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# **STANDING COMMITTEE ON PUBLIC ACCOUNTS**

## **Review of the Performance Audit on the Access for Persons with Disabilities to Public Offices and Public Transport**



**PARLIAMENT OF THE REPUBLIC OF FIJI**  
**Parliamentary Paper No. 56 of 2021**

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## CHAIRPERSON'S FOREWORD



I am pleased to present this Public Accounts Standing Committee report on the review of Performance Audit on the Access for Persons with Disabilities to Public Offices and Public Transport (PP No. 268 of 2020).

The United Nations Conventions on the Rights of Persons with Disabilities (CRPD) was signed by Fiji on 2<sup>nd</sup> June 2010 and ratified in 2017.

Further, the 2013 Constitution of the Republic of Fiji clearly outlines the Rights of Persons with Disabilities, it establishes the right to equality and freedom from discrimination on the grounds of an individual act or supposed personal characteristics or circumstances, including disability. Provisions in the constitution even stipulate, under Section 26 (6) that the proprietor of a place or service to shops, hotels, lodging-house, public restaurants, place of public entertainment, clubs, education institutions, public transportation services, taxis and public places, must facilitate reasonable access for persons with disabilities to the extent that is prescribed by law.

It is pleasing to note that access for disability in Fiji have made considerable progress towards the realization of issues facing persons with disabilities as a human rights issue rather than a welfare issue. Fiji in becoming signatories to international and regional agreements relating to disability development have declared its commitment to take ownership and be responsible for aligning national legislations and policies for the successful achievement of agreed targets and goals. These are in line with Governments commitment articulated in the National Development Plan (NDP) on **“Transforming Fiji”** and the Government’s pledge of **“Leaving No One Behind”**.

The performance audit that was conducted was based on the Release made by the Fiji Bureau of Statistics on the 2017 Population and Housing Census dated 5<sup>th</sup> January 2018 which recorded a total enumerated population of 884,887. Out of this number, 829,907 were reported as being at the age of 3 years and above of which a total of 113,595 persons were reported to have had at least one functioning challenge. The number equates to a rate of 13.7% which is close to the International Benchmark of 15%. The percentage was highest in Rotuma with 21.1% followed by Lau province at 18.2% with the province of Nadroga/Navosa recording the lowest rate of 10.4%.

The audit that was conducted focused on whether strategies, action plans and processes for the provision of access for persons with disabilities are effectively and efficiently administered by the National Council for Persons with Disabilities (FNCDP) and relevant stakeholders in order to ensure ease of accessibility to public offices and public transport. Stakeholders include the Department of Transport, LTA, FRA, Department of Civil Aviation, Department of Buildings of the Ministry of Infrastructure and Meteorological Services, Municipal Councils, Department of Town and Country Planning, Construction Implementation Unit of the Ministry of Economy and other stakeholders such as the NGOs, CSOs and the DPOs.

The Committee scrutinised the five (5) main key focused areas of the audit and these includes:-

1. **Legislation and Policy Framework;**
2. **Stakeholders Arrangements and Engagements;**
3. **Policy Implementation on Access for Disabilities;**
4. **Disabled Accessibility to Public Transport; and**
5. **Monitoring, Evaluation and Reporting**

The Committee noted the audit findings and it requires serious consideration by the NCPD with relevant stakeholders to expedite the implementation and facilitation of access for persons with disabilities in public offices and public transport respectively. In this regard, the Committee recommends that:-

- 1) The National Council for Persons with Disabilities ('NCPD') honours its international and regional commitments through national policies and action plans that are recognized and acknowledged by its stakeholders, adequately resourced, implemented in a timely manner and using reliable, comparable and current and relevant disability data to support its policies;
- 2) NCPD carry out periodic reviews of such commitments for the purpose of determining its continued relevance to local, regional, and international realities on disability issues;
- 3) The NCPD work more closely with LTA and DoT to have a better working knowledge and understanding of the 2015 legislative amendments to the LTA Regulations on PSV issues on access for persons with disabilities;
- 4) The NCPD ensures that the Housing Transport & Environment Advisory Committee ('HTEADCOM') have more regular meetings to expedite the timely execution and monitoring of the Implementation Plan to minimize delays to disabled access inclusion in legislation and policies;
- 5) The NCPD considers some of the following Sustainable Development Goals ('SDGs');
  - (i) **SDG 1 – End Poverty;**
  - (ii) **SDG 4 – Quality Education;**
  - (iii) **SDG 8 – Decent Work and Economic Growth;**
  - (iv) **SDG 10 – Reduced Inequalities;**
  - (v) **SDG 11 – Sustainable Cities and Communities; and**
  - (vi) **SDG 17 – Partnerships for the Goals**With the view to improving access and mobility which are two important factors in reducing poverty, and can facilitate the participation of people with disabilities in economic, social and political processes;
- 6) The NCPD be adequately resourced for a more conducive environment to co-ordinate and consult with stakeholders; and
- 7) The NCPD considers the schedule of meetings of the ADCOMS to minimize delays and to ensure timely implementation of its policies.

Overall, the Committee commended the work done so far in terms of awareness and the commitment made by the Fiji National Council for Persons with Disabilities with relevant stakeholders in coordinating the removal of barriers to accessibility for persons with disabilities in Public Offices and Public Transport.

Finally, I wish to extend my appreciation to all Honourable Members of the Committee who were part of the successful compilation of this bipartisan report namely, Hon. Joseph Nand (Deputy Chairperson), Hon. Virendra Lal, Hon. Ro Teimumu Kepa and Hon. Aseri Radrodoro.



**Hon. Alvick Avhikrit Maharaj**  
**(Chairperson)**

## COMMITTEE MEMBERS

The substantive Members of the Standing Committee Public Accounts Committee are as follows:



**Hon. Alvick Avhikrit Maharaj  
(Chairperson)**



**Hon. Joseph Nitya Nand  
(Deputy Chairperson)**



**Hon. Aseri Masivou Radrodoro  
(Opposition Member)**



**Hon. Ro Teimumu Kepa  
(Opposition Member)**



**Hon. Virendra Lal  
(Government Member)**

# ACRONYMS

ABS	Australian Bureau of Statistics
ACP	Annual Corporate Plan
ADCOM	Advisory Committee
AFL	Airports Fiji Limited
AIDS	Acquired immunodeficiency syndrome
AR	Annual Reports
BMF	Biwako Millennium Framework for Action
CEMP	Construction Environment Management Plan
CEO	Chief Executive Officer
CIC	Construction Industry Council
CIU	Construction Implementation Unit
CRPD	Convention on the Rights of Persons with Disabilities
CSA	Commercial Statutory Authorities
CSO	Civil Society Organisations
DPO	Disabled Persons Organisations
DOT	Department of Transport
DT	Director Transport
DTCP	Department of Town and Country Planning
EC	European Commission
EIA	Environment Impact Assessment
ESCAP	Economic and Social Commission for Asia and the Pacific
FBoA	Fiji Bus Operators Association
FBoS	Fiji Bureau of Statistics
FCCC	Fijian Competition & Consumer Commission
FDPA	Fiji Disabled Peoples Association
FIE	Fiji Institute of Engineers
FNBC	Fiji National Building Code
FNCDP	Fiji National Council for Persons with Disabilities
FRA	Fiji Roads Authority
FT	Fiji Times
GSS	Government Shipping Services
HIES	Household Income and Expenditure Survey
HIV	Human Immunodeficiency Virus
HQ	Head Quarters
HTE	Housing Transport & Environment
ICT	Information and Communication Technology
ITF	International Transport Forum
IYDP	International Year of Disabled Persons
KPI	Key Performance Indicator
KRA	Key Result Area
LTA	Land Transport Authority
MDG	Millennium Development Goals
MEL	Monitoring Evaluation and Learning

M&E	Monitoring and Evaluation
MSEP	Multi-Stakeholder Engagement Processes
MWCPA	Ministry of Women, Children and Poverty Alleviation
NCPD	National Council for Persons with Disabilities
NDA	National Disability Authority
NDP	National Development Plan
NGO	Non-Government Organisations
NTCC	National Transport Coordinating Committee
NTCF	National Transport Consultative Forum
OECD	Organisation for Economic Co-operation and Development
OEMP	Operational Environment Management Plan
OHS	Occupational Health and Safety
PSV	Public Service Vehicle
QAMS	Quality Assurance Maintenance System
RCL	Road Contract License
RIA	Regulatory Impact Assessment
RSL	Rural Service License
SOP	Standard Operating Procedure
SDG	Sustainable Development Goals
TWG	Technical Working Groups
UN	United Nations
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNDP	United Nations Development Programme
UNOHCHR	United Nations High Commissioner for Human Rights, Regional Office for the Pacific
USA	United States of America
WHO	World Health Organisation

## INTRODUCTION

The Performance Audit on the Access for Persons with Disabilities to Public Offices and Public Transport (Parliamentary Paper No. 268 of 2020) was tabled in Parliament on Friday 11 December 2020 and was referred to the Standing Committee on Public Accounts, for its scrutiny pursuant to Standing Orders 38 (2).

Standing Orders 109 (2) (d) allows the Standing Committee on Public Accounts to “.....*examine the accounts of the Republic of Fiji in respect of each financial year and reports of the Auditor-General, and for any other matter related to the expenditures of Government of the Republic of Fiji or an related body or activity (where directly or indirectly) that the Committee sees fit to review*”

Standing Orders 110 (1) (c) authorises the Standing Committee to “*scrutinise the government departments with responsibility within the committee’s subject area, including by investigating, inquiring into, and making recommendations relating to any aspect of such a department’s administration, legislation or proposed legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure and policy formulation*”.

## COMMITTEE PROCEDURE

The Novel Coronavirus Disease renamed as COVID-19 was declared by the World Health Organization as a global pandemic on 11 March 2020<sup>1</sup>. The Parliament of the Republic of Fiji therefore undertook necessary precautionary measures to control the spread of the new virus strand outbreak.

In view of the above, pursuant to SO 112 (1) (b), the Standing Committee has the powers to “*compel the production of documents or other materials or information as required for its proceedings and deliberations*” The Committee had requested the National Councils for Persons with Disabilities to provide a substantive written response to the questions raised by the Members of the Committee within a specific timeframe in relation to the Report of the Auditor General – Performance Audit on the Access for Persons with Disabilities to Public Offices and Public Transport and then the Council provide its response in consultations with the Ministry of Women, Children and Poverty Alleviation and the Land Transport Authority.

## COMMITTEE MEMBERS

Pursuant to SO 118 (1), “*A majority of the members of the standing committee shall constitute a quorum*”. The substantive members of the Standing Committee on Public Accounts are:–

1. Hon. Alvick Maharaj, MP (Chairperson)
2. Hon. Joseph Nand, MP (Deputy Chairperson)
3. Hon. Virendra Lal, MP (Member)
4. Hon. Ro Teimumu Kepa, MP (Member)
5. Hon. Aseri Masivou Radrodoro, MP (Member)

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<sup>1</sup> <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>



## BACKGROUND

The United Nations Conventions on the Rights of Persons with Disabilities (CRPD) was signed by Fiji on 2<sup>nd</sup> June 2010 and ratified in 2017.

Further, the 2013 Constitution of the Republic of Fiji clearly outlines the Rights of Persons with Disabilities, it establishes the right to equality and freedom from discrimination on the grounds of an individual act or supposed personal characteristics or circumstances, including disability. Provisions in the constitution even stipulate, under Section 26 (6) that the proprietor of a place or service to shops, hotels, lodging-house, public restaurants, place of public entertainment, clubs, education institutions, public transportation services, taxis and public places, must facilitate reasonable access for persons with disabilities to the extent that is prescribed by law.

The performance audit that was conducted was based on the Release made by the Fiji Bureau of Statistics on the 2017 Population and Housing Census dated 5<sup>th</sup> January 2018 which recorded a total enumerated population of 884,887. Out of this number, 829,907 were reported as being at the age of 3 years and above of which a total of 113,595 persons were reported to have had at least one functioning challenge. The number equates to a rate of 13.7% which is close to the International Benchmark of 15%. The percentage was highest in Rotuma with 21.1% followed by Lau province at 18.2% with the province of Nadroga/Navosa recording the lowest rate of 10.4%.

The main objective of the audit that was conducted by the Office of the Auditor General was to assess on whether the strategies, action plans and processes for the provision of access for persons with disabilities are effectively and efficiently administered by the National Council for Persons with Disabilities and relevant stakeholders in order to ensure ease of accessibility to public offices and public transport.

The audit also covered the roles of the National Council for Persons with Disabilities (NCPD) in working with the relevant stakeholders including the Department of Transport, LTA, FRA, Department of Civil Aviation, Department of Buildings of the Ministry of Infrastructure and Meteorological Services, Municipal Councils, Department of Town and Country Planning, Construction Implementation Unit (CIU) at the Ministry of Economy and other stakeholders (such as NGO's, CSO's and DPO's) to successfully plan, implement and monitor the provision of accessibility for persons with disabilities.

Further, the sub-objectives of the audit are as follows:

- To examine the adequacy of the relevant legislation and policy frameworks for the successful implementation and enforcement of disabled accessibility;
- To examine the effectiveness of awareness programs and initiatives designed to advance the implementation of disabled accessibility;
- To determine whether coordination efforts and initiatives are effective and delivered in an efficient manner with a results-oriented focus;
- To examine the extent or degree of implementation of accessibility for persons with disabilities to public offices and public transport; and
- To determine the effectiveness of the monitoring, reporting and evaluation strategies on the state of implementation against pre-determined policy objectives.

## GENERAL RECOMMENDATIONS

The Committee has reviewed the audit report and the written responses from the relevant stakeholders, and encourage the coordinating agency, the NCPD, to take serious consideration and work closely with all stakeholders in implementing the following recommendations to facilitate the access of persons of disabilities to public offices and public transport. In this regard, the Committee recommends that:-

1. The National Council for Persons with Disabilities (**'NCPD'**) honours its international and regional commitments through national policies and action plans that are recognized and acknowledged by its stakeholders, adequately resourced, implemented in a timely manner and using reliable, comparable and current and relevant disability data to support its policies;
2. The NCPD carry out periodic reviews of such commitments for the purpose of determining their continued relevance to local, regional, and international realities on disability issues;
3. The NCPD work more closely with LTA and DoT to have a better working knowledge and understanding of the 2015 legislative amendments to the LTA Regulations on PSV issues on access for persons with disabilities;
4. The NCPD ensures that the Housing Transport & Environment Advisory Committee (**'HTEADCOM'**) have more regular meetings to expedite the timely execution and monitoring of the Implementation Plan to minimize delays to disabled access inclusion in legislation and policies;
5. The NCPD considers some of the following Sustainable Development Goals (**'SDGs'**);
  - (i) SDG 1 – End Poverty;
  - (ii) SDG 4 – Quality Education;
  - (iii) SDG 8 – Decent Work and Economic Growth;
  - (iv) SDG 10 – Reduced Inequalities;
  - (v) SDG 11 – Sustainable Cities and Communities; and
  - (vi) SDG 17 – Partnerships for the Goals

With the view to improving access and mobility which are two important factors in reducing poverty, and can facilitate the participation of people with disabilities in economic, social and political processes;

6. The NCPD be adequately resourced for a more conducive environment to co-ordinate and consult with stakeholders; and
7. The Committee recommends the NCPD considers the schedule of meetings of the ADCOMS to minimize delays and to ensure timely implementation of its policies.

