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Group

4<sup>th</sup> March 2009

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House of Representatives Standing Committee on  
Legal and Constitutional Affairs  
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BY: LACA

Dear Committee,

Thank you for accepting comment in your inquiry regarding the draft Disability (Access to Premises - Buildings) Standards. This document serves as an important step towards providing equitable, dignified and independent access to public buildings and facilities to all persons regardless of ability, however we write to you with a number of comments and concerns. Our comments are summarized in the table attached with reference to the clause / item number they are provided in response to.

It should be also highlighted that a number of the standards referenced (more significantly AS 1428.1 and AS 1428.4.1) are in draft form and have not undergone the level of scrutiny necessary to produce a set of robust requirements which will meet the objects identified. With this in mind we would suggest that the timelines for the inquiry are too short and that full development of the aforementioned standards should be a prerequisite and are imperative to any Access to Premises Standard being accepted and implemented.

We would like to also take this opportunity to endorse the comments of Ms Anne Fitzpatrick and Ms Pauline Fox with regard to their request for Changing Places to be adopted for individuals with more complex needs.

The current standards which the Access to Premises Standard references and is in essence based on have been largely devised on research conducted some time ago. This research relates to the M80 and M90 wheelchair footprints. These are manual wheelchair footprints and therefore consider the circulation, reach and clearance needs of persons who are able to use a manual wheelchair.

A large group of people in the community however use powered wheelchairs or scooters, or manual wheelchairs with larger less maneuverable footprints to also accommodate for more complex seating needs. These people will often not have the upper limb strength and movement

to lean, reach and to transfer between their wheelchair and for example a toilet pan or shower seat.

Carers play an enormous role in facilitating these people in accessing the community and using facilities which most able bodied people take for granted. Carers are often family and friends who perform an enormous service to the community without any recognition and in many instances extremely limited support. Inadequate facilities put carers at risk of becoming injured themselves which of course can lead to a myriad of social and economic consequences which consequently also have a considerable bearing on the person with a disability as well as the larger society. We feel that the omission of such facilities would represent a significant oversight for the access to premises standard and should therefore be addressed at this time.

Thank you for the opportunity to provide our comments and opinions and trust they will be of use to the process.

Yours sincerely,

Andrew Sanderson  
**Director**  
**Blythe-Sanderson Group**

## Disability (Access to Premises – Buildings) Standards

| Clause / Item            | Requirement   | Comment / Suggestion  |
|--------------------------|---|---|
| 1.3                      | Objects of standards outlined i.e. cost-effective, equitable, and to provide certainty.   | The object of dignity for people with disabilities to be included to reflect those of the DDA.  |
| 2.1 & 3 (b)(i)           | Scope of standards incorporates that of new buildings and new / affected parts of existing buildings.   | <p>This contrasts with the DDA definition of 'premises' and the title of the standard should therefore be reworded to reflect this.</p> <p>DISABILITY DISCRIMINATION ACT 1992 - SECT 4</p> <p><i>"premises"</i> includes:</p> <p>(a) a structure, building, aircraft, vehicle or vessel; and</p> <p>(b) a place (whether enclosed or built on or not); and (c) a part of <u>premises</u> (including <u>premises</u> of a kind referred to in paragraph (a) or (b)).</p> |
| 2.1 (1)(a)(ii) & (b)(ii) | Standard applies to classes 1b, 3, 5, 6, 7, 8, 9 and 10 buildings.  | Recommend that the standard should apply to all common areas and up to entries to Class 1 & 2 buildings.  |
| 2.1 (2)(a) & (b)         | Standard does not apply to class 10 building when associated with class 1b and 2 buildings (reference made to the act applying to these).   | Class 10 buildings (where intended for car parking) associated with Class 2 and 1b buildings should be accessible to allow for both potential residents and visitors to the building.   |
| 2.1 (5)(b)(ii)           | An affected part of a building is any part of the building that is necessary to provide a continuous accessible path of travel from the entrance to the new part of the building. | Where an application for building work is made to a building all existing areas should also be made accessible.   |

