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**INQUIRY INTO THE DRAFT ACCESS TO
PREMISES STANDARD**

Submission from

**AUSTRALIAN FEDERATION OF
DISABILITY ORGANISATIONS**

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ABOUT THE AUSTRALIAN FEDERATION OF DISABILITY ORGANISATIONS

The Australian Federation of Disability Organisations (AFDO) has been established as the primary national voice to Government that fully represents the interests of all people with disability across Australia. The mission of AFDO is to champion the rights of people with disability in Australia and help them participate fully in Australian life.

At present, AFDO has nine national members and four State based members. They are:

National Members

Blind Citizens Australia

Brain Injury Australia

Deaf Australia Inc. (formerly Australian Association of the Deaf)

Deafness Forum of Australia

National Association of People Living with HIV/AIDS

National Council on Intellectual Disability

National Ethnic Disability Alliance

Physical Disability Australia

Women with Disabilities Australia

State Members

Access for All Hervey Bay

Disability Australia

Disability Resources Centre

People with Disability Western Australia

THE DRAFT ACCESS TO PREMISES STANDARD

The Australian Federation of Disability Organisations (AFDO) commends the federal government for its efforts towards developing the Access to Premises Standard.

The Standard presents a critical opportunity for Australia to move forward in providing one of the most basic of human rights: the ability to access the world at large. The implementation of the Standard will have a significant impact on the quality of life for a generation of Australians with disabilities, and has the potential to provide additional benefits to other sectors of the community who may have a range of needs best met by universal and accessible design.

The right to access one's physical environment is protected under Article 9 (Accessibility) of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), which applies to:

a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

b) Information, communications and other services, including electronic services and emergency services.

The UN CRPD specifically requires countries to:

a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms

According to the UN CRPD, people with disabilities should be able to access all buildings and facilities across Australia. Barriers to accessibility ultimately mean barriers to living a full life; not having access to a building might mean turning down a job or a training course, losing out on a choice of doctor, not having a holiday or an equal say in where you live. We believe that reaching this goal should be the purpose of the Access to Premises Standard.

AFDO believes that if the Access to Premises Standard is passed in its current form, the government will be in contravention of the UN CRPD because people with disabilities will continue to face significant ongoing barriers to access which could be avoided at this stage of the Standard's development. Although the Standard must take into consideration practical issues of swift and viable implementation as well as addressing genuine hardship, we contend that this can still be done successfully while being more strident in providing access.

In many instances such as emergency egress, this would need to be done through direct changes to the draft Standard to expand its scope. In other cases, such as the need to address the issue of accessible housing, this could be done through a firm commitment to examine and act upon the issues within a set timeframe outside of the current Standard implementation process. It is AFDO's strong belief that making the changes recommended within this document is both vital to preserve the legal and human rights of people with disabilities, and achievable as part of the current process.

AFDO acknowledges and applauds those involved in the many years of work which have already gone towards

creating the Standard and making it as accessible as possible. We strongly urge the government to view the issues raised in this submission as equally important in their own way because they are all critical to the protection of legal and human rights which already exist under the UN CRPD. The needs of one group of people with disabilities cannot be considered more favourably than those of another group based on population size or lobbying ability, nor should easy to implement changes be considered more favourably than those which are difficult or expensive. Where there are limitations placed on what the Standard offers, those limits should be set to provide the maximum possible protection of the rights of people with disabilities to achieve equitable access.

More specifically, AFDO's concerns fall into the following categories:

1. Changes which need to be made to provide clarity in the the Standard

RECOMMENDATION

That all recommended changes to promote clarity of intention within the Standards be considered for adoption.

2. Changes to improve the accessibility offered by measures already covered under the Standard.

RECOMMENDATIONS

- 2.1** Class 2 buildings should be included within the Standard to ensure that people with disabilities have the chance to access apartment buildings, a critical issue for those in rental housing.

- 2.2 Class 1b buildings should be required to have an accessible room if they have three or more rooms, instead of the current four.
- 2.3 Part 4.1 should be changed to allow an industry specific criteria for unjustifiable hardship for heritage buildings
- 2.4 Changes to Table D3.1 should be made to ensure equal access to all common areas in a building and all levels of a carpark
- 2.5 Steps should be taken to ensure that wayfinding in its most complete form is included in the next stage of the Standard. In the meantime, it should be clear that people who are blind or vision impaired can still make discrimination complaints related to wayfinding under the *Disability Discrimination Act (DDA)*.
- 2.6 Table D3.1 should be changed to allow for consistent access throughout common areas in a building, theatres, swimming pools and in carparks. The ratio for accessible rooms in sole occupancy units in nursing homes should be increased to 30%.
- 2.7 Signage should be located on an accessible path of travel, with no more than 50 metres between a path of travel and an accessible entrance.
- 2.8 Exemptions allowed under Part D3.4 of the Standard need to be evaluated closely to ensure that they do not exclude people with disabilities unnecessarily from employment opportunities. Any evaluation should establish whether all forms of access need to be exempted. It is especially important that floors 1 – 3 of three storey buildings should not be exempted. If

this exemption remains in any form, it should apply to wheelchair access only, not other forms of access.