# KEY FINDINGS

## 1.0 LEGISLATION AND POLICY FRAMEWORK

This section covers the foundation behind disability development in Fiji with an overview of international, regional and national commitments to address disability issues in the form of conventions, treaties, agendas and action plans etc. An integral part of these commitments is accessibility to build enabling environments. Though national policies have adequately captured the obligations as required by these international and regional commitments, there are several opportunities to improve its implementation.

Also covered in this section the legislation framework governing disabled accessibility to public transport and public offices. While legislation in the transport sector such as those governing Public Service Vehicles (PSV's) can be better enforced, establishment of disabled accessibility provisions in legislations and policies covering other areas such as air and maritime transportation should be enacted. In addition, review and awareness of enabling legislations, policies and practices administering disabled accessibility to public offices should also be considered.

The Committee noted in its review that inaccessibility to build environment is still a major barrier which prevents persons with disabilities from actively participating in social and economic activities.

### 1.1 Theme 1: International, Regional and National Commitments to Accessibility

#### Gaps identified:

- 1) Fiji in recognising its international and regional commitments, the Government had developed a 10 year National Disability Policy (2008 - 2018) which was also required under the Fiji National Council for Persons with Disabilities Act of 1994. The Committee in its review found that there was no report provided by the FNCDP on the achievements and progress made under the 2008 – 2018 National Disability Policy. The audit also pointed out the need for a review of the FNCDP Act 1994, as the current version of the legislation was an administrative one and discussions for a review was underway for the purpose of determining its continuing relevance to local, regional and international best practices.
- 2) Furthermore, the Human Rights and Anti-Discrimination Commission has the constitutional mandate of developing a culture of human rights in Fiji by promoting the protection, observance and respect of human rights in both public and private institutions. In this regard, a Human Rights Disability Action Plan was adopted at the UN World Human Rights Day Inquiry to the Rights of People with Disabilities in Suva on 10<sup>th</sup> December, 2002. Amongst others, affirm that disability is human rights issue and that people with disabilities have the same inalienable rights to life and welfare, education and work, access to all community facilities, self-determination, independent living and active participation in all aspects of society as all other human beings. The action plan also includes access to public places with a goal to create built environment, public spaces and transport system that are accessible to people with disabilities. The strategies identified in the action plan is to:
  - Adopt and enforce a building code applying to refurbishment of existing public facilities and infrastructure as well as planning for new public facilities and infrastructure and for the implementation of accessibility standards for transport.
  - Promote inclusive/universal design approaches in professional education courses in architecture, planning and engineering that recognize the needs of people with disabilities.

The Committee noted that enquiries made by the Office of the Auditor General into the achievements of the Fiji Human Rights Disability Action Plan developed by the Fiji Human Rights and Anti-Discrimination Commission were not being facilitated as the current Commission was not in office at the time the plan was developed. However, the Human Rights and Anti-Discrimination Commission has been educating the public about rights and freedom, receiving and investigating alleged violations of human rights.

## **1.2 Theme 2: Enabling Legislations & Policies for accessibility to public transport**

Section 41 of the 2013 Constitution captures the rights of persons with disabilities to reasonable access to, amongst others, all public transport. Prior to the enactment of the Rights of Persons with Disabilities Act which came into effect on 21 March 2018 through Act no. 4 of 2018, the only legislation relating directly to persons with disabilities in Fiji was the 24-year-old Fiji National Council for Disabled Persons (FNCDP) Act of 1994. In 2015, amendments to LTA Regulations relating to public service vehicles saw a promising outcome, with specific requirements to include disability friendly features in public service vehicles.

It was noted that lack of effective enforcement of the legislation that aim to address barriers for disabled accessibility to public service vehicles is to weak collaboration and lack of awareness. Inclusion of disabled accessibility in legislation and policies governing sea and air transportation are yet to be formulated.

The Rights of Persons with Disabilities Act has been developed in alignment with the United Nations Convention on the Rights for Persons with Disabilities (CRPD). The Act seeks to provide for, uphold and enforce the rights of persons with disabilities in Fiji as provided for under the Articles of the Convention and Section 42 of Fiji's Constitution. The Act captures bulk of the salient features of the United Nations Conventions of the Rights of Persons with Disabilities and is envisaged to empower persons with disabilities in Fiji.

The barriers of accessibility to public transportation has been adequately addressed in the new Rights for Persons with Disabilities Act 2018 as it includes access to transportation as part of the overall legislation on disability rights which is a step towards improving access.

### **Gaps Identified:**

- **RPD ACT 2018**

The Committee noted in the audit that Professor Rob McCallum who made a submission to the Standing Committee on Social Affairs during the consultation process of the Rights of Persons with Disabilities Bill suggested that Clause 29 of the Act which deals with accessibility for disabled persons it correlates with Clause 42 of the 2013 Constitution. However, the Professor further stated that it would be better if Clause 29 could be redrafted in order to align it with Article 9 of the UNCRPD as it does not cover just access to transport and buildings, but also to communications, and to recreational areas.

Similar sentiments were presented through written submissions from the Office of the United Nations High Commissioner for Human Rights, Regional Office for the Pacific (UNOHCHR) & United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) to the Standing Committee. The submission noted that Article 29 of the Bill falls short of Article 9 of the CRPD, in particular by limiting the right of persons with disabilities to reasonable access to physical spaces, transport and information, and not including communications, ICT technology, and public services. While acknowledging that accessibility is critical to persons with disabilities enjoyment of practically all rights under the CRPD and other treaties, so lack or denial of accessibility could be considered discriminatory, the submission recommended that

clause 29(a) be amended to remove the word 'reasonable' and add communications, ICT technology, and all facilities and services open or provided to the public.

- **Land Transportation**

However, it is pleasing to note that while all rights of persons with disabilities are embedded into the newly enacted Rights of Persons with Disabilities Act of 2018, rights of Persons with Disabilities specific to reasonable access to public transportation, at the national level, are ensued through the following legislative frameworks namely, the 2013 Constitution, Land Transport Act of 1998 and Regulations.

The audit noted that the current management of LTA did not have knowledge of the 2015 legislative amendments. Similarly, the Department of Transport was also not aware of the 2015 amendments made to the LTA Regulations. However, the Committee noted that some work was undertaken after the amendments with regards to priority sitting in PSVs and line markings for disabled persons.

This indicated the lack of knowledge of the responsible agencies of the 2015 regulatory amendments relating to user-friendly PSV's for persons with physical disabilities, thus compromising the implementation and enforcement of the Land Transport (Public Service Vehicles) regulations which came into effect on 4<sup>th</sup> July, 2015.

- **Maritime and Air Transportation**

The Committee noted that the Maritime and Air Transportation are governed by the Maritime Safety Authority of Fiji Act 2009, Maritime Transport Act 2013, the Maritime Regulation, Ship Registration Act 2013, and the Civil Aviation Act 1976.

The inclusion of disabled accessible provisions in the governing legislations and regulations for sea and air transportation has not yet been effected.

It was noted that the Maritime Transport Policy 2015 recognizes the constitutional rights of disabled persons to reasonable access to public transport with implications on the design of transport systems to be accessible and safe to use by disabled persons. However, the audit could not determine any explicit provisions for the inclusion of disabled accessibility within the policy document. The OAG found the following implicit provisions:

- Fare concessions based on validated ticket sales to, amongst others, disabled persons; and
- Well designed and built jetties to improve the health and safety of passengers with consensus that small boats or lighters is hazardous under unfavourable wind and tide conditions particularly for older people, young children and disabled persons.

For accessibility to air transport, this is an area that Fiji is currently addressing as there are no provisions relating to disabled access ingrained into the legislation. There is a great need of improvement in this area but the NCPD is optimistic that changes will happen. It is worthy to note that the work of the Civil Aviation Authority of Fiji is aligned to the Convention on International Civil Aviation which was signed at Chicago on 07 December 1944 which governs international civil aviation and established the International Civil Aviation Organisation (ICAO). Pursuant to Article 37 of the Chicago Convention, the ICAO has published in Annex 9 to the Convention, Standards and Recommended Practices that provide for facilitation of the transport of passengers requiring special assistance.

### **1.3 Theme 3: Enabling Legislations & Policies for accessibility to Public Offices**

The 2013 Constitution provides explicit rights of persons with disabilities to public buildings. Section 26, subsection 5 of the Constitution stipulates that every person has the right of access, membership or admission, without discrimination on a prohibited ground, to shops, hotels, lodging-houses, and public restaurants, places of public entertainment, clubs, educational institutions, public transportation services, taxis and public places. Subsection 6 further requires that the proprietor of a place or service referred to in subsection (5) must facilitate reasonable access for persons with disabilities to the extent prescribed by law. In addition, Section 42, subsections 1 and 2 of the Constitution notes that a person with any disability has the right (a) to reasonable access to all places, public transport and information. It further entails that a person with any disability has the right to reasonable adaptation of buildings, infrastructure, vehicles, working arrangements, rules, practices or procedures, to enable their full participation in society and the effective realisation of their rights.

#### **Gaps Identified:**

The National Building Code is included under the Public Health (National Building Code) Regulations 2004 in the Public Health Act 1935. The basic objective of the code is to ensure that acceptable standards of structural sufficiency, fire safety, health and amenity, are maintained for the benefit of the community now and in the future. The National Building Code shall be used for construction of all buildings to which the act applies for all classes of occupancy. The requirements for access for people with disabilities is stated in the National Building Code part ND3. A person who fails to comply with a requirement of the code commits an offence and is liable on conviction to a fine not exceeding \$200 and if non-compliance continues, to a further fine not exceeding \$4 a day for each day during which the non-compliance continues after the conviction.

The Committee noted that the requirements of the law have not been effectively enforced by the officers responsible for Public Health on those buildings that have been built without access for people with disabilities. The OAG meeting with the Public Health Officials mentioned the transfer of functions and powers of local authorities in rural districts and board which stipulates that:

- 1) Notwithstanding any other provision in this Act or any other written law, any function or power that relates to health services and is conferred by this Act or any other written law on a local authority in a rural district existing immediately before 1 August 2018, shall be performed or exercised by the Board from 1 August 2018
- 2) Notwithstanding any other provision of this act or any other written law, any function or power that does not relate to health services and is conferred by this act or any written law on a local authority in a rural district existing immediately before 1 August 2018, shall be performed or exercised by a municipal council designated under section 6A of the Local Government Act 1972 from 1 August 2018.
- 3) Notwithstanding any other provision of this act or any other written law, any function or power that does not relate to health services and is conferred by this act or any written law on the Board existing immediately before 1 August 2018, shall be performed or exercised by a municipal council designated under section 6A of the Local Government act 1972 from 1 August 2018.

To meet international standards and to be enforced, the national building code needs to be reviewed as identified in the National Policy on Persons Living with Disabilities (2008 – 2018). The OAG discussions with the Construction Industry Council (CIC) on 02 June 2020, indicated that due to lack of funding the review is yet to eventuate.

In addition, the Town Planning Act 1946, the Town Planning General Provisions 1999 and the subdivision of Lands Act 1937. Provision of disability Access is covered under Provision 9 of the Town Planning General Provisions 1999, Schedule G (General Requirements in all Zones), requirement no. 14 (Facilities for the disabled persons), detailing the following requirements:

- a) Developments shall provide for reasonable access and other facilities for disabled persons in zones other than Residential Zones; and
- b) A pick-up and set-down area for vehicles carrying disabled persons shall be provided within easy access to the entrance of a building and which shall be clearly marked and reserved at all times for such vehicles in zones other than Residential Zones.

Prior to the National Building Code being legislated in 2004, Cabinet decision dated 09 September 2003, noted that it was agreed to in principle that all major buildings either constructed or rented by Government in future are to be disabled friendly and have accessibility provisions.

However, the review of the legislation as per action plan in the National Building Code did not eventuate for the duration of the 10-year policy period.

## **2.0 STAKEHOLDER ARRANGEMENTS & ENGAGEMENTS**

The 5-Year and 20-Year National Development Plan (NDP) has identified disability as a cross cutting issue. Programme implementation for national development challenges and issues that are cross-cutting in nature should be facilitated through coordinated institutional approaches within government enabling strategies at sector and agency levels.

### **2.1 Theme 1: Integrated Coordination Framework – Early Stage Planning**

#### **Gaps Identified:**

Despite the proclamation of the National Disability Policy being the framework for addressing disability in Fiji with the aim of, inter alia, prioritizing actions to dismantle barriers hindering the full participation of persons with disabilities in their social and economic life, there is a clear indication that little has been done to encourage collaboration work to achieve the objectives under the Strategic Policy area Access to built environment and transport systems which include:

- Improving and strengthening the provision of access for persons with disabilities; and
- Developing processes and implementation strategies to improve transportation and mobility for people with disabilities in urban and rural areas.

Lack of stakeholders awareness is due to stakeholders not being fully involved in the initial planning stages and lack of awareness to the implementing agencies.

Also noted there were delays in effective collaboration by staffs from relevant agencies and has affected the provision of accessible public offices and public transport to persons with disabilities.

### **2.2 Theme 2: Working Mechanisms as a Continuous Process**

Further to the establishment of National Legislative Frameworks and institutional frameworks, multi-stakeholder committees have also been established at the governance and grass-root levels to assist in the pursuit of making the Rights of Persons with Disabilities real.

Though the formulation of the working mechanisms through legislation is commendable, their mere existence is not a sufficient condition to effectively address disability issues in Fiji. In fact, challenges in managing these coordination mechanisms relate to continuity problems. The establishment of the committees is one fragment, the other yet an essential part is the continuous engagement of stakeholders through regular and effective consultations that are results oriented. Fully realizing continuity and results driven principles could assist in addressing the cross-cutting issues that the disabled population of Fiji face on a daily basis. This includes the slow-paced provision of barrier-free access to public offices and public transport.

