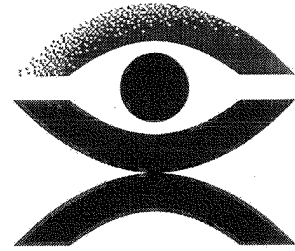


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Blind Citizens Australia
Submission to
House of Representatives
Legal and Constitutional Affairs Committee
Inquiry into
Draft Disability
(Access to Premises – Buildings) Standards

March 2009

Blind Citizens Australia is very pleased to see the release of the Draft Disability (Access to Premises – Buildings) Standards (Premises Standards).

In particular, we hope this will ensure greater access for people who are blind or vision impaired in addition to providing consistency of specifications for building owners, operators and builders.

Blind Citizens Australia would like to ensure that all people who are blind or vision impaired, as well as the wider community, have safe, dignified and equitable access to the built environment. As a result we seek to point out aspects of

the draft premises standards which we believe are not consistent with the rights provided to individuals under the *United Nations Convention on the Rights of Persons with Disabilities* and the objects of the *Disability Discrimination Act 1992 (Cth)*.

Blind Citizens Australia has identified eighteen (18) areas of key concern. This submission contains eighteen (18) recommendations for the committee for consideration when developing the final Premises Standards. This submission includes a brief discussion on the matters of concern to our membership and then follows each discussion point with a recommendation. We trust that this method of response will assist the committee to easily reference our recommendations.

Underpinning principles of the Premises Standards:

The United Nations Convention on the Rights of Persons with Disabilities was ratified by Australia in 2008. It focuses on the fundamental human rights of people with a disability and provides the opportunity to develop rights-based policies to promote the full inclusion of people with a disability in society.

The following Convention articles relate to the intent of the Premises Standards.

Article 1: Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 3: General Principles

- Full and effective participation and inclusion in society

Article 9: Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment ... which shall include the identification and elimination of obstacles and barriers to accessibility to
 - a. buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces.
2. To also take appropriate measures to
 - a. 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. 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
 - c. provide in building and other facilities open to the public signage in Braille and in easy to read and understand forms

Article 19: Living independently and being included in the community

- a. persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others.”

Blind Citizens Australia believes that, not having safe and dignified access to a building may lead to increased isolation of people who are blind or vision impaired. This is because people may face too many difficulties and frustrations attempting to enter a building. A limited number of accessible buildings leads to a limited number of choices. 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.

Recommendation 1:

Blind Citizens Australia recommends that articles 1, 3, 9 and 19 of the United Nations Convention on the Rights of Persons with Disability are incorporated into the underpinning principles of the Premises Standards.

Further to this, Blind Citizens Australia also recommends that the term ‘safe, equitable and dignified access’ is included in the final version of the Premises Standards.

Reference standards:

Whilst Blind Citizens Australia recognises that the draft Premises Standards should be referenced by the Australian Standards, it has been extremely frustrating that many of the Australian Standards have not yet been finalised. In fact the draft AS1428.1 standard was released only a matter of weeks ago and was not released in an accessible format for

people who are blind or vision impaired. This has made the consultation process very difficult and rushed.

It is not possible at this stage to know what the finalised version of AS1428.1 will be. As this directly impacts the finalised version of the Premises Standards, we seek the opportunity to receive a finalised version of the Premises Standards.

Recommendation 2:

The committee provides an opportunity for comment on the finalised Premises Standards once AS1428.1 and all other referenced standards have been finalised.

Tactile Ground Surface Indicators and Luminance Contrast:

The information provided by tactile ground surface indicators (TGSIs) and sufficient luminance contrast (including contrast strips on stair nosings) is critical for the safe equitable and dignified travel of people who are blind or vision impaired.

Blind Citizens Australia is very concerned that the current Draft Premises Standards contain a significant number of exemptions to the requirements that TGSIs and sufficient luminance contrast (including contrast strips on stair nosings) should be provided as warnings of stairs, ramps, and other potential hazards. Failure to provide TGSIs and sufficient luminance contrast (including contrast strips on stair nosings) compromises the safe, equitable and dignified travel of people who are blind or vision impaired.

