



Hobsons Bay
CITY COUNCIL

Submission No 11

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Mr Mark Dreyfus QC, MP
House of Representatives Standing
Committee on Legal and Constitutional Affairs
Inquiry on Access to Premises Standards
PO Box 6021
Parliament House
CANBERRA ACT 2600

Ask for: Maria Cesarello
Phone: (03) 9932 1118
Our Ref: A711487

Dear Mr Dreyfus

INQUIRY ON THE ACCESS TO PREMISES STANDARDS

Reference is made to the inquiry on the Access to Premises Standards.

The Council welcomes the development of draft Disability (Access to Premises – Buildings) Standards as an important step towards addressing the many inequalities and disadvantages that Australians with a disability experience in relation to accessing the public built environment.

The Council recognises that the draft standards will give way to improvements in disability access by clarifying building requirements for owners, managers and developers. This is in line with the Council's Disability Action Plan 2008 – 2012 commitments which aim to ensure all parties undertaking new developments, major refurbishments or alterations to existing commercial / public / community buildings satisfy their obligations under the Disability Discrimination Act 1992.

The Council also acknowledges that by achieving greater access to the public environment within our municipality, we will also be enhancing social inclusion and employment participation, resulting in better lifestyle choices and improved personal wellbeing for people with a disability.

Please find attached Hobsons Bay City Council's submission to the inquiry on the draft standards. The Council looks forward to the implementation of the standards and the building of an Australian community that is inclusive of all.

Yours faithfully

Bill Janoor
CHIEF EXECUTIVE OFFICER

Major Barriers and Inequalities Experienced by People with a Disability

People with a disability experience many barriers and inequalities as members of the Australian community. Such inequalities include access to the built environment that often deny people with a disability the right to participate fully in community life and places constraints on lifestyle choices including:

- having meaningful relationships
- pursuing educational and vocational goals
- finding and maintaining suitable accommodation services
- enjoying social, recreation and cultural interests
- undertaking daily tasks like going shopping or attending medical appointments.

Positive Outcomes for the Australian Community

Hobsons Bay City Council holds the position that the Draft Disability (Access to Premises – Buildings) Standards will have the following positive outcomes:

- **People with a disability:** will have much better access, increased opportunities to participate in all aspects of the community and the surety of knowing that access to buildings is consistent throughout Australia. Achieving greater access will also enhance social inclusion and employment participation, resulting in better lifestyle choices and improved personal wellbeing for people with a disability.
- **The broader community:** consistent access to the public built environment not only enhances community life for people with a disability but it enhances the community life of all, including; older people, parents with prams, people with trolleys and shopping jeeps, people recovering from a temporary injury or illness and people who carry or manoeuvre a heavy object or load of items.
- **Property owners and operators:** will have the surety of knowing that compliance with the new BCA will also result in compliance with the relevant parts of the DDA.
- **The service industry and small businesses:** will have opportunities to access a broader market and minimise the likelihood of discrimination complaints.
- **Local Governments, developers, builders:** and those responsible for approvals and certification of buildings will be much clearer about what is required to fulfill responsibilities under both building and anti-discrimination laws.

Shortfalls of the proposed Disability Access to Premises – Buildings Standards

The proposed Access Premises Standards – Buildings, will synchronise the requirements of the BCA with industry's existing obligations under the DDA, thus providing certainty to developers, certifiers, building owners and others, that compliance with the BCA would also mean compliance with the DDA in relation to new building work. However, there are some shortfalls within the proposed standards which might require further consideration as follows:

- updating of AS1428 to reflect revisions included in Draft Disability Standards
- the scope of the Draft Disability Standards is limited to issues covered under the access provisions of the BCA and further consideration needs to be given to fit out issues, behaviour of staff and Class 2 buildings
- ensuring that commercial kitchens are not exempted from providing access
- ensuring that Class 1b building (smaller boarding houses, cabins, guest houses, hostels and the like) provide access when **three** or more dwellings are provided on one allotment for the purposes of short-term holiday accommodation.

It is also important to note the importance of ensuring further work in relation to standards for fit outs (eg. reception desks) within buildings is not forgotten.