#### **Gaps Identified:**

The National Council for Persons with Disabilities (NCPD) is currently under the responsibility of the Ministry of Women, Children and Poverty Alleviation (MWCPA) whereby the NCPD reports to the Minister for Women, Children and Poverty Alleviation through the NCPD Chairperson regarding the general conduct of its activities.

The Minister for Women, Children and Poverty Alleviation also appoints the members of the Council from relevant Government Ministries, including representatives from organizations providing services to disabled persons. Transitioning from the repealed FNCDP Act of 1994 to the current Rights of Persons with Disabilities Act 2018, a comparison of the member's composition noted that while both legislations



allowed for a representative of the mandated member to be a Council member, the following significant differences were noted by the Office of the Auditor General:

- Specifics of the chairperson;
- Non-inclusion of Chairpersons of the Divisional Committees of the Council to be Council members;
- Extended membership to organisations advocating for the rights of persons with disabilities and gender equality without limiting membership to representatives from Disabled Persons Organisations (DPOs) only and their numbers as well from 7 to 4 representatives;
- Increased number of Government Ministries/Departments represented, now comprising of Health, Education, Labour and Finance, Justice, Youth and Sports, Local Government, Housing and Environment, and Infrastructure and Transport.
- Membership of the Permanent Secretary or their representative responsible for women and social welfare specified in the new Act, including the exclusion of Ministry of Economy and the Executive Director of the Secretariat.
- Application and duration of the clause on Term of holding Office as a member of the Council.
- Non-inclusion of co-opted members, however, person(s) can be invited as visitors only when the need arises.
- Non-inclusion of requirements for quorum.

The NCPD Secretariat, headed by the Executive Director is responsible to the Council with:

- The management and execution of its policies;
- Assisting in the implementation of its strategic plans and national policies concerning persons with disabilities; and
- Performing all things necessary or convenient to be done in connection with, or incidental to the performance of his or her duties under the Act or any other written law.

Apart from the Secretariat, other working arms of the NCPD include the Advisory Committees and District Committees have been established.

- The Committee noted that competing priorities of the members of the HTE Advisory Committee may have prevented the committee from actively engaging in regular meetings and discussions.
- The NTCF has not been organised since the last meeting in 2018 due to non-inclusion of funding in the budget.
- The NTCC has not been revived yet.
- Competing priorities and other consideration during the TWG has resulted in less priority being given to matters dealing with issues relating to accessibility of disabled persons.
- Disability is a cross-cutting issue in which stakeholder engagement is vital. Weak collaboration and discussions in the areas of disability further delays initiatives that aim to address barriers to accessibility.

However, the OAG was advised that the Ministry of Commerce, Trade, Tourism and Transport is developing a guiding framework and an action plan for a taskforce group to look at the review of Land and Maritime Transport legislation. In the past, the process of review legislation originated from the Commercial Statutory Authorities (CSA's) has now been revised.

The Ministry highlighted that the taskforce for the review process, includes representative from the Office of the Solicitor-General, LTA CEO or his Manager Legal, representative from Fiji Competition and Consumer Commission (FCCC) due to fare and charges that are imposed, representative from the Fiji Police because of enforcement, and a representative from Fiji Roads Authority because of Infrastructure.

### **3.0 POLICY IMPLEMENTATION ON ACCESS FOR DISABILITIES**

This section of the report establishes the existence and effectiveness of arrangements in place for accessibility of persons with disabilities and requirements for public transport and public offices. This will focus on firstly, understanding disability through the use of models and ultimately measuring it, assess the level of accessibility inclusions in public accommodation and public transport through the lenses of legislation, regulations, policies, systems and process.

#### **3.1 UNDERSTANDING DISABILITIES**

##### **3.1.2 Theme 1: Understanding disabilities through the medical & social model**

The Committee noted in the audit report that responses to disability issues through the medical model focuses on the impairment and what can be done to fix the disabled person or provide special services for them as an individual. Thus efforts to reduce dependency of disabled persons by creating an environment which is accessible and enabling may not be achieved through the medical model as it does not see the barrier to accessibility as the problem but on the impairment as the problem.

The Committee acknowledge the progress made by the NCPD that they are starting small as the disability population in Fiji is still small and that most of those participating at national and divisional levels are those that have gained their disability later in life. The NCPD team on the ground is small, but they hope that best practices are shared throughout Fiji. However, it is unfortunate that NCPD revealed that funding of their human resources and administration costs is something that they are finding difficult to cope with.

Furthermore, based on NCPD's experience during consultation for the Implementation Plan that members of the public especially in local contexts were not familiar with the UNCRPD or the National Disability Policy of 2008 to 2018.

The World Health Organisation, however, has moved away from advocating from the social model into the Community Based Inclusive Approach. This approach acknowledges that the engineers of change are persons with disabilities. Partnership needs to exist between government, CSOs and persons with disabilities in order to make the changes that is needed, and ultimately realising their rights.

The Committee was informed that the NCPD's approach adopted since 2018 was to tackle the issue at local level through:

- 1) Familiarising people with the UNCRPD and ultimately the Rights of Persons with Disabilities Act 2018.
- 2) Collaborating with stakeholders – working with the District Disability Committees, disability provider organizations and community service providers for persons with disabilities to implement and advocate for accessible transport or accessibility in public spaces.
- 3) Advocacy – engaging in advocacy activities to develop or strengthen anti discriminatory laws and inclusive national and local policies relating to sectors such as transport and education.
- 4) Coordinating between national and local action plans – promoting and supporting dialogue between local and national levels; strengthening local groups or disable peoples organizations so that they can play a significant role at local and national levels (this is why government now has separate grants for organizations for persons with disabilities).
- 5) Helping to draw up and monitor local action plans - this is an area NCPD saw that needed to be strengthened and one of the reasons they are building a NCPD centre in the West so that they can help in making SMART plans taking into consideration local resources and expertise.
- 6) Implementing program activities which contribute to making health, education and livelihood and social services accessible to all persons with disabilities inclusive those who are poor and live in rural areas.

The NCPD acknowledged that there is a need to strengthen its research function. Guided by partners like Pacific Disability Forum, Pacific Island Forum secretariat and Donor partners, they are slowly picking up on not only different approaches but also learning what is the state obligation when it comes to meeting the 50 Articles of the UNCRPD which is also embedded in the Rights of Persons with Disabilities Act 2018.

### 3.1.3 Theme 2: Understanding disabilities through measuring disability

#### Gaps Identified:

It was noted in the audit report that the Census statistics which Fiji largely depends on for disability statistical data, though comparable over time, lacks detailed information that could be used in making well informed decisions as questions do not address issues such as barriers faced by persons with disabilities in terms of accessibility to built environments. On the other hand, while offering many advantages due to its comprehensive nature, results of surveys, in order to be relevant, need to be regularly updated.

A total of 113, 595 persons of three (3) years of age and older equates the national disability rate of 13.7% (based on population of 827,907 persons three (3) years of age and older). These persons live with some form of a functioning challenge.

The Committee noted that in Fiji, socioeconomic data, such as employment rates, education level are available from censuses. However, they can provide only limited information about barriers faced by persons with disabilities in terms of accessibility to built environments. The Pacific Disability Forum, in their 2018 SDG-CRPD Monitoring Report notes that there is a need to complement efforts to disaggregate national census data with more targeted studies on barriers and actual facilitators of participation and inclusion, especially for most marginalised groups.

The OAG was provided with the National Disability Database on 21 November 2019 in which it determines the correlation between the statistics of the Fiji Bureau of Statistics (FBoS) with that of the National Disability Database under the custodian of the NCPD. The OAG found that the National Disability Database only captured a total of 18,853 individuals which compared to the 2017 census amounting to 113,595 for persons of three (3) years and older living with some form of functioning challenge, total variance amounted to 94,742.

The NCPD noted that the National Disability Database was a dynamic database that needed to be updated monthly and was built on the National Women's Survey. The OAG further compared the disability population resulting from the baseline survey with the current numbers in the database to determine the extent of the updating exercise.

Figure 5.7: Comparing National Disability Database & Disability Population as per 2009 Baseline survey



The Committee noted in the above figures that the number of disabled persons that have been updated in the database has increased by only 7,451 over the last decade. Although the 2008 to 2016 Annual Reports for NCPD continuously highlight the updating of the database, when compared with the 2017 census of 113,595 disabled persons, there are strong indications of inaccurate and outdated data being maintained.

At the end of the National Women's survey/Disability Survey, a report titled "Making Women with Disabilities Visible" was published and launched in 2010. Review of the report noted that findings were quite comprehensive and included topics such as type of disability, education, employment, institutionalisation etc. and even participation. An interesting finding in the survey was that percentage of people with disabilities in accessible environments were higher than those in inaccessible environments with exception for accessibility to school environment.

However, the OAG was informed that variances in data between the 2017 National Census and the National Disability Database maintained by NCPD would be expected given that the Disability Allowance only target those that fit in the "cannot" category while the 113,595 is at the "some cut off" category. The scheme has a target group which is giving rise to the variance.

While explanations provided for the variances have been noted, review of the data that was provided to OAG noted that the "cannot cut off" with disability category only captures a total of 4,790 disabled persons which is way less than what is recorded in the National Disability Database of 18,853 disabled persons. This could suggest that the Disability Allowance is open to other categories (i.e. "some cut off" with disability & "a lot of cut off" with disability) and not solely those in the "cannot" categories as noted above. The NCPD further noted that the number of 113,595 is from the 2017 Population Census whereby some may have already passed away.

The OAG was also informed by the Fiji Bureau of Statistics that content of the questions to be asked during the census exercise will have to be balanced so as to be mindful of the respondent burden. Including extra questions would affect the way the respondents answer the remaining questions in the census which could then affect the whole census results. Reasons for inability to determine disabled persons on or below the poverty line was directed back to the way questions are designed.

The harmonization of survey methodology especially in the definition of key concepts related to disability can be improved due to its direct impact on survey results and interpretation. It will also reduce the number of variances between FBoS survey data and data available with the NCPD and its line Ministry.

The Committee noted that the unavailability of robust evidence in the form of statistical data increases risks of poor policy and strategic responses to disability issues being actioned which could result in wastage of resources.

Overall, the OAG noted that sharing of information is still an issue with line ministries especially if their legislation limits the sharing of individual information with outside parties including FBoS. However, to mitigate these challenges, FBoS has been signing MOUs with some key government ministries and other line agencies, and plans to partner with the Ministry of Women, Children & Poverty Alleviation in the near future due to the significant importance of consolidating and sharing of consistent disability statistics for necessary policy decisions.

### **3.2 DISABLED ACCESSIBILITY TO PUBLIC OFFICES**

Improving the state of disabled accessibility around public accommodation can be improved through access audits and including disability conditions in the early stages of approving construction projects.

Though more advocacy work is needed in this area, remarkable improvements have been made compared to the early era of disability development.

### 3.2.1 Theme 1: Disabled Accessibility of Public Offices and Access Audits

The Committee noted that the 2007 access audit that was conducted in Suva city had raised the issue on the lack of curb ramps to cross from one street to another. Also noted that while there were curb ramps built along pedestrian crossings, their measurements were inconsistent. Hence, wheelchair users and those who are visually impaired might not be able to use them.

**Figure 5.11: Inconsistent measurement of curb ram**



**Source: Pictures taken on 26/05/20 at some spots in Suva**

The Committee also noted on the other findings of the 2007 Access Audit which includes the following:

- Ideally, as government should lead by example and follow the recommendations of their own building codes and provisions, it was disappointing to see that Suva City Council building itself was largely inaccessible, more so than most other government buildings.
- Similarly, constructions such as the 2003 Vodafone Sports Arena and Aquatic Centre had limited accessibility and persons with disabilities were not consulted during the planning phase of these developments. The most absent accessible feature was the car parking spaces – only one venue had one, but it was not linked to an accessible pathway.
- Several buildings had ramps or flat access and lifts were increasingly common in new buildings. Whilst wheelchair users could reach many benches or counters, they were usually higher than recommended for wheelchair users and made it difficult for the disabled to write comfortably.
- Although much of the focus of the audit was on physical accessibility of buildings for wheelchair users, it was also noted that there were currently no provision in Suva for the visually impaired in regards to raised tactile markers on paths, at pedestrian crossings or in buildings.
- Greater awareness was also needed in regards to clearer and larger signage within buildings as it would assist those with low vision as well as the hearing impaired. Lifts that were assessed had no audio systems in place to alert visually impaired people of the floor levels.

It was concluded by the Fiji Disabled Peoples Association (FDPA) 2007 Access Audit that the audit of 27 venues had provided a good insight of general accessibility of buildings in Suva-both government offices

and private businesses alike. Conducting the audit also highlighted the general lack of awareness on business owners and managers have in regards to the accessibility needs of Persons with Disabilities.

The Committee was informed that the lack of funding was attributed to inability of the NCDP to carry out regular access audits, it is noted that this was not done previously as the need for the audit was not factored in the Annual Corporate Plans, hence funding was not allocated for this exercise. Given the importance of these audits, this does not reflect very well on the NCDP team especially in the period 2008-2018.

However, it is important to note that the NCPD's draft strategic and implementation plan for 2019-2023 have incorporated access audits as part of their working strategies.

In addition, it is pleasing to see that disabled persons were involved in the Access Audit Rapid Appraisals carried out from October to November 2020. For instance, a permanent wheelchair user accompanied the access audit team to demonstrate the situation on the ground with respect to the extent of accessibility.

### **3.2.2 Theme 2: Accessibility Inclusion - Designing and Construction Stage**

Generally, the state of disabled accessibility to public offices is progressing well though more vigorous efforts are required from the implementing agencies. More awareness should be geared towards advancing disability issues in terms of accessibility to public accommodation.

In Fiji, there were a total of 1,387 building permits issued for construction of new buildings and 999 building permits issued for construction of additions which involve increase in existing floor area for the years 2008 to 2017. Furthermore, there were a total of 662 completion certificates issued for new buildings while 484 completion certificates were issued for additions which involve increase in existing floor area for the years 2008 to 2017.

#### **Gaps Identified:**

The above finding is significant as majority of the buildings constructed by the Department of Buildings were completed prior to the formal establishment of the National Building Code in 1991. In addition, the establishment of the NCPD in 1994, years after the completion of most of the buildings under the Department of Buildings would not have seen disabled accessibility resonating as much as it is now.

Even so, with the establishment of the National Building Code in 1991, it had not been legislated until the year 2004.