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| 2.2 & 3.1 | Persons responsible with the implementation and enforcement of standard are listed.                  | No reference is made to access consultants. Their role in the process should also be clearly stated and defined here.   |
| 3.1 (3)   | Timetable for public transport level of compliance provided.   | Suggest providing this as an appendix to the standard to prevent any confusion with requirements to other buildings.  |
| 4.3 (1)   | Lessee application does not require building certifier, manager, or developer to ensure access.      | Recommend that where lessee application is made onus is also placed on building owner / manager / etc. to provide access from the entry to the tenancy in question via a continuous accessible path of travel.  |
| 4.4       | Exemption of lift size for existing lift in new or affected buildings - Can be less than 1400X1600mm | No stretcher access is allowed for buildings above 12m in height. New works would normally require 2100mm depth.<br>Suggest that controls within the lift car be provided to both sides.  |
| 5.1       | 5 year period is set for the review of the standard.   | Given the time required to review, consult and revise the current revision, a process of revision should begin immediately upon publication with a view to be able to publish future revisions at the 5 year intervals suggested.<br>Process of review should be clarified and further developed. |
| A1.1      | The definition for 'Accessways' makes reference to AS1428.1.   | 'Accessway' is not defined in the current revision of AS 1428.1. Term used is 'continuous accessible path of travel'. This should be used in lieu of 'accessway' or noted within the definition for 'accessway' under A1.1.   |
| A2.4      | Fire safety reference to BCA.  | The scope of the BCA fire safety and egress provisions are limited when considering the needs of people with disabilities. These should be further researched and developed to ensure safe, equitable and dignified outcomes to all building occupants.   |

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| A3.1                 | Referenced documents listed (inclusive of AS 1428.1:2001; and AS 1428.4:1992).                             | To reduce ambiguity and contradictory information being provided across the referenced standards, only current standards should be referenced. (Public transport requirements should also be referenced to new / current standards for the Access Code – referencing a standard published in 1992 with a view to achieving the requirements set out within it by 2022 is unacceptable and illogical). |
| DP2, 3 and 5         | DP2, 3 and 5 have not been included in Access Code   | Clarification is required as to whether these have been removed or that they simply haven't been included because they have not been deemed relevant to access for people with disabilities.  |
| Table D3.1           | No reference to common areas to class 1 & 2 buildings  | Recommend that all common areas and paths of travel to and between the entries of class 1 and 2 buildings should be accessible. Recommend that a proportion (~20%) of all class 1 and 2 buildings within multi dwelling developments (e.g. where 5 or more are to be built) must be 'adaptable' (i.e. in accordance with AS 4299:1995).   |
| Table D3.1 Class 9c  | Access only required to entry level and any level with ramped or lifted access.                            | Given the type of occupants using a class 9c building, it is recommended that access be provided to the doorway of all sole occupancy units on all floors, and to all common areas on all floors.   |
| Table D3.1 Class 10b | Access required to swimming pools for class 1b, 3, 5, 6, 7, 8 and 9 buildings.                             | This should be extended to pools in class 2 buildings intended for common use.  |
| D3.2 (2)(a) & (b)    | 50% of entrances to be accessible and accessible entrance no more than 50m from a non-accessible entrance. | Suggest that all entries be accessible however particular emphasis should be given to the principal entry always being accessible.  |
| D3.2 (3)(4) & (5)    | Accessible leafs and doorways at entrances – not all need be accessible.                                   | All operable door leafs should provide a 850mm clear opening width.   |
| D3.3 (e)             | An intersection of accessways satisfies passing requirements.  | AS 1428.1:200X DRAFT suggests 1000mm wide accessways. Two 1000mm wide   |

