences of denying service to a dog guide handler are borne largely by the affected person who is blind or vision impaired. For example, Uber attempts to direct dog guide handlers to its Pets Service, even though dog guides are not pets but are certified, working animals. If an Uber booking is cancelled, it immediately disappears from the customer's history. The customer can ring to complain that the booking has been cancelled, detailing their suspicions as to why. Uber will immediately block the driver from future bookings with that passenger. In a small town, or where a passenger repeatedly has bookings cancelled, they end up with few drivers available to them. No further communication is made to the customer about their complaint. Uber reports that it then requires the driver to undertake online disability awareness training. Uber offers no information about how often drivers are blocked, training occurs or drivers again cancel the bookings of dog guide handlers. Meanwhile, would-be passengers who are blind or vision impaired are left looking unreliable, as they fail to arrive as arranged for doctors' appointments, dates and job interviews.

Media reports about people being asked to leave busses or having their bookings cancelled at restaurants are regular. Whilst they are often met with public outcry at such blatant discrimination, it often feels that this is because people love the dog, not because they deplore discrimination. The trauma of rejection, of having to stand up for your rights or of deciding to capitulate and just leave, is something dog guide handlers learn to live with. There is also the ongoing anxiety that refusal of entry could occur at any time.

Adding to the tension of working with a dog guide is the need to cope with members of the public. Despite signs on the harness and repeated education campaigns, people persist in talking to and even patting working dogs. This is distracting and poses a safety risk to both handler and dog. Members of the public frequently feel it is more appropriate to have a conversation with the dog than with its handler, which is demeaning, embarrassing and distracting. Dog guides can also act as a magnet for angry individuals. People have been chastised for having dogs of the wrong colour or breed and even as being cruel for using animals as guides.

Dog guides are also often put at risk by owners who decline to keep their pet dogs adequately restrained while on a leash or on a leash at all. Working dogs have been distracted, barked at and attacked whilst in harness, where they are trained not to respond, leaving their handlers powerless and in danger. Dog guides are the product of years of training. They and their handlers develop relationships of trust. It is distressing when these investments are squandered, because a dog becomes too injured or terrified to continue working.

People's tolerance of dog guides seems to have decreased with the broader use of assistance animals by other groups of people needing support. Dog guides have traditionally been trained by well-credentialed organisations and certified as meeting appropriate standards. Many organisations and individuals now assert their right to train their own animals. The Australian Human Rights Commission is seeking to clarify the situation and hopefully protect the rights of all by conducting an inquiry into assistance animals.

### Proving Who We Are

Photo identification is required in many settings. Some of these are related to public safety or security, such as when setting up a new account with a bank or telecommunications provider. Airlines can request photo id at check-in, for tickets purchased online. It can also be demanded by an entertainment club, even if age is not in dispute, or by a retailer before allowing a product to be returned for a refund. Proving you are who you say you are is something to which most people give no thought. From the moment they apply for their first learner driver's permit, many Australians have a convenient, reasonably priced item of photo id. Along with the many other Australians who do not drive, these credentials are not available to people who are blind or vision impaired. This limitation is distinct from the form of discrimination which results from employers stipulating a driver's license as a prerequisite for a job, even when driving is not an inherent requirement of that job.

Many Australians also have a passport. This is expensive and complicated to obtain, requiring multiple photos, certified by people who meet particular criteria, and an interview. Many people who are blind or vision impaired experience humiliation when seeking such photos, as a particular gaze and facial expression are obligatory. Obtaining a passport is a complex process to undertake, just for the sake of gaining acceptable photo id, if there is no plan for international travel.

Many people who are blind or vision impaired carry several cards bearing photos, including transport concession cards, Companion cards, student cards and, in some states, taxi subsidy cards. Each of these cards can only be obtained with documentary proof of blindness or degree of vision impairment, including certification by a medical professional. They are issued by government entities, but cannot be counted towards identity verification. Student cards, which are issued on enrolment at in educational institution, are usually accepted.

"Acceptable forms of ID" is one of the most frequently consulted listings on BCA's website each month. There are several cards which are considered substitutes for drivers' licenses or passports, including photocards from various state service centres and Keypass from Australia Post. Even when a person who is blind or vision impaired completes the steps to obtain one of these, it is often a battle to convince the relevant clerk that these constitute valid proof of identity. where proof of identity is required online, most systems will not accept anything that is not a passport or driver's license, including where the online entity is the issuer of the card and it has been obtained using the same proof as for a license. Centrelink does not consider such cards equivalent to a driver's license.

