

AMIDA



"I want
to live
in a
house"

Action for More Independence and Dignity in Accommodation

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Disability (Access to Premises – Buildings) Standards 2009

AMIDA, a disability Advocacy organisation working on improving housing, including access, for people with disabilities, makes the following points in reference to the Draft Disability (Access to Premises – Buildings) Standards 2009.

AMIDA applauds the bringing together of the building standards with human rights for all the community, but note that the proposed standards, although an improvement, would continue to perpetuate difficulties for people with disabilities, as the proposals do not allow for all circumstances, and don't take the opportunity to expand to be more inclusive.

We urge that the Standards are developed further to ensure access for all people, and include here points that keep emerging in our work and that would not be improved by implementation of the Standards as proposed.

This opportunity to ensure access for all people in our community should not be lost.

Our main emphases covered in our comments on the proposed standards cover:

Equal access to public buildings and spaces
Equal access to private accommodation
Increased numbers of car parking spaces
Increased numbers of public toilets

Please see below for specific comments and recommendations.

We acknowledge the AFDO Issues Paper which informed our submission.

1. Schedule 1 - Part A3.1

The Draft Access to Premises Standards references Australian Standards which are under review by Standards Australia and are yet to be released to the public. There is particular concern that the yet to be released AS1428.1 will not have specifications that will enable access by 90% of wheelchair users (i.e. the dimensions currently in AS1428.2).

The Australian Standards referenced but not public are:

- AS1428.1 (Design for Access and Mobility – General Requirements for Access – New building work)
- AS1428.4 (Design for Access and Mobility – Tactile indicators)
- AS2890.6 (Parking Facilities – Off street parking for people with disabilities)

To make comment on as yet unfinalised or released Standards is difficult. Australian Standards referenced in the draft Access to Premises Standard (plus AS1428.5) must be released to the public as “adopted” and then a reasonable period of time allowed for comment by the public prior to the Access to Premises Standard being formally considered by the Review Committee and put to Parliament.

2. Part 2.1

Failure to cover Class 2 buildings (Unit Blocks)

Class 2 buildings (multi-unit blocks of home units) must be covered either by the Access to Premises Standard or by the “Access to Accommodation” provisions of the DDA. A large percentage of the population resides in ‘home units’ and to exclude this type of accommodation is not logical.

Many Class 2 buildings are offered for rent, but cannot be rented by people with disabilities due to lack of access to even the common areas.

3. Parts 1.4 and 2.1

Including purpose built cabins in caravan parks or in eco villages with small B&Bs (specified Class 1b buildings).

A trigger of four (4) or more bedrooms would mean almost all B&Bs and cabins would continue to have no accessible rooms. This would reduce rights currently contained in the DDA.

The disability community can accept that a case of economic difficulty may be able to be made out for existing homes being converted for use as small B&B type buildings (Class 1b), following a claim of unjustifiable hardship. We can accept a threshold of three (3) bedrooms before access is required in these small, existing, converted premises.

However, newly built B&Bs, new cabins in caravan parks and new eco lodges are generally purpose built and we can see no reason why new B&Bs, new cabins and new eco lodges and the like (also specified Class 1b buildings) cannot be required to be accessible on the same basis as Class 3 buildings (i.e. 1 to 10 cabins, at least one to be accessible, etc.).

4. Part 4.3

AMIDA is concerned that in multi-tenant buildings when lessees are doing upgrade work, no-one is being required to also ensure access to the new work.

This situation could result in accessibility on the second floor, but no access to it from the ground floor.

One possible solution could be where any work by a tenant (requiring a building application) could be the trigger for the building owner to create an accessible path of travel. Part 4.1(f)

“Regional” and “remote” locations.

These terms imply that a building in a regional or remote area somehow reduces the need for access or makes it more expensive to comply with the Access Code.

Many people with disability live, work and travel to and within regional and remote locations.

Section 4.1(f) must make it clear that simply by a building being in a regional or remote location does not indicate that a claim of unjustifiable hardship is made out.