Recommendation 3:

Blind Citizens Australia urges the committee to remove exemptions for the requirement to provide TGSIs and

sufficient luminance contrast (including contrast strips as warnings on stairs, ramps, and other potential hazards).

Specifically, we recommend that:

- There should not be an exemption for Class 2 buildings;
- There should not be a limitation on the provision of TGSIs in Class 3 buildings otherwise, there will be an inconsistent application of TGSIs and luminance contrast features (including contrast strips on stair nosings) in different buildings and parts of buildings. This inconsistency of application will create confusion for people who are blind or vision impaired.
- There should not be an exemption for fire-isolated stairs. These stairs are used in situations where people are required to move quickly under pressure. Safety considerations are paramount in such situations;
- There should not be an exemption for swimming pool ramps. It can often be difficult for a person who is blind or vision impaired to tell when the ramp is about to reach the water if TGSIs are not provided;
- There should not be an exemption for curb ramps within buildings and their approaches. They typically lead to areas where there may be motor traffic. People who are blind or vision impaired need warning of the approaching curb.

Glazing on Accessways:

Part D3.12 of the Access Code requires that glazed surfaces on accessways must be clearly marked (in accordance with Australian Standard AS1428.1) if they are capable of being mistaken for a doorway.

People who are vision impaired can tend to mistake glazed surfaces for doorways and other openings. This is because they are often not able to detect the low levels of reflected light from transparent surfaces such as glass. They also often have a limited field of vision making it difficult to detect visual cues to alert them to glazed surfaces. Such surfaces, therefore, can be virtually invisible to people who are vision impaired.

Blind Citizens Australia is aware of several incidents where our members mistakenly walked through a glass wall. On one occasion, a person was seriously injured and incurred severe lacerations to his hands and face.

One of the strategies used by people with a vision impairment when navigating foreign environments is to observe cues. High colour contrast markings on glazed surfaces enable people who are vision impaired to distinguish between a glazed surface and a doorway.

The requirement to use markings on glazed surfaces only on accessways does not take into account the possibility that a person will encounter glazed surfaces in other environments. It is essential that there is consistent treatment of surfaces regardless of whether or not they are a part of an accessway.

Recommendation 4:

All frameless glazed surfaces should be marked in accordance with AS1428.1 when there is no chair rail, handrail or transom.

Wayfinding:

People who are blind or vision impaired utilise a range of methods to safely navigate their way around the environment. This is referred to as wayfinding.

US Department of Education, National Institute on Disability and Rehabilitation Research states that "Wayfinding is typically divided into two categories: orientation and mobility. Orientation concerns the ability for one to monitor his or her position in relationship to the environment; and mobility refers to one's ability to travel safely, detecting and avoiding obstacles and other potential hazards. In general terms, wayfinding is the ability to; know where you are, where you are headed, and how best to get there; recognize when you have reached your destination; and find your way out—all accomplished in a safe and independent manner ..."

Raised tactile and Braille signage, TGSIs, lighting and luminance contrast are all tools utilised by people who are blind or vision impaired to assist in wayfinding. Further to this, items such as maps, noticeboards, audio-enabled lifts, audio announcements and environmental cues such as changes to ground surface are other means of assisting in wayfinding.

It is unfortunate that research released in 2004 by the Cooperative Research Centre (CRC) for Construction Innovation did not meet the deemed-to-satisfy provisions of the draft Premises Standards.

Recommendation 5:

Blind Citizens Australia recommends that the first review of the Premises Standards incorporates wayfinding provisions.

We also recommend that the current Premises Standards include a statement clarifying the jurisdiction of the *Disability Discrimination Act 1992* when people with a disability feel they have been discriminated against with regard to wayfinding.

