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Thursday, 26 February 2009

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

Centre for Health Assets Australasia  
 Faculty of Built Environment

RECEIVED  
 27 FEB 2009

BY: LACA

To whom it may concern,

Re: **Australian Senate inquiry related to Draft Access to Premises Standard.**

The HMinfo Clearinghouse is a research group hosted within the Faculty of the Built Environment at the University of New South Wales and we are pleased to be able to make this submission to the Senate Inquiry into 'Draft Access to Premises Standard'. At present we are the sole university based research group in Australia with an explicit interest in the intersection between the built environment and the resulting functional outcomes for older people, people with disabilities and their carers. The HMinfo website was initiated in late 2002 and is Home and Community Care (HACC) funded. A key objective of the HACC program is to avoid inappropriate or premature admission to long-term residential care. We endeavour to raise awareness of issues pertaining to building retrofit and to provide research that informs a more inclusive best practice approach to building design decisions.

The core purposes of HMinfo is to:

- Provide a quality evidence-base of relevance to relevant to consumers, designers, occupational therapists, builders, administrators, policymakers and Home and Community Care services professionals concerned with home based care and enabling environments that is forward looking and responsive to change;
- Promote a culture of best practice in home modification interventions by meta-analysis of process, methods, materials, policy and cost/benefit in these fields nationally and internationally;
- Produce research of the highest standard as evidenced by peer-review; and
- Apply this education and research to improve the health, functional requirements and wellbeing needs of individuals and the community.

The Government's position that access to public and commercial buildings for all members of our society is critical and should be applauded, as all communities need to be safer, more walkable and wheelable.

First, the proposed Premises Standards are **an appropriate and more effective method** of achieving liveable communities than complaints based change alone. Not only because legislation sets a strong benchmark and demonstrates clear leadership but also because there is an important feedback loop from behaviour into cultural change and social capital. This 'normalising' process occurs as we settle into new ways of acting and behaving. For example, wearing of seatbelts is today more associated with underlying social attitudes than with the original legislation that enforced it. This requires a sustained and long-term approach to policymaking. The certainty provided by the Access to Premises legislation will have a positive impact on the Construction Industry, Developers, Building Owners and operators while it has the potential to make a quantum improvement in the quality of community life for people with a disability. It will make minimum expectations clearer and provide the infrastructure platform needed for fuller participation and social inclusion of all Australians. It has the capacity to reduce formal care costs, maximise life quality for all and prevent some of

the slips, trips and falls in buildings reducing the burden on our health system by around \$250 million per year<sup>1</sup>.

Second, the ***interaction between the Premises Standards and existing regulatory schemes operating in state and territory jurisdictions, including the appropriateness and effectiveness of the proposed Model Process to Administer Building Access for People with Disability***. We caution that the overall success of the new legislative requirements will depend on an appropriate understanding of those requirements and commitment to enforcement, through many layers of people and processes. Further, we would like to raise concerns regarding the research and evidence-base required for performance-based "Alternative Solutions". At present this is nascent at best and will become even more critical once the legislation is passed. A National structure and appropriate research funding is essential so as to ensure that these rulings and future dimensional emendations are as appropriate and effective as current knowledge and skill allow.

Third, whether the ***Premises Standards will have an unjustifiable impact on any particular sector or group within a sector***. We believe, the exclusion of housing and accessibility to common areas in class 2 housing is disappointing because it actively discriminates against those who are most vulnerable. Further, at this time there appears to have been little thought given to housing accessibility within the legislation within either new build or in retrofit. At present there are very limited incentives for homeowners, developers, investors and Strata/Community and Master Plan title committees to renovate and maintain their buildings so as to achieve and maintain enhanced safety and accessibility. However, this exclusion comes at a time when an ageing population, and a growing proportion of low-income renters are set to become a much more significant group at the most vulnerable end of the housing market. Given the very high correlation between age and impairment (at least one long-term condition was reported for 99% of persons aged 75 years and over<sup>2</sup>, the immediate housing conditions and local neighbourhood circumstances of this group are likely to become an increasingly critical factor in their overall wellbeing. We would seek therefore either a separate standard on housing or consideration of this as an inclusion into the access to premises standard at a later date.

