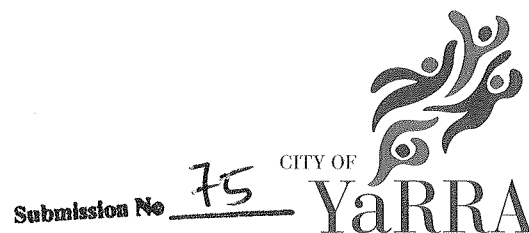
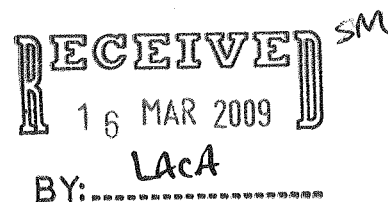


In reply please quote: D09/10568  
Please Contact: Adrian Murphy Ph. 9205 5450



12 March 2009

The Hon. Mark Dreyfus QC MP  
House of Representatives Legal & Constitutional Affairs Committee  
House of Representatives  
P O Box 6021  
Parliament House  
CANBERRA ACT 2600



Dear Mr Dreyfus

Thank you for providing the opportunity to make a submission on the draft Disability (Access to Premises - Buildings) Standards (the "Standards"). In preparing this submission, Council notes the Terms of Reference for this enquiry, including consideration of:-

- the appropriateness and effectiveness of the proposed Premises Standards in achieving their objects;
- 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;
- whether the Premises Standards will have an unjustifiable impact on any particular sector or group within a sector; and
- any related matters.

The City of Yarra has a long-standing interest in this matter, having advocated at the State and Federal Government level for changes to planning and building laws to provide accessible buildings. We have convened regional forums to pursue this change and sought to include provisions within our local planning scheme. Council therefore welcomes action by the Federal Government to release draft Standards for comment.

#### Access to the Built Environment – A Human Rights Issues

The United Nations Convention on the Rights of Persons with Disabilities recognises individuals should have access, on an equal basis with others, to the physical environment, including the elimination of obstacles to accessibility to buildings and housing. People with a disability have the right to live in safe, accessible and adaptable housing, they should be able to enjoy visiting friends or caring for family in the same way that others do. Council considers the provision of accessible housing for all to be a fundamental human right.

As indicated above, Council has been:-

- calling on the State Government to allow local councils to incorporate accessibility provisions within the local planning scheme;

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- advocating through the Victorian Universal Housing Alliance for changes to building regulations; and
- raising awareness of the discrimination being experienced by many members of our community in not being able to access homes, businesses and other public places.

In responding to our calls for action, deference has often been made to the need to act at the national level.

*Council urges the Committee to endorse a national approach to improving access to premises and support adoption of the Standards (with amendments) on the basis of fundamental human rights. To do nothing will have an unjustifiable impact on a broad cross section of the community now and into the future.*

#### Access for All Ages and at All Stages

Council affirms that greater accessibility to the built environment benefits the vast majority of the population with an estimated eighty to ninety percent of people having at some time in their life, temporary or permanent mobility impairment. They, their friends, family, neighbours and other visitors will benefit from being able to access buildings without unnecessary physical barriers.

People across all ages and life stages will benefit from the implementation of enhanced access standards – parents with young children; people with permanent or temporary disabilities and older people – we all have an interest in ensuring that homes and other premises are visitable, accessible and adaptable. As our population ages and we continue to move away from institutional care, the imperative to provide accessible and adaptable housing and premises is heightened.

A continuation of the current situation, where neither planning nor building laws adequately regulate access requirements, will result in an access crisis - leaving people socially isolated; with limited choices and living in unsustainable situations.

The draft Standard in its proposed form will not address the current inequality in housing. It does not cover Class 1 (detached homes etc) and Class 2 (multi-unit developments) housing.

*Council urges an expansion of the Standards (or associated legislation) to include Class 1 and Class 2 buildings to ensure a sustainable supply of accessible housing for all in our community.*

#### Access – What is the Real Cost?

It is argued that the implementation of access requirements will create an unreasonable cost-burden. We believe that accessible premises are cost effective, particularly when consideration is given to both the initial costs and the potential costs of retro-fitting houses to enable people to age in place or remain at home during periods of temporary or permanent disability. An expanding ageing population is about to place an even greater demand on the hospital and community care sector – and where homes are not easily adaptable or accessible, the cost of care and support will escalate.

