

The Secretary  
House Standing Committee on Legal and Constitutional Affairs  
House of Representatives  
PO Box 6021  
Parliament House  
Canberra ACT 2600

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**IDEAS NSW / Access Aware!**  
**Submission: Inquiry into the draft Disability**  
**(Access to Premises - Buildings) Standards 2009**

As a leading provider of disability information, **IDEAS NSW** receives regular requests for assistance or information about access to premises and accessibility via our Disability Information Line and IDEAS Online website.

During the last two years we have taken 385 enquiries about access, which equates to more than one enquiry every second day. A breakdown of the categories of these enquiries is as follows:

**Enquiries received by IDEAS NSW about Access (2007 and 2008)**

ENQUIRY CATEGORY	ENQUIRIES
Access Committees	8
Access Consultants	5
Access Guides	25
Access Issues	92
Access Standards & Codes	124
Building Design	57
Other Access Issues	78
Outdoor Design	13
<b>TOTAL</b>	<b>385</b>

These figures represent only the people in the community who have thought to – and know how to – contact our organisation for assistance about accessibility and access to premises, and one must conclude that the prevalence of access barriers currently experienced in the community (despite the existing recommended Australian Standards and complaints-based adherence to the principles of the Disability Discrimination Act) rates much higher than one every two days.

It is fair to say – based on the experiences of people with access difficulties we hear about – that older people with access difficulties and people with disability still experience significant disincentives for their dignified and equitable participation in society on an ongoing and daily basis. This situation is in stark contrast to the goals identified in the Purpose, Principles and Obligations of the United Nations' Convention on the Rights of Persons with Disabilities, which was ratified by the Australian Government last year.

## **Related Matters**

IDEAS NSW have sought to address the disparity between the current reality of barriers in access to premises and the preferred situation (where people with disability are enabled to live full, independent lives of their own choosing) through initiating an information and awareness project – **Access Aware!**

The goal of the Access Aware project is to create a national database of local businesses and facilities, that people with disability (including older people with access difficulties) will be able to use any time and anywhere there is an

internet connection, to search for information about accessible businesses and facilities across NSW and eventually Australia. The project is reliant upon the contribution of information by small business owners and managers as well as local volunteer ambassadors, who act as the informal “eyes and ears” of the project in order that the information about accessible premises collected is both accurate and reliable.

Access Aware represents an opportunity for people to turn to one source with a common methodology and quality control for the detailed information about accessibility that will be published, rather than be forced to rely upon a range of incomplete and disparate sources of information when trying to plan their day-to-day activities in either their own or neighbouring communities. Often people who do not experience access barriers for themselves overlook how difficult these seemingly everyday tasks can prove.

Access Aware seeks to operate under a long-term sustainable funding model through subscriptions from local government and large corporations, in return for their access to project software to store and organize their organisation’s accessibility information and to promote themselves to the community and potential consumers as “access aware” organisations.

However, the project is currently in development stage and stands to benefit from any potential offers of funding or sponsorship for the period it will take Access Aware to establish itself in willing local government areas and among the business community and corporate sector. The website can be found at <http://www.accessaware.com.au>.

## **Appropriateness and effectiveness of the proposed Premises Standards in achieving their objects**

As an organisation that has significant contact with people who seek information about accessibility and access improvements in the community, IDEAS NSW and Access Aware welcome the long awaited release of the draft Disability (Access to Premises - Buildings) Standards 2009, which for the first time will see accessibility requirements included in the Building Code of Australia.

However, this endeavour will only make a real difference in people's lives if the contents of the new Standard (and revisions to any existing Standards) actively set out to improve current levels of access to premises for the future, rather than simply reflect the current state of play, or reflect what people involved in the building industry may view as workable or "good enough".

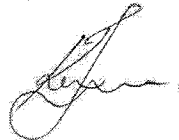
It is therefore concerning that the current proposal includes changes to the previous draft document released in 2004 that appear to dilute certain proposals that would have enhanced equitable access and community participation among a section of the population who have had to endure significant exclusion in their attempts to access premises and facilities. These alterations are referenced in Section 5 of the Regulation Impact Statement, and IDEAS NSW and Access Aware fully support other submissions to the Standing Committee that we expect will query the nature of these changes in greater detail.

**Whether the Premises Standards will have an unjustifiable impact on any particular sector or group**

Particularly detailed attention should be paid to provisions that seek to define “unjustifiable hardship” in a general all-encompassing manner, which may in effect represent a step backward from the rights currently enjoyed by people experiencing access difficulties through recourse to the principles of the Disability Discrimination Act on a case by case basis. For the opportunity afforded by the ratification of the UN Convention and the subsequent speedy release of the draft Premises Standards, it would be more than a shame if this endeavour resulted in a step backwards for the rights and access to the community of the very people who these mechanisms are intended to benefit.



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