5. In Table D3.1 Class 3 – Common Areas

The table seems to indicate that, in buildings with access only to the ground floor access is required only “To and within not less than one of each type of room or space for use in common by the residents ...” whereas, if a level is served by a ramp or lift, “(b) to and within rooms or spaces for use in common by the residents, “. That is, more access is required on upper levels than on the ground floor.

The wording needs to be amended to make it clear that all facilities on an accessible level must be accessible, including at least one of each type that is also located on an inaccessible level.

6. Table D3.1 Class 7a

The Table requires access only to floors of a car park where there are accessible parking bays.

The numbers of required accessible parking bays is inadequate to meet the demand. Consequently many people with disability are forced to park in non-accessible bays. Many of these people use vans with rear access which can use a regular sized parking bay.

Denying these people the opportunity to park on any level will significantly reduce their ability to use the facility associated with the parking area.

Lift access must be required to all levels of Class 7a buildings.

7. Table D3.1 Class 9b

This Table does not make it clear that theatres and other Class 9b buildings need to ensure that access is provided to the stage, dressing rooms, refreshment areas etc (although this is covered in the Guidelines).

The Table should be amended to ensure clarity on the need for access to all areas of Class 9b buildings (except those areas exempted – tiers and platforms with no accessible seating).

8. Table D3.1 Class 9c

The Table requires the same numbers of accessible sole occupancy units as in Class 3 buildings.

This is most inadequate given that the people likely to be admitted to an aged care facility are much more likely to have a severe mobility disability than occupants of motels.

The numbers of accessible sole occupancy units in a Class 9c building must be increased by at least a factor of 3 in each number of units range. That is: 1-10 – 3 units accessible, 11-40 – 6 units accessible, etc.

9. Part D3.2 Access to Buildings

Part D3.2 (2) (b) refers to the location of accessible entrances relative to inaccessible entrances.

There is no reference to the need for an accessible path of travel between these two building elements.

Part D3.2 must be amended to ensure that an accessible path is available between any inaccessible entrance and at least one accessible entrance which must be no more than 50m from the inaccessible entrance.

10. Part D3.3 Parts of buildings to be accessible

Fire isolated stairs are exempt from requirements for access features that would assist people to evacuate safely. This will jeopardise evacuees (including blind people, vision impaired people and people with ambulant disability) and the people assisting them in a crisis who are forced to use the fire isolated stairs.

Fire isolated stairs and ramps must be required to meet AS1428.1.

11. Part D3.4 Exemptions

This part lists parts of buildings which are not required to be accessible.

This implies that no person with a disability might need to work in or visit such parts of buildings.

There is concern about the message this section gave concerning the capacity of people with a disability to work in a variety of areas and possible conflict with the intent and objectives of the Commonwealth Disability and Mental Health Employment Strategy.

Section D3.4 (d) is of particular concern because of the inclusion of the term 'logistic/distribution' areas. The concern is that developers will try to avoid providing access to an office which is described as a logistics centre or distribution centre when in reality they are administrative offices.

Exemptions should be limited to those areas clearly not able to be made accessible such as windmills or lighthouses.

Other areas/buildings should rely on the unjustifiable hardship provisions.

12. Part D3.5 Car Parking (number of spaces)

The number of accessible spaces required is inadequate given the number of Mobility Parking Authorities in the community.

In NSW the number of Mobility Parking Authorities that have been issued is equivalent to 13% of registered vehicles. Clearly 1 or 2% of spaces being accessible is inadequate.

Boom gates and Pay Machines in Car Parks (Not covered in Code where Car Parking is covered)

- Many people with disability have difficulty extracting ticket from an entry boom gate.
- Many people with disability cannot access parking pay machines.

Accessible parking requirements should be considered in conjunction with the work occurring on the National Accessible Parking Strategy

Boom gates and pay machines must be accessible and be included in the Code.

13. D3.6 Signage

Part D3.6 (e) requires no more than the international symbol for access and an arrow.