- 2.9** D.5 should be changed to provide better access to carparks. The quotas for carparking spaces should be uniformly set at 15%, and valet parking venues should be required to have a dedicated parking space near an accessible entrance for people with modified cars.
- 2.10** Hearing augmentation should be required in all meeting rooms in nursing homes. Additionally, the quota for hearing augmentation devices should be set consistently at 10% of total room capacity.
- 2.11** AFDO supports Physical Disability Australia's recommendations regarding lift modifications under Part E3.
- 2.12** Under Part F2, each bank of toilets within a building should have an accessible toilet. In particularly large or busy venues, there should be a minimum of two accessible toilets per bank. This will help to avoid situations where people with disabilities are unable to access a toilet at all within a building.

3. Omissions from the Standard

3.1 The Australian government should establish clear processes and timelines for investigating universal design in private residential housing to alleviate significant disadvantage in this area.

3.2 Emergency egress should be more fully included in the Standard. AFDO particularly recommends removing the exemption for fire ramps and stairs and undertaking

further consultation and review for the exact requirements for other emergency egress components.

4. Consultation and Monitoring Issues

RECOMMENDATIONS

4.1 The Australian government and Standards Australia should make ongoing efforts to ensure that people with disabilities have adequate representation on relevant committees and in consultations, including training, succession planning and adequate access to professional advice.

4.2 That the government undertake discussions with Standards Australia regarding any planned review of current Australian Standards referenced in the draft Access to Premises Standard to determine the best way to move forward in light of impending reviews.

4.3 The Standard should include clear guidelines and processes for review, rather than simply stating that a review will take place in five years. Additionally, the review process should be a 'living process' from the time the Standard is approved to the time the review occurs. People with disabilities should be central to any review and monitoring process.

ISSUES WITHIN THE DRAFT STANDARD

Housing

AFDO particularly draws the Committee's attention to the fact that all private and public housing has been omitted from the draft Standard. Under the *Disability Discrimination Act 1992*, access to public housing is protected under access to goods and services. Access to

housing is critical for people with disabilities, especially those in the majority who do not own their own home. In 2008, the Senate Select Committee on Housing Affordability in Australia¹ found that only thirteen percent of people with disabilities of working age own their own home or are paying off a mortgage. In many parts of the country, low vacancy rates in both private and public rentals are causing housing stress for people from all backgrounds. People with disabilities are competing in an even smaller pool of housing options because of their sometimes highly specialised needs.

However, AFDO recognises that work towards a universal design approach to Australian housing is some way off, and it is difficult to justify inclusion in this first part of an already long-delayed Standard. AFDO calls on the government to commit to a clear timeline and plan for action regarding accessible housing in Australia as part of an ongoing plan to further the Access to Premises Standard into the future.

Emergency Egress

At present, the Standards exempt fire stair wells and ramps from being accessible. AFDO believes that this poses an unacceptable safety risk for people with disabilities who find themselves in emergency situations. Furthermore, AFDO believes that emergency egress as a whole should be considered as part of the Standard, including the provision of information in accessible formats and the accessibility of egress routes.

For example, a person who is Deaf may not be able to hear a fire alarm or any announcements made over a PA system. In the case of an emergency, this could leave

¹ See http://www.aph.gov.au/senate/committee/hsaf_ctte/report/c02.htm

them unaware of the need to evacuate and/or unsure of what to do. This is especially likely in public buildings where registering your access needs in case of an emergency may not be required or even practical. Unless the Standards are changed to ensure that all auditory information in an emergency is available visually, people who are Deaf or hearing impaired will continue to face an inherently higher risk of harm in living their everyday lives.

Wayfinding

For people who are blind or vision impaired, the draft Standards offer some disjointed steps towards a cohesive and comprehensive wayfinding system. Wayfinding is the use of many components of design to ensure that a person who is vision impaired or blind can navigate independently through a building. While some work has been done on developing clear practices and guidelines for wayfinding, this has not been included in the draft Standard.

AFDO recommends that the government commits to:

- a) Providing clear direction within the draft Standard that disability discrimination cases based on wayfinding issues can still be made, and
- b) Committing to a clear timeline for introducing wayfinding into the Access to Premises Standard, preferably by the first review.

Schedule 1 – Part A3.1: Use of Australian Standards

The draft Access to Premises Standard references several Australian Standards which refer to accessibility. These are:

- AS1428.1 (Design for Access and Mobility – General Requirements for Access – New building work)
- AS1428.4 (Design for Access and Mobility – Tactile indicators)
- AS2890.6 (Parking Facilities – Off street parking for people with disabilities)

While the Australian Standards were eventually released for consideration as part of these consultations, AFDO still has some concerns. Namely, that:

1. The Australian Standards were only released towards the end of the consultation period, leaving a limited time for people with disabilities to absorb them;
2. The Australian Standards are under review themselves and may change in the near future. This could affect the draft Access to Premises Standard in significant ways.

AFDO recommends that the Australian government seek clarity on any timetable and processes for review of the relevant Australian Standards and considers these processes seriously before moving forward with the draft Access to Premises Standard.

