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Submission

BY: LACA

Thank you for receiving our comments on the newly released Disability (Access to Premises - Buildings) Standards. We praise the Government for taking this long-awaited step forward with many provisions that will assist the DDA to integrate fully into the built fabric of our country.

The DSAP 20XX has been in the making for many years. Perhaps soon it will be a useful and relevant tool across the design, approval and construction industry and provide people with a disability (and their associates) ongoing improvements to access right across the built environment in Australia.

We fully support the following paragraph stated in our local Access Consultants Network submission (submission # 4): *As professional access consultants we urge the Federal government to enable this Disability Standard for Access to Premises into legislation to assist us in our vital role to recommend and provide good, consistent and accurate advice to all levels of government, the building and construction industry, architects, urban planners, interior designers, traffic engineers and individuals who make up our client base.*¹

The following issues are raised by HC Harrison Consultants in our roles as Access Consultants and as people with disability-related issues in our lives on a daily basis:

1. **RESPONSIBILITY FOR ENSURING SAFE AND EQUITABLE ACCESS** lies with
 - a. architects and designers primarily;
 - b. those in the construction industry implicitly;
 - c. approvals* (in SA that means Private Certifiers and local government) absolutely;
 - d. building owners, managers certainly and to a lesser extend lessees;
 - e. access consultants surely also have a responsibility to ensure equitable access is the outcome of their advice

*At the state and local level, legislative amendments may be required to achieve this, for example more ties and references between the Development Act 1993 (SA) and the DDA 1992 (Cmwith), making it absolutely clear that approvals shall be compliant with the higher order law so that the intent and scope of 'equitable' is a serious consideration.

2. **AGING and People with disabilities:** There is a stereotyped image of who people with disabilities are i.e. wheelchair users and those who are blind and those with Down's Syndrome. In other words, people with very visible impairments/conditions. Along with 'people with disabilities' who are the beneficiaries of equitable and safe access and the broader community, the aged cohort is a further justification for the need for compliance with what will become the new disability standard. The statistical evidence that 10's of 1,000s of people aged over 100 years in the years ahead mean the implications of this standard will be even more broadly felt. We would like to support submission 9 received on the 13th Jan 2009 by the NSW Older Women's Network.
3. **Class 2:** We support the Victorian Equal Opportunity and Human Rights Commission submission section on Class 2 Buildings being an 'Omission²', from the DSAP. Private residences in Australia, like those in the UK, must become more

¹ SACN written submission dated 15th Jan 2009

² Dated February 2009

accessible, with flat thresholds, lowered controls and with toilet and bathrooms able to be accessible and; those that are not required immediately to be adapted easily and cheaply.

People with disabilities should not have to spend money on access to a house they buy, that should be provided as a cost to housing – nothing to do with ability!

4. **EMPLOYMENT and Access to Premises:** In our experience as access auditors and access reviewers of existing buildings being upgraded *and* brand new buildings currently being constructed, we constantly find many, many deficiencies 'on the other side of the counter'! Attitudes towards people with disabilities becoming employed and the necessity for inclusive workplaces is still 'off the agenda' and seems to be an elusive concept in the design and construction industry. In assessing the vast majority of the buildings we work in, the requirement for equitable and safe access to staff facilities is 'absent, zip, nil'! Staff having access to the list below (and the table attached) in an equitable, safe, and independent manner is definitely not evident, and must be addressed:
- a. to enter and leave their own workplace – **entrances and doorways, accessible car parking, vertical transport,**
 - b. to get themselves a hot/cold drink, fix or prepare meals – **fit out, controls, tables and workbenches**
 - c. to wash their own meal crockery/cutlery – **benches, sinks and tap fittings and not allowing the installation of hot water services under sinks** (this means they can not easily be adapted to be accessible to staff who use wheelchairs)
 - d. use of a sanitary facility – **sanitary facilities and their layout, A90 additional 300mm rule, with unrestricted space around pans and basins**
 - e. to enter and use meeting, training and conference room facilities without drawing attention or requiring people to stand, move furniture around etc – **doorways, fit out, circulation spaces around furniture, controls**

The reality of the 21st century and concepts such as equitable work-places and work-spaces seems to have eluded many building owners, designers and architects and (in SA) private certifiers! Universities as places of employment and teaching are just one local (SA) example where inequity in staff facilities and a disregard for standards for access and mobility can be seen. (This was raised in the Briefing session in Adelaide 26th Feb, 2009)

5. **CLASS 1B BUILDINGS:** All common areas in this class as well as an accessible entry, access to AWC and bathrooms and swimming pools should be included within this DSAP, and is supported.
6. **TRIGGERS to compliance:** we are concerned that building owners may take advantage of the trigger system by persuading the lessee to make the application (for upgrades requiring building approval) and avoid the compliance trigger. This has occurred with the building regulations in SA, in relation to single occupancy units for the last 20 years. **QUESTION:** how can this standard be monitored, to eliminate this negative opportunity?

7. **Class 3 ACCESS into SWIMMING POOLS:** (For any private for profit owner or local/government government owned/managed). We believe that when facilities in swimming pool centres are upgraded, (i.e. creation of a unisex accessible sanitary and change room facility, where there previously was not one available), that this should trigger an upgrade to provide access to the swimming pool itself.
- It is reasonable to expect that such a new facility would mean the swimming pool is accessible!
 - A swimming pool at a class 1B should be accessible as a common area (as referred to above in point 4)

We support that a **new swimming pool** with a perimeter over 40M must be required to be equitably accessible. It must be accessible by at least 2 means excluding a lifter with sling i.e. ramped/beach access and transfer steps.