Prior to the National Building Code being legislated in 2004, Cabinet decision dated 09 September 2003, noted that it was agreed to in principle that all major buildings either constructed or rented by Government in future are to be disabled friendly and have accessibility provisions.

The OAG after visited a number of privately owned building's that houses Government Offices on 26 May 2020 and 22 October 2020 respectively. It was noted that accessible features were recorded in some of the essential government service providers.



**Figure 5.20: Inaccessible buildings for one essential service government provider**



**Source:** Picture taken by OAG on 22/10/20

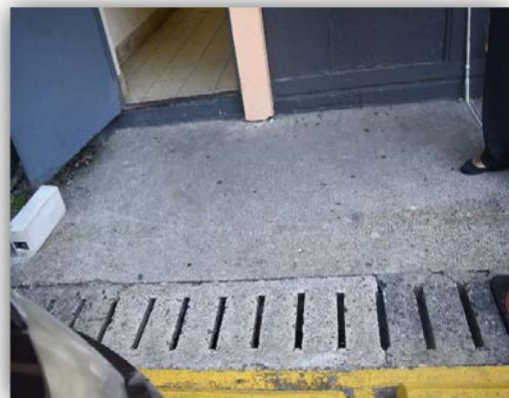
Conversely, the OAG noted that one of the buildings the audit team visited was inaccessible for disabled persons both from the front and back entrance as shown in Figures 5.21 and 5.22 below.

**Figure 5.21: Inaccessible front entrance**



**Source:** Picture taken on 26/05/20

**Figure 5.22: Inaccessible back entrance**



**Source:** Picture taken by OAG on 26/05/20

The OAG further noted that while a well-functioning elevator was provided in the building, there were no audio systems in place to alert visually impaired people of the floor levels.

The OAG was informed during its discussions with the OHS Division of the Ministry of Employment that the National Building Code requires that buildings with more than two floors should have lifts installed. As indicated in Figure 5.23, the OAG noted that one essential service provider which is situated in a building which has three levels, has only stairs as means of access to the top floors.

**Figure 5.23: Inaccessible buildings for one of the essential service government provider**



**Source: Picture taken by OAG on 22/10/20**

Furthermore, the OAG while acknowledging the availability of steps and ramps for both abled bodied and disabled bodied at the headquarters of another essential government service provider, there were items obstructing the ramp entrance at the time of the audit inspection.

The OAG also visited a newly built private premises proposed to house government offices. While noting accessible features in the premises, it was also observed that the only access to the second floor was through steps. While the National Building Code allows this practice, provision of services to the disabled community may be compromised especially for those government service providers whose services are not serviced from the ground floor.

The Committee noted that once the Department of Town and Country Planning receives the development applications based on the requirements and processes in place, conditions of consent are provided to the developer or their agents (if any).

The conditions of consent are derived from the Town Planning Act 1946, the Town Planning General Provisions 1999 and the subdivision of Lands Act 1937. Provision of disability access is covered under Provision 9 of the Town Planning General Provisions 1999, Schedule G (General Requirements in all Zones), requirement no. 14 (Facilities for the disabled persons), detailing the following requirements:

Developments shall provide for reasonable access and other facilities for disabled persons in zones other than Residential Zones; and

A pick up and set down area for vehicles carrying disabled persons shall be provided within easy access to the entrance of a building and which shall be clearly marked and reserved at all times for such vehicles in zones other than Residential Zones.

The Committee noted that despite the provision of disability access stipulated in the governing legislation, the OAGe noted that the conditions of consent did not adequately capture the requirement for development proponents to provide disability access.



The conditions of consent are not limited to the above mentioned legislative frameworks, as applications are also sent for referrals to other line agencies. These line agencies provide comments on the applications and also stipulate conditions which the DTCP also incorporates into the conditions of consent. Depending on the nature and magnitude of the development application, the agencies to which the DTCP refers plans include (1) National Fire Authority; (2) Occupational Health and Safety; (3) Department of Environment; (5) Fiji Roads Authority; (6) Water Authority of Fiji; (7) Energy Fiji Limited; (8) Department of Lands; (9) Mineral Resources Department; (10) I-Taukei Land Trust Board; (11) Central Board of Health; (12) Civil Aviation Authority of Fiji; (13) Airports Fiji Limited; (14) Investment Fiji etc.

It is evident from this list that NCDP is not engaged in the planning process which means the umbrella body looking after the interests of persons with disabilities is not consulted on the needs of disabled persons at the outset.

However, the OAG reviewed 30 files from a mixture of the development categories (i.e. residential apartments, commercial, civic community, special use – tourism and special use –others) and noted that 11 or (37%) had disability provisions incorporated into both the recommendations from the municipal councils as well as the conditions for consent upon approving applications from the DTCP, 10 (33%) did not include disabled conditions from both approving agencies, while the remaining (30%) had disabled conditions from either one of the approving agencies .

Given the above, there is clear indication that despite the existence of established governing legislations, regulations and policies, enforcement still needs to be strengthened to ensure full compliance from all stakeholders.

The Construction Implementation Unit have noted that inclusion of disabled access features in building developments and rented properties had not been strongly adhered to. Going forward, it is something that the Unit needs to strongly consider.

The Committee noted the inclusion of the disabled access provisions in the approval of developments other than residential are applied to large commercial developments and application of the provisions to medium to small-scaled commercial developments have been relatively inconsistent.

### **3.3 DISABLED ACCESSIBILITY TO PUBLIC TRANSPORT**

This section examines the enabling legislations and policies addressing barriers for accessibility to public transport by persons with disabilities and assesses the extent of implementation of disabled friendly features in public transport. While governing legislations exist for incorporating disabled access to public service vehicles, response from the owners of public service vehicles has been relatively low due to weak enforcement. Consequently, disabled accessibility of public service vehicles has been severely hampered. The absence of legislation and policies for the implementation of disability access for passenger carrying ships and air transport has also negatively impacted disability access in water and air transportation.

#### **3.3.1 Theme 1: State of Disabled Accessibility in Public Service Vehicles**

##### **Gaps Identified:**

The Committee noted that the amendments made to the Land Transport (Public Service Vehicles) Regulations in 2015, one of which required that owners of public service vehicles must ensure that the vehicle is user-friendly for persons with physical disabilities is acknowledged. However, due to the lack of institutional knowledge within the enforcement and policy making agencies, effective action has been generally very low.

Moreover, along the same time when the amended provisions were introduced into the LTA Regulations, work on introducing priority seats in buses were made with stickers pasted in the buses along with colouring of seats. The consistent use of the priority seats by persons with disabilities was heavily scrutinized given that the public service vehicles are privately owned which gave rise to the cessation of the initiative due to vandalism and low use of the seats by disabled persons as well as elderly and expectant mothers. Therefore, implementation faded over the years.

Instead, the Committee noted that discussion focussed on a transition period to be provided to Public Service Vehicle (PSV) owners in order to successfully bring about the necessary changes in full realisation of the rights of disabled persons to reasonable transportation. Through the above amendments, particularly with amendment to regulation 20A (3) above, there is clear indication that PSV's are to be barrier-free for persons with disabilities. This entails that disabled persons (whether a wheelchair user, speech impairment, visual impairment etc.) should be able to move around independently just like the rest of the abled bodied population in the country.

With the 2015 amendments being effective on 04 July 2015, the OAG checked whether permits issued after the effective date were subject to enforcement of conditions that addressed disabled access in the PSV. Total permits issued for the years 2015 onwards are noted.

The Committee noted that a total of 1531 taxi permits, 2985 rental permits, 473 hire permits, 19 minibus permits, 187 carrier permits, 198 RSL permits, 5 RCL permits were issued from 2015 to 2019/2020. The OAG found that the Land Transport Authority (LTA) had not enforced the 2015 amendments to the LTA regulations in any of the newly issued permits.

The LTA confirmed that there are currently no vehicles which are disabled friendly in the PSV Sector in Fiji. Therefore, the OAG gathered that though there are established legislations requiring that challenges with disabled accessibility to Public transport be addressed, very little action has been taken to enforce the law.

The OAG were further informed that in relation to omnibuses, there has relatively not been any demand for low floor fully accessible buses and coaches. However, from data obtained during audit, it was noted that as at 26 February 2020 there were a total of 5,716 active disabled card holders.

These active disabled card holders make up a mere 5.03% compared to the whole disabled population in Fiji of 113,595. We were unable to determine how the remaining 94.97% of the disabled population commute on a daily basis as mechanisms to draw these conclusions in the form of surveys have yet to be undertaken.

The OAG further gathered through the data obtained that the use of buses by the disabled are high in demand with due consideration to their frequency of travel each day from 2017 to 2020.

The frequency of travel shows an increasing trend from 2017 to 2019 with a decrease in 2020 due to data obtained as at 07 July 2020. The highest recorded frequency of travel for disabled card holders was in 2019 recording 834,556 transactions. This indicates that an active disabled card holder uses his/her card on an average of 146 times during the year 2019.

Discussions with LTA noted that it is highly likely that there will be a lot of resistance from the bus operators due to the significant cost factor involved. To confirm this statement, the OAG requested NCDP to arrange for a quotation of a fully accessible bus for persons with disabilities from a local bus manufacturer. However, the quotation is yet to be provided to date.

The Allen Consulting Group carried a review and presented a report to the Minister for Infrastructure, Transport, Regional Development and Local Government and the Attorney General on the Disability Standards for Accessible Public Transport in Australia in 2009. The report noted that financial cost of incrementally implementing Transport Standards (over a 20-year period) was estimated to be somewhere in the order of \$3,750 million (1998 prices). The report further noted that a significant part of the cost, stemmed from purchase of extra buses in order to replace lost capacity due to allocated 'wheelchair spaces' and the estimated cost of modification of bus infrastructure to comply with the Transport Standards.

It was noted that the OAG had conducted an electronic survey from 04 August 2020 to 14 August 2020 where we sent survey questions to thirty-one (31) bus companies. The OAG received only two (2) responses and noted that challenges preventing bus companies from providing disabled access buses is largely due to the cost factor. It was suggested to address the challenges that was for government to provide grants to import special designed buses from overseas. In addition, there was a need for empathetic bus drivers who are trained to service disabled persons, who are customer focused and trained before PSV licenses are granted. Other suggestions include the need for government to purchase and provide disabled access buses which the current bus companies can operate and the need for bus stations and all business premises in Fiji to be accessible by persons with disabilities, leaving no one behind.

The Committee noted that other reasons which were provided by LTA for non-enforcement of the 2015 amendments when issuing new permits or renewing existing permits include:

- Lack of awareness on the part of LTA regarding requirements placed on PSV Operators in relation to the responsibilities of PSV Drivers.
- Risk of an industry collapse due to accelerated change resulting from the new regulatory provisions.

The Department of Transport further noted that when mandates are issued to PSV owners resulting from changes in policy and strategic responses, these mandatory requirements are borne by the PSV owners which they cannot recover due to the regulated fares which is determined by the Fiji Competition and Consumer Commission (FCCC).

The Committee noted that LTA were not consulted when the change in the law came about in 2015. A Regulatory Impact Assessment is a necessity provided the agency is consulted about the proposed change to regulations in advance. A long transition period towards full compliance will be necessary to ensure that the industry does not collapse. A 35 seat low floor bus with rear engine landed in Fiji is likely to cost in the order of \$450,000 per unit.

Also noted that the Department of Transport has also cited the lack of institutional knowledge with regards to implementation of prior years' work and initiatives within the Land Transport Authority as one of the primary reasons for the limited implementation of disabled accessibility in Public Service Vehicles. Before the appointment of the current Chief Executive Officer (CEO) for the Authority in the beginning of 2019, the last CEO exited the Authority in 2016, thus, during the absence of the CEO from 2016 till 2019, the Authority was governed by the Board headed by the Executive Chairperson. Many of the members of the Board are not involved in the everyday workings of the Authority as they are employees of the Authority, therefore, identifying and addressing priority issues of the Authority may have been compromised.

However, it is important to note that the Land Transport Authority plans on carrying out awareness campaigns in drawing the attention of the PSV operators in relation to the obligations of drivers. In addition, advice has been given to bus operators for priority seats whereby the first two seats are colour coded and installed with adjacent signage's for disabled and elderly passengers.

Furthermore, as discussed in Theme 2 of Section 3 above, the Land Transport Authority has approved the revised Quality Assurance Maintenance System (QAMS) on 20 March 2019. In addition, though not successful, also as noted in Theme 2 of Section 3 of this report, the Ministry of Women Children and Poverty Alleviation in partnership with the Fiji Bus Operators Association introduced the priority seatings for persons with disabilities, as well as the elderly and pregnant women.

In 2015, the Ministry introduced the Household Travel Survey (HTS) with support from the government including funding for Phase I and Phase II in 2018. It is anticipated that Phase III will be conducted in the near future, depending on availability of funds. Phase I and II reports have been published and is available on public domain. It is considered as Fiji's first ever Household Travel Survey (HTS) and is the largest and most comprehensive source of personal travel data ever collected in Fiji, providing a comprehensive picture of trip-making and travel patterns of people living in Fiji.

The HTS provides an evidence base to support strategic transport planning, major infrastructure and project development, service delivery and policy development. The data collection and analysis has been organised as a function of three distinct geographical areas - Maritime, Urban and Rural areas of Fiji to assist the Ministry and transport (land/sea) agencies in decision making. The report identified that 2% of the population surveyed could not travel because of disabilities.

### **3.3.2 Theme 2: State of Disabled Accessibility for Ships Carrying Passengers**

The Maritime and Land Transport Policy, in trying to interpret the "Right to Reasonable Access to Transportation" have acknowledged the non-discrimination clause articulated in the 2013 Constitution which implies that the design of transport systems, whether land, sea or air, should be accessible and safe for all users including disabled persons. However, the current state of disabled accessibility in passenger carrying ships for franchise shipping vessels and government owned vessels are relatively very low.

#### **Gaps Identified:**

The Committee noted that there are a total of eight (8) Private Shipping companies which service economical and non-economical routes around Fiji. Economical routes are commercial shipping services

including the main ferry services between Viti Levu and Vanua Levu and are typically serviced by more than one operator and include 9 service routes.

It was noted that the non-economical routes are serviced by Government's Shipping Franchise Scheme whereby private operators are contracted to run sub-commercial services. There are currently five (5) private shipping companies supplying services under the Shipping subsidy franchise scheme and also service approximately 9 routes.