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|            |  | connecting accessways do not allow for many wheelchair users to pass, nor does it allow for many wheelchairs to perform a 90° turn. Accessways should be increased to 1200mm minimum and corners should be truncated accordingly (AS 1428.1: 200X DRAFT revised 22/1/09 figure 4). |
| D3.4 (d)   | Upper floors of warehouses used solely for wholesale and or logistic/distribution purposes which are not accessible to the public are exempted.  | These constitute the main areas within which a person with a disability would be more likely to work in these types of buildings. Recommend that an equivalent area be required to the ground/entry floor for these functions to be occur.   |
| D3.4 (f)   | Class 5, 6, 7b or 8 building containing not more than 3 storeys, and floor areas not more than 200m <sup>2</sup> for each storey, excluding the entrance storey are exempted where ramp or lift is not provided. | Access should be provided to all levels especially where publically accessible.  |
| Table D3.5 | Accessible car parking bays to be provided to class 1b, 3, 5, 6, 7, 8, 9a, 9b & 9c buildings.  | Recommend that accessible carparking bays also be provided to class 2 buildings where visitor parking is provided, and for residents (given that accessible / adaptable sole occupancy units are to be provided – see previous recommendations above).                             |
| D3.5       | Class 9a (medical) and (9b assembly buildings) requirement for accessible parking bays is currently 1-2%   | Suggest that this should be 3-4%.  |
| D3.6       | Signage requirements.  | Recommend that tactile and Braille requirements be extended to general wayfinding signage throughout accessible areas in buildings.  |
| D3.7       | Hearing augmentation requirements.   | These are contradictory to many of the requirements outlined in draft of AS1428.5: Communication for people who are deaf or hearing impaired, which is to be adopted in the near future. Technical specifications should also not  |

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|           |  | be included in the Access Code for Buildings – the relevant Australian Standard is a more appropriate document for this.<br>Therefore recommend that D3.7 references AS1428.5.   |
| D3.8 (3)  | The provision of a dome on handrails in lieu of tactile ground surface indicators.   | A specification regarding the size and projection of the dome is not provided in AS 1428.1. This should be attended to in the standard.  |
| D3.9      | Requirements regarding wheelchair spaces in public assembly spaces.  | No reference has been made here and in AS 1428.1 that wheelchair spaces should be evenly distributed throughout the auditorium / assembly area thus reflecting seating available to all other members of the public.<br>This should be incorporated here.  |
| D3.10 (2) | Requirements for accessible entry to swimming pools.   | All pools to be accessible must provide ramped or zero depth entry as well as a suitable aquatic chair as this is considered a more dignified means of access by people with a disability.<br>However, sling style access should also be provided for people with seating needs which cannot be accommodated by standard designed aquatic wheelchairs. |
| D3.10 (3) | Where a swimming pool has a perimeter of more than 70m in length, at least one accessible water entry/exit must be provided by a means specified in paragraph (2) (a), (b) or (c). | (c) is a platform lift which as described above, is considered a less dignified means of access. Ramped or zero entry access should be provided to all pools this size.  |
| D3.11     | Step ramp landings must not overlap.   | A minimum distance allowable between step ramp landings has not been specified. This should be included here.  |
| D4        | Braille and tactile signage placement and specifications.  | Technical specifications such as this should not be incorporated in the Access Code for Buildings but should be incorporated in to a standard such as AS1428.1 or within a new standard  |

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|                     |   | relating to signage. Tactile and Braille signage requirements should also extend to wayfinding signage throughout accessible spaces within a site or building.   |
| D5                  | Swimming pool requirements.   | The scope of these requirements appear to exceed that of the Access Code for Buildings scope. Consideration should be given to producing a separate Australian Standard for these requirements.  |
| D5.2 (a) & D5.3 (a) | Fixed or moveable ramps and zero entry areas within a swimming pool must have a slip-resistant surface.                                   | A slip resistance value should be provided to ensure performance.  |
| D5.3 (c)            | A zero entry area within a swimming pool must have a single handrail from the top of the entry point continuous to the bottom level area. | Handrail should be provided to both sides allowing use with either a user's left or right side whether descending or ascending.  |
| D5.5                | Sling style swimming pool hoist requirements.   | Recommend that an additional clause be provided suggesting that a range of slings to be available, inclusive of a 'universal' sling. The weight capacity of 136kg is also questionable given the increased demand of people of larger stature (e.g. bariatric patients in treatment facilities) requiring access to pools. |
| D5.6                | Aquatic wheelchair requirements.  | Recommend that an additional clause be added suggesting the incorporation of an h-harness and lap-belt. Consideration should also be given to the storage and availability of equipment (e.g. number of, ease of access to equipment, etc.).   |
| E3.6 (b)            | Low-rise platform lift complying with AS 1735.14 does not require a handrail.   | Recommend that a handrail be provided to these also.   |
| E3.6 (b)            | Internal car floor area to be 1400mmX1600mm where travel is more than 12m and 1100mm X 1400mm for up to 12m travel.                       | Internal car floor area of 1400mm X 1600mm should be extended to lifts which travel up to 12m. A rise of more than 12m should provide a 2100mm depth (stretcher access).   |
| E3.6 (b)            | AS 1735.14 lift does not require controls in accordance with AS 1735.12.  | Recommend that controls to these lifts also comply to AS 1735.12.  |