Legislation should be clarified so that people who do not have a driver's license or current passport have an acceptable and accepted means of proving their identity. There should be a standard form of photo id that is issued after meeting the same requirements as a driver's license. It should be regarded as equivalent by all authorities. There should be an education campaign about the card and its validity. This card should be available to anyone at low cost.

There are a number of booking systems in which exercising your entitlements as a person with disability is a definite disadvantage. Users of Companion Cards are entitled to a free ticket for their companion at many sporting and entertainment venues. Very few online booking systems include fields where Companion Card information can be entered. A person wishing to use one to buy an extra ticket will need to phone. The phone number may be difficult to find, the line may be lightly staffed and the tickets may be sold out before the purchaser reaches an operator. Similar situations occur when a person with disability requests Meet and Assist services when booking a flight. The customer becomes unable to check-in online, even though there will be a long queue for the limited number of staff physically checking in passengers at the airport. A taxi company recently developed a booking and payment system which did not allow for the input of taxi subsidy voucher information. Although these repeated oversights might seem trivial, they have the effect of forcing people with disability to question each time whether it is worth requesting concessions to which they are entitled and, if they do, to explain themselves to an operator who may or may not know what they are talking about. These concessions are intended to help people with disability participate in society, but the fact that system designers have not thought to include them results in us feeling left out again.

### Audio Description

Audio description is an additional soundtrack that describes the visual features happening onscreen, that sighted people take for granted, such as settings, backgrounds, costumes and action. Australians who are blind or vision impaired have been campaigning for audio description to be provided on Australian television for 25 years.

In June 2020, some audio description began to be available with content from Australia's national public broadcasters, ABC and SBS. Funding for this was provided by the Federal government. Ongoing funding is not guaranteed and there is no legislative mandate for audio description. It is not currently available on catch-up services. Commercial broadcasters have shown little interest in audio description.

Australians who are blind or vision impaired have been enjoying audio description at the theatre and cinemas, where it is available for specified productions and some movies. Audio description in these environments enables a person who is blind or vision impaired to participate fully in the experience and to be an ordinary member of the audience. Without audio description, they will rely on their companion, if any, to explain what is going on, drawing unwanted attention and sometimes complaints from other audience members and potentially detracting from the enjoyment of both listener and companion.

Event organisers do not often regard audio description as an essential element of their product, although without it many audience members are excluded from full participation. Audio description can enhance the experience of people attending all kinds of events and performances, such as Vivid Sydney, art exhibitions and the Australian Open Tennis Championships. Live audio description in many instances is supplied by volunteers. If it was more broadly available, paid for and prioritised by event organisers, there would be more employment and the development of a profession of audio describers.

Video content on websites, including government websites, is rarely audio described. If the visual elements of an information video are not described, people who are blind or vision impaired are denied access to information in a whole range of areas, including parenting, travel, safety, emergency warnings, contact information and products.

Even where television and videos do not aim to inform, entertainment is a major component of the lives of most Australians. If people who are blind or vision impaired are not able to participate fully in it, they cannot confidently take part in the conversations about it which happen every day at work, school or socially. Whether it is the Eurovision Song Contest, The Brownlow Medal count, Lego Masters or the Anzac Day March, people who are blind or vision impaired are not included if they do not know who wore what or what went on. With modern streaming options and personal devices, it is common for many Australians to watch a show by themselves. Many people live alone, or have different tastes or schedules from those they live with. Audio description gives a person who is blind or vision impaired the option of watching a show or a movie on their own, without the frustration of never finding out what happened when the dialogue ceased five minutes from the end.

The Australian entertainment industry is a key component of Australian society, where local content is mandated and funded. Audio description is obligatory in many of the countries from which Australian broadcasters source content. With audio description available on many streaming services, it is not surprising that many people who are blind or vision impaired have moved away from free-to-air and catch-up services. This deprives us of access to an important aspect of Australian culture. Frustratingly, many Australian programs sold in international markets are required to include an audio description track, which cannot be accessed by viewers in Australia.

Australian broadcasters have been compelled to add closed captioning to programming since the 1992 Broadcasting Services Act. BCA asserts that there should be a similar requirement relating to audio description. As with closed captioning, it is likely that far more people would benefit from this innovation beyond the target audience of people who are blind or vision impaired.

### Consultation and Representation

A pleasing development in recent years has been the increase in recognition of the value of lived experience of disability. Disability Action Plans, from governments, hospitals, universities, public transport providers and other bodies, require the involvement and consultation of people with disability. The opinions of people with disability are now eagerly sought by technology companies and media. This trend is particularly obvious in research, where survey responses and interviews are constantly sought. Topics can cover anything, including what products or services you find most helpful, how you found out about the condition which caused your disability and how you felt about it and what you would do if you found yourself in the middle of an emergency with no-one to help you. Although counselling numbers are usually supplied, there is little recognition of the intrusive nature of many of the questions asked or of the thought processes that they might trigger. People with disability are usually expected to contribute their acknowledged expertise for nothing, or to accept a .50 or .100 gift card in recompense for their time.