Government vessels are facilitated through the Government Shipping Services (GSS) which functions as a department to serve government's shipping service needs in the form of shipping and related services, development of shipping strategies and related infrastructure. Government budget allocated to the franchise shipping scheme has been steadily consistent over the years from 2012 to 2020/2021 while funding for GSS has been fluctuating over the same period.

The Department of Transport advised that the Franchise ship rarely received disabled persons as boarding passengers. However, in cases where they do, the wheelchair bound or bed-ridden passenger would be physically carried on to the ship. The OAG were informed of an incident where a bed-ridden individual had to be winched in the same manner as cargo using a huge net and pallets.

The Committee noted that access to the upper deck are only possible through steps, which are generally not conducive for persons with disabilities. Therefore, disabled persons are advised and encouraged to remain in the passenger saloon throughout the whole trip.

**Figure 5.48: Steps outside the passenger saloon**



**Source:** Picture taken on 06/08/20 at Narain Jetty

**Figure 5.49: Steps from inside the passenger saloon**



**Source:** Picture taken on 06/08/20 at Narain Jetty

Also noted that coupled with hygiene and sanitary issues, non-accessible washrooms to accommodate persons with physical disabilities were noted during the audit visit. Refer Figure 5.50 & 5.51 for images.

**Figure 5.50 Non-accessible washrooms**



**Source:** Picture taken on 06/08/20 at Narain Jetty

**Figure 5.51: Non-accessible washrooms**



**Source:** Picture taken on 06/08/20 at Narain Jetty

The Committee was informed that the OAG had also visited the Government Shipping Services Complex in Walu bay on 19 June 2020. The Department has a total of 12 vessels in its fleet according to the following categories:

- Conventional – 5 vessels;
- Land Craft – 4 vessels;
- Dumb budge – 1 vessel;
- Tug – 1 vessel; and
- Pile Drive – 1 vessel.

It was noted that the passenger waiting area which is also the cargo loading area have an accessible feature which is the ramp and levelled surface as shown in Figure 5.52. A walk around the GSS vicinity noted that the fare payment booth (Refer Figure 5.53) is not accessible.

**Figure 5.52: Concrete ramp**



**Source:** Picture taken on 19/06/20 at GSS Jetty

**Figure 5.53: Fare payment booth**



**Source:** Picture taken on 19/06/20 at GSS Jetty

The OAG inspected four (4) GSS vessels which were available at the wharf during the time of the visit. In which two (2) were Conventional Motor Vessels, while two (2) were Motor Landing Crafts.



It was noted that while the two Motor Landing Crafts had ramps for boarding passengers and cargo, as shown in Figure 5.54 and 5.55, they had barrier like grips on them, the purpose of which is to prevent accidents from slippery surfaces during rainy weather.

**Figure 5.54: Ramps with barrier like grips**



Source: Picture taken on 19/06/20 at GSS Jetty

**Figure 5.55: Ramps with barrier like grips**



Source: Picture taken on 19/06/20 at GSS Jetty

The two conventional motor vessels used steel boarding bridges which is not conducive for wheelchair users, especially those that are completely immobile. Similar to the franchise vessel that OAG visited, this may result in people in wheelchairs being winched into the ship cargo.

**Figure 5.56: Steel boards used for boarding by Conventional Motor Vessels**



Source: Picture taken on 19/06/20 at GSS Jetty

The Committee noted that barriers on board the vessel which included valves and breathers for tanks etc. This would cause obstructions along the path of the wheelchair user as well as visually impaired passengers.

Figure 5.57: Vessel 1 – Images of valves & breathers



Figure 5.58: Vessel 3 – Barrier to Entrance to Passenger saloon



However, the OAG was advised that all vessels that were inspected had raised combings for the purpose of which is to prevent water from entering the vessel.

Figure 5.59: Vessel 1 – raised combing



Figure 5.60: Vessel 2 – raised combing



It was also noted that stairs which were relatively steep, was the only means of getting to the upper decks which is a barrier for persons with disabilities.





Overall, the Committee noted that as with the franchise ship that was inspected by the OAG, vessels operated by the Department of Government Shipping Services are inaccessible for persons with disabilities.

### **3.3.3 Theme 3: State of Disabled Accessibility in Air Passenger Carriers**

State of accessibility in the airport that was under audit inspection is accessible with respect to the needs of wheelchair users. However, inclusion of disability features for other forms of disability such as those with visual, hearing and speech impairment, has not been implemented. Furthermore, reasonable access is available when boarding the aircraft but this is normally at the discretion of the airline when approving bookings as evaluation of manpower capacity has to be carried out. Thus, there have been instances where disabled persons or persons with other medical conditions have been denied air travel as safety is paramount.

The Committee noted that the travel chain consists of three phases namely pre-trip, on-trip and post-trip. Each phase has one or more processes. Firstly, the pre-trip phase encompasses the journey planning and preparation. The process in relation to disabled accessibility involves the booking of additional services.

Secondly, the on-trip phase which includes processes 2 to 6, in relation to disabled accesses should include the following services:

- (1) Approach of departure airport – disabled parking reservation and terminal access;
- (2) Movement within departure airport - access at counter, baggage drop-off, accessible washrooms, security and passport control, boarding and information provision;

- (3) Flight – Accessible lavatories, aids for hearing impairments and visually impaired passengers;
- (4) Movement within arrival airport – access at customs control counter, baggage claim, passport control, accessible washrooms, information provision;
- (5) Leaving arrival airport - disabled parking reservation and terminal access; and

The last phase includes after journey activities which typically involve post-trip evaluation.

### Gaps Identified:

The OAG assessed the state of disabled accessibility of the Nausori International Airport by following through the air transport travel chain. It was noted that the check-in counters and customs desk/counter at customs control are relatively high, which is not conducive for wheelchair users. Refer Figure 5.78 and 5.79 for pictures.

Figure 5.78 High level check-in counters



Figure 5.79: High level customs counter



The OAG was informed that reasons for the high desks/counters are to prevent confidential information from being accessed by the travelling public. Nonetheless, desk attendants would come down to the disabled passenger to offer the service.

It was noted that the floor area in the International Departures and International Arrivals Terminals are fine and evenly levelled with the inclusion of ramps at the entrance. Refer images in Figure 5.80 and 5.81 below for details.

**Figure 5.80: Ramp noted at the entrance**



**Figure 5.81: Evenly levelled floor surfaces**



The audit noted that while slope measurements needed improvements due to its steepness, other areas needed ramps to be incorporated.

It was also noted that accessible washrooms are available at both the International Departures and arrivals. Refer figures 5.86 to 5.89 for photographs. However, this was not the case in the Domestic departures and arrivals.

The Committee noted that the security and passport control areas were relatively accessible with even surface floors, although tactile surfaces were not provided.

**Figure 5.90: Even surface floors at security control areas**      **Figure 5.91: Even surface floors at security control areas**



The OAG inspected one of the twin otters operated by Fiji Link during the audit visit. It was advised that when booking trips, persons with disabilities or any other illness should properly disclose their condition

during booking. This is to allow the airline staff to properly evaluate their manpower strength at the predetermined time of the trip and make the necessary adjustments when required.

While boarding the plane, a wheelchair user if semi-mobile, will be wheeled to the plane for boarding and assisted from the ground to their seat which is often the single seat in the back row.

Also noted that if the passenger is completely immobile, there is an option to remove a belt from the steps and the side door opened so that the passenger is physically carried onto the plane.

The OAG were informed that for Fiji Airways that for Nausori International Airport, restrictions are in place for uplift of passengers requiring wheelchair (cabin/aisle) persons completely immobile and non-self-reliant (WCHC) and a passenger who cannot ascend/descend steps but is able to make his or her own way to and from cabin sea; requires wheelchair for distance between aircraft and terminal building and within the terminal (WCHS), services on flights to/from Nausori due to operational safety reasons.

In addition, the United States Department of Transport 14 Code of Federal Regulations (CFR) Parts 382 requires that any customer who has a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, has a record of such impairment, or is regarded as having an impairment and maybe requiring individual attention or assistance on enplaning/deplaning, during flight and during ground handling which is normally not extended to other customers.

While DOT requirements are more specific to US Flights, the Fiji Airways endeavor to use this as a standard for their Passengers with Restricted Mobility (PRM) handling particularly where facilities, infrastructure and resources support the application. Furthermore, other services offered by the Fiji Airways include the following:

- Fiji Airways will accept any person with a disability who considers him/herself as self-reliant.
  - When a customer advises Fiji Airways of his/her self-reliance, Fiji Airways will not refuse transportation on the basis that there is a lack of escort.
  - In such cases, this shall be highlighted to the Duty Airport Manager who shall ensure that such person is referred to the Purser for in-flight monitoring.
- Fiji Airways will accept for carriage any person with a disability who considers him/herself as NOT self-reliant provided he / she is accompanied and has satisfied conditions of carriage. Reference: Requirement to be accompanied by an Attendant.
- There is no limit to the number of customers with disabilities carried on board.
- One-hour advanced check-in is required. Fiji Airways will reserve the right to deny carriage if the minimum time is not adhered to.
- Customers with disabilities and those requiring or requesting assistance will be provided with special assistance during check-in, baggage service and through airport formalities for departures and arrivals.

- At no time shall a person with disabilities be left unattended for longer than 30 minutes.
- Customers with disabilities will not be permitted seats in designated emergency exit rows on any aircraft. Discuss the most appropriate seating based on their individual needs and the aircraft specifications. Reference: Special Seating by Aircraft Type.
- Enquire what assistance is required and how you can assist. Advise customers what services and assistance are available based on their needs.
- Ensure accurate SSR codes and any other relevant information are recorded in the DCS.
  - Identifying Passengers with Reduced Mobility Appropriately code specific wheelchair requirements based on the customer's specific needs. e.g. WCHC, WCHR, WCHS
- Customers with disabilities are to be pre-boarded.
  - Wheelchair customers are to be boarded with the assistance of either the ground aisle chairs or the aircraft aisle chair stowed on each aircraft.
- Customers with disabilities should be disembarked last.
  - For U.S. originating or destined flights, Customers with disabilities may disembark when they choose to (CFR 14 part 382). Reference: 6.3.2 Disability Incident Report.
  - Baggage for customers requiring Special Assistance should have a supplementary tag applied to allow ease of identification if required.

## **4.0 MONITORING, EVALUATION AND REPORTING**

The purpose of monitoring and evaluation is to track implementation and outputs systematically, and measure the effectiveness of programmes. It helps determine exactly when a programme is on track and when changes may be needed. Monitoring and evaluation forms the basis for modification of interventions and assessing the quality of activities being conducted. Below is a model which describes how a results-based monitoring system works. This section elaborates on the monitoring, evaluation and reporting of NCPD who is the major stakeholder for this audit, together with other relevant agencies.

### **4.1 MONITORING AND EVALUATION OF DISABILITY –INCLUSIVE DEVELOPMENT**

The first section is on the Monitoring and Evaluation of Disability- Inclusive Development. It is important to note that The UN General Assembly has stressed in several resolutions the importance of improving disability data and statistics. Official statistics on disability play an essential role in the planning, implementation and monitoring of policies and programmes for the promotion and protection of rights of persons with disabilities. Therefore, the first section elaborates on the Monitoring of Disability Statistics which is very vital for good planning and implementation. For the purpose of this section, the audit used a publication, “WHO/ESCAP Training Manual on Disability Statistics” to demonstrate the importance of Disability Statistics.

#### **4.1.1 Theme 1: Monitoring and Evaluation of Disability Data**

The Committee noted that there is a lack of data available in relation to the barriers which are faced by the disabled people.

The audit noted that there is a lack of data regarding the barriers which people with disability faced. The OAG noted that there is extensive reliance on the FBoS National census with respect to collation of data and statistics for persons with disabilities. The audit further noted that NCDP together with FBoS are developing a monograph which actually gives detailed data and desegregated data on persons with disabilities in Fiji.

The Committee noted that although FBoS has included disability questionnaire in census twice, it was noted during the audit that in the year 2007, statistics for disability was not tabulated as the response rate was below 1% or just about 1%. While in the year 2017 census the response rate was 13% which means that 13% of the population is disabled in Fiji. It is important to note that FBoS uses a small set of questionnaire which is used for disabled survey during census that might not give a complete picture about all the barriers faced by the disabled people of Fiji. Furthermore, we noted that apart from census, a short set of questionnaire on disabled persons was used in other surveys such as agriculture census, together with Baseline for Women with Disabilities survey which was done in September, 2010.

Therefore, it is equally important to highlight that disability data are collected for different purposes, such as to estimate the prevalence of physical impairments or to plan for the provision of services. Each purpose elicits a different statistic and even when the intention is to measure the same concept, the actual questions used differ in ways that severely limit comparability. Furthermore, different data collection formats require different means to collect data. For example, censuses are necessarily short, and restrictions are placed on space that in turn limits the number of questions asked to capture the construct of interest. Surveys, on the other hand, may focus broadly on aspects of and focus more specifically on,

disability. Furthermore, for surveys more time is allotted to data collection, more questions are asked and more detailed information is collected. Each format requires its own set of questions. From the audit, it was noted that the development of a short set of disability questions are suitable for censuses. However, a survey could be done to get a better picture about the barriers which the disabled people of Fiji face in their life and their requirements as an individual to live an independent life which is stated under the constitution. The UN General Assembly has stressed in several resolutions on the importance of improving disability data and statistics.

However, one of the commendable initiatives taken by NCDP together with FBoS was the benchmarking of Fiji's disability census questionnaire with the Washington Group on Disability Statistics. Both the agencies have ensured that while formulating the questionnaire and conducting disability census, it met the international standards and used a similar short set of questionnaire to conduct disabled census. This has made it easy for Fiji to compare data from other countries since similar questions are used. Another good practice which is commendable was that FBoS adapted this short set of question in the 2017 Census Questionnaire in order to improve response rate for the disability census since in the year 2007 census the response was below one percent.

It is important to note that NCPD and FBoS has come up with a Monograph which gives a detailed information regarding the disabled people of Fiji. However, this is not yet published as the agencies are still working to finalize it.

#### **4.1.2 Theme 2: Monitoring of Disabled Database by NCPD**

The Committee noted that the NCDP maintains their separate database. However, there is a gap in the statistics which is maintained by the council and the statistics provided by FBoS. The Rights of Persons with Disabilities ACT 2018 (ACT No. 4 of 2018) states that one of the function of the council is to "collate data and statistics on persons with disabilities in Fiji".

##### **Gaps Identified:**

It was noted that there is a significant variance between the statistics from FBoS and NCDP as the database maintained by NCDP is not fully updated and does not record the exact number of people who are currently disabled in Fiji. According to the FBoS 2017 Population and Housing Census, the total number of disabled in Fiji is 113,595. However, NCPD database shows only 18,853 persons with disabilities which reflects a variance of 94,742 people.

