



people with disability

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Submission No 120

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Dear Committee Members:

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

People with Disability Australia (PWD) is pleased to have the opportunity to provide you with our views on the draft *Disability (Access to Premises – Buildings) Standards* (Access to Premises Standards).

PWD is a national disability rights and advocacy organisation. We are a representative organisation of and for people with disability that has advocated for and been involved in the development of the Access to Premises Standards for the last fifteen years.

Recently, PWD has been working with a number of key disability organisations in relation to our views on the current draft Access to Premises Standards. This collaborative work has included experts in the area of accessibility, experts in disability discrimination law, such as the Disability Discrimination Legal Centre NSW (DDLC), representative organisations of people with disability, including the Physical Disability Council of NSW (PDCN), Physical Disability Australia (PDA), Deafness Forum and Blind Citizens Australia (BCA), and other national peak disability organisations, such as the Australian Federation of Disability Organisations (AFDO).

Collectively, we have all agreed on specific key areas that we argue are essential for the development of robust Access to Premises Standards, but which are currently missing or not sufficiently addressed in the current draft. These key areas are summarised in Attachment A, Summary and Major Concerns. This summary is an excerpt from *A Brief Guide to Understanding and Commenting on the Draft DDA Access to Premises Standard*, which has been developed to reflect our collective concerns. It is available on the website <http://access.afdo.org.au/briefguide>

A detailed submission that outlines our agreed position on key technical requirements for an Access to Premises Standards is contained in the submission, *Concerns with the Draft Disability (Access to Premises – Buildings) Standards*. This sector wide submission has been provided to the House of Representatives Standing Committee on Legal and Constitutional Affairs from PWD, AFDO, PDA, BCA and Deafness Forum.

In addition, PWD endorses the recommendations made by the DDLC in their submission to this Inquiry.

While PWD's views are contained in the sector wide submission, we would like to take this opportunity to make the following additional points:

### **Human Rights Framework**

PWD believes that robust Access to Premises Standards have the potential to remove the barriers that prevent many people with disability from fully participating in community life, such as gaining employment, getting an education, receiving health services, and from participating in cultural, social and recreational activities. It has the potential to be a major strategy towards achieving outcomes in the Australian Government's National Mental Health and Disability Employment Strategy, the National Disability Strategy and the Social Inclusion Agenda.

Significantly, robust Access to Premises Standards have the potential to meet many of Australia's obligations under Article 9 of the UN Convention on the Rights of Persons with Disabilities (CRPD). Article 9, *Accessibility* imposes an obligation on the Australian Government:

"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, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- 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.

2. States Parties shall also take appropriate measures:

- 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;
- c) To provide training for stakeholders on accessibility issues facing 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;

- e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.”

PWD believes that the rights contained in CRPD should be the basis for development of the Access to Premises Standards: within the scope of the Access to Premises Standards, the rights contained in CRPD should be guaranteed, as a minimum.

### **Implementation and Monitoring**

PWD is very concerned that the onus for dealing with breaches of the Access to Premises Standards will rely on individuals lodging complaints with the Australian Human Rights Commission (AHRC) under the *Disability Discrimination Act 1992* (DDA).

The DDA’s individual complaints based model has not proven to be successful in addressing breaches of both the *Disability Standards for Public Transport 2002* and the *Disability Standards for Education 2005*.

We are also concerned that the draft Access to Premises Standards does not include a process for monitoring or measuring progress. During the development process, building industry stakeholders suggested that about 20% of buildings will require upgrading during the first five years after the adoption of the Access to Premises Standard. However, it is difficult to know if the 20% figure is an accurate target, nor how it will be measured over the first five year period.

To address these concerns, we strongly support the discussion and recommendations made by the DDLC in their submission at section 20, *Monitoring*. This section argues that the AHRC and advocacy organisations should both have the power to lodge DDA complaints in relation to breaches of the Access to Premises Standard; and that data collection demonstrating compliance with the Access to Premises Standards should be mandatory for building certifiers, building developers and building managers. The recommendations from this section, endorsed by PWD read:

“Recommendation 25:

That the Disability Discrimination Commissioner be granted the power to investigate breaches of the Standards, and bring complaints in relation to breaches of the standards, where there are cases of broader systemic non-compliance, without requiring an individual complainant.

Recommendation 26:

That disability advocacy organisations be guaranteed standing to initiate complaints and intervene in cases involving breaches of the Standards.

Recommendation 27:

That data be collected to monitor compliance with the Standards during the first five years of the operation of the Standards.”

Section 20 of DDLC’s submission is provided in full at Attachment 2.

## **The consultation process**

PWD is concerned that the Australian Standards are not readily available to the public, given that one of the only ways to view the Australian Standard is by purchasing it. The cost of an Australian Standard starts at a few hundred dollars, which is out of reach of many people with disability who may have a keen interest in the development of an Access to Premises Standard.

For example, a person receiving the maximum rate of the Disability Support Pension receives \$281.05 per week. The set of AS1428 Australian Standards costs \$317 in hard copy, and this is only one of the standards referenced throughout the draft Access to Premises Standard.

Electronic versions of Australian Standards are available at a slightly lower price, but these are only available in formats that are inaccessible to many people with disability (PDF format is not accessible to many people with disability).

We are pleased to have the opportunity to make these points in addition to the points made in our sector wide submission to the Committee. We are available to appear at any public hearings associated with this Inquiry. For more information please contact Dean Price, Advocacy Projects Manager on \_\_\_\_\_ or \_\_\_\_\_

Yours Sincerely

**Therese Sands**  
Executive Director, Leadership Team