People with disabilities repeatedly assert they do not like using lifters and slings; and older people who may want to continue an activity as their physical ability declines are much more likely to use other methods of entry than the lifter/sling method. It is

- difficult to achieve use of lifters independently;
 - they draw unwanted attention to the user;
 - they are often not well maintained and breakdown and or;
 - are not always in place and able to be used spontaneously
 - staff turnover and casuals are not always trained to know how to use them
 - there are people with some types of limitations and restrictions who are not able to use them
8. **ACCESS and ENTRANCES:** the DSAP must clearly state the requirement for (A90) 850mm clear open space at doorways. We support the 50% rule, but it must be clarified whether the 50M measurement is taken externally? If the 50M measurement is taken internally this may create less accessible entrances than the intent specified.
9. **CINEMA and THEATRE SEATING:** we support integrated seating that provides options to seating positions, in all venues where spectators are allowed including sporting venues at the local level.
10. **EXEMPTIONS AND CONCESSIONS:** Those who spend a lifetime as a person with a disability (and or as an associate) are excluded and disadvantaged in society and within the community because of requirements we can not fulfill, such as the use of steps to gain entry; poor wayfinding and a lack of Braille signage; a lack of accessible WCs and AWCs without appropriate circulation spaces and poorly designed layout; narrow doorways, and inadequate circulation around them; unreachable facilities and controls; facilities in buildings not available to employees etc – the list goes on! While we understand the reasoning behind exemptions and concessions we do not like it and do not fully support it! People with disabilities make concessions everyday and have to live with the exemptions others have the opportunity to apply for. What concessions to people with disabilities get or have? Our only avenue is a costly complaint process. Exemptions and concessions should remain difficult to obtain.

Property owners, small and large businesses must be made aware of the issues surrounding 'equity of opportunity' to understand their missed business; the missed opportunity to employ talented individuals; and the fact that the law supports people with disabilities to have access and does not support building owners/business to exclude people with disabilities! Without equity of access, equity of opportunity to education, learning and teaching, employment, promotion, travel, community life and expectations can not be met. Never before in our history has so much been expected of people with disabilities, yet access can still be denied. The administrative protocol must be applied carefully.

11. ADMINISTRATIVE PROTOCOL: The DSAP must have a mechanism to better defend people's rights in such a way that there are penalties for the blatant disregard of the need to meet the requirements for access. People with disabilities are always expected to 'make concessions' for inappropriate design and construction, yet when an opportunity arises to build a new, state of the art building, we still are expected to make yet another concession due to a developer's budget!

We are concerned about the *make up of access panels* and who will be seen as the 'access expert' and how their advice will be taken. Will the access expert be the lone voice on the panel struggling to get the concepts of 'equity', 'independence' and 'dignity' heard in a positive way that results in improvements for people with disabilities and not further concessions against access?

12. Issues not covered by this Disability Standard: egress, wayfinding, residential housing (see above), are important areas for inclusion and we would hope that a 5 year review period would be time enough to work towards including some clarifications and directions in the next version of the DSAP.

We thank you for receiving these comments and look forward to hearing about the next step in the process that will enable us to use the new disability standard and to experience the benefits of this standard in the years to come.

Yours sincerely

Trevor Harrison and Jill Fowler
Directors

HC Harrison Consultants P/L

Basic rights to workplaces and their facilities:

Workplace Accessibility Issues	Accessibility shall include the following
1. Being able to equitably enter and leave the workplace with safety and independence, including in an emergency	All entrances with steps (that do not have ramps) are either removed or locked and alternative entrances are created. All steps, stairs, ramps to have compliant applications of TGS1, nosing, handrails and domed buttons Workplace entry and exits have flat thresholds and wide doorways (850 mm min) with controls within easy reach – consistently located at 1000mm fff consistently and no closer to an internal corner than 500mm
2. Using security card readers safely, independently and easily	Security and proximity card readers located consistently (as referred to above) and appropriate lighting in the entrance area
3. Access to independent, unisex, accessible toilet/change facilities	AWC's that meet the requirements in current standards (or those that are likely to be introduced soon)
4. Use a kitchen/meal preparation areas safely and independently to have meals, make a hot drink and wash/dry dishes	Re-designing kitchen/meal prep area to have <ul style="list-style-type: none"> • Access to the sink, with open section underneath and lever or capstan style tap hardware • Safely accessible hot water • Draws to replace cupboard for cups, tea/coffee storage • Tea towel racks located at 1000mm fff consistently and no closer to an internal corner than 500mm
5. Locate, enter and use at least one training/conference/meeting/board room easily, with associated facilities	Ensuring training/conference/meeting/board rooms have 850 mm min. door widths, adequate circulation space and IT plugs and jacks at the consistent locations (as referred to above); appropriate signage to and at the meeting room and an accessible toilet facility located on that floor or on a nearby floor.
6. Utilize time clock systems – or have them developed to operate on PCs	Accessible Time-clock systems placed at the consistent locations (as referred to above). Accessible in this instance refers to a “touch free” or proximity card-type system
7. Have equitable access to managers and HR	Management and HR offices are located where everyone has access
8. Intra-net use and information systems	Compliance with the W3C standards, with an aim for Level 3 web accessibility for all government inter- and intra-net information, policy documents

Table 1: Workplace access issues