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House of Representatives Standing Committee on Legal and Constitutional  
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**Submission to the federal House of Representatives Standing  
Committee on Legal and Constitutional Affairs**

**Inquiry into the draft Disability (Access to Premises - Buildings)  
Standards**

Please accept the following submission from The Association of Consultants in  
Access, Australia Inc (ACAA).

ACAA is the national association on access to the built environment for  
people with a disability and, at the time of writing, represents 195 members,  
the majority of whom are practicing access consultants. It has a rigorous  
accreditation process and a continuous professional development  
requirement.

Most ACAA members operate businesses providing a range of access advisory,  
design, auditing and training services to a wide range of organisations both within  
Australia and overseas. Many members with significant expertise in access are  
recognised as 'experts' in access issues and are involved in other industry  
related areas as specialist advisors on access improvement issues. Many  
members also have extensive expertise in development and interpretation of  
disability related legislation and Standards. Some members are leading in the  
development and delivery of access related training across Australia.

ACAA has always supported the concept of having building design  
requirements for people with disabilities incorporated into the federal  
Disability Discrimination Act (DDA). However, it is our assertion that the  
draft Disability (Access to Premises - Buildings) Standards 2009 (DAPS) lack  
reference to some critical issues, contain numerous significant errors, are  
inconsistent and are neither appropriate or effective in achieving their  
objects.

The provisions outlined in the DAPS are unlikely to provide the 'certainty'  
expected by the property designers, access consultants or the disability sector.  
The legislation will definitely reduce the opportunity for complaint by people with  
disabilities needing access to and within those Classes of building covered by the  
legislation. However it will not prevent aggrieved persons from bringing a  
complaint of discrimination when unable to access the front door and public  
areas of Class 2 buildings, or if unable to use a public building because of lack of  
wayfinding signage, directory boards, and directional TGSIs, or to gain

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employment in a high-rise building due to lack of suitable evacuation provisions, or the inability to access a service provided in a multi-storey building.

It is noted that the revised and updated draft Australian Standards AS1428.1 [Exhibit 1 is referred to as a public consultation draft 2009], AS1428.4.1 [Exhibit 10 is referred to draft February 2004 but has been reissued in February 2009 without any further comment] and AS 2890.6 [Exhibit 11 is referred to as draft for submission to ACBC February 2009], and until now last available for public comment in 2004, have been significantly altered since that time, seemingly unilaterally. We submit that due process has been circumvented. The purpose of these drafts is confusing when it was understood all were revised draft for public consultation.

Further, it is our view that the DAPS themselves are discriminatory to a significant proportion of people with disabilities.

Other submissions to your Inquiry have made detailed representations in relation to all exhibits and DAPS, and so we will confine our comments to those elements that we believe are of the highest importance. They are not listed in any order of priority, and are not claimed to be exhaustive.

1. There is no justifiable reason for Class 2 buildings to be outside the scope of the DAPS. Class 2 buildings (multi-unit blocks of home units) must be included. By not including Class 2 buildings in the Premises Standards the Government is denying people with disabilities access to accommodation in what is becoming the major form of residential accommodation available in cities. This constitutes unjustifiable hardship for people with disabilities. The 2004 version of DAPS required access to the common areas of Class 2 buildings. This requirement must be returned to the 2009 version.
2. The interpretation given for "specified Class 1b building" in Part 1.4 of the DAPS is discriminatory. In particular, 1.4(a) is in conflict with requirements for other short-term rented accommodation. Why should the requirement for beds in a Class 1(b) Bed & Breakfast or a small Class 1(b) boarding house be different to the requirement for any other boarding house (Class 3), or for that matter for motel rooms (Class 3)? Many such properties are developed through substantial building work. In any case, owners and managers always have recourse to a claim of unjustifiable hardship.

While Class 1B Bed & Breakfast buildings are often existing houses which have been modified, the "single dwellings ... on the same allotment" referred to in 1.4(b) are usually purpose built. These include cabins in caravan parks and in eco-villages.

There is little or no justification for the inclusion of this interpretation, the application of which would result in wide spread discrimination.

3. In Clause 2 of AS1428.1 [Exhibit 9], the research referenced is 25 years old and is hardly an appropriate base to work from.

The research by J Bails (1982) clearly defined two size wheelchairs, namely the A80 and the A90 wheelchair (although the dimensions for the A90 wheelchair have not been provided). It is known from later research (Seeger 1994) and even more contemporary research by Hunarch Consulting (unpublished, and obtained by ACAA from the ABCB under FOI) that reveals that the 800mm x 1300mm space no longer accommodates the A90 wheelchair. This is a fundamental principle in determining spatial requirements which is the basis of the standards.

4. Clause 7.3 of Exhibit 9 prescribes a minimum accessway width of 1000 mm. This has been clearly indicated as applicable for A80 wheelchairs. A90 (or 1200mm) is considered the minimum width for a path of travel, and has been widely accepted by the industry, both public and private, since 2004, and is a fundamental requirement for a disability standard. The premise of the DDA is to reduce discrimination – Clause 7.3 produces the opposite effect if the minimum access width of 1200mm is not adopted. This also has numerous implications in the details of the Standards.
5. Adequate wayfinding devices are an essential component of building design and in particular for people with cognitive, vision and hearing impairment. The DAPS do not cover most of the signs used in buildings. Clause D3.6 provisions require little useful signage. The required signage that is included is primarily for correcting inaccessible situations. Serious omissions include:
  - a) raised tactile and Braille directional signage to identify the accessway from the principal pedestrian entrance to a building directory;
  - b) a building directory accessible to all occupants and visitors including people with vision impairment and people with hearing impairment, and
  - c) raised tactile and Braille directional signage to identify the accessway from the building directory to accessible building elements
7. AS1428.1 [Exhibit 10] Clauses 4.14.1 and 4.14.2 – as a kerb ramp and a step ramp are effectively the same thing, why have different conditions? If a kerb ramp works then this should apply to both. How do you define something between 1 in 10 and 1 in 12, or steeper than 1 in 8? It is a ramp but not one within this code. It is essential for logic and consistency to be applied throughout the Standards to enable them to be accepted. This is particularly applicable when the Standards are referred to in the BCA and the BCA is performance based. How do you justify a performance of what is accessible when two options are provided to achieve the same objective?

In conclusion, the draft Premises Standards cannot be claimed to meet the intent of the DDA of reducing discrimination until it meets the level of access necessary

to maximise the contribution which people with disabilities can make to Australian society.

There is an urgent need to amend the draft documents to enable the objectives of the DDA to be met and supported by a consistent and sustainable set of details.

Yours sincerely,

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Vice President  
Association of Consultants in Access, Australia Inc.  
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