Raised Tactile and Braille Signage:

There are many times in the draft Premises Standard where there is no specific requirement to provide raised tactile and braille signage even though other signage is required. This includes:

- Where a sign identifies an accessible sanitary facility as being right- or left-handed (D3.6 (c));
- Where there is a need for a sign to direct people to an accessible sanitary facility (D3.6 (f));
- Where a sign identifies the location of an ambulant sanitary facility within a sanitary facility block (D3.6 (d));
- Where there is a sign that provides direction to an accessible entrance to a building (D3.6 (e));
- Where a sign is used within a room to identify the type and coverage area of a hearing augmentation system (D3.6 (b)).

Accessible sanitary facilities are often used by people who are blind or vision impaired because they can be more straight forward to navigate. They are also more spacious for people who use dog guides.

Recommendation 6:

Blind Citizens Australia believes the Premises Standards should require the inclusion of raised tactile and braille signage wherever there is a requirement to provide signage.

Recommendation 7:

Raised tactile and braille numbers should be provided on hotel room and office doors. They should also be provided on stair landings and beside lift openings.

This simple and relatively low cost requirement would allow a person who is blind or vision impaired to independently navigate their way around a building. Such information is provided in print. It only stands to reason that any signage available in print must also be provided in raised tactile and braille form.

Class 2 buildings:

Blind Citizens Australia is disappointed that the current Draft Premises Standards allow class 2 buildings to be exempt from the access code. The removal of access requirements, including access to the common areas of these buildings, will reduce access to many buildings which are otherwise available to the public. This hardly seems consistent with Australia's obligations under the *United Nations Convention on the Rights of Persons with a Disability* and the objects of the *Disability Discrimination Act 1992*.

Lighting:

Most people who are blind or vision impaired are reliant on lighting to assist with access. The current draft Premises Standards only require that class 9b (public transport) buildings provide sufficient lighting for access.

Recommendation 8:

Blind Citizens Australia recommends that the lighting of public space, in line with Part H2.12 of the draft Premises

Standards, be introduced into the entire Premises Standards.

Accessible sanitary facilities – fitout & fixtures:

Australia's obligations under the United Nations Convention on the Rights of Persons with a Disability includes the provision of access to all aspects of premises that are available to the public.

The issue of access to sanitary facilities more than any other was raised by our members as an issue of significant concern. The increasing trend for sanitary facilities to use motion sensors, flashing lights to indicate that a facility is occupied, touchpad locking mechanisms and motion or sensor-driven flushing mechanisms is leading to an increasing inaccessibility of sanitary facilities.

Consultation with our members revealed that many people have been placed in embarrassing situations where they have literally been caught with their pants down when using a sanitary facility. They have been under the mistaken belief that they have locked the door behind them. Door locking mechanisms which are based only on visual cues such as a flashing light or pressing a touchpad are inaccessible to a person who is blind or vision impaired. Some of our members stated that they elect not to use sanitary facilities when they are out because it is less stressful to “hold on” than it is to face an inaccessible environment.

This is hardly safe, equitable and dignified.

Recommendation 9:

Whilst Blind Citizens Australia acknowledges that fitout of buildings is not covered under the Building Code of

Australia, we urge the committee to expand the scope of the Premises Standards so that a more comprehensive set of standards under the *Disability Discrimination Act 1992* can be developed which is inclusive of fitout and fixtures in buildings.

We recommend that accessible sanitary facilities which use visual information must include alternatives which are non-visual such as audio and raised tactile and braille information.

Exemptions:

D3.4(f) - This exemption could lead to confusion for people who are blind or vision impaired as it promotes inconsistent application of TGSIs and luminance contrast.

Recommendation 10:

People who are blind or vision impaired expect to find TGSIs and luminance contrast on stairs, ramps and hazard areas. This exemption should be re-worded to better reflect this expectation.

D3.8 (Tactile indicators) (1) (e) (i)

Our argument for this point is similar to the point above. It is important that the application of TGSIs is predictable for people who are blind or vision impaired.

