

Appendix D

Chart 1 – Application of the Premises Standards to New and Existing Buildings

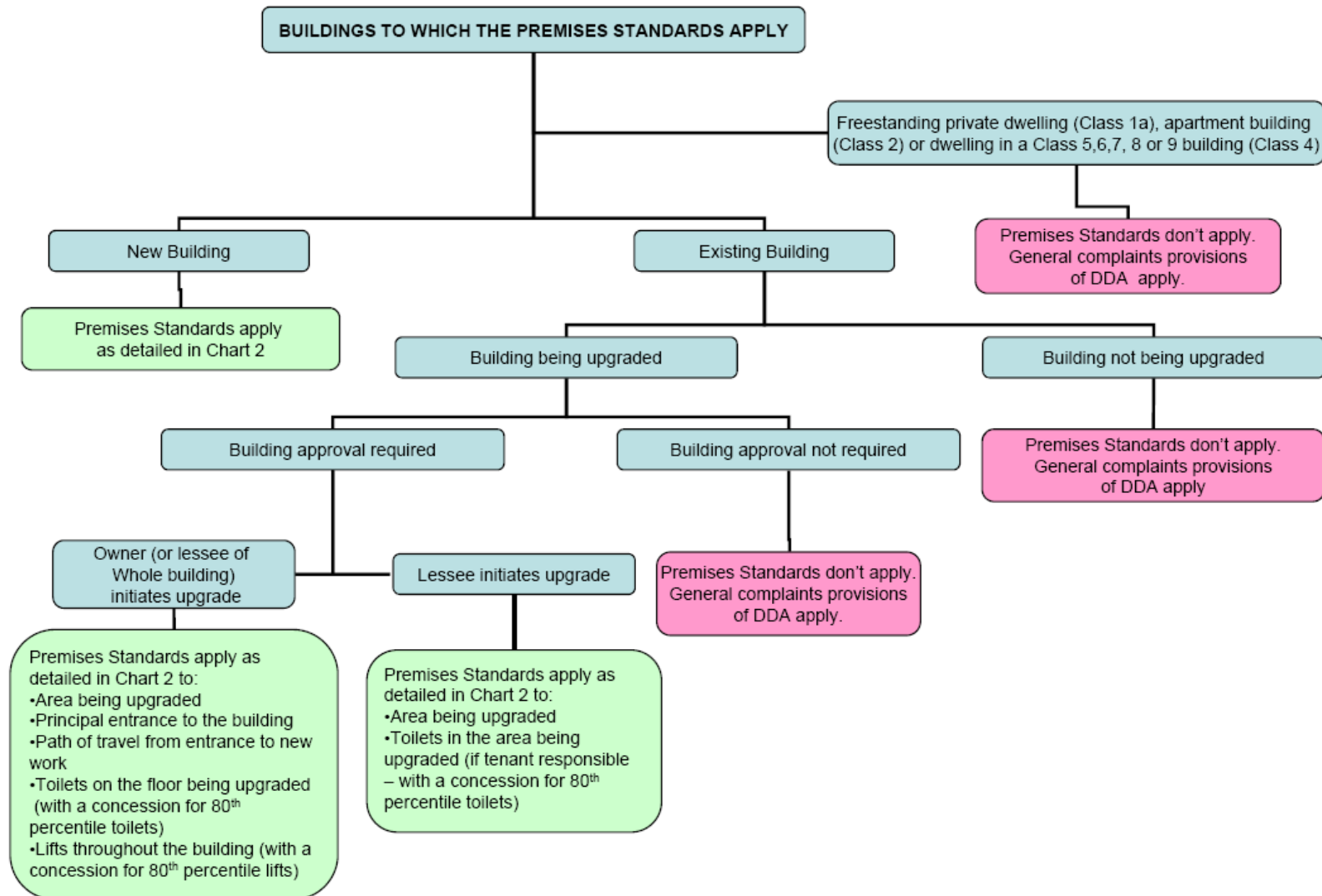
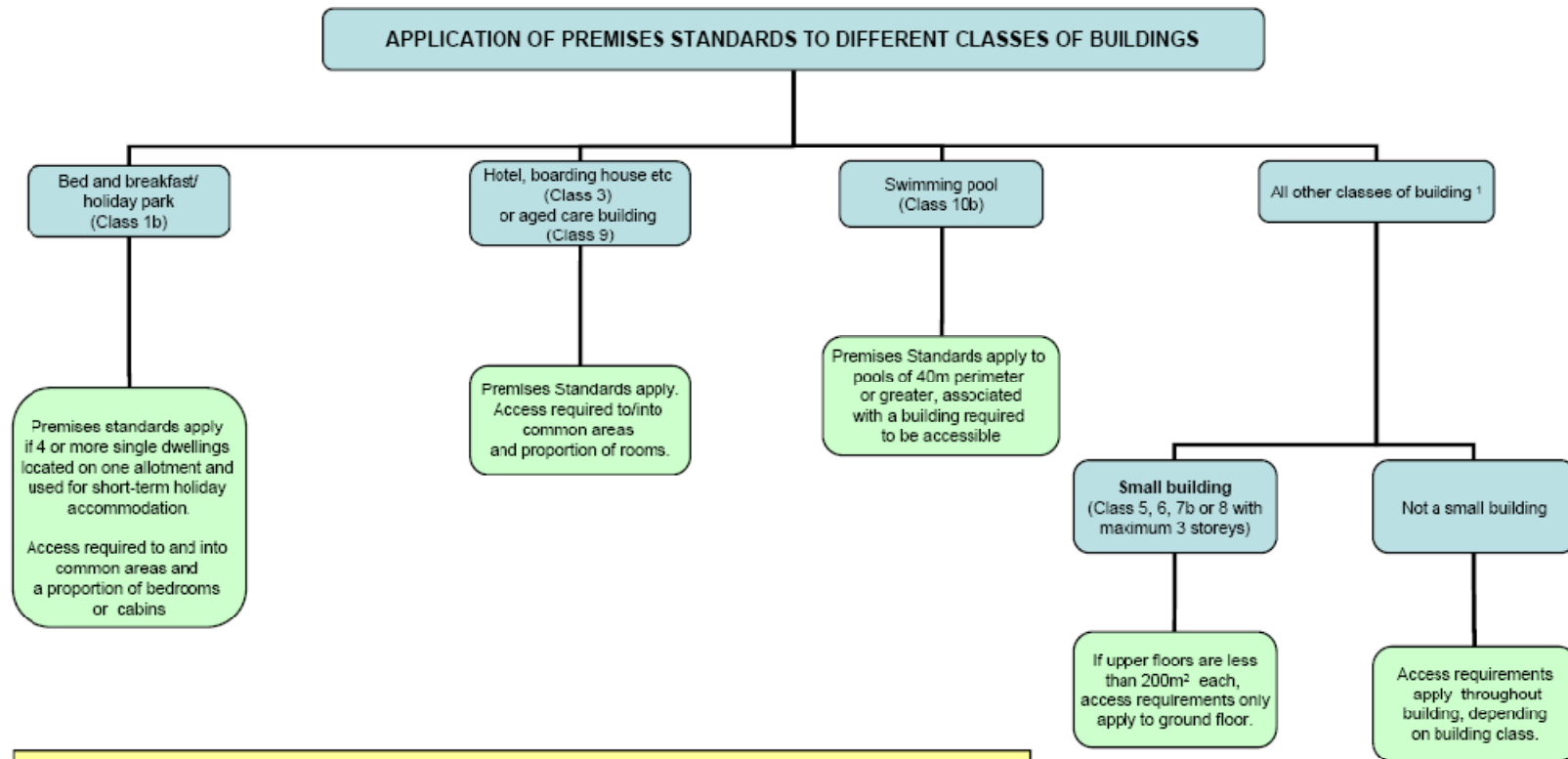


Chart 2 – Application of the Premises Standards to different classes/types of building



Unjustifiable hardship and Standards:
 Section 32 of the DDA makes it unlawful to contravene a provision of a disability standard. However, a builder/owner would have recourse to a defence under the Premises Standards if complying with the Standards would cause unjustifiable hardship. The provision in the Standards relating to unjustifiable hardship would also allow a court to take into account a decision of an access panel in the matter (see below). The decision of an access panel would also be a relevant consideration in determining unjustifiable hardship under section 11 of the DDA.

Access Panels:
 If a builder/owner is unable to comply with the Standards, then that person can approach an access panel to request approval for an alternative solution under the BCA. The decisions of this access panel could be taken into account by a court if the person argues unjustifiable hardship under the Standards.

Note 1:
 All other classes of buildings include: commercial accommodation such as hotels; office blocks; shops, restaurants, retail etc; carparks; warehouses, factories; hospitals, nursing homes and health clinics; aged care; toilet blocks and public shelters.