



## **Accessible Arts (NSW) response to the Consolidation of Anti-Discrimination Laws – Discussion Paper**

Accessible Arts is pleased for the opportunity to respond to the Australian Government's Consolidation of Anti-Discrimination Laws Discussion Paper.

### **About Accessible Arts**

Accessible Arts promotes full inclusion, access and cultural opportunities in the arts for people with disabilities in NSW. Accessible Arts provides many services including arts development, access consultation, art programs coordination and strategic planning and development.

Accessible Arts works with others to provide opportunities for people with disabilities to participate in arts and cultural activities either as audience members; through attending galleries, theatres, museums and festivals, or as participants in art, drama, music, dance and multimedia activities. We also support artists who developing their career. We provide general information and advice about providing disability access. In summary, we:

Expand Audience Development by acting as a consultant to the arts and disability sectors to assist them with access, marketing strategies and significant initiatives;

Support people with disabilities who want to become professional artists by creating supportive environments in which artists can develop their arts practice and gain business skills;

Provide training for arts workers who wish to work with artists with disabilities;

Develop opportunities for people with disabilities to express their creativity;

Give voice to the lived experience of disability by providing a forum for work produced for and by people with disabilities and about disability.

Our website and more information can be found at: [www.aarts.net.au](http://www.aarts.net.au).

### **Comments- compliance with discrimination laws in the arts sector**

Accessible Arts is pleased to see that the Australian Government is moving towards streamlining and clarifying the Commonwealth Anti-Discrimination Laws. We hope that this will increase the effectiveness of the laws in removing barriers to equal participation by people with disabilities in society,



particularly in the arts sector, as audience members, participants and/or professional artists.

Improving access to the arts is vital in shaping Australian identities and in building strong, prosperous, resilient and inclusive societies. All Australians should have the opportunity to participate in the cultural life of the nation, regardless of our abilities, age, gender, cultural and linguistic diversity, or geographic location. We recommend that arts and cultural organisations are adequately funded, trained and supported to ensure compliance of their obligations under future discrimination laws and under the current Disability Discrimination Act through Disability Action Planning monitored by the state Peak Arts and Disability bodies. We applaud the gains made around access to date but we recognise there is still a long way to go before many of our cultural facilities are truly accessible for an ageing population with increasing rates of disability. As one artist with a disability told us:

*“What has hindered me most as an artist with a disability was:*

- the obvious discrimination at my (training institution) audition, 'We can't ever see you playing people, there aren't many dwarf roles...'*
- Access to agents who didn't think it was commercially viable to represent a disabled actor*
- Workplace discrimination in the industry that hires non-disabled actors to play 'disabled' roles*
- Discrimination in non-arts industries when trying to supplement my income as an actress by working external jobs... being denied an interview for a casual job as a secretary in a law firm... because, "the lawyers won't want to have to bend over to use the fax machine"*
- The additional energy required to manage day-to day tasks without support or accessible housing taking me away from being able to pursue my career to the fullest.*
- Dance schools as a child not believing it was worth teaching someone with dwarfism dance... not seriously anyway.*

*Ironically I believe these are the same barriers to facing a career in other industries regarding disability discrimination”*

Actress and contemporary dancer with dwarfism

It was clear from the report provided to Government- called the *Shut out Report* - that many people with disabilities found themselves shut out of buildings, homes, schools, and business - essentially excluded from participating in Australia's social, cultural and economic life. The introduction of the *Disability (Access to Premises - Building) Standards* last year should provide social and economic benefits for many Australians. People with disability should have improved access to buildings, and increased opportunities to participate in employment, and cultural life.



Artists with disability tell us that they are keen to be trained and employed within the arts and cultural sectors but there are many barriers to their employment. Physical access and discrimination by employers are two major barriers to employment in a sector with limited employment. The consolidation process is welcome but given the difficulties faced by people with disability in gaining quality employment in careers of their choice, particularly in the arts, positive discrimination in employment for disadvantaged people is an area to be considered carefully. As Australian Disability Discrimination Commissioner, Graeme Innes said in his speech last year regarding employment laws, 'one size does not fit all', we hope that there will still be some room for positive discrimination in employment for people with disability.

[http://www.hreoc.gov.au/disability\\_rights/speeches/2011/AND.html](http://www.hreoc.gov.au/disability_rights/speeches/2011/AND.html)

Inclusive arts programs provide many people with disability the right to engage in artistic and cultural pursuits. People with disability create great artistic products as a result of their involvement with arts organisations. Arts programs enable individual creative expression and a sense of ownership of work. This ownership results in increased pride and confidence for people with disability to become more engaged in society in a variety of ways.

At the other end of the scale, many people with a disability living in group homes rarely have the opportunity to complete work or express themselves as an individual. They eat, sleep, talk and watch as identified by a schedule that is based on group needs. The reforms promised via the National Disability Strategy, the National Disability Insurance Scheme and by compliance to discrimination laws give us hope that there will be further opportunities for people with disability to choose how they want to live.

The arts industry needs to ensure that people with disability are given their human right to choose how they wish to become engaged in the arts as an audience member, participant or arts professional. We hope that the current review of Australia's anti-discrimination laws and any reforms resulting from this review will assist in community education and understanding about the benefits of compliance. Thank you for the opportunity to comment.

Yours sincerely,

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Sancha Donald  
Chief Executive Officer  
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