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| E3.6 (b)       | Automatic audible information within the lift car to identify the level each time the car stops; and<br>(b) audible and visual indication at each lift landing to indicate the arrival of the lift car; and<br>(c) audible information and audible indication required by (a) and (b) is to be provided in a range of between 20–80 dbA at a maximum frequency of 1 500 Hz | Suggest that visual indication be also provided within the lift car and that reference be made to AS 1735.12 (section 8) for all indication requirements.  |
| E3.6 (b)       | Emergency hands-free communication, including a button that alerts a call centre of a problem and a light to signal that the call has been received.   | Reference should be made to the requirements of AS 1735.12 section 9 and AS 1428.5 DRAFT clause 6.4.   |
| F2.4 (d)       | Fixtures currently required within sanitary facilities must contain a closet pan, washbasin, shelf or bench top and adequate means of disposal of sanitary towels.   | Suggest that mirrors (vanity and a full length mirror), soap dispenser, paper towel dispenser / hand dryer, clothes hanging devices also be mandatory inclusions.  |
| Table F2.4 (a) | Class 5, 6, 7, 8 and 9 where a storey has more than 1 bank of sanitary compartments containing male and female sanitary compartments, accessible sanitary compartments to be provided at not less than 50% of those banks.   | Suggest that all banks should have an accessible sanitary facility.  |
| Table F2.4 (b) | In class 1b buildings where private accessible unisex showers are provided for an accessible bedroom, common accessible unisex showers need not be provided.   | Where common areas are made available to the public (not for guest / resident use only) (e.g. swimming pool facilities) common accessible unisex showers should also be provided at a ratio of 1 for every 10 or part thereof. |
| H2.2 (3)(a)    | The minimum unobstructed width of a moving walkway forming part of an accessway may be not less than 850mm.  | Recommend that a 1200mm minimum clear width be provided.   |
| H2.3 (2)       | The requirements of paragraph D3.11 (a) do not apply to Class 9b public transport buildings.   | This suggests that rise of 3.5m can be overcome by ramped access. This is considered to require excessive effort / exertion and may therefore be accessible to many wheelchair users and people                                |

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|   |   | with ambulant and respiratory disabilities.   |
| <b>Disability (Access to Premises – Buildings) Standards Guidelines</b> |   |   |
| <b>Clause / Item</b>  | <b>Requirement</b>  | <b>Comment / Suggestion</b>   |
| Part 4, 4.1 (1)   | The Premises Standards do not deal with all matters relevant to access to or use of a building.   | Several furniture and fitting items are integral to a building being accessible and should therefore be included in the Access to Premises Standard. Of particular significance are counters, as well as furniture selection, circulation and wheelchair spaces within highly public areas such as waiting rooms. |
| Part 6 1.2 (2)  | If there is a difference between the technical requirements of the Access Code and any document referenced in the Access Code, including Australian standards, the Access Code takes precedence.  | Suggest that this statement be included in the Access Code for Buildings given that the guidelines will not always be read in conjunction with the code.  |
| A2 Class 9b (3)   | Wheelchair seating spaces must be provided in locations that are representative of the fixed seating locations provided. Wheelchair seating spaces must be located to take into account amenity, proximity to facilities, available sightlines and pricing. It would not be acceptable in any Class 9b building in which fixed seating is provided to have all wheelchair seating spaces provided in a single location.                     | This is a significant item and should be included in the standard itself, not the guidelines.   |
| Clause 3.2 7 (a)&(b)  | Where an entrance has multiple doorways, the Premises Standards do not require all of them to be accessible:<br>(a) If an entrance doorway is manually operated, the minimum dimensions required to provide access must be provided by the opening of a single leaf, so that a person with a disability only has to negotiate their entry through one door leaf.<br>(b) If the doorway is automatically operated, the minimum dimension can | These are also important clarifications - consideration should be given to these being included in the actual standard (not guidelines).  |

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|  | be provided using two leaves. |  |
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