We believe that the best method to indicate an overhead hazard is by placing a barrier around the obstacle rather than placing TGSIs under the obstacle. This ensures consistent and predictable application of TGSIs.

Recommendation 11:

Amend the above exemption to better reflect the needs and expectations of people who are blind or vision impaired. It is not necessary to use TGSIs to indicate an overhead obstacle.

D3.9 Wheelchair Seating Spaces:

People who use dog guides when attending class 9b buildings such as cinemas and theatres would benefit from sufficient space for placement of their dog guide.

Recommendation 12:

Blind Citizens Australia recommends that clause D3.9 be expanded so that extra seating places are allocated in class 9b buildings to allow for sufficient space for placement of dog guides under or next to the owner's seat.

D4.2 - Location of Braille and tactile signs

Subclause (c) (ii):

Consistent and predictable placement of signage is paramount.

Recommendation 13:

We recommend that when a sign cannot be mounted on the wall near the door, the sign is mounted on the door. This means the placement of the sign will need to be more precisely specified. For example, 50-100mm from the latch side of the door. This will provide a consistent location making it easier for people who are blind or vision impaired to find the sign and its contents.

D4.6 Braille:

For greater ease of use, clauses D4.6 and D4.3 should be integrated. This will assist builders to be able to quickly reference the specifications for application of raised tactile and braille signage.

Recommendation 14:

We recommend that this section be moved to be part of D4.3 (Braille and Tactile Sign Specifications).

D4.6 (Braille) (a) (Braille specifications):

The Australian Braille Authority has not developed the criteria referred to in this clause.

Recommendation 15:

We recommend that the Committee liaise with the Australian Braille Authority to ensure that a suitable document is available for reference in the Standards by the time they are finalised.

D4.6 - Braille Arrows

Solid arrows are difficult to interpret by touch.

Recommendation 16:

Blind Citizens Australia recommends that the arrow described in AS1428.1 is easier to feel and would therefore be more appropriate than a solid arrow. The preferred arrow type is one in which there is a wide angle between the barbs and the shaft and where the angle is not filled in.

Emergency Egress:

Article 9(1)(b) of the United Nations Convention on the Rights of Persons with Disability refers to the right of people

with disability to have equal access to emergency services. Emergency egress from buildings is clearly a vital requirement for the Premises Standards.

Recommendation 17:

Blind Citizens Australia urges the committee to include the following requirements within the Premises Standards:

- Adequate lighting of emergency egress routes
- Raised tactile and braille signage of emergency egress stairways and exits
- The need for wayfinding features such as directional TGSIs to provide an accessible path of travel from emergency exits to designated assembly points.

D3.3 - Fire Isolated Stairs and Ramps:

People who are blind or vision impaired have the right to independently evacuate from a building in an emergency just like the rest of the community.

Recommendation 18:

Blind Citizens Australia strongly recommends that fire isolated stairs and ramps be included under the Premises Standard in compliance with Australian Standard 1428.1.

Closing comments:

Blind Citizens Australia consulted broadly with our membership to ensure that this submission represents the views, needs and expectations of people who are blind or vision impaired. We also worked closely with Vision Australia, the Australian Blindness Forum, People With Disabilities Australia and the Australian Federation of Disability Organisations to ensure that a consistent message

is conveyed to the committee about the key priorities of people with disabilities.

We are keen to see the release of an Access to premises standard which enables a greater than ever level of participation of people with a disability in Australian life.

We welcome the opportunity to meet with the committee to discuss our submission further and look forward to participating in the public hearings.

About Blind Citizens Australia:

Blind Citizens Australia is the national peak representative organisation of people who are blind or vision impaired in Australia. We represent over 3,000 members from each state and territory. Our constitution requires that all Directors and the Executive Officer are blind or vision impaired. Our membership is organised via a structure of 11 regional branches throughout the country and four special interest branches representing women, youth, computer users and overseas cultural interests.

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