Lastly, in terms of ***any related matters*** we believe that there are a number of related issues pertaining to the terms of reference of the inquiry that are worth making comment about. In making this submission we draw upon comments previously noted by the Physical Disability Council, BAPC, HREOC and others. While, it is not possible for us to provide comprehensive responses in all of the areas identified we have chosen to address the following:

1. Anthropometrics and the 90<sup>th</sup> percentile.

Dimensional verification has been a heated sticking point and we do not propose that by raising it again that the legislation be stalled further, as dimensions in this context represent current social consensus. However it is critical that a program of ongoing research be commissioned and that the legislation once implemented be reviewed to reflect evidence-based outcomes based on sound research. This is critical, as the new legislation will effectively exclude some individuals with disabilities, who could previously be asked for reasonable accommodation based on an individual complaint. Unfortunately, anthropometric data are only specific to the populations that they describe and in this case the data collected on disability in Australia is outdated, reflect static understanding

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<sup>1</sup> Ozanne-Smith, J. Guy, J. Kelly, M. & Clapperton, A. (2008). *The relationship between slips, trips and falls and the design and construction of buildings*. Report commissioned from Monash Universities Accident Research Centre by the Australian Building Codes Board.

<sup>2</sup> Australian Bureau of Statistics (2002) *National Health Survey – Summary of Results*, Canberra: ABS.

based on older style assistive devices and would not meet minimum scientific criteria in terms of anthropometric measurement standards, sample sizes or of sampling methods. If the population is poorly specified the percentiles may be biased. Also, percentiles are only specific to the dimension that they describe meaning that while the use of the 5th and 95th percentiles on one body dimension may exclude 10% of the population, the use of these on 13 dimensions actually can exclude 52% of the population.

## 2. Ramps

The continued use of step and threshold ramps throughout new buildings as a primary access solution is questionable it represents poor design and project management practices and sets up a situation which fails to adequately address the elimination of slip, trip and falls hazards and inaccessibility for wheelchair users. However, there is a good case for their inclusion in retrofit when existing building tolerances are plus/minus 10 mm and in situations where smaller scale change and limited floor space are of primary concern.

## 3. Stairs

Where stairs are provided it is critical that they safe and usable by all including older and visually impaired people. Provision of continuous handrails, uniform and adequate size of tread, closed risers, adequate lighting and appropriate colour contrast have all been shown to be critical in reducing accidents and improving stair safety. The use of suitable warning devices where any risk of falling is likely but the avoidance of abrupt changes in coefficient of friction or change of surface have also been found to be critical in previous stair safety research.

## 4. Lifts

Lifts are inaccessible if locked or keyed and in public buildings need to be of sufficient size to accommodate an ambulance stretcher if required. Any lift legislation must address this issue and ensure that guards and other suitable devices are installed so as to prevent injury to children or accidental crush or fall injuries if smaller non-commercial lifts or lift platforms are part of any design or retrofit solution.

## 5. Emergency egress

It is of concern that egress via lifts appears to be absent in the proposed legislation as new technologies and solutions are available and emergency egress via lifts would provide for more dignified egress provisions.

## 6. Visual alarm systems

The absence of appropriate consideration of visual alarm systems and guidance about their type and placement within the draft legislation is of concern as multisensory input benefits all not just those with hearing impairments.

Should you require any additional information or wish to discuss the above matters, do not hesitate to contact me on

Yours sincerely

Associate Professor Catherine Bridge.  
Director of the HMinfo Clearinghouse [www.homemods.info](http://www.homemods.info)  
Centre for Health Assets Australasia