In particular, AFDO urges the government to work with Standards Australia to ensure that people with disabilities have meaningful ongoing input into the development of Australian Standards which are relevant to them. At present, there is often only one person with a disability on any given Standards development committee, leaving that person with a daunting task and the sector with no scope for redundancy and knowledge building.

Part 2.1: Class 2 Buildings (Apartment Blocks)

At present the draft Standard does not include apartment blocks. This places people with disabilities who need an accessible apartment at serious risk of disadvantage; some will be faced with the choice of paying more than they can afford for accessible accommodation or living in an area which has accessible housing but no other appropriate facilities such as public transport.

Many local authorities already make provisions for accessibility within apartments under their Development Control Plans (DCPs). Including Class 2 buildings under the Standard would not greatly increase costs in those local government areas, and would ensure any 'backsliding' in accessibility provisions once the Standard is introduced.

AFDO strongly urges the government to include Class 2 buildings under the Standard to provide people with disabilities a real choice in where they are able to live at minimal cost to the building industry.

Parts 1.4 and 2.1: Accessible Accommodation in Class 1b Buildings

The current trigger of four bedrooms for accessible accommodation in Class 1b buildings means that many, such as small B&Bs, will be exempted from the Standard, thus meaning that people with disabilities will not have the same choices about accommodation for holidays as the rest of the community.

AFDO recognises that this sector of the tourism industry varies from small family-run businesses where a house is converted to a B&B to large scale accommodation within caravan parks. AFDO believes that a threshold of three bedrooms is acceptable for all homes. New and purpose

built facilities can more readily absorb the costs of providing accessibility, and AFDO believes that these facilities should be made accessible on the same basis as Class 3 buildings.

Part 4.3: Lessees and Renovation Work

While this section specifies that renovations done by lessees are to be made accessible, it does not specify that there needs to be an accessible path of travel to reach that part of the building. This could be an issue, for example, where a lessee has control of every floor but the ground floor.

AFDO recommends that this section be clarified to ensure that people with disabilities have at least one accessible path of travel to any renovated accessible area within a building.

Part 2.1: Clarification of triggers and responsibilities

At present, there is limited clarity regarding the consistency of what work requires a building development application across Australia. In addition, there is no information available about how green building upgrades interact with the Standard. In particular:

- Do they require a building development application?
- Are the requirements consistent across the country?
- Are the expectations for green building upgrades codified, and are they exempt from other legislation?

AFDO has written to the Attorney General's department requesting clarification on these matters. At the time of this submission there has been no response.

Part 2.2: Clarification of Responsibility

'Building owners' are not specifically mentioned in this section. They should be included to avoid confusion.

The other groups of responsible people all have lists of who "could" be held responsible. To avoid ambiguity, these lists should be seen as examples "including, but not limited to" those offered.

Additionally, there are a wide variety of building certifiers beyond those mentioned. This could be made clearer by simply stating that a building certifier includes "any consent authority".

Part 4.1: Unjustifiable Hardship Provisions

Section (f) mentions 'regional and remote' areas as a factor to consider in cases of unjustifiable hardship. AFDO would like to see it explicitly noted that location should not be a mitigating factor for providing access. Additional costs for providing space and materials in regional and remote areas need not be any higher than the additional costs faced to purchase any space or materials in those areas.

Under section (k) heritage features are described on a spectrum from 'essential' to 'incidental'. AFDO feels that this is an unhelpful distinction which does not provide clear scope for determining which heritage features meet the claim of unjustifiable hardship and may lead to the substantiating of frivolous claims. Instead, AFDO believes that the Standard should cite the heritage industry language of 'elements of heritage significance' which is used to describe a particular range of elements that are assessed under standards laid out in conservation charters when a heritage claim is made. Suggested wording could be:

k) if detriment under paragraph (j) involves loss of heritage values that are of high heritage significance and / or that where new building works to facilitate access for people with disabilities would cause a significantly adverse and irreversible impact on the heritage significance of the place and/or its fabric;

The achievement of compliance by 'less onerous means' (section I) should only be considered when unjustifiable hardship is reached in meeting the Code. At present it is not clear that this is a condition of using 'less onerous means'.

Part 5: Review of the Standard

AFDO believes that the review process for the Standard needs to be clearly outlined. Although there may need to be flexibility in the execution of any review, the government needs to specify how compliance will be measured through benchmarking and protocols. This is particularly important in light of Australia's ratification of the UN CRPD.

Table D3.1

Common Areas

In the section on Class 3 Buildings a full stop appears to be missing at the end of the sentence containing 'or the like'. This needs to be corrected or clarified.

The section on common areas in Class 3 Buildings seems to specify different levels of access to common areas on the ground floor versus upper levels. This section refers to access to "...not less than one of each type of room or space" on the ground floor as opposed to access "...to

and within rooms or spaces for use in common by the residents.” This may mean that in a motel with a restaurant and a café on the ground floor, people with disabilities will not have the choice to enter one facility.

This wording needs to be changed to ensure the same level of access to common areas on all floors of Class 3 buildings.

Class 7a - Carparks

Under this section, there are no requirements to provide access to any levels of a carpark where accessible parking spaces are not provided. Firstly, this assumes that people with disabilities who need accessible buildings are all eligible for passes to use accessible car parking spaces. Although there may eventually be consistency across State and Territory disability parking schemes, there will always be limits on eligibility which exclude some people with disabilities who need access to premises.

