

Experience Explained – Understanding Legislation

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Good morning.

I begin by acknowledging the traditional owners of the land on which we meet today.

I want you to conjure images of these people in your mind-

Ludwig van Beethoven;

Ray Charles;

Rock Hudson;

Andrew Loyd Weber;

Karen Carpenter;

Whoopie Goldberg.

What's the link between them? This is a little like a trivia night question, but it's far from trivial. They all made a contribution to the world's art and culture. But that's not the link I'm looking for. In fact, the link I'm thinking of could be described as the 20% link. Because the link between them all is disability. Just like 20% of the Australian population, they all had one.

My contribution today focuses on the role of that 20% group of australians with disabilities in arts and culture- as artists, as performers, and as those who attend and enjoy arts and culture events. And how you could change that role in time to come. It's one in five of us, so if you're not in the group yourself the person sitting next to you, or a family member or friend probably is. Lots of disabilities aren't vissible- such as hiv aids, psychiatric disability, or hearing impairment- so just because you can't see it don't think its not there.

Let me talk first about those who participate in artistic and cultural events as performers. It would be most unusual (although not - you will assure me

- unheard of) for a man to play a woman's role. It would be disappointing if the role of a person of aboriginal or Torres Strait Islander descent, or of a person of afro-caribbean descent, was played by a person with white skin. Or for the role of a person of Asian ethnic origin to be played by someone of Anglo-Celtic origin. Whilst acting or performing involves the ability to represent and play the role of someone else, those sorts of differences are not lightly dismissed. Yet routinely, people with disabilities are played by people who do not have disabilities.

I'm sure that you can all think of a number of movies over the last decade involving a person who is blind in the key role. I challenge you to name one where the actor was actually blind. In "My Left Foot", a movie based around a person's disability, the actor playing the role did not have that disability. And this continues through a broad range of performances and cultural events. One has to ask, what is this saying about the way people with a disability are viewed in the community. I would challenge your first possible assertion that such actors or performers are not available. But even if this was correct, their lack of availability would demonstrate the diminished view of people with disabilities in this sector- because it would mean that they are not receiving the same opportunity for training as actors, artists and performers.

i chair Vision Australia, Australia's largest national organisation providing blindness and low vision services. It used to be known as Royal Blind Society. We benefit each year from Channel 9's Carols By Candlelight, an iconic event each Christmas Eve in the Meyer Music Bowl in Melbourne. However, even though this is our event, it has been rare to have a performer who is blind or vision impaired. However, this is changing as from this year, and it will continue to do so.

Let me turn now to the staging of arts and cultural events, and comment on how all of society is not included.

If I proposed that an arts or cultural event should be held in a large venue such as the opera house, or that presentations should be made to the audience of a conference such as this, without a public address system, you would all be appalled. Let's turn this off- (mouth words) However, arts and cultural events regularly take place without the use of a hearing loop, thus doing exactly that to people with hearing impairment.

If I suggested that, as a cost cutting measure, chairs were not going to be provided for this seminar, many of you would not be happy. Some of you would have brought your own chairs- particularly those who wheel in them- but most of you would be standing for the time of the seminar- and it's bad enough listening to me sitting down!

If I asked you to pay the same price for a seat behind a pillar, so that you could only hear but not see the performance, you would be appalled. But I regularly go to arts and cultural events which are not audio-described, so that I - as a person who can't see - only get part of the performance.

And if I said that no-one with grey hair (more and more of us) could attend a well-known and regularly held film festival in Sydney, I would be laughed off this platform. Yet that same festival is held in venues that are not accessible to people who use wheelchairs or have mobility disabilities, so they are not allowed to attend, and this is quite acceptable. Oh, it's a heritage building we're told, (just like the holme building- this room may be accessible, but I didn't find the ramps), or we are from the cash-starved arts sector, we can't afford a venue that has access- and that's supposed to be ok. I was advised by letter recently that it was acceptable for a modern melbourne office building not to put in audible announcements of the floors their lifts had reached because - and I quote - most other Melbourne office buildings don't have such announcements, and the vast majority of our tenants don't want them. Well, that's not acceptable either.

You've probably realised by now that I don't think the arts and cultural community perform very well in regard to people with disabilities. Well, you're right. But let me give my comments some perspective. I would say two things. Firstly, for all of the poor examples I have given, where people with disabilities are treated the way black americans were treated in the 50s and 60s, and black South Africans were treated in the 70s and 80s (and to balance the ledger, the way white zimbabweans are treated now); for all of those examples there are excellent examples of where the treatment is just the opposite. Many venues are accessible, and provide such things as hearing loops and audio description. And many organisations are inclusive of actors, performers and artists with disabilities. So I congratulate those people and organisations who have been inclusive, in the same way I have criticised those who are not.

Secondly, any report card on the world of arts and culture would pretty

much reflect the situation across our community, so my comments are only specific to this sector today because I'm speaking to this conference.

In this State we've had disability discrimination law for almost 25 years, and at a federal level for a dozen. But, sadly, it's honoured in the breach as much as in the compliance. And people with disabilities are still proclaimed as heroes triumphing over adversity, or as cases deserving of charitable support rather than of an equal entitlement to participate as members of our community.

So, as providers of arts and cultural events, what are your responsibilities? The law, both at State and Federal level, makes it unlawful to discriminate against people on the grounds of their disabilities in all areas of public life. This includes participation in arts and cultural events- whether as a participant or a member of the audience. So, if a venue does not provide physical access, doesn't have a hearing loop, doesn't have audio description, etc, then the people putting on that performance, and-or the owners of the venue, are open to having a complaint lodged against them. The legislation is complaints based, so it's not being regularly policed by discrimination officers in blue uniforms writing out discrimination tickets. Therefore, all organisations represented here are probably in breach of discrimination law in some way as we speak. So it's a question of risk minimisation- do you take actions necessary to make your venue or performance accessible, or do you just wait for someone to lodge a discrimination complaint, with all the concomitant risks of bad publicity, having to go through the complaints process, and - in all likelihood - having both to fix the problem and pay damages to the complainant. In that position, I'd be fixing the problem, rather than waiting for it to "fix" me.

Sustainability is a further important consideration here. There is a strong correlation between age and disability- almost 50% of people over the age of 50 have some hearing loss, 70% of people over the age of 65 have some vision loss. The numbers of people with disabilities will also increase as more babies with disability, more people injured in accidents, wars etc, survive. We cannot afford not to include people with disabilities- a community which excludes is not sustainable.

But the arts and cultural communities have - in many instances - been the vanguard of change in our society. One of the functions of this sector has always been to challenge established or accepted thinking, and lead the

way to a different approach. And the challenge I leave with you today is to continue to progress this change in the area of disability.

I have a vision of an arts and cultural sector where difference is celebrated, and where people with disabilities perform and participate on an equal basis;

Where venues, performances and exhibitions, utilise technology to minimise the impact of disability in the form of hearing loops, captions, audio-description, clearer signage etc.

Where physical barriers such as steps, steep slopes, lack of spaces for people using wheelchairs, are not put in front of audience members wishing to attend artistic and cultural events;

A community in which people with disabilities (1 in 5 of us remember) are treated in the same way as all other members of the artistic and cultural community- not as heroes, not as victims, but as agents of our own destiny.

Thanks for the chance to speak with you today.