



COUNCIL POLICY

Equitable Access

POLICY NO	044
DEPARTMENT	Community Services
PROGRAM	Community Development

1.0 Scope

This policy applies to all facilities, services, programs and activities owned by or under the control of Mackay Regional Council. It is also applicable to all Council staff (temporary and permanent), councillors and contractors who are acting on Council's behalf or engaged in Council business.

2.0 Purpose

This policy has been developed to comply with the *Federal Disability Discrimination Act 1992* (DDA'92) and the *Queensland Anti Discrimination Act 1991*. It also:

- Expresses the commitments articulated in Council's Corporate Plan (2009 – 2014) Mission Statement and corporate objectives of the key strategic priorities of 'Community and Lifestyle' and 'Organisational Excellence and Governance';
- Gives practical recognition to the principle that people with a disability have the same fundamental human rights as all other citizens; and
- Minimises Council's exposure to complaints under the DDA '92.

3.0 Reference

Legislation

Commonwealth Disability Discrimination Act 1992
Disability Discrimination Act - Disability Standard Accessible Public Transport 2002
Queensland Anti-Discrimination Act 1991
Queensland Disability Services Act 2006
Convention on the Rights of Persons with Disability 2008
Human Rights and Equal Opportunity Act 1986
Age Discrimination Act 2004
Queensland Local Government Bill 2009

Related Documents

Mackay Regional Council's Corporate Plan 2009 - 2014
Council's Disability Discrimination Act (DDA) Action Plan (2010)
Council's Equal Employment Opportunity Principle (March 2009)

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Disability shall mean refers to any person with a limitation, restriction or disability which has lasted, or is likely to last, for at least six months and restricts everyday activities and includes physical, intellectual, psychiatric and neurological ¹

Discrimination shall mean the practice of treating a person with a disability unfairly because of the disability

Advocacy shall mean lobbying at Local, State and Federal levels including submitting proposals for legislative change

Equitable Access shall mean ensuring fair and socially just opportunities to access services, information, programs, facilities, and opportunities to engage in civic life regardless of a person's disability

Fair and just - the criteria to determine whether an opportunity is fair and just is:

- All reasonable steps have been taken to provide information about the opportunity
- The person has not been discriminated against
- It will not cause 'unjustifiable hardship' to the person or the organization providing the access.

5.0 Background

Councils have considerable obligations under the *Commonwealth Discrimination Act (DDA'92)*, *The Queensland Anti-Discrimination Act (1991)* and the *Equal Opportunity in Public Employment Act (1992)* to ensure that their facilities, services programs and activities are accessible and provide equitable services to all members of the community.

The 2003 Survey of Disability, Ageing and Carers (SDAC) estimates that 20% of Australians had a disability. ²

Good access is also critical for our ageing population and it is predicted that there will be a 176% increase in the number of persons aged 65 years or older living in the Mackay region by 2031. ³

One in five Australians experience mental illness each year. ⁴

Access issues also affect the relatives, friends and supporters of people with a disability and aged people as well as many others eg parents with prams and pushchairs. It may therefore be concluded that residents with access limitations make up a significant percentage of the population of the Mackay Regional Council region.

¹ ABS (1999)

² Disability, Australia, 2003; Australian Bureau of Statistics 2003

³ Department of Infrastructure & Planning, Planning Information & Forecasting Unit (PIFU), Appendix G Queensland's future population 2008 edition

⁴ Mackay Division of Mental Health & ATODS (2010)

Mackay Regional Council's Disability Discrimination Act (DDA) Action Plan has been developed to support this policy and stated outcomes and to provide clear strategies and actions to achieve the objectives.

6.0 Policy Statement

Mackay Regional Council acknowledges that equitable access reinforces the rights of people with a disability and maximizes civic participation. Council commits to demonstrating best practice by identifying and removing barriers that prevent people from knowing about, using and/or participating in its services, facilities, open spaces or decision making processes.

Mackay Regional Council will achieve the following outcomes:

- Equitable access to Council provided services, facilities, information, buildings and places for all residents and visitors
- Improved advocacy with regard to equitable access to services, facilities, information, buildings and places for all residents and visitors, that are provided or managed by the private and community sectors or by other levels of government
- Improved decision-making through engagement of people with disabilities in community consultation and public participation
- Increased utilization of services, programs, facilities and information by people with disabilities
- Greater participation by people with disability in community and public life
- A more inclusive community
- Proactive planning for equitable access for people with a disability and an ageing population in the built environment.

The objectives of the policy are to:

- Guide and improve Council's planning, design and implementation processes to incorporate best practice access and equity principles in the provision of facilities, services, information and open space provision and in conducting Council's activities
- Strengthen Council's ability to pursue equitable access through lobbying other providers of facilities, services, information and open space at local, State and Commonwealth levels
- Raise awareness of the equitable access and discrimination issues that exist for residents and visitors to the Mackay Regional Council area
- Increase representation in Council's public participation activities
- Strengthen Council's ability to pursue equitable access through development assessment
- Decrease the risk of legal action.

7.0 Review of Policy

April 2012