More information is required. Signs should include written information on what feature the sign is directing an individual to (i.e. accessible toilet, entrance, ramp, parking).

Any directions towards an accessible entrance need also to ensure the person is being sent on an accessible path to that entrance.

Part D3.6 must be amended to require information about the facility one is being directed to, and a requirement that such pathway be an accessible one.

14. D3.9 Wheelchair seating in Class 9b assembly buildings

D3.9 (b) refers only to cinemas (excluding live theatre, concert halls, etc.). There is concern that in cinemas, people could be forced to sit in the front row – so not allowing that is supported.

However, front row seating in live theatre is considered desirable, as is front row seating at some sporting venues.

D3.9(b) can be left as is if a new D3.9(c) is drafted as follows:

D3.9(c) in a theatre or other venue (but not a cinema):

- (i) with not more than 300 seats — wheelchair seating spaces may be located in the front row of seats; and
- (ii) with more than 300 seats — not less than 75% of *required* wheelchair seating spaces must be located in rows other than the front row of seats; and
- (iii) the location of wheelchair seating is to be representative of the range of seating provided.

15. Part E3 – Lift Installations

AS1735 Lifts, escalators and moving walks

It should be noted that while there were people with disabilities included on the Standards Australia ME04 Committee working group for development of this suite of Standard, no people with disabilities were on the Committee which had voting rights for final publishing.

Part 12: Facilities for persons with disabilities

Preface, Scope and Application:

- It is recommended that Part 12 Application be amended to indicate that it applies to all passenger lifts.

Lift Landings:

Part 12 is silent with regard to the required size of landings serving lifts. Because the circulation space provided by the lift landing is critical to the user's ability to access the lift car, it is recommended that Part 12 give guidance regarding the minimum size of lift landings.

Because there are many situations in which the user must reverse from a lift, e.g. when the other occupants prevent manoeuvring of the wheelchair within the lift car. Upon exiting the lift car, the user of the wheelchair will be required to make a 90° or 180° turn before proceeding from the lift landing. Because AS1428 Part 2-1992 Clause 6.2 prescribes the minimum space necessary to turn an occupied wheelchair through 180° is 1540 x 2070mm, it is recommended that AS1735 Part 12 be amended to require lift landings to be a minimum size of 1540mm x 2070mm.

- It is recommended that a new Section to address Lift Landings be added to Part 12 which states that each public passenger lift shall be provided with a minimum landing circulation space of 1540mm x 2070mm to allow access by all.

Lift Car Size:

The draft Disability Discrimination Act Standards on Access to Premises (Premises Standard) was originally prepared to provide access for 90% of people with disabilities. Table E3.6(b) of this Premises Standard requires the minimum lift car floor size to be 1400mm x 1600mm for all lifts with travel in excess of 12 m.

- It is recommended that Section 2 be re-drafted to reflect the new requirements, i.e. that the minimum lift car internal dimensions shall be 1400mm wide by 1600mm deep.

Although the minimum clear opening required by AS1428-1 for doors along an accessible path is 850mm, the minimum clear opening required by Section 2 for lift doors must remain as 900mm. The greater clear opening dimension required for lift doors is necessary to permit a wheelchair user to reverse from a lift car because it is not possible to reverse a wheelchair from a lift car along the same path as was used to enter the lift car.

Doors:

With the introduction of destination directed control systems, the built-in door open dwell times need to be revisited. The requirements presented in Clause 4.3 may no longer be sufficient for all users particularly people with vision impairment.

- It is recommended that the door open dwell times presented in Clause 4.3 be revisited and if extended times are found necessary, Clause 4.3 be amended to reflect the extended times.

Control Buttons:

People using lifts differ with respect to the side to which they are capable of operating control buttons.

- It is recommended that Clause 7.2.1 be amended to require two accessible lift car control panels in all lift cars with internal dimensions less than 1600mm x 2100mm.