The audit identified that the primary reason for the variance could be the inability of NCDP to gather and maintain an updated database due to its limited capacity. In this regard, if the disabled people are not registered with the NCDP, there is possibility that disabled persons could be missed out from the benefits of the programmes implemented by the Council. For instance, NCPD helps the disabled to acquire mobility devices.

However, NCDP is also registering people with disabilities during its awareness programmes.

#### **4.2 MONITORING FRAMEWORK**

Robust, evidence-based reports by States, National Council for Persons with Disabilities, disability organizations and other civil society groups with a relevant mandate will contribute to ensuring that the

disability rights guaranteed under the Convention are transformed into action and real change in the lives of persons with disabilities. This section discusses the legislation and policy framework including implementation and progress such as the Rights of Persons with Disabilities Act 2018, the National Disability Policy (2008–2018) and the 5 year Strategic and Implementation Plan to confirm if the rights guaranteed under the Convention are transformed into action and real change in the lives of persons with disabilities.

#### **4.2.1 Theme 1: Convention Ingrained in the Act**

Fiji signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in the year 2010. In June 2016 the standing committee on social affairs for parliament called for written submissions on the Rights of Persons with Disabilities Bill no.12 of 2016. After several consultations and written submissions, the Fiji parliament endorsed the ratification of the UNCRPD on 22 March 2017. Following this, a review of the Fiji National Council for Disable Persons Act 1994 (FNCDP) was done and replaced with the Rights of Person's with Disability Act 2018 (Act no. 4 of 2018).

The Convention on the Rights of Persons with Disabilities under Article 9 states that to enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to:

- a.) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b.) Information, communications and other services, including electronic services and emergency services.

The Convention also states that States Parties shall also take appropriate measures:

- a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
- d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;



- h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Therefore, the Committee noted that the legislation has the domestic frameworks from which Implementation Plan was established.

#### **4.2.2 Theme 2: Monitoring and Reporting of the Ten Year National Policy**

The Fiji National Policy on Persons Living with Disabilities 2008-2018 was a 10-year policy which had a matrix that outlined the role of each stakeholder. For access to buildings and transportation for disabled, it was stated that NCPD was to work with relevant authorities regarding those issues.

The Committee noted that this policy was not monitored and action plan was not achieved.

However, NCDP has developed a new Implementation Plan which is for the period 2019 to 2023 and it has a new objective which is to promote and ensure the national, regional and international legislative frameworks are enforced and this will be achieved using two KRA's and they are as follows:

- KRA 10.1 promote and ensure the rights of persons with disabilities
- KRA 10.2 monitoring, evaluation and learning

This is a good practice and very positive development by the NCDP which must be supported by all related agencies.

#### **4.2.3 Theme 3: Monitoring and Reporting of the New Strategic Plan**

The five (5) year strategic and implementation plan 2019 – 2023 incorporates a monitoring, evaluation and reporting component under Strategic Objective 10 To promote and Ensure the National, Regional and International Legislative Frameworks are Enforced, with respect to Key Result Area (KRA) 10.2 Monitoring Evaluation and Learning. Though the plan has yet to be signed by the Minister for Women Children and Poverty Alleviation, it has been presented in Parliament. The NCPD provided an update as per first year of implementation which is acknowledged.

The Rights of Persons with Disabilities Act 2018 (Act No. 4 of 2018) noted that a strategic plan, or a revision of a strategic plan, has no effect until approved by the Minister. The first strategic plan must be submitted to the Minister within 6 months after the commencement of this Act.

It was noted that there was no major strategy developed for regular monitoring of progress and implementation of the 10 year National Disability Policy. The Committee further noted that reporting of the progress of the policy was supposed to be captured in the annual reports, however, review of the NCDP annual reports for the period 2008 to 2017/2018 indicated that the progress of the accessibility action plan was not provided as necessary monitoring was not done. However, other milestone outside the accessibility action plan were achieved by NCPD which was reported in the annual reports.

### **4.3 MONITORING IMPLEMENTED SYSTEMS**

As an Action Plan for a solution to a problem is being implemented and most importantly to monitor its progress. Once the plan has been implemented, one needs to monitor the progress for the success of

the solution. Monitoring the implementation occurs after the plan has been implemented and provides an indication of whether the solution has rectified the problem.

At the programme level, the purpose of monitoring and evaluation is to track implementation and outputs systematically, and measure the effectiveness of programmes. It helps determine exactly when a programme is on track and when changes may be needed. Monitoring and evaluation forms the basis for modification of interventions and assessing the quality of activities being conducted.

With the implementation of the strategic programme and the action plan, the cycle reaches its very core: all the preceding assessment and planning has the overall objective of improving the way the process currently works. The implementation is a demanding task in terms of organization and coordination of all the parallel actions that will take place. A crucial condition is a solid communication and involvement approach and the organizational setup. Cooperation with and between various stakeholders assures that the different actors buy in to the implementation process.

#### **4.3.1 Theme 1: Monitoring of Buildings by OHS Division**

The Committee noted in the audit report that the owner of a building could occupy the building even if the completion certificate is not issued by Occupational Health and Safety (OHS) Division. Discussions with the OHS Division revealed that under the Health and Safety at Work (General Workplace Conditions) Regulations 2003, it is not required for the building owner to obtain an OHS Completion Certificate to occupy the building. If the building is constructed according to the plan, then the occupant could occupy the building. We were informed that Municipal Councils have explicit requirements in their governing legislation and regulations to issue completion certificates to a building owner prior to occupying the building. In this aspect, the OHS Division is part of the process.

Before deciding on the “prior approval” referred to in sub regulation (3), the Chief Health and Safety Inspector shall consider both the requirements under these Regulations and those under the current National Building Code for Fiji, including the special provisions for the physically handicapped. Where there exists a conflict between these requirements, the requirement(s) with the highest level of occupational health and safety standard shall be adopted.

#### **Gaps Identified:**

It was noted in the audit findings that even if OHS does not endorse the issue of completion certificate, to the client, given lack of access for disabilities, the occupant could still occupy the building because of the Health and Safety at Work (General Workplace Conditions) Regulations 2003 which makes it clear that if the building is constructed according to the plan, then the occupant could occupy the building. In the case discussed above, a small ramp was available in the complex for the disabled person to only enter ground floor. Full access to the building could only be achieved if there was a lift for the disabled persons to access to enter the upper levels of the building.

The building file being examined by audit had two floors. There is still a current provision in the National Building Code that two floor buildings are not required to have lifts installed.

While not explicitly outlined in their governing legislations and regulations, the OHS Division carries out inspections of the design and plan of a building project against the completed building, the issue of

completion certificates are mandated by the Municipal Councils in which the OHS Division is part of the process. Before completion certificates are issued by the municipal Councils, the OHS Division submits their report to the Council on their OHS assessment of how well the approved design plan is reflected on the completed building.

Also noted that under the Workplace Design Vetting Procedure of the Ministry of Employment, Productivity and Industrial Relations states that the design is vetted against the provisions of the HASAW (General Workplace Conditions) Regulations 2003. Section 64(2) of the Health and Safety at work (General Workplace Conditions) Regulations 2003 states that no building shall be built, occupied or altered until the design plans has been approved. Therefore, under this Regulations, it is not required to obtain an OHS Completion Certificate to occupy the building as a result of final inspections carried out at the completion of construction work. Initial reviews of plans for public building developments indicated that there are no specific requirements for provision of access for persons with disabilities except it is accepted as best practice.

The OAG noted that OHS design vetting checklist also includes disabled access requirements such as ramps, disabled access provided, handrails and disabled sanitary facilities which should be provided in Class 3,5,6,7 and 9 buildings, washing facilities for disabled people. However, OHS will not able to enforce any requirement if it is not stated in the building plan.

#### **4.3.2 Theme 2: Conditions in National Building Code for Disabled Persons**

Audit verifications at the OHS Division confirmed that they use the National Building Code to facilitate disabled access. Similarly, discussions with the Construction Industry Council (CIC) also confirmed that engineers use the Code as the guideline for providing access for persons with disabilities to buildings. A review of the National Building Code noted that specifications requiring that access for persons with disabilities are determined by the floor area of the building contradicts with provisions in the 2013 Constitution. The Constitution requires that reasonable access be provided for persons with disabilities.

##### **Gaps Identified:**

The Committee noted that there were instances when disabled access to particular buildings were not required and stated as not applicable since those were not falling under the class of the buildings which were required to have disabled access. It was noted that the building is providing services to the general public at large and a disabled person will not be able to enter the building. It was established that the National Building Code only requires buildings with certain floor area to have disabled access and thus, this is a major barrier for people living with disabilities. For example, a case was reviewed where a bank was located in a complex in Nakasi. It was noted that there is a ramp to enter the corridor of the building. However, ramps are not provided for the disabled to enter into a particular shop and bank. This is an example of a barrier for the disabled people because there are some buildings which do not meet the specific floor area but provide services to the general public.

The OAG was advised that the OHS Act requires risks assessments to be carried out. If certain undertakings relating to a newly constructed building are assessed as hazardous with high risks, then the Act allows an exemption of this undertaking. In addition, there is a requirement to have access floors one step up so as to prevent water from entering the shops.

Focusing on the social model of disability, it proposed that what makes someone disabled is not their medical condition, but the attitudes and structures of society. This model focuses on barriers that people with disabilities face instead of concentrating on impairments and deficits of the person with a disability. In this model a person's activities are limited not by the impairment or condition but by environment and barriers are consequences of a lack of social organization. The picture below depicts the disability models and it shows how building infrastructure has become a barrier for the disabled people.

The Committee noted that inaccessibility to the built environment is still a major barrier which prevents persons with disabilities from actively participating in social and economic activities. Design approaches currently do not benefit people with disabilities and also many other sectors within the society, such as older persons, pregnant women and parents with young children.

Therefore, physical barriers are known to prevent full participation and reduce the economic and social output of persons with disabilities. It is important to note that not only corridors but also services, such as banks, grocery stores, public offices and many more should be made accessible.

The Constitution recognizes that people with disabilities have a basic right to have reasonable access to public places such as shops, hotels, lodging-houses, public restaurants, entertainment venues, public transport services, taxis and public spaces. The Constitution requires that the proprietors of these places or services must facilitate reasonable access for people with disabilities. Fiji has a Building Code which makes some provision for accessibility. However, the National Building Code needs to be reviewed to ensure that it removes the barriers for people living with disabilities.

The Committee noted that the primary deficiency arises from the National Building Code which has not been aligned to the requirements in the constitution.

However, it is pleasing to note that the National Building Code is currently under review. In addition, the OHS Division have been developing code of practices to guide their work, provided that they are within the precincts of the OHS Act, its regulations and National Building Code.

#### **4.3.3 Theme 3: Monitoring by Municipal Councils**

Monitoring by municipal councils plays a major role in ensuring that disabled access is provided in new buildings. The OAG noted that the Town and Country Planning Department provides conditions for all major developments and councils are responsible for the monitoring of the construction of buildings.

Conditions for disabled access would be incorporated in the building permits after which municipal councils will ensure that those conditions are incorporated in the building plan and that the building is constructed according to the plan. The OAG also noted that the Councils monitor the building as per the approved plan and if disability requirements are incorporated then monitoring would be done accordingly.

The OAG reviews at one of the municipal councils in the Central Division, found that monitoring reports were not available for one of the major developments. Instead, letters were issued to the building owner on numerous occasions requesting them to change the building according to the plan in order to obtain the completion letter. One of the outstanding items was the condition for disabled parking/ pick-up and drop-off area to be provided and clearly marked within easy access to the entrance of the building/ lifts

as shown on the approved plans / permit conditions. In the absence of inspection/monitoring reports, the basis on which the completion certificate was issued could not be determined.

#### **Gaps Identified:**

The Council's Standard Operating Procedure (SOP) – Inspection of Construction Works Document states that all periodical building inspections (stages of construction) to comply as per the approved plans and building permit conditions.

The OAG checked for major developments in the area and found that one of the conditions in the building permit was disabled parking/ pick up and drop off area to be provided and clearly marked within easy access to the entrance of the building/ lifts as shown on the approved plans / permit conditions. However, it was noted that the completion certificate was issued without sufficient monitoring reports prepared.

The OAG in its audit noted that there were no inspection reports available for the outstanding conditions and the conditions were only ticked to indicate that the conditions were met.

Therefore, without due diligence in preparing monitoring reports, special facilities such as those for the disabled population in Fiji could be overlooked, thus depriving the disabled population of Fiji from entering the building and utilizing the facilities and services provided in the particular building.

#### **4.3.4 Theme 4: Monitoring Processes of Application at Town and Country Planning**

The OAG noted that monitoring of buildings does not fall under Town and Country Planning. It was noted that once the Director Town & Country Planning consents to any development application, it is then returned to the Municipal Council for their approval and monitoring. Therefore, it was noted that the Municipal Council monitors and also issues a Completion Certificate at the end of construction allowing the proponent to occupy the structure. OHS involvement is not mandatory to ease of access even for disabled employees and customers in public buildings nor the requirements for approval by the Director of Town and Country Planning or by the Councils require ease of access for disabilities as a requirement.

Town Planning Act 1978, the Town Planning General Provisions 1999 and the Subdivision of Land Act 1978 states that:

- a) Developments shall provide for reasonable access and other facilities for disabled persons in zones other than Residential Zones.
- b) A pick up and set down area for vehicles carrying disabled persons shall be provided within easy access to the entrance of a building and which shall be clearly marked and reserved at all times for such vehicles in zones other than Residential Zones.

A copy of the conditions of consent was sighted during the audit. According to the Department of Town and Country Planning, the conditions of consent which the Department prepares are basically derived from the Town Planning Act 1978, the Town Planning General Provisions 1999 and the subdivision of Lands Act 1978. It was noted that the conditions of consent are not limited to the above mentioned legislative frameworks, as the Department sends applications for referrals to their other line agencies. These line agencies provide comments on the applications and also stipulate conditions which they also incorporate into their conditions of consent. It was also noted that depending on the nature and magnitude of the application, the following are some of the agencies that they refer their plans to: (i) National Fire

Authority; (ii) Occupational Health and Safety; (iii) Obtain files from OHS; (iv) Department of Environment; (v) Fiji Roads Authority; (vi) Water Authority of Fiji; (vii) Energy Fiji Limited; (viii) Department of Lands; (ix) Mineral Resources Department; (x) iTaukei Land Trust Board; (xi) Central Board of Health; (xii) (it is important to note that since 2017, role of Health Inspectors has been transferred to the Municipal Councils); (xiii) Civil Aviation Authority of Fiji; Airports Fiji Limited; (xiv) Investment Fiji etc.