Furthermore, the number of accessible parking spaces often does not meet current demand; under the new Standard this will not change. For instance, in New South Wales the Mobility Parking Authority has been issued to the equivalent of 13% of registered motor vehicles. If 13% of the people parking at a major shopping centre needed accessible parking, some would inevitably have to park in regular parking spaces.

AFDO recommends that the Standard be amended to require access to all levels of a carpark.

Class 9b – Theatres

Although the Guidelines make it clear that access must be provided to all areas of theatres and other Class 9b

buildings, including dressing rooms and refreshment areas, this is not clear in the Standard. To avoid confusion, AFDO believes that the Standard should explicitly state that all areas of a Class 9b building which are not exempted should be made accessible.

Class 9c – Common Areas

At present the Standard appears to allow lower levels of access to common areas on the ground floor of a Class 9c building where access is required to “at least one of each kind of common area” versus other levels where access is instead required “to and within rooms and spaces for use in common by residents”. This might mean that a one storey residential is less accessible than a multistorey, and could lead to more common areas being placed on the ground floor of a building to avoid extra access costs in new structures.

AFDO recommends that this section is re-worded to ensure consistent levels of access to common areas across all floors.

Class 9c – Sole Occupancy Units

The people most likely to be in an aged care facility are those among the 51% of Australians over the age of sixty who have or acquire a disability². The incidence rates for vision impairment, hearing impairment and mobility impairment increase more and more quickly the older the population gets. For this reason, AFDO believes that the ratios for accessible sole occupancy units are well below what is needed.

² Australian Bureau of Statistics, 2003, Survey of Disability, Ageing and Carers, available at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4430.0Main+Features12003?OpenDocument>

AFDO believes that a 30% ratio of accessible single occupancy rooms is more realistic, and will help newly built aged care facilities to be better prepared for the needs of an increasingly ageing population.

Class 10b – Swimming Pools

Swimming pools for residents in Class 9b SOUs currently do not have to be made accessible. AFDO believes this creates inconsistency and unnecessary disadvantage. We recommend that Class 9b buildings be required to make swimming pools accessible.

Part D3.2

D3.2.2: Accessible Entrances

At present it is possible for there to be signage from an inaccessible entrance to an accessible entrance without an accessible path of travel. AFDO believes that there should be an accessible path of travel between inaccessible entrances and accessible ones. This would, for example, make things easier for a person with a disability who was dropped at the inaccessible street front entrance by a taxi to find and enter the accessible entrance. Where possible, an accessible entrance should be no more than 50 metres from inaccessible entrances. This would prevent people with ambulatory disabilities from walking long distances.

D3.2.5: Door Leafs

The wording of this section allows for the inactive leaf of a door to have the required 850mm width. This section should be clarified to ensure that the active leaf is required to have this width, not a part of the door which does not move.

Part D3.3: Fire Isolated Stairs and Ramps

Fire isolated stairs and ramps are exempted from meeting any access requirements at this point. AFDO believes that the ability to evacuate as independently as possible in the event of a fire is critical to the wellbeing of both people with disabilities and other evacuees. For example, a person who is blind may not have assistance to navigate fire stairs. In the midst of a panicked emergency situation, it is vital that they be able to move quickly, safely and independently out of the building. This could be done with the aid of Tactile Ground Surface Indicators (TGSIs) which are placed at the start and finish of a flight of stairs and on landings. At present, the draft Standard exempts fire isolated stairs from utilising TGSIs.

AFDO strongly recommends that fire isolated stairs and ramps be included under the Standard, and that they be compliant with Australian Standard 1428.1.

Part D3.4: Exemptions

AFDO is deeply concerned that some of the exemptions listed under this part will hinder people with disabilities from finding and keeping work when they already face significant disadvantage when it comes to employment. While we acknowledge that some structures, such as grain silos and maintenance pits are not designed to be accessible, the Standard seems to assume that people with disabilities do not, and cannot, become utility meter readers, chefs and logistics managers among other things. Given the Australian government's work towards a National Mental Health and Disability Employment Strategy, it is counter to both anti-discrimination laws and current public policy directions to allow some of these exemptions to stand.

D3.4.f: Access to Levels 1 – 3 in Three Storey Buildings

In rural and regional towns and centres, there are only a limited number of buildings which have over three storeys. To exclude access to levels above the ground floor in those buildings with over 200 metres squared floor space which do not have lift or ramp access already poses a significant disadvantage for people with disabilities living in rural and regional areas. AFDO recommends that the government lower the floor space requirement for exemption or simply remove this exemption altogether.

Furthermore, exempting these buildings from 'access' means they do not have to provide access for all people with disabilities, not just those who require ramps or lifts. For example, a person with an ambulatory disability might be able to reach an upper level by using a flight of stairs with grab rails, but may have significant difficulty navigating one or two steps on the floor itself which have no railing support. If the exemption remains in any form, AFDO strongly recommends that the Standard is changed to state that the exemption only applies to facilities for people in wheelchairs, who will be the only group fully unable to access these floors.

