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To:

Committee Secretariat

House of Representatives Standing Committee on Legal and Constitutional Affairs

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

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To Whom It May Concern:

Please find following a submission for the Inquiry into the draft Disability (Access to Premises - Buildings) Standards

With Regards

Raelene West

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Terms of Reference:

The Committee is to consider and report on the draft Disability (Access to Premises - Buildings) Standards covering:

- 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.

Recommendations:

Recommendation 1: I support in full the recommendations and report into the Inquiry into the draft Disability (Access to Premises - Buildings) Standards as provided by Australian Human Rights Commission - February/March 2009

Recommendation 2: That labour teams in these tight economic times be employed and directed to improving infrastructure, including providing access. Potentially owners of premises could be directed to subcontract a professional team of workers with known and trained expertise to complete works required to meet access standards and be provided with a financial incentive to do so

Discussion:

People with disabilities have the same human rights as all members of the community (Australian Human Rights Commission)

In the mid 1970s, Australia and other western societies altered their response to 'disability'. Based on ideologies of human rights and the wish by people with a impairments to live equitably and inclusively within society, people with impairments were deinstitutionalised and provisions for people with a impairments to live independently within the community were initiated.

In terms of access to the built environment, for many people with mobility impairment, the first priority was a ramp. If people with impairment were to be included in society, they at least had to be able to get in.

Since then, the concept of access to the built environment has evolved. Concepts of access to the built environment are now based on Universal Design. These cutting edge concepts allow for the freedom of movement of anyone around all areas of built environment. These concepts support equality and fairness in relation to access and support the human right of all people to live in a community with dignity and respect.

In 1992, the Commonwealth Disability Discrimination Act (DDA) 1992 was put into place as a mechanism to eliminate as far as possible, discrimination against persons on the grounds of disability.

Despite the implementation of the DDA in 1992 and the establishment of a complaints and appeals processes in eliminating discrimination against persons on the grounds of disability, access and movement around a significant proportion of our built environment remains only moderate to good for people with impairments. Although a significant number of newer premises have provided access provisions, many existing buildings, in particular retail shops, cafes and many restaurants, continue not to provide access. Despite continued and long ongoing education campaigns by disability advocates, the building industry itself and local government council planners, many of these retail outlets appear to have made little change in seeking to provide access to their premises and appear to have little inclination to do so. Further, as there are no existing regulation or guidelines in this area, retail outlets without access are not currently required to provide action plans as to the future timescale in creating access or as to when they may consider making changes in seeking to provide access. Other than creating a moral social good in providing equal and fair inclusion to their premises to all members of our community, no other incentive exists for retailers to create needed change in relation to access. In the meantime, these traders continue to earn a living through trade within the community and benefit from this trade, despite that a significant aspect of their trade, access to their premises, is highly discriminatory.

Costs:

In relation to costs, it has been previously noted during consultations that significant variations exist in relation to actual costs of including a complete range of access features. Although estimates of access features both domestically and

internationally were cited, the actual cost of providing a complete range of access features is diverse.

What is not highlighted under costs is the social costs in not providing adequate levels of access to the built environment. The costs of discrimination, social isolation and lack of social inclusiveness felt by people with impairments repeatedly and often over extended periods of time when adequate access is not provided is profound.

In the same vein, the benefits that society produces in providing built environments that are accessible and inclusive for all, based on universal access design principles, are incalculable. According to International Charters, access to the built environment and freedom of movement are recognised as human rights.

Previous pathways:

In 2002, the Victorian Building Commission established Accessible Built Environment Working Group - ABEWG that included industry bodies, local councils, disability advocates, the Office of Housing and Building Commission representatives. The work of the group was regulatory in focus.

A considerable amount of work was undertaken in providing input to the Draft Access to Premises Standards that were released for consultation in early 2004, and significant submissions were made by many members of the disability sector then, including myself.

In addition, a report identifying options for an improved accessible environment was produced by a built environment working party on the Victorian Disability Advisory Council of Victoria – the DACV. This report, *Accessible Place Accessible State 2010* outlined in considerable detail, a number of pathways to improving access to the built environment across the state. Of particular note, implementing the Access to Premises Standards was noted as a key requirement in creating improved access to the built environment for all Victorians. Please refer to report attached.

Further, extensive education and awareness campaigns have already been undertaken by the building industry itself. This has including research on building industry attitudes and knowledge in relation to access to premises for people with impairment and detailed research into regulatory standards and access specifications.

2004 was also the Year of Built Environment. No regulatory provisions or widescale building industry initiatives were made in working towards improving access to the built environment.

Although Australia has moved a considerable way in improving access to newly constructed premises, the implementation of the Access to Premises Standards is vital in providing a regulated baseline standard of access features for premises. At a minimum, all premises undertaking trade within Australia should be required to adhere to these baseline access standards. Further, concepts and implementation of access features that move above and beyond these baseline standards and

move towards Universal Design should be actively encouraged and promoted. In 2009, Australia should be moving towards constructing a fully accessible built environment, eliminating existing discrimination associated with still existing non-accessible premises and be moving towards the construction of a built environment based on twenty first century concepts of Universal Design that provide fair and equitable access for all Australians.