Clause 7.2.2(d) states that although two control panels may be required, only one emergency stop control is required. This is illogical.

- It is recommended that Clause 7.2.2(c) and Clause 7.2.2(d) be combined to require the provision of two stop buttons with each being located in an accessible position either on or in close association with each control panel.
- It is recommended that the last paragraph of Clause 7.2.2 be amended to state that all control buttons shall be identified by raised tactile symbols and Braille equivalent located above or to the left of the control button.

Clause 7.2.3 refers to key pads where provided and states that a tactile dot shall be provided on the centre of number 5 unless the tactile symbol is on the face of the button. From the argument provided above, it is recommended that the words “unless the tactile symbol is on the face of the button” should be deleted from the clause.

- It is recommended that Clause 7.2.3 be amended to delete from the clause the words “unless the tactile symbol is on the face of the button”.

Many people with disabilities are unable to engage a control button which is level with or below its surround.

- It is recommended that Clause 7.4.4 be amended to require the moving part of a control button to project beyond its surround and the face of the control panel by not less than the distance of travel necessary to operate the control.

Information:

Many people who use wheelchairs also have hearing impairment. It is necessary therefore to provide all information by both audible and visual means.

- Clause 8.2 should be amended to include the additional requirement that all information shall be provided by both audible and visual means.

Communication Systems:

- Clause 9.2 should be amended to refer to the “successful operation” of the communication control and to require acknowledgment with both an audible tone and the illumination of a lamp.

- Clause 9.5 should be amended to require, in addition to a microphone and loudspeaker, a small visible display activated within the lift car when the answering service receives the call to indicate that the call has been received and assistance has been dispatched.

Landing Protection:

Both AS1735-12 and AS1735-14 are silent with regard to the required size of landings serving lifts. Because the circulation space provided by the lift landing is critical to the user's ability to access the lift car, it is recommended that both Part 12 and Part 14 give guidance regarding the minimum size of lift landings.

- It is recommended that a new Section to address Lift Landings be added to AS1735 Part 12 which states that each public passenger lift shall be provided with a minimum landing space of 1540mm x 2070mm to allow access by all.

16. Part F2 – Sanitary and other facilities

The draft Access Standard requires a unisex facility with all banks of toilets unless there is more than one bank on any floor, when 50% of banks of toilets must have a unisex toilet there also.

This will allow toilet facilities on floors where there is more than one tenant for facilities to be behind a security door, thus preventing an employee of the other tenant from accessing the unisex facility.

There is also a health and safety issue for toilets in large shopping centres, at large sporting venues and at large entertainment venues where the distance between banks of toilets can be excessive.

This provision must be amended to require at least one accessible unisex toilet with every bank of toilets, especially taking into account the distance to other toilets and waiting times if only one is provided.

17. Class 9a health care facility, and amenities associated with recreation facilities

This Part treats all Classes of building the same as regards toilet and shower amenities.

Some Classes of building need to have enhanced shower and toilet facilities to enable people with disability to use the facilities.

In buildings where the public might be expected to shower and or change clothes, there is a need for extra circulation space and the provision of an adult "change table" large

enough to accommodate an adult and at a height suitable for independent transferring from /to a wheelchair.

The toilet and shower facilities should be in the one space to preserve privacy.

Examples of the buildings where these enhanced facilities are needed include: public swimming pools, gymnasiums.

The Standard needs to be amended to include the provision of enhanced facilities in appropriate Classes of buildings.

18. Part F2 Table F2.4 (a)

Excepting all “en-suite” facilities associated with individual caravan sites from being required to be accessible significantly reduces the ability of people with disability to use caravan parks.

At least some such facilities (20% is suggested) must be required to be accessible to enable caravaners and campers with disabilities to use these sites.

In conclusion, thank you for the opportunity to comment on these draft Standards, but we consider that there are improvements that can and need to be made, that will benefit all members of the community well into the future.

We strongly urge you to take into account the increasing numbers of our community who will benefit if this opportunity for improvement is embraced.