Part D3.5 Accessible Parking

Valet Parking

Under section (b) of this Part, an accessible parking space need not be supplied if a valet parking service is offered. However, some people with disabilities drive specially modified cars which may not be driven by someone without a disability, such as a car with room in the area where the driver's seat would usually be for a specific kind of wheelchair. Additionally, some people with ambulatory

disabilities may find it difficult to walk from the hotel to the carpark provided for hotel guests to park or collect their car.

AFDO believes that Part D3.5(b) should be amended to say that alternative arrangements should be made when valet parking services cannot be used by drivers with disabilities. Most hotels would easily be able to arrange an ongoing system to accommodate people with disabilities, such as providing a set-aside car space near an accessible entrance.

Number of Car Parking Spaces

In many States and Territories, there is anecdotal evidence of high demand for Mobility Parking Authority stickers and increased restrictions because the number of car parking spaces is not enough to keep up with demand.

Given that the Australian Bureau of Statistics tells us that 20% of the Australian population has a disability and that 84% of these people have a physical disability³, is fair to say that the Standard's requirement for 1 – 2% of all car parking spaces to be accessible will be woefully inadequate in years to come as the population ages and demand increases further.

AFDO recommends that all complicated formulas for accessible parking spaces – such as those required for Class 3 buildings – be replaced with a criteria for a proportion of all car parking spaces to be accessible. This proportion should be set at 15% of the total.

Omission – Ticketing Machines and Boom Gates

³ Australian Bureau of Statistics, 2003, Survey of Disability Ageing and Carers

Because they are not covered under the Building Code of Australia (BCA), ticketing machines and boom gates have been left out of the Standard, in spite of the current policy work being undertaken towards a National Accessible Parking Scheme. For many people with disabilities, accessing ticketing machines and boom gates is difficult because of height constraints or dexterity issues. AFDO believes that for independent and truly accessible use of car parks to occur, boom gates and ticketing machines need to be included under the Standard.

Part D3.6 – Signage

This section only requires that a sign has the international symbol for access and an arrow pointing in the direction of the accessible feature. There is no distinction to show what the feature is, or where the nearest accessible path of travel is to reach that feature.

AFDO recommends that this section explicitly requires clear signage which (a) is never located away from an accessible path of travel, (b) provides relevant information about the accessible feature(s) it indicates and (c) is located within a reasonable distance from the accessible features.

D3.7 – Hearing Augmentation

D.3.7.1(a) should include meeting rooms in Class 9c buildings, i.e. nursing homes. Without this inclusion, people at the highest risk of hearing loss will be disadvantaged in an everyday environment.

Under D.3.7.1(b), a definition of the 'screen' requirements for audio loops in customer service settings should be provided to improve clarity. All bank teller booths should be included regardless of screen size; bank transactions

are critical for many people, and it is particularly older customers who may be hearing impaired who still use face-to-face transactions.

D3.7.2 contains various quotas for the ratio of audio loop receivers which should be available in various room types, generally between 2% and 3% of coverage for a full room. AFDO maintains that, given that one in six people in Australia are currently hearing impaired or deaf and that number is set to increase to one in four with our ageing population⁴, there should be a set ratio of 10% audio receivers for all meeting room and auditorium sizes. In addition, all subsections within this area should explicitly discuss the different kinds of receivers to be used, such as neck loops and headphone systems so as to ensure clarity. FM and infrared systems can, and should, be used as backup options where-ever possible.

It should be a requirement under the Standard that audio loop systems should meet the relevant Australian Standard, 1088.4 – 1987 *Hearing Aids: Part 4 – Magnetic Field Strength in Audio Frequency Induction Loops for Hearing Aid Purposes*. In addition, there should be a requirement for regular testing and maintenance of audio loop systems to ensure they remain in working order.

Part D3.9 – Wheelchair Seating in Class 9b Buildings

Wheelchair seating is only addressed for cinemas under Part D3.9(b), and there has been some concern that people in wheelchairs will be forced to sit at the front of the cinema as a matter of course, an uncomfortable and undesirable position.

⁴ Access Economics: *Listen Hear! The economic impact and cost of hearing loss in Australia*, February 2006, pp.42

However, in those performance spaces left out of this section, such as concert halls and theatres, front row seats are far more desirable. Therefore, AFDO recommends that D3.9(b) can be left as is if a new D3.9(c) is drafted as follows:

- D3.9(c) in a theatre or other venue (but not a cinema):
- (i) with not more than 300 seats —
wheelchair seating spaces may be located in the front row of seats; and
 - (ii) with more than 300 seats — not less than 75% of *required* wheelchair seating spaces must be located in rows other than the front row of seats; and
 - (iii) the location of wheelchair seating is to be representative of the range of seating provided.

Removable Seats in Theatres

There is anecdotal evidence to suggest that some theatres are placing removable seats in spots reserved for wheelchair access and allowing them to be booked before all other seats are taken. It should be clearly stated in the Guidelines that this is not an acceptable or accessible practice.

