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Submission No 34

~~ARTS ACCESS~~

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

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BY: LACA

27th February 2009

To the Secretary

Draft Disability (Access to Premises – Buildings) Standards

The proposed Access to Premises Standard will mean significant benefits for people with disabilities in Australia by aligning the building codes to the Disability Discrimination legislation.

However, we recommend that the proposed Access to Premises Standards be considered in the context of other legislative changes across Government including the implementation of the United Nations Convention on the Rights of Disabled Persons and the outcomes of the current Senate Standing Committee on Legal and Constitutional Affairs Inquiry into The Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008.

Our organisation, Arts Access Victoria has been established for over 30 years and has worked hard to increase the participation of artists/people with a disability in the cultural life of Australia both at a state and a national level. Our interests in seeing the success of an adequate Access to Premises Standard is to ensure that all buildings that house arts education, arts production and arts exhibition are accessible to people with a disability.

Much of our work involves collaborating with industry to address accessible practices in the arts for both audience development and artistic production. People with disabilities have the right to experience culture equally in this country, as artists and audiences. Currently this is not the case.

Arts Access Victoria strongly recommends that the Access to Premises Standard be introduced as a robust piece of legislation that will ensure that the rights of people with a disability are not compromised.

Please find our submission addressing the Terms of Reference for the Draft Access to Premises Standards on the following pages. If you wish to discuss or clarify the content of our submission please contact me by phone at our Arts Access offices on 03 9699 8299, or send an email to

Yours sincerely

Veronica Pardo
Executive Director

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DRAFT DISABILITY (ACCESS TO PREMISES – BUILDINGS) STANDARDS

SUBMISSION FROM ARTS ACCESS VICTORIA

Arts Access Victoria has made the following responses in relation to several of the Terms of Reference for the Inquiry and in relation to the specific work of our organisation with an arts focus.

The appropriateness and effectiveness of the proposed Premises Standards in achieving their objects.

We raise the following issues, which may undermine the effectiveness of the Draft in achieving their objects in relation to aligning building codes to the disability legislation:

- We support the concerns of wheelchair users and members of the disability community that there are several re-drafted standards (AS 1428 parts 1 – 4, and AS 2890 part 6) not yet publicly available for comment, which may have serious consequences for accommodating access for 90% of wheelchair sizes and users.
- We support the concerns for people who rely on motor vehicles for mobility and require appropriate provision of disability parking space that is not adequately covered in the new Draft. Currently designated at 1 or 2% and not legally required to provide access at other levels of multi-storey car parks.
- We have concerns about the impact on wheelchair users of the Standards which cover safe accessible use of lifts and provision of adequate access/space in lift lobbies.
- We recommend that the Draft Standards address the issue of way-finding for people with vision impairments or who are blind, as the built elements of a building have a direct impact on these people.
- We share the interests of the Deaf community that the AS 1428.5 Design for Access and Mobility – Communication for Deaf or hard of hearing people is not referenced in the Draft Premises Standard.
- Similarly we recommend that provision of hearing augmentation receivers be increased from the proposed 3.5% of an audience to at least 10%.
- We recommend that warning systems must also include visual alerts for people who are Deaf or hard of hearing, and that these require a standardised system.
- We are very concerned about the blanket exemption from the need to provide access to upper levels for small buildings (of 2 or 3 floors and which all upper levels are less than 200 square metres floor area on each floor). Currently a great deal of arts activity takes place in such small buildings, this exemption severely reduces access to a range of small arts venues, places of arts employment and access to services for people with mobility impairments.
- We recommend that the Premises Standards includes up-grade works to buildings as part of their capital expenditure on maintenance and operational expenditure that affects the fabric of the building.
- We also support the disability sector concerns that heritage status of a building should not be considered an exemption from access provision.

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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 a Disability

We support the principle that all state and territory jurisdictions adopt a common Protocol to administer building access for people with a disability, as this would address discrimination on a national basis. However, we would only support this Model Process if the following is addressed:

- That refusal to make a reasonable adjustment for access for people with a disability may be discriminatory
- That proving *unjustifiable hardship* be the responsibility of the respondent
- That proving indirect discrimination be the responsibility of the respondent
- That experts who represent the interests/rights of people with a disability be included on the Access Panel to decide on the Protocol for building approvals
- That certification by building surveyors include compliance against the Premises Standards
- That the Protocol applies to those responsible for the building design (i.e. architects and interior designers)