People with disability are used to being helpful. Most of us see ourselves as having some role in educating the public; if not everyone agrees it is our job to teach people about our disabilities, most of us would at least wish to teach people about our capacities and encourage society to include us. People with disability are delighted that the world is finally interested in us and willingly undertake many research and consultation opportunities. It can be difficult to work out which research meets appropriate standards, who is going to benefit from it and what is its intended purpose. It is often merely market research, to find out where to target future services or promotions. Research could be more sensitive and more respectful of people's time and talents if more of it was conducted by people with disability.

Accessibility presents its own area of research. People who are blind or vision impaired are constantly asked to test apps and websites for accessibility. It is users who most often report problems with accessibility to designers and providers. For example, a recent update to Woolworths' app changed the way payments were made and made it impossible for people using screen-readers to complete transactions. Users brought this unintended consequence of the update to the supermarket's attention and it was able to be rectified.

People with disability do not only want to be asked about disability or a small range of topics. We have opinions and beliefs on as many things as all other Australians. The views of people with disability need to be included whenever and wherever the views of the Australian population are sought. In everything from the census to petitions on Change.org, people who are blind or vision impaired should be able to contribute. Polls, surveys, questionnaires and forms are often not designed so that they can be navigated with screen-readers or magnifiers. It is frustrating when your voice cannot be heard, not because you have nothing to say but because no-one thought about you having something to say. Further, if everything we know about Australian society is gleaned online, significant elements of the community will be left out.

It is also disempowering for people with disability to discover that consultations they were willingly involved in were merely box-ticking exercises. This can happen when people with disability are asked what they think about a new service or product after it has been developed, such as new trains or stations. They make the time to visit, point out safety hazards and things that don't work, only to be told that only minor changes can be made at this late stage. Furthermore, if people with disability are led to expect we will be consulted, it can be frustrating and disheartening when we are not. This is demonstrated by recent proposals to change the NDIS, by implementing innovations such as Independent Assessments. Whatever the underlying merits or economic drivers, people with disability felt that decisions had already been made and that any consultation with them would be meaningless. When consultation is not an authentic attempt to consider and respond to the needs of people with disability, it is a betrayal that destroys belief in declarations that Australia wants to include us.

For all the consultation which occurs, few organisations actively include people with disability in their decision-making processes. BCA recently adopted a Blindness Service Provider Expectations Policy, which describes best practice for specialist service providers meeting the needs of people who are blind or vision impaired. BCA works with our partner blindness service providers to monitor and implement the provisions of the policy. The policy calls for service users to be entitled and encouraged to become members. It asserts that each blindness service provider should have a mechanism for consulting with users, which all users should know about and have access to. The client consultation body should include people with diverse backgrounds, experiences and vision conditions, reflective of the community being served. There should be a clear pathway by which this body's deliberations and concerns are communicated to decision-makers.

BCA's Service Provider Expectations Policy provides in part:

"10.2 A majority of directors or members of a management committee ought to have lived experience of blindness or vision impairment. All such office holders are to have appropriate skills and experience. At least one director or member should be totally blind. Royal National Institute of the Blind, whose bylaws require that 75% of directors be blind or vision impaired, represents best practice.

10.6 Board and committee members who do not have lived experience of blindness are to be provided with an induction which informs them about the lives of a diverse range of people who are blind or vision impaired. This aspect of training or induction must be facilitated or lead by a person who is blind or vision impaired (in a paid capacity)."

BCA's own board is comprised entirely of people who are blind or vision impaired. All directors are in all respects qualified to be company directors. In recognition of the lack of opportunities for people who are blind or vision impaired to attain senior management and board positions, BCA is conducting the Executive Leadership Program. This will equip committed individuals with the skills and confidence to take on senior roles in BCA, other blindness organisations and the broader community.

BLINDNESS service providers and other disability organisations have an opportunity to model best practice by appointing people with disability to senior management and board positions. The National Disability Insurance Agency aside, governments have not often fulfilled this modelling role. If one in five people in Australia has a disability, then one could expect many more directors with disability than are currently holding these positions. Calls for boards to increase their diversity must extend to people with disability. The people with disability included must be diverse. There are very few current leaders with disability who are women and, beyond this, people with disability of diverse cultural and linguistic backgrounds and with a range of sexual and gender identities must take their places in senior positions.