Part D3.10 – Swimming Pools

Nominated Entry Devices - Clarity

Part D3.10 (1) does not make it clear that its provision refers to swimming pools with a perimeter of 40m or more when associated with a Class 1b, 3, 5, 6, 7, 8 or 9 building required to be accessible.

AFDO recommends that Part D3.10 (1) must be amended to clarify which pools (i.e. the trigger of 40m pool circumference when associated with certain buildings) may use all nominated entry devices.

Part D3.10 could be simplified to state requirements for pools with a total perimeter of >40m but ≤ 70m and pools with a total perimeter of >70m

Aquatic Chairs Under Part D5.6

For the safety of the occupant, an aquatic chair should only be used by a person who can push themselves in the water. This part should be amended to explicitly require this ability.

Part E3: Lift Installations

AFDO fully supports the position of Physical Disability Australia (PDA), which has amassed expertise in this area. AFDO follows PDA's recommendations for lifts, which are listed in Appendix 1 to this document.

Part F2: Sanitary and Other Facilities

Unisex Accessible Toilets

Under the current draft, where there is more than one bank of toilets on a floor 50% of those toilet banks must have an accessible unisex toilet. This creates several problems:

- An accessible unisex toilet may not be physically available to everyone on a certain floor, for example, if there are two tenants on one floor and only one has access to the accessible toilets.
- An accessible unisex toilet may be too far away for a person with a disability to easily reach it. This is particularly concerning with regards to sporting venues, conference centres and large hotels, where people with

ambulatory disabilities and those who are blind or vision impaired may find it especially difficult to navigate.

- An accessible unisex toilet may not be available. In larger venues, the one accessible toilet in a bank may be particularly busy.

AFDO recommends that all toilet banks have at least one accessible toilet. In the case of high capacity venues this should be increased to two toilets per bank.

Additional Facilities

Some buildings, such as gymnasiums and swimming pools, have bathrooms with changeroom and showering facilities.

In these facilities, there should be accessible shower, changing and toilet facilities located in the one room for people with disabilities, with one room per bank of showers/changing rooms. These facilities should include extra turning space for wheelchair access and an 'adult changing table' with enough room for independent transfer to and from a wheelchair.

Exception – Caravan Park Facilities

People with disabilities will be excluded from caravan parks should this exception stand. This will restrict their recreation and leisure options in a way which contravenes the UN CRPD, and promotes the exclusion of people with disabilities. It is AFDO's strong position that caravan parks should be included under the Standard, with a requirement that 50% of all existing toilet and shower blocks have an accessible unisex facility, and 100% of newly built facilities have an accessible unisex facility attached (with the reasoning that there are often large

distances between toilet and shower blocks in caravan parks).

H2.13 – Hearing Augmentation

Where this section says “If a public address system is installed it must comply with Clause 2.1 of Australian Standard 1428.2”, there should be a specific reference to installing hearing augmentation to avoid ambiguity.

Part 5.4 of the Guidelines

Circulation space requirements in this part of the Guidelines do not take into account obstacles such as sinks or posts. This should be made clearer.

APPENDIX 1: CHANGES TO LIFT SPECIFICATIONS

AFDO supports the following recommendations which have been made by Physical Disability Australia. These recommendations will serve to ensure that lifts are accessible for the highest possible number of wheelchair users, and will serve to make lift travel safer and more accessible for a wide cross section of the community.

1. Part 12 Application to be amended to cover all passenger lifts;
2. Clause 1.1.2 (of what?) should be deleted due to impending redundancy;
3. A section on lift landings should be added, ensuring a landing space of 1540mm by 2070mm is provided for each public passenger lift;
4. Section 2 should be re-drafted to reflect the requirement for 1400mm width by 1600mm depth for lift car internal dimensions. This section should also clearly note the exemptions to this requirement, namely low rise lifts (less than 12 metres), which are required to meet a minimum standard of 1400mm by 1100mm, and stairway platform lifts meeting AS 1735-7 (810mm by 1200mm).
5. Section 2 should clearly state that the minimum dimensions for a wheelchair to make a 180 degree turn are 1540mm by 12070mm.
6. Section 4.1 be re-drafted to exempt low rise lifts using open cars and serving no more than two stops from the requirement to install horizontally sliding doors.
7. Clause 4.2 be amended to make it clear that passenger-protection devices shall be fitted to all lift landing doors as well as to lift car doors.
8. that Clause 4.2(a) to be amended to state that both a safety shoe and a series of light beams are required

on the lift car doors, and duplicated on the landing doors.

9. that Clause 4.2(a) be amended to clarify that each light beam originates from the closing edge of the door on one side of the entrance opening and travels horizontally to the detector on the closing edge of the door on the opposite side of the entrance opening.
10. Clause 4.2(a) be amended to delete reference to the longitudinal axis and state that the 12mm diameter must be held vertically.
11. that Clause 4.2(b) be amended to take account of low-rise lifts with open lift cars by requiring the light beams 75mm apart from 50mm above the floor to the top of the lift car walls or 1550mm whichever is the lower.
12. that the door open dwell times presented in Clause 4.3 be revisited and if extended times are found necessary, Clause 4.3 be amended to reflect the extended times.
13. that Section 6 be amended to require the tolerance for levelling accuracy at the acceptance test be reduced to plus or minus 5mm for all passenger lifts.
14. that Section 6 be amended to require all passenger lifts incapable of meeting the plus or minus 5mm tolerance on levelling accuracy be fitted with automatic relevelling facilities.
15. that Clause 7.2.1 be amended to require two accessible lift car control panels in all lift cars with internal dimensions less than 1600mm x 2100mm.
16. that Clause 7.2.2(c) and Clause 7.2.2(d) be combined to require the provision of two stop buttons with each being located in an accessible position either on or in close association with each control panel.
17. that the last paragraph of Clause 7.2.2 be amended to state that all control buttons shall be

identified by raised tactile symbols and Braille equivalent located above or to the left of the control button.