It is Council's understanding that many of the features required to achieve an accessible housing standard can be incorporated into new homes or premises at minimal cost provided they form part of the initial design requirements and the standards are known in advance. We contend that access elements, when included in the planning and building stages of new developments are not costly and far less so than subsequent retro-fitting.

*Council urges the Committee to recognise that any cost-benefit analysis of implementing access requirements needs to take account of the "whole of life" benefit that arises from houses and premises being accessible and easily adaptable at any time.*

#### Access Must Be Regulated

We regard the Federal Government's power to enact the Standard as crucial to improve access for people with a disability to education, employment and civic participation. Leaving these changes to occur through market forces will not result in a fair, equitable and accessible outcome. Where premises are being constructed for the purpose of rent (including Class 1 and 2 buildings) i.e. not owner – occupier, many people are 'locked out' of the opportunity to rent or access those premises.

A number of other countries have addressed this issue and Australia now finds itself trailing behind international best practice. In the same way that governments have recognised the need to regulate fire safety, plumbing standards and environmental sustainability requirements within building codes or standards, the time has arrived for enhanced accessibility provisions to form a core component of any housing or premises design.

*Council urges the Committee to support the regulation of national accessibility standards on the basis that an enforceable regulatory framework is required to drive change, create a consistent approach and mandate standards within the market.*

#### Specific Provisions of the Draft Standards

##### (i) Signage and Information

To enable people to effectively access buildings, it is also critical that appropriate signage and information is provided – this could be in the form of tactile pads, audio information and contrasting colours / directional signage. A review of the draft Standards indicates that such requirements are not included.

##### (ii) Fit-Out Standards

A further area of consideration is the standards relating to final fit-out. These determine whether people can effectively use and adapt the building to a range of circumstances. Access needs to be considered in the context of the full use and "liveability" of the building. It is unclear to what extent the draft Standards will apply to fit-out.

##### (iii) Small Buildings

It is our understanding that Class 5,6,7b and 8 buildings that include offices, shops and premises that offer goods for sale are not required to provide full access to the upper floors, where the size of each story (above entrance level) is less than 200 metres. In many areas, these buildings provide important community and business services and this 'exemption' has the potential to continue to exclude people from accessing services.

*The City of Yarra urges the Committee to:-*

- (i) consider the fit-out and signage / information requirements needed to make premises accessible and support the development of appropriate standards and guidelines; and*
- (ii) consider how small buildings could be required to be accessible, particularly where the proposed use relates to essential / important community and business services.*

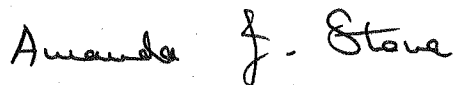
In summary, Council re-iterates its support of national action to improve access to premises standards. This is a critical human rights issue and it is time the debate moved from concerns about short-term cost implications to recognition that doing nothing is denying many citizens a fundamental right to participate, live and work within our community.

We therefore urge the Committee to:

- (a) support the introduction of national legislation to establish an accessible building standard to address consistency between the Building Code of Australia and the Disability Discrimination Acts;
- (b) acknowledge this as a human rights issue and recognise that maintaining a diverse and inclusive Australia requires provision of universally accessible premises to ensure all people are able to participate in all aspects of life; and
- (c) recognise that given the expansion in the ageing of the population, it makes good economic sense to act now and support the inclusion of additional requirements within the draft Standards to extend the access provisions to Class 1 and 2 premises.

We look forward to your consideration of these matters and please contact Adrian Murphy, Council's Manager Aged & Disability Services on 9205 5450 if you have any queries regarding this submission.

Yours sincerely

A handwritten signature in black ink that reads "Amanda J. Stone". The signature is written in a cursive style with a large initial 'A' and 'S'.

Councillor Amanda Stone  
MAYOR

cc The Hon. Lindsay Tanner  
The Hon. Bill Shorten