### Gaps Identified:

The Committee noted that even though the conditions for disabled access is given by the Town and Country Planning together with the Municipal Councils, there are instances when full accessibility to buildings are denied for people with disabilities. A good example is a new built complex which is only accessible at ground level while other levels of the building are not accessible by the disabled people. Apparently, there is lack of coordination and collaboration between the Department of Local Government, Municipal Councils and NCPD to discuss the challenges faced by the people with disabilities and how best accessibility for persons with disabilities to public offices can be improved. It was noted that Fiji has the accessibility and building codes, but it has not adapted an accessibility minimum standards. Currently NCPD is only called in, when there is a need for approval on what has already been constructed which is already too late for them to provide their comments on and it has been emphasized by the Council that at the planning stage the Council is often left out. If NCPD is included in the initial planning stages before plans can be approved for issue of a building permit, then a proper certification could be issued for buildings which are compliant to disability requirement.

Figure 6.10: DTCP Vetting of Applications



The Committee was informed that the lack of awareness and initiatives for everyone to be mindful of the plight of accessibility faced by persons with disabilities are the basic reasons why there has been slow progress in improving accessibility to public spaces. Generally, most people lack knowledge of the type of disabilities in Fiji and consequently, are not aware of what is required to cater for people with disabilities.

The Committee was further informed that the CIC board members expressed that on the very initial stages of planning, the drafters of building plans generally lack this knowledge and in most cases work based on their experiences and may not be up to standards with new developments and best practices. This lack of awareness and initiatives may also be present with engineers. The other factor highlighted by CIC was the high cost of implementing these considerations for disabilities in the building plans. Collaboration and engagement with the NCPD by the DTCP and Municipal Councils is also lacking.

The OAG confirmed that the lack of engagement and consultation between NCPD and the construction industry stakeholders and lack of enforcement has caused the delays in improving accessibility of persons with disabilities to public spaces including government offices and shopping complexes.

Therefore, improved awareness about the plight of persons with disabilities and the types of disabilities to stakeholders in the construction industry will go in a long way to change thinking, attitude and the will of the stakeholders to design and build world class structures in the public space.

#### **4.3.5 Theme 5: Monitoring of Accessibility in Public Transports by LTA**

The audit noted that LTA cannot monitor disabled access in the public service vehicles because there are no penalties imposed to compel the operators to have disabled access. The Land Transport Act 1998-Land Transport (Public Service Vehicles) – Amendment regulations 2015 states that:

1. 20A --- the driver of any public service vehicle must not refuse to carry in the vehicle a person with a disability.
2. The driver of any public service vehicle must take reasonable steps to assist persons with physical disabilities when boarding and disembarking the vehicle.
3. The owner of any public service vehicle must ensure that the vehicle is user friendly for persons with physical disabilities.

#### **Gaps Identified:**

The Committee noted that there was an amendment to the Land Transport Act in 2015 which had clearly stated that the owner of any public service vehicle must ensure that the vehicle is user friendly for persons with physical disabilities. However, the OAG confirmed that after its discussions with LTA, it was confirmed that there are currently no public service vehicles in Fiji which are disabled friendly. It was also communicated that monitoring is only done for priority seating during inspection of buses. However, there is no legislated penalty in place for the bus and taxi owners to be compelled to cater for disabled access. It was also confirmed that monitoring for the current bus fleet which has design limitation for physical access and egress for wheel chair bound passengers is currently not possible since there is no penalty system to compel the bus owners to have disabled access in the current buses fleet. Moving on, it was communicated by LTA that the buses in Fiji are failed if priority seating are not marked with signage but this is an ongoing process at the moment.

It was noted that most stakeholders in the industry were not aware of the amendments to the LTA Act 2015 and have not taken any positive action or plans towards complying with the regulations.

Also noted in the current bus fleet that there is not disable passenger (wheelchair bound) accessible because the current legal legislation does not incorporate penalties for the public service vehicle owners to compel them to be obeyed by the Act.

The high investment cost required to replace the current bus fleets is an underlying issue confronting the bus industry. Also noted there has not been much discussions on these or timelines for compliance to the legislation.

Monitoring is only done for priority seating during inspection of buses and there is no legislated penalty in place however the buses are failed if priority seating are not marked with signage. The Committee was informed that this is an ongoing process and therefore, monitoring for the current bus fleet which has design limitation for physical access and egress for wheel chair bound passengers is not possible since there is no penalty system to compel the bus owners to have disabled access in the current buses fleet.

Therefore, if there is no penalty system then vehicle owners will not provide disability access as they will not find any need to provide access.

#### **4.3.6 Theme 6: Penalty System in Place to Safeguard the Rights of Persons with D**

The rights of persons with disabilities are provided and protected in part six of the Rights of Persons with Disabilities Act 2018 (Act No. 4 of 2018).

The Committee noted that the Act clearly states that a person may apply to High Court if a person feels that they are being deprived from their rights under the Act. Section 29, part 6 of the Act clearly depicts that under the law if a person with disabilities feels deprived from their rights then the person is in a position to raise matter in High Court.

The Committee was also informed that NCPD also has a complaints register which deals only with mobility issues, while the rest of the complaints are referred to Human Rights and Anti-Discrimination Commission for their action.

The Commission has clearly stated that any person has the right to lodge a complaint to the Commission in regards to alleged human rights violation.



## SUSTAINABLE DEVELOPMENT GOALS

Pursuant to SO 110 (2), *“where a committee conducts an activity listed in clause (1), the committee shall ensure that full consideration will be given to the principal of gender equality so as to ensure all matters considered with regard to the impact and benefit on both men and women equally”*



In 2015, the Republic of Fiji adopted the 2030 Agenda for Sustainable Development that is aimed at improving people's lives economically, socially and environmentally.

SDG 11 objective is to make cities and human settlements inclusive, safe, resilient and sustainable. SDG indicator 11.2 specifies that by 2030, *countries that adopted the Agenda must provide access to safe, affordable and sustainable transport system for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situation, women and children, persons living with disabilities and the elderly.*

Aligning to the UN Convention on SDGs, section 34 of the 2013 Constitution of the Republic of Fiji states that *every person has the right to reasonable access to transportation*. It also contains provisions for non-discrimination on the basis of, amongst other criteria, age, ethnicity and gender. This indicates that the design of the transport systems should be such that are accessible and safe to use by different groups in the community including women, children, and elderly and persons living with disabilities. In this regard, relevant stakeholders are working towards achieving the National Development targets articulated in the National Development Plan (NDP).

In September 2015, Fiji as a member country of the United Nations adopted the 2030 Agenda on Sustainable Development. While five (5) Global goals explicitly reference Disability, three (3) targets address the issues of Accessibility.

## **CONCLUSION**

The Committee acknowledges the progress made by the NCPD in consultation with relevant stakeholders to ensure that access for disability in public offices and transport is facilitated, however, more resources, commitment and engagement is required by all stakeholders so that Fiji could fully comply with the international, regional and local commitments which are mandated under conventions and the relevant legislations that are currently in place.

We, the undersigned Members of the Standing Committee on Public Accounts agree with the contents of this report:



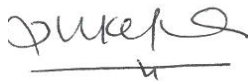
.....  
**Hon. Alvick Maharaj**  
(Chairperson)



.....  
**Hon. Joseph Nand**  
(Deputy Chairperson)



.....  
**Hon. Virendra Lal**  
(Member)



.....  
**Hon. Ro Teimumu Kepa**  
(Member)



.....  
**Hon. Aseri Masivou Radrodoro**  
(Member)

# APPENDICES

**APPENDIX 1:**  
**PUBLIC ACCOUNTS COMMITTEE QUESTIONS**

### **LEVEL OF ENGAGEMENT 1**

1. What is the current update on LTA working with the PSV stakeholders to better enforce the law relating to access for persons with disabilities?
2. What is the current progress in terms of making specific provisions for disabled persons in Part 6 or section 65 of the Land Transport Act?
3. Has NCPD started the execution and monitoring of the Implementation Plan in order to avoid delays to disabled access inclusions in legislation and policies?
4. Has NCPD started to strengthen the coordination between the policy making and implementing agencies? (And if yes, then how are they doing this?)
5. Has NCPD started to coordinate with stakeholders to ensure that timely review of legislation is carried out with due consideration to international best practices and designs?
6. What is the current progress of the review of the National Building code?

### **LEVEL OF ENGAGEMENT 2**

1. What is the current update by NCPD in terms of ensuring that proper awareness on the provisions of the CRPD is carried out so that established functions in the governing legislations regarding accessibility issues faced by the disabled community are expedited without further delay?
2. Has NCPD started to facilitate proper awareness to the implementing agencies?
3. What is the current update in terms of involving the implementing agencies in the initial planning stages of the policy development process?
4. What is the progress by NCPD in terms of preparing schedule of meetings indicating proposed dates for ADCOM meeting and circulating it to the members?
5. What is the current status for Department of Transport in terms of :
  - a) Ensuring that topics of interest to all related stakeholders are discussed at every meeting and also monitored?
  - b) Ensuring that proper updates and follow ups are carried out after the TWG meetings?
6. Were there any TWG meetings held after this audit and was disabled accessibility discussed in the meeting?
7. Has NCPD started to consider ways to improve strategic and policy responses relating to barriers to built-environments and transportation from the social model perspective?
8. Has NCPD started to explore other models of explaining disability such as the one adopted by the WHO in preparing the 2011 World Report on Disability called the bio-psycho-social model which considers workable compromise between the medical and social model?
9. Has NCPD started to regularly update the National Disability Database?
10. How has NCPD strengthened its capacity relating to data collection and maintenance?
11. What is the progress in terms of advocating for the provision of funding to expedite the National Disability Survey in collaboration with the FBoS?



12. What is the progress by FBoS in terms of properly planning, in collaboration and partnership with the disabled service provider organizations in incorporating detailed questions in the HIES as well as employment and unemployment surveys?
13. What is the progress by NCPD in terms of incorporating access audit exercises into its Annual Corporate Plans so that it gets budgeted for?
14. What is the current status of the endorsement of the five year strategic and implementation plan?
15. What are Department of Buildings, CIU and Department of Town and Country Planning doing to ensure that disabled access are included, approved and monitored for consistent implementation across development projects other than residential?
16. What is CIU currently doing in terms of ensuring that all major buildings rented by Government are disabled friendly?
17. Has NCPD started to work with DTCP in the referral process before applications are approved for construction?
18. How is NCPD planning to carry out awareness to designers, architects and engineers regarding disability access in planning and designing?
19. What is the current progress of LTA in terms of ensuring that proper regulatory impact assessments are carried out before providing for amendments in governing regulations?
20. What is LTA currently doing in order to ensure that awareness regarding requirements placed on PSV Operators in relation to the responsibilities of PSV drivers and provisions in the regulations relating to disability friendly features are properly carried out and effected?
21. Has LTA consultation with relevant stakeholders, come up with ways to introduce transition periods for bus operators in the form of policy responses or regulatory amendments so that bus operators are encouraged to incorporate disability friendly features in their fleets without risk of industry collapse?
22. Has NCPD consulted with relevant stakeholders in order to strengthen collaboration so that disabled access could be implemented in sea transportation?
23. What is the current update by NCPD on making proposals to the legislature to provide grants/subsidy for private vessel operators on re-fleeting their vessels to allow for the required accessibility?
24. What is the current update by NCPD on making proposals to the Maritime Safety Authority of Fiji (MSAF) through the Maritime Technical Working Group (TWG) to include in the passenger manifest whether persons with disabilities also boarded the vessels during trips?
25. Has NCPD started to advocate and carry out awareness on the disabled accessibility features across all forms of disability in and around the airports and airstrips in Fiji as well as during flights?
26. What is the current update by NCPD on carrying out access audits with the inclusion of disabled persons of different forms of disability, to assess the state of disabled accessibility of the airports following the air transportation travel chain?
27. What is the current progress by the Department of Civil Aviation in terms of having consultation with NCPD and relevant stakeholders and considering ways to introduce disabled accessibility features across all forms of disability in and around the airport as well as in flights?

### **LEVEL OF ENGAGEMENT 3**

1. What is the current update on NCPD's engagement with FBoS to gather appropriate data for persons with disabilities?
2. Has NCPD started to maintain an updated database?
3. What is the current update on the review of national building code and has Ministry of Employment Productivity and Industrial Relations (OHS division) been included in the reviewing of national building code taskforce?
4. Has DTCP and Municipal Councils started to engage and collaborate with NCPD for awareness and trainings in order to improve the vetting process of building permit applications?
5. What is the current update for LTA engaging with the stakeholders

## **APPENDIX 2:**

# **PUBLISHED WRITTEN EVIDENCE**

**Fiji National Council for Persons with Disabilities**

# **NATIONAL COUNCIL FOR PERSONS WITH DISABILITIES**



## **RESPONSE TO THE PARLIAMENTARY STANDING COMMITTEE ON PUBLIC ACCOUNTS**

**ON THE**

## **2020 ACCESS FOR PERSONS WITH DISABILITIES TO PUBLIC OFFICES AND PUBLIC TRANSPORT PERFORMANCE AUDIT**

## Level of Engagement 1

### Legislation and Policy Framework

#### Theme 1: International, Regional and National Commitments to Accessibility

1. Can the NCPD update the Committee on the status of the OAG recommendations and the challenges faced?

The National Council for Persons with Disabilities has a five (5) year Implementation Plan (2019 – 2023). The Plan has ten (10) objectives that captures the international, regional and local commitments in terms of accessibility to public offices and public transport for people with disabilities.

The objectives have their different aligned components derived from the United Nations Convention on the Rights for Persons with Disabilities (UNCRPD), Incheon Strategy, Rights of Persons with Disabilities Act 2018 (RPDA) and the Sustainable Development Goals (SDG).