18. that Clause 7.2.3 be amended to delete from the clause the words “unless the tactile symbol is on the face of the button”.
19. that Clause 7.4.1.2 be amended to delete the words “Where tactile symbols are provided on the face of the button, the force required to operate the button shall be not less than 3.5N and not more than 5N.”.
20. that Clause 7.4.4 be amended to require the moving part of a control button to project beyond its surround and the face of the control panel by not less than the distance of travel necessary to operate the control.
21. that Clause 8.1 be amended to require automatic audible information to be adjustable between the range of 20dB(A) and 80dB(A).
22. that the second sentence of Clause 8.1 be amended indicate that the tone should be sounded both at the landing and within the lift car.
23. that Clause 8.2 be amended to include the additional requirement that all information shall be provided by both audible and visual means.
24. that Clause 8.3(d) be amended to require all tactile information to be provided as raised tactile characters which shall be raised a minimum of 0.8mm above the background.
25. that the words “Where there are three or more lifts in a bank,” be deleted from the first paragraph of Clause 8.5. It is recommended therefore that the last paragraph of Clause 8.5 be deleted.
26. that Clause 8.6.1 be amended to require a car position indicator be located within the lift car on both the front and the back walls.

27. that Clause 9.2 be amended to refer to the “successful operation” of the communication control and to require acknowledgment with both an audible tone and the illumination of a lamp.
28. that Clause 9.5 be amended to require, in addition to a microphone and loudspeaker, a small visible display activated within the lift car when the answering service receives the call to indicate that the call has been received and assistance has been dispatched.
29. that the Standard be re-titled as “Low-rise passenger lifts – Automatically controlled”.
30. that Notes 2, 3 and 6 to Clause 1.1 be converted to normative statements within the text of Clause 1.1. and that Note 5 to Clause 1.1 be converted to a normative statement within the text of Clause 1.2.
31. that Note 2 of Clause 1.2 be deleted and be replaced by a normative paragraph requiring the lift to incorporate all the features mandated by Part 12.
32. that Clause 2.4.1 be amended to require the occupancy area of lift cars without doors to be measured between safety light curtains at 1000mm above the car floor.
33. that Clause 2.4.1 be amended to limit the lift car floor area to a maximum of 1.65m².
34. that Clause 2.4.2 be amended to require minimum internal lift car floor dimensions to be 1100mm wide x 1500mm deep for all applications other than private residences.
35. that a Note be added to Clause 2.4.2 referring to Clause 12.4(a)(iii) for the minimum width in which to provide a light curtain.
36. that a Note be added to Clause 2.4.2 referring to AS1735-12 Clause 4.2(b) for details for a light curtain.

37. that a Table 6.5.1 be included to clarify calculation of a complying pit depth.
38. that Clause 6.5.3(b)(iii) be amended to limit the permitted range for horizontal clearance between the car sill and the landing sill to between 10mm and 15mm irrespective of door operation and that Clause 6.5.3(c) be deleted.
39. that Clause 13.1 Note 2 be elevated to a normative statement within Clause 13.1.
40. that Clause 13.1 be amended to add the requirement that the landing call button be located a minimum of 800mm outside the arc of any powered door.
41. that Clause 13.1 be amended to state that a minimum lift landing of 1540mm x 2070mm is required to provide adequate manoeuvring space.
42. that Note 1 to Clause 13.2 be amended to delete the words "Where a passenger is likely to be in a wheelchair, swing type doors are the most suitable type, however".
43. that Clause 13.3 be amended to require a minimum clear width of doorway opening of 900mm.
44. that Clause 13.4 be amended to require a minimum vertical clearance at doorways of 1980mm.
45. that all landing doors be power operated and function automatically.
46. that where car doors are fitted they be horizontally sliding, power operated and function automatically.
47. that Clause 13.8 be amended to limit the maximum area of viewing panels in landing doors to 0.09m² and restrict the location to that required by AS1428-1.
48. that a new Clause be added to AS1735-16 Section 15 requiring compliance with AS1735-12 Section 7 for the design of control devices.