## Question 4: How can an inclusive society support the independence and choice and control of people with disability?

People who are blind or vision impaired would be able to more fully participate in many aspects of Australian society if the following recommendations were adopted.

Many of the barriers to inclusion which currently could more effectively be challenged if they were characterised as discrimination.

1. Anti-discrimination cases need to result in significant consequences for companies which clearly breach the DDA. It is critical that appropriate penalties are issued, to dissuade companies from breaching the DDA.
2. BCA supports the strengthening of the DDA to ensure that people with disabilities are protected by a legislative requirement to remove systemic discrimination, in addition to specific cases that are brought before disability anti-discrimination commissions. Systemic discrimination should lead to significant penalties.
3. Cases proceeding to post-conciliation levels at state Equal Opportunity commissions or the Australian Human Rights Commission should be low or no-cost. The cost of pursuing an action at Federal Court level, if conciliation fails, is prohibitive to most people who are blind or vision impaired. There is also the risk of bearing the defendant's costs if the case fails. These costs and risks often outweigh any potential benefit to be gained from pursuing Federal Court action.
4. Federal, state and territory governments should fund, support, recognize and consult member-based organisations that represent and advocate for people with disabilities, including groups which represent people with specific disabilities.
5. Federal, state and territory electoral commissions must empower all Australians who are blind or vision impaired to cast an independent, secret, verifiable and accessible vote. Remote voting options may be via phone or internet (iVote) similar to the systems used in NSW and WA for state elections. There should also be the option of a human operated telephone system.
6. States and territories whose legislation does not currently allow for remote or electronic voting must progress amendments to allow for this as soon as practically possible.
7. Local government elections should offer accessible options for remote voting.
8. Information about candidates, parties, policies and their promises needs to be available in a range of formats, including digital, audio, large print and braille, so that people who are blind or vision impaired can make independent and informed choices when voting.
9. No state or territory legislation or its administration should disqualify a person from jury duty on the grounds of blindness or vision impairment.
10. State and territory legislation and its administration should require the consideration and provision of support to enable a person who is blind or vision impaired to perform jury service. Support services may include electronic formats of printed information or a support person to assist with descriptions or in other ways. A person who is blind or vision impaired should only be excused from jury service if reasonable accommodations cannot surmount specified obstacles.
11. There should be significant sanctions for companies which refuse service to dog guide handlers.
12. Customer service staff, including retail workers, Taxi and ride-share drivers, when recruited, should receive meaningful, face-to-face disability awareness training. It is preferable that this training includes meeting a dog guide handler and their dog.
13. Customer service staff should receive regular reminders about the impact of refusing service to a dog guide handler. This retraining should remind workers that this is a serious offence. This retraining should be in multiple languages and should be appropriate for diverse cultures.
14. Where a person makes a complaint of being denied service by a taxi or ride-share driver because of their dog guide, they should receive a response explaining any consequences and what measures have been taken to prevent this.

recurring. The person should have the choice whether or not to use the driver again, rather than the provider limiting future access to that particular driver.

1. Companies offering services to the public, especially taxi and ride-share companies, should include in their annual reports and should report regularly to stakeholders, statistics about the number of complaints received relating to refusal of service to dog guide handlers. Information should be provided about what was done about the complaint and whether or not this action was effective, ie whether further complaints were received about the same operators.
2. Companies offering transport services to the public, including busses and taxis, should be encouraged and required to establish disability reference groups, so that problems with accessibility and attitudes can be reported and resolved in a timely and responsive manner.
3. There should be a standard form of photo id that is issued after meeting the same stringent requirements as for a driver's license. It should be regarded as equivalent by all authorities. There should be an education campaign about the card and its validity. This card should be available to anyone at low cost.
4. The requirement of a driver's license to qualify for a job should be deemed discriminatory under the DDA and other anti-discrimination legislation, unless driving is an essential element of the job.
5. Systems requiring proof of identity or entitlement and online booking systems should recognize a broader range of identity documents and concession types. A person with a disability should not be forced to prove their identity or exercise an entitlement by talking to someone or presenting in person, if a person without a disability could complete a similar transaction online.
6. The provision of audio description should be mandated by legislation so that it is as obligatory as closed captioning.
7. The Federal government should guarantee ongoing funding for the national broadcasters to provide audio description as part of their free-to-air and catch-up services.
8. Failure to provide audio description should be regarded as a breach of the DDA.
9. People with disability providing consultation and others in their personal services as people with disability should be appropriately paid for their time and expertise.
10. Disability research conducted by people with disability should be funded and prioritised.
11. Researchers seeking participants with disability should be clear about the scope, nature and purpose of their research. Research tools, findings and reports should be accessible and respectful.
12. People researching any aspect of Australian society should ensure that they capture input which reflects its diversity, including from people with disability. Research should be conducted in accordance with current Web Content Accessibility Guidelines, images used must have text descriptions and videos must be audio described. Not all research should be conducted online.
13. Government departments and authorities should endeavour to increase the number of people with disability holding senior positions on their staff. These people with disability should reflect the diversity of the Australian community.
14. Organisations providing services to people with disability should be required to report the percentage of people with disability holding positions on their management bodies and senior staff.
15. An education campaign should publicise the importance and benefits for all organisations of appointing a diverse range of people with disability to senior management and board positions.
16. Programs should be developed to identify, mentor and train appropriately qualified people with disability to take on senior management and board roles.