<b>OBJECTIVE 1: TO ACT AS COORDINATING BODY FOR ALL ORGANISATIONS DEALING WITH THE CARE AND REHABILITATION OF PERSONS WITH DISABILITIES</b>				
<b>UNCRPD Article 3, 4 and 9, INCHEON STRATEGY Goal 2 and 9; RPDA 2018, SDG 5,10 and 16</b>				
STRATEGIES	ACTIVITIES	TIMELINES	KEY PERFORMANCE INDICATORS(KPI)	UPDATE
<b>KRA 1.1 Ensuring the registration of organisations dealing with services for persons with disabilities</b>				
<b>Strengthen affiliates registration systems within the Council's secretariat</b>	Review current affiliates registration	Year 1/Year 2	Compliance on registration systems as per Rights of Persons with Disabilities Act 2018	1. Standard Operating Procedures (SOP) developed 2. SOP has been tabled to Council on 31 August 2018
	<b>Establish appropriate and relevant registration systems.</b> <ul style="list-style-type: none"><li>• Develop a Standard Operating Procedure(SOP) for registration</li></ul>	Year 2 Ongoing	Proper registration systems established OPDs Compliances Audit updated	1. 33 OPDs registered 2. Version 2020 National Directory launched 3. Year 2 – In progress – 2019-2020 activity and financial reports.

(Extracted from Implementation Plan 2019-2023)

In terms of implementation and monitoring of activities in the Implementation Plan, the Council is faced with challenges including the following;

- ✓ Restriction of movements due to the COVID-19 pandemic delaying the implementation of activities.
- ✓ Funding of the activities within the plan
- ✓ Commitments from stakeholders in the implementation process.

However, the Council will strengthen its consultation and work with stakeholders and line ministries in continuing its activities within its Implementation Plan.

## **Theme 2: Enabling Legislations and Policies for Accessibility to Public Transport**

1. What is the current update on LTA working with the PSV stakeholders to better enforce the law relating to access for persons with disabilities?

The NCPD will meet the ADCOM HTE in the next quarter to:

- ✓ Expedite the execution and monitoring of the Implementation Plan so further delays to disabled access inclusions in legislation and policies are prevented.
  - ✓ Ensure that coordination between the policy making and implementing agencies are strengthened.
2. What is the current progress in terms of making specific provisions for disabled persons in Part 6 or section 65 of the Land Transport Act?

This has been discussed with the Land Transport Authority and we are awaiting their responses since they have other stakeholders to consult who are part of their working group.

3. Has NCPD started the execution and monitoring of the Implementation Plan in order to avoid delays to disabled access inclusions in legislation and policies?
  - A technical working group (TWG) was endorsed by Council to carry out Consultation on the Policy.
  - The NCPD secretariat has notified the ADCOM Transport for their meeting in order to raise issues regarding Transportation legislation and policies.
  - The planning and monitoring of disabled access inclusion should commence in Year 3 as per our Implementation Plan.
4. Has NCPD started to strengthen the coordination between the policy making and implementing agencies? (And if yes, then how are they doing this?)

The Council is working with Fiji Roads Authority through consultation on the Queens Road Rehabilitation works. This was highlighted in the last Technical Working Group [TWG] meeting on 17<sup>th</sup> April 2019. The former Executive Director, the late Dr. Yanuyanutawa discussed with the TWG on the modifications of footpath to be disability friendly and facilitated in the new projects.

NCPD has a draft Fiji Disability Inclusive policy which is currently in its consultation stages with our stakeholders (OPDs, District Committees, Advisory Committees and other relevant organizations).

## **Theme 3: Enabling Legislations and Policies for Accessibility to Public Officers**

1. Has NCPD started to coordinate with stakeholders to ensure that timely review of legislation is carried out with due consideration to international best practices and designs?

A TWG is being assigned by the Council to carry out Disability Policy consultations to stakeholders in the Districts.



**2. What is the current progress of the review of the National Building code?**

As advised by the Ministry of Infrastructure & Meteorological Services, the review of the National Building code is ongoing and requires funding and contribution from relevant stakeholders in order to finalize items of interest required to be incorporated on the revised version of National Building code.

However, the National Council for Persons with Disabilities will continue to pursue the revision in terms of accessibility.

**3. What is the current update by NCPD in terms of ensuring that proper awareness on the provisions of the CRPD is carried out so that established functions in the governing legislations regarding accessibility issues faced by the disabled community are expedited without further delay?**

- The first UNCRPD report was drafted and submitted to Solicitor General's office for vetting. It is now being finalized for external submission in June 2021. This will then initiate the formal reporting process.
- Implementation update as of March 2021 has been compiled as this will be used as a measuring mechanism to support the Technical Working Group putting together the full UNCRPD report.

**4. Has NCPD started to facilitate proper awareness to the implementing agencies?**

The initial stages of awareness and consultation has been conducted specifically on Public Officers, Towns, Municipal councils and Sporting facilities.

**5. What is the current update in terms of involving the implementing agencies in the initial planning stages of the policy development process?**

Implementation update has been collated as of March 2021 (reference of update to be used for the UNCRPD full report)

**6. What is the progress by NCPD in terms of preparing schedule of meetings indicating proposed dates for ADCOM meeting and circulating it to the members?**

The National Council for Persons with Disabilities has advised the eight (8) ADCOMs on their roles in line with the Rights of Persons with Disability Act 2018. In addition all chairpersons have been advised on their meeting schedules and the need for their committees to sit for policy consultation.

The following ADCOM's have already met;

1. ADCOM Legislation
2. ADCOM Women
3. ADCOM Vocational & Training
4. ADCOM Education

The following ADCOM's are scheduled to meet in the next quarter;

1. ADCOM Health
2. ADCOM Sports

3. ADCOM Employment
4. ADCOM Housing Transport & Environment

7. What is the current status for Department of Transport in terms of:-
  - Ensuring that topics of interest to all related stakeholders are discussed at every meeting and also monitored? And
  - Ensuring that proper updates and follow ups are carried out after the TWG meetings?

The Department of Transport has been advised on these questions and have yet to receive their response.

### **Level of Engagement 2**

1. Were there any TWG meetings held after this audit was carried out and was disabled accessibility discussed in the meeting?

There was no meeting on any TWG after this audit but it is in the discussing stages with relevant stakeholders.

2. Has NCPD started to consider ways to improve strategic and policy responses relating to barriers to build- environments and transportation from the social model perspective?

The Council has notified the Advisory Committee on Housing, Transport and Environment to schedule their meetings in terms of the consultation policy on the Rights of Persons with Disabilities.

3. Has NCPD started to explore other models of explaining disability such as the one adopted by the WHO in preparing the 2011 World Report on Disability called the bio-psycho-social model which considers workable compromise between the medical and social model?

The Council has started with a program for Persons with Disabilities to enhance their individual skills and capacity to venture to the open market employment.

4. Has NCPD started to regularly update the National Disability Database?

As per our implementation plan, our year 3 plan aligns with gathering data for persons with disabilities. However, baseline data has been established using the:

- Include Disability Employ Ability Data
- School transition to Tertiary and Employment Data
- Tropical Cyclone – TC Tino, TC Sarai and TC Yasa
- Data from OPD's report.

5. How has NCPD strengthened its capacity relating to data collection and maintenance?

NCPD have desegregated data in excel form and word format

We have started collecting data from TC Tino, Sarai & Yasa together with the Employment Include Disability Employ Ability [IDEA] program data.

This is an area that the Council will focus and strengthen in the next financial year.

6. What is the progress in terms of advocating for the provision of funding to expedite the National Disability Survey in collaboration with the FBoS?

The MWCPA Disability Unit is currently working with FBoS in conducting their second National Disability Survey.

The MWCPA Disability Unit is awaiting a budget from FBoS so that they can table a cabinet paper for the National Disability Survey. Meanwhile, they have begun speaking with donors on possible funding.

FBoS indirectly offers its support by providing its valuable inputs in the Ministry of Women Children & Poverty Alleviation (MWCPA) cabinet paper submission on the need for government to fund this National Disability Survey based on the findings from the 2017 Census; and FBoS have also been assisting your Ministry in terms of provision of the survey frame that will assist in the survey planning and budget preparation.

7. What is the progress by FBoS in terms of properly planning, in collaboration and partnership with the disabled service provider organizations in incorporating detailed questions in the HIES as well as employment and unemployment surveys?

The Washington Group (WG) short-set of questions on disability is embedded into the 2021-2022 Employment-Unemployment Survey;

8. What is the progress by NCPD in term of incorporating access audit exercises into its Annual Corporate Plans so that it gets budgeted for?

The Council has incorporated this activity in our budget for as we look for potential donors.

9. What is the current status of the endorsement of the five-year strategic and Implementation plan?

It was tabled to the Council in 2019 and the Implementation update of Year 1 has been incorporated into the midterm of the UNCRPD report.

The Year 2 update up till March 2021 has been incorporated to the full term UNCRPD report.

10. What are Department of Buildings, CIU and Department of Town and Country Planning doing to ensure that disabled access are included, approved and monitored for consistent implementation across development projects other than residential?

✓ CIU has embedded in their process, the inclusiveness of accessible features in their new upcoming projects. The new NCPD Western complex at Drasa Ave, Lautoka has been constructed to be disable friendly. The Ministry of Economy through CIU is also focusing towards the technological advancement in terms of enhanced building equipment such as elevators, voice/signal monitors and office setup that is more disability friendly.

✓ The Department of Town and Country Planning is currently enforcing

**Schedule G (14) (a) (b) of the Town Planning General Provisions 1999 which states;**

- a) Developments shall provide for reasonable access and other facilities for disabled persons in zones other than Residential zones.**
- b) A pick up and set down area for vehicles carrying disabled persons shall be provided within easy access to the entrance of a building and which shall be clearly marked and reserved at all times for such vehicles in zones other than Residential zones.**

**In considering outline and detailed building applications for both public and privately owned buildings this includes commercial buildings and public offices, the Department has been imposing conditions that require developers to have disable car parks, ramps and other related facilities.**

**The respective Municipal Councils are tasked to monitor the compliance of conditions that are laid down by DTCP. There will be no issuance of Completion or Occupancy Certificates by the municipal Councils if the conditions are not met.**

- 11. What is CIU currently doing in terms of ensuring that all major buildings rented by Government are disabled friendly?**

**The Ministry of Economy through the Construction Implementation Unit (CIU) ensures that all current offices that are being rented are in line with the current law in place for disabled compliance. The Ministry ensures that any new facility acquired needs to meet the mandatory criteria to have disability access with adherence to National Building Code.**

**The Ministry also looks into the functional plan of other agencies to ensure that customer oriented agencies or sections are located at places whereby it is more easily accessible by disabled persons or adequate assistance are provided by trained respective officers in this field to have them assisted for any matters pertaining to their request.**

- 12. Has NCPD started to work with DTCP in the referral process before applications are approved for construction?**

**NCPD is planning to build a referral process with DTCP in Year 3 – Year 4 in our Implementation Plan.**

- 13. How is NCPD planning to carry out awareness to designers, architects and engineers regarding disability access in planning and designing?**

**NCPD would like to empower ADCOM HTE – to follow up on standard provision which is still currently on review and we also need to link the process down to the DISCOM members.**

- 14. What is the current progress of LTA in terms of ensuring that proper regulatory impact assessments are carried out before providing for amendments in governing regulations?**

**As for question 14, 15 & 16, the Secretariat has advised LTA on these questions and are yet to receive their response.**

15. What is LTA currently doing in order to ensure that awareness regarding requirements placed on PSV Operators in relation to the responsibilities of PSV drivers and provisions in the regulations relating to disability friendly features are properly carried out and effected?
16. Has LTA consultation with relevant stakeholders, come up with ways to introduce transition periods for bus operators in the form of policy responses or regulatory amendments so that bus operators are encouraged to incorporate disability friendly features in their fleets without risk of industry collapse?
17. Has NCPD consulted with relevant stakeholders in order to strengthen collaboration so that disabled access could be implemented in sea transportation?

**This is an area that NCPD will focus and strengthen in Year 3 of the Implementation plan.**

18. What is the current update by NCPD on making proposals to the legislature to provide grants/subsidy for private vessel operators on re-fleeting their vessels to allow for the required accessibility?

**NCPD has had informal meetings with the Maritime Transportation Sector but have yet to make proposals on re-fleeting private vessels on the required accessibility. One of the challenges is the readiness of this industry which the council will continue advocating.**

19. What is the current update by NCPD on making proposals to the Maritime Safety Authority of Fiji (MSAF) through the Maritime Technical Working Group (TWG) to include in the passenger manifest whether persons with disabilities also boarded the vessels during trips? Has NCPD started to advocate and carry out awareness on the disabled accessibility features across all forms of disability in and around the airports and airstrips in Fiji as well as during flights?

**This is an area that NCPD is planning to focus on after COVID-19 restrictions have been uplifted.**

20. What is the current update by NCPD on carrying out access audits with the inclusion of disabled persons of different forms of disability, to assess the state of disabled accessibility of the airports following the air transportation travel chain?

**We are planning to carry out an access audit on international and domestic airports by end of Year 4.**

21. What is the current progress by the Department of Civil Aviation in terms of having consultation with NCPD and relevant stakeholders and considering ways to introduce disabled accessibility features across all forms of disability in and around the airport as well as in flights?

**There has been no consultation done on this agenda which NCPD will formally advise the Department of Civil Aviation on the recommendation of the Access Audit report.**

### **Level of Engagement 3**

1. What is the current update on NCPD's engagement with FBoS to gather appropriate data for persons with disabilities?

**FBoS has been giving updates through the ADCOM Legislation meetings on the disability monograph 2017 and SPC is assisting them in completing it.**

2. Has NCPD started to maintain an updated database?

**The last survey was conducted in 2008 and 2009 which resulted in 11,402 persons with disabilities identified. However this is an outdated data which the council should carry out another survey to determine the correct figure and have an updated database. This is reflected in Year 3 of the Implementation Plan for the council to carry out another survey in partnership with relevant stakeholders.**

3. What is the current update on the review of national building code and has Ministry of Employment Productivity and Industrial Relations (OHS division) been included in the reviewing of national building code taskforce?

**The review progress of the National Building Code is facilitated by the Ministry of Health, Ministry of Infrastructure and Ministry of Local Government with other stakeholders. As advised by the Ministry of Infrastructure & Meteorological Services, the review of the National Building code is ongoing and requires funding and contribution from relevant stakeholders in order to finalize items of interest required to be incorporated on the revised version of National Building code. However, the National Council for People with Disabilities will continue to pursue the revision in terms of accessibility to people with disabilities.**

**There is still discussion with the National OHS Service to be included in the review team of the National Building Code but they are member of the Construction Industry Council who are part of the review team.**

4. Has DTCP and Municipal Councils started to engage and collaborate with NCPD for awareness and trainings in order to improve the vetting process of building permit applications?

**NCPD will strengthen and advocate more on disability access issues with DTCP and Municipal Councils.**

5. What is the current update for LTA engaging with the stakeholders in implementing action plan to bring about the necessary changes in public transport?

**The Secretariat has advised LTA on these questions and are yet to receive their response.**