49. that an additional Appendix be written which gives guidance on the necessary safety features to be installed to permit the lift to operate safely under automatic control.
50. that an additional Note be added to Clause 1.1 referring to the Appendix giving guidance for those manufacturers who wish to produce a lift that can operate safely under automatic control.
51. that Clause 2.4.1 be amended to require the occupancy area of lift cars without doors to be measured between safety light curtains at 1000mm above the car floor.
52. that Clause 2.4.1 be amended to limit the lift car floor area to a maximum of 1.65m².
53. that Clause 2.4.2 be amended to require minimum internal lift car floor dimensions to be 1100mm wide x 1500mm deep for all applications other than private residences.
54. that a Note be added to Clause 2.4.2 referring to Clause 12.4(a)(iii) for the minimum width in which to provide a light curtain.
55. that a Note be added to Clause 2.4.2 referring to AS1735-12 Clause 4.2(b) for details for a light curtain.
56. that a Table 6.5.1 be included to clarify calculation of a complying pit depth.
57. that Clause 6.5.3 be amended to limit the permitted range for horizontal clearance between the car sill and the landing sill to between 10mm and 15mm.
58. that the Note to Clause 13.1 be elevated to a normative statement within Clause 13.1.
59. that Clause 13.1 be amended to add the requirement that the landing call button be located a minimum of 800mm outside the arc of any powered door.

60. that Clause 13.1 be amended to state that a minimum lift landing of 1540mm x 2070mm is required to provide adequate manoeuvring space.
61. that Clause 13.2 be amended to require all manual doors or gates be fitted with a D-type pull handle between 900mm and 1100mm above the floor as prescribed by AS1428-1.
62. that Note 2 to Clause 13.2 be amended to delete the words "Where a passenger is likely to be in a wheelchair, swing type doors are the most suitable type, however".
63. that Clause 13.3 be amended to require a minimum clear width of doorway opening of 900mm.
64. that Clause 13.8 be amended to require viewing panels in landing doors to meet the effective location and minimum size requirements required by AS1428-1.
65. that Clause 15.1.1 be amended to limit the location of any control device requiring constant pressure to between 900mm and 1000mm above the floor and the location of control devices not requiring constant pressure to between 900mm and 1100mm above the floor.
66. that Clause 15.3 be amended to include a sub-clause requiring all control buttons to be operated by people with disabilities to comply with the design provisions of AS1735-12 including for raised tactile characters and Braille.
67. that Clause 15.3.1 be amended to limit the required operating force for constant pressure devices to 5N.
68. that Clause 5.4.1 be amended to require the occupancy area of lift cars without doors to be measured between safety light curtains at 1000mm above the car floor.

69. that Clause 5.4.1 be amended to limit the lift car floor area to a maximum of 1.65m².
70. that the mechanics of an AS1735-14 platform lifts be upgraded to accommodate a lift with a maximum car floor area of 1.65m².
71. that Clause 5.4.2(b) be amended to require minimum internal lift car floor dimensions to be 1100mm wide x 1500mm deep for all applications other than private residences
72. that a Note be added to Clause 5.4.2 referring to Clause 12.4(a)(iii) for the minimum width in which to provide a light curtain.
73. that a Note be added to Clause 5.4.2 referring to AS1735-12 Clause 4.2(b) for details for a light curtain.
74. that Clause 9 be amended to limit the permitted range for horizontal clearance between the car sill and the landing sill to between 10mm and 15mm.
75. that a new Section to address Lift Landings be added to AS1735 Part 12 which states that each public passenger lift shall be provided with a minimum landing space of 1540mm x 2070mm to allow access by all.
76. that a new sub-Clause be added to AS1735-14 Clause 14 requiring the top landing gate to require not more than 20N to open.
77. that a new sub-Clause be added to AS1735-14 Clause 14 requiring a D-ring handle be fitted to all manual gates at 900-1100mm above the floor.
78. that where power operated gates are fitted, the lift call button shall be fitted at least 800mm clear of the arc of the swing of the door.
79. that Clause 15(a) and Clause 15(b) be amalgamated and

require the controls to be located both on the lift car and on the landing.

80. that Clause 15(d) be amended to delete the second sentence stating "where the travel is less than 600mm and the control device has not been provided on the platform,".
81. that a new sub-Clause be added to Clause 15 stating that where a continuous pressure control device is provided, it must be located at a height between 900mm and 1000mm above the floor.
82. that a new sub-Clause be added to Clause 15 requiring the force necessary to operate the control device to not exceed 5N.
83. that a new sub-Clause be added to Clause 15 requiring control buttons to comply with AS1735-12 with respect to raised tactile characters and Braille.
84. that Table 1 be amended to show the platform minimum dimensions as 1200mm long and 810mm wide.
85. that a Figure be provided in association with Table 1 to clarify the position at which platform length is measured.
86. that a sub-Clause be added to Clause 14 requiring wheelchair circulation space of 1540mm x 2070mm at the bottom landing and at the top landing for stairway lifts in public buildings.
87. that a sub-Clause be added to Clause 14 requiring access to the platform to be by end approach only for stairway lifts in public buildings.
88. that platform ramps be limited in length to 300mm and that these fold to 45 degrees during travel.
89. that a sub-Clause be added to Clause 23 stating that the force required to operate constant pressure controls shall not exceed 5N.

90. that a sub-Clause be added to Clause 23 stating that all control buttons be identified by raised tactile characters and Braille as detailed in AS1735-12.
91. that a sub-Clause be added to Clause 23 requiring the landing call button to be located within reach of a person in a wheelchair who is positioned ready to board the platform.