## Question 8B: What are the barriers and challenges to inclusion for people with disability, including for people with disability from culturally and linguistically diverse communities?

The number of clients receiving services from specialist blindness agencies and the number of BCA members who come from culturally and linguistically diverse communities does not reflect the proportion of these people in the Australian population. There is reason to assume the prevalence of vision loss is similar in all population groups. It is likely to be higher in some, due to the health and socio-economic conditions which can contribute to preventable blindness in some of the countries from which Australian immigrants are drawn. It is highly likely that a significant number of people who are blind or vision impaired are not receiving the services they need to participate in Australian society.

It is undeniable that, in some cultures, there is still shame and stigma attached to disability. People with disability are to be shunned or hidden away, much as they were in Australian society in previous centuries. This is often associated, however, with a fierce pride in the family's ability to take care of the person with disability. A person whose human rights to independence and choice and control are not acknowledged or exercised is at a higher risk of violence, abuse, neglect and exploitation.

Communications stressing the human rights of people with disability and stressing their empowerment stand in stark contrast to the messages received by culturally and linguistically diverse communities from Australian immigration authorities. It is common for people with disabilities to be refused permanent residency in Australia, on the grounds that the cost of supporting them will be too great a financial burden on society. This attitude stems from a medical model of disability, which looks only at the costs associated with meeting the individual's needs and does not credit their capacity to contribute positively to the economy or society.

In one example where BCA's support was sought, a 99-year-old man from Vietnam had been living with his family, who provided all of the support he required. This man was totally blind. He received no financial support from the Australian government or help from medical or allied health services, except in an emergency. The man and his family did not even ask for support from a blindness service provider, as they felt that all his needs could be met within the family home. This man was refused permanent residency, on the grounds that he would be a financial burden on Australian society. When the family chose to appeal the decision, BCA wrote a letter of support, demonstrating that this man would not be a financial burden to Australia, and reminding the panel of Australia’s human rights obligations under the Convention on the Rights of Persons with Disabilities. The letter also explained that due to the man’s age, sending him back to his home country without support from his family would impose stresses upon him which would likely shorten his life. It was necessary to emphasise that his family were willing to continue providing any form of support the man would need at their own expense. The man was successful in appealing his case. His immigration lawyer stated that the victory was most likely due to the strong support letter provided by BCA.

In a second example, a 30-year-old man who is totally blind approached BCA for assistance to support his application for a second Safe Haven (protection) visa. A Safe Haven visa lasts for five years, and he was approaching the end of his first five-year visa. It is preferred that recipients of this visa live and work in a regional area of Australia for 42 months out of the five-year period.

This man chose not to live in a regional area, due to the lack of opportunities and services available to him there. The man had found work in a capital city, and was studying at university. He also needed to access blindness services to develop his life skills and thereby increase his independence. He sought support from BCA to validate his need to remain in a capital city. BCA argued that the man was already contributing to his community, and to Australian society more broadly, by working and studying. He does not receive a Disability Support Pension (blind), and is not a financial burden on society.

His achievements demonstrated his determination, and suggested that he would make much greater contributions in the future as a result of his studies and improved chances of gaining employment in his chosen field.

The insistence by immigration authorities that people who are blind or vision impaired present only a burden and have no potential to contribute positively to society make it difficult to convince people in culturally and linguistically diverse communities that their friends and family members who are blind or vision impaired are welcome here and can benefit from the many specialist services that should be available to them. Audio books and magazines are made available in many community languages. The language selection facility available on some websites is also of some benefit. However, providing alternative format material to people in a sufficiently broad range of languages is challenging.

The only way blindness services will effectively reach and engage a more diverse and representative client base is by consulting with people who are blind or vision impaired who belong to each community and by implementing their advice about what approaches are culturally appropriate.