



Brisbane Airport
Corporation Pty Ltd

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Submission No 26

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Committee Secretary
House of Representatives Standing Committee on Legal & Constitutional Affairs
PO Box 6021
PARLIAMENT HOUSE
CANBERRA ACT 2600

To Whom It May Concern

**RESPONSE TO INVITATION FOR PUBLIC COMMENT
DISABILITY (ACCESS TO PREMISES – BUILDINGS) STANDARDS 2009**

We are writing in response to the Australian Government's invitation for comment on the proposed *Disability (Access to Premises – Buildings) Standards 2009 (Standard)*. By way of background, Brisbane Airport Corporation Pty Ltd (**BAC**) is an unlisted company and is the airport-lessee company for Brisbane Airport, which it holds under a 99-year lease from the Commonwealth of Australia.

Comments on Standard

We have set out below some comments on the more significant issues that we have noted in reviewing the Standard.

Part 3 – application of percentages for compliance

The Standard sets out level of compliance that must be attained by the times prescribed in the table at the end of section 3.1. For example, there is a series of aspects in relation to which 25% compliance must be met by the "[commencement date]".

On our reading of the Note at the end of the table in section 3.1(3), the percentage applies to the percentage of the *total number* of public transport buildings provided by the building certifier, building developer or building manager.

We assume this can be met by a rail operator, for example, by that operator making one-quarter of its railway stations compliant. However, for an airport operator which is responsible for only 2 terminals (such as Brisbane Airport), we take it that in order to meet this requirement, at least one of the buildings would need to be fully compliant with the relevant aspects set out in the table. This seems to be an onerous, and incongruous, result.

Accordingly, we recommend that the wording of this subsection be altered to make it clear that an airport operator need only comply with the relevant percentage for each particular aspect provided by the operator at the airport. In other words, the end of section 3.1(3) could read to the effect “...expressed as a percentage of that aspect which exists in existing public transport buildings provided by the building certifier, building developer or building manager for passenger use...”

That way, taking the 25% requirement for lifts as an example, airport operators could devote the necessary resources to ensuring that at least one-quarter of the lifts in the Brisbane Airport terminals (for which BAC is responsible) meet this requirement.

The issue of percentages is further complicated by the fact that the Domestic Terminal building at Brisbane Airport is operated by 3 different entities, namely BAC, Qantas and Virgin Blue (that latter 2 having long-term leases from BAC of particular parts of the terminal).

Part 3 – terminology

We suggest that the terminology in the Standard (for example the “Aspects” in the table in section 3.1(3)) are aligned with the terminology in the *Disability Standards for Accessible Public Transport 2002* (or vice versa).

For example, the Standard refers to “emergency warning systems” whereas the *Disability Standards for Accessible Public Transport 2002* talks about “alarms”.

Equivalent access

We note that the current *Disability Standards for Accessible Public Transport 2002* contains in Part 33 provisions about ‘equivalent access’ and ‘direct assistance’. These concepts do not appear to be replicated in the Standard.

We would recommend that they be included in the Standard, so that it is clear that alternatives are available to the strict requirements of the Standard. Such an approach would be consistent with the “alternative solutions” options which are currently made available within the Building Code of Australia.

Comments on the Protocol

We note from the document entitled *A Model Process to Administer Building Access for People with a Disability* (Protocol) that so-called "Access Panels" would be constituted to consider such things as proposals for exemption on the basis on 'unjustifiable hardship'.

However, it should be noted that airports leased from the Commonwealth fall under a specific Federal building approval regime set out in the *Airports Act 1996*, which operates to the exclusion of State law on matters of building control. Rather than a local council approving a building at an airport under State and Local Government planning laws, "airport building controllers" appointed by the Commonwealth Government consider applications and issue approvals under the *Airports (Building Control) Regulations 1996*.

Accordingly, consideration should be given to the way in which the concept of Access Panels might apply to airports such as Brisbane Airport, and in particular to the airport-specific safety and security considerations which may be required to be taken into account when determining an application of the unjustifiable hardship provisions. This could be particularly relevant to paragraph (f) of section 4.1(3) of the Standard, dealing with "technical factors...or geographical factors..."

We would be happy to elaborate on any of the comments we have made in this letter. Please do not hesitate to contact me on (07) 3406 3056 should you have any queries about this submission.

Yours faithfully

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Brisbane Airport Corporation