

Inquiry Secretary
Standing Committee on Legal and Constitutional Affairs
House of Representatives

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BY: LACA

Submission

Inquiry into the draft Disability (Access to Premises – Buildings) Standards

To whom it may concern

As a private citizen I wish to make a submission to the above Inquiry. In my opinion I feel it is essential and most timely that this Draft enunciates and clearly defines the DDA and provides consistent requirements across all States and Territories.

It seems to me to be totally plausible to have the new BCA which will incorporate the Premises Standards under the DDA and one which I fully support.

In 2009 and into the future I believe we must make or attempt to make sure that the Built Environment is such that ALL can enjoy and that buildings are more accessible to people with disability.

With the proposed amendments in new or upgraded buildings it will now be possible that they conform with the BCA and are also compliant with the DDA.

There can be no argument with the degree of Social Exclusion currently experienced and the barriers people come up against in accessing premises as part of a range of disadvantages that people face in society.

This is currently relevant as Premier, David Bartlett launched a Social Inclusion Strategy for Tasmania in October last year where he indicated that it was in everyone's interest and responsibility to develop inclusive communities.

Just recently as a member of the judging panel for the Access section in Local Business Awards co-ordinated by CityProm for Launceston City Council we were alerted to a portable lift just inside the entrance to a Sports store. Many of those in wheelchairs would have been totally reluctant to use this lift in full view of the public to access the first floor and I venture to add that they would look for another store where a more dignified access was available.

It could be said that current compliance with existing obligations under the DDA are at low levels when complaints are tendered and where there is limited enforcement and often exemptions apply.

This reduction in social exclusion will create far more accessible environments in two key areas Schools and Public Transport.

It is certainly valid that with greater inclusion opportunities for people with disability there will be MORE employment opportunities and a REDUCTION in institutionalisation!

Research shows that of 80,000 wheelchair users in the community between 15 and 65years the workforce participation rate was only 38% compared to 76.9% for non-disabled.

Currently under DDA it is unlawful to discriminate against people with disability other than the required access causes unjustifiable hardship. It must be remembered that compliance with the current provisions of the BCA is not necessarily sufficient to ensure compliance with the DDA.

With the proposed amendments the greater consistency will provide a co-operative approach, which is to be acknowledged and most welcomed. These new technical provisions with the amended BCA could and should make it simpler and easier to gain a resolution if the issue came before the Courts.

There is no doubt that these provisions will make the requirements of BCA closer to the DDA providing more certainty and consistency and give greater confidence for

- Developers
- Property owners
- Builders

Now with the proposed Premises Standard three key problems will be eliminated Inconsistencies; uncertainty and lack of transparency and the negative impact on compliance under the existing DDA.

As far as the proposed Buildings amendments the onus is with the owner and not the tenant and where there are access issues it is only the part or section

involving the tenant and not the whole building or floor of the building which of course is the responsibility of the owner!

Suggested changes are in my opinion relatively minor but will have significant impact on those people with disabilities. While slightly increasing the cost of new developments the overall advantage of making life and lifestyles easier and more comfortable for those currently disadvantaged. This will reduce the number of complaints and could be seen as a massive move forward.

Following are the proposed changes and it is hoped that they are supported and embraced.

Good reasons for proposing the accessible path of travel from 1000mm to 1200mm where there is a turn greater than 60degrees.

Gradient of a step ramp has been reduced from 1:8 to 1:10 while the height of the ramp reduced from 56mm to 35mm and the width of a doorway has been increased from 800mm to 850mm. But not required to rebuild lifts in proposed changes ... concessions with only an extra 300mm: 1830mm from 1800mm

Specifications for wheelchair accessible toilets increased from 1600m X 2000mm to 1900mm X2300mm.

Access is now required for 4 or more dwellings in the category of 1B Buildings (1A in Tasmania)

New Swimming Pools where perimeter is greater than 40m will now require a lift or a ramp.

In theatres seating for the disabled not to be always at the rear and are interspersed in blocks of 2 or 3.

Entrances to buildings where front entrances must be accessible and 50% of all entrances must be accessible with entrances no more than 50m apart (If there are 5 entrances there must be 3 accessible!)

There can be stairs for 2 or 3 storey buildings but lifts required for 4 or more storeys.

Hearing augmentation is to be increased so that receivers sufficient to cater for 4% of the total no. of participants and cover at least 95% of the room will now be required. This will be actively welcomed by Mrs Wendy Collins a member of Launceston City Council's Access Advisory Committee

These Premises Standards hopefully will provide an accessible environment and so minimise the number of complaints.

An Access Panel will be formed to advise the Building Control Authority on access related matters and to hear appeals against the decisions of the Authority.

This Panel consisting of at least 3 persons covering areas of Access; Heritage and Engineering will resolve disputes and may suggest an Alternative Solution.

Summing up these changes which I believe are minor in nature and overall relatively few in number yet the ramifications and effects are immensely significant to those Australians who suffer a disability and whose quality of life will be improved as a result.

This development of the proposed Premises Standard is to be commended and I fully endorse the listed changes.

Frank Nott