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BY: LACA
-----Submission No 128

Access 2 premises

The committee,

Thank you for providing the opportunity to make a submission on the draft Disability (Access to Premises - Buildings) Standards "Standards".

You will receive hundreds of submissions from organizations arguing both for and against changes to the Standards.

This is a submission from an individual with a disability- I suspect you will receive fewer of these!

My contribution will make more sense to you if I provide a brief bio.

I am legally blind –which means I can see a little from one eye. It also means a white cane dark glasses- the full catastrophe.

My vision 'went' overnight nearly 10 years ago. This is only worthy of mention because I have experience of both able bodied and disabled worlds.

After the panic wore off I began using my skills for disability causes. I am currently a ministerial appointment to the Victorian Disability Council, a board member at VCOSS, Vice President of the Fitzroy High School Council.

I am architecturally impaired as are all people with disabilities. To participate in *your* world we have to leave the relative safety of our homes and negotiate the unnecessarily complex set of traps placed in our path by unthinking designers.

You closed the institutions decades ago but you have failed to open the community. Negotiating the community is a nightmare not sometimes but every time we venture out. Example- wheel chair users who cannot access railway stations because there are no ramps or too steep a ramp. Melbourne trams –some with low floors and logos advertising their accessibility-that can only be accessed at 50 of the 1200 tram stops in the network.

Arriving at a destination is just the beginning. Is there wheel chair access?

Is there a toilet that will fit my chair? Will I be able to maneuver my chair in the narrow corridors? What way finding aids will there be?

Rather than have me babble on I present a short story by Maribel Steel that won an honourable mention in this years Emily Dickerson Literary Competition for blind authors.

While the story is principally about getting around the city it will explain our need and the difficulty of accessing the built environment.

Many Different Hats –

While standing on the pedestrian island in the middle of Dandenong Road with peak hour traffic zooming past, I stop to consider just how challenging it is to get from home to my workplace.

Firstly, with my *mother hat* securely in place, I walk my son to school, kiss and hug him goodbye, then negotiate my way to the tram stop. The entire time, all of my senses are switched to high alert, manoeuvring around a host of obstacles in this unpredictable environment. My ears prick up for the slightest hint of anything different today, workmen, rubbish bins, old mattresses dumped on the footpath.

My mother hat is swiftly replaced with a *survival hat* to help me cross the six-lane highway with its heavy traffic using my white cane as my trusted guide. I listen intently with complete focus and concentration - not one other thought crosses my mind except "Stay safe". Luckily, the audible beeping lights actually work today - well that helps! Cautiously I cross the tram tracks and appear calm as I wait with the other city-bound travellers. With my *sensitive hat* on, my nose twitches at the noxious fumes of trapped pollution. My eyes are stinging and my ears are bombarded with the unpleasant roar of the traffic.

At the tram stop, a friendly old gentleman starts chatting with me, attracted by the white cane. He helps to identify the right tram, which is a relief. Our chat continues until my stop. The brief interaction with a kind stranger gives me a sense of connectedness to others. I step off the tram clinging to two hats, my well worn survival hat plus my "*Don't panic*" hat.

I am delicately poised on a metre of uneven ground, between a tram line and a wide highway, ready to lunge forward at the next break in traffic. My body is tense, my hand and feet rigid, my thoughts and hearing focused. It is an unnerving place to be, heavy metal roaring past, with trams thundering by only inches from my heels. The deep vibrations on the metal tracks linger well after the tram has moved on. I hear people darting across the road and I dare not run this gauntlet as I have no idea if they are jumping the traffic lights since the warning beeps are not working on this crossing. An observant young woman comes to my rescue and gently guides me over to the safety of the pavement. My cane always alerts others to my impairment and often brings much appreciated help which has sometimes lead to lasting friendships.

I count the ten large concrete steps to the front foyer of my work place with a sense of relief and achievement. Not only have I located the right building in these busy city streets, I have arrived safely and its time to don my *work hat*, but I am not at my desk yet. There is still the tiny lift to locate. I squeeze into it and listen to the robotic voice announcing the floors. At the right moment I dash out, careful not to get my cane caught in the uncompromising doors. I confidently make the final short trek to my desk on the ninth floor and slump into my chair. Even though the trip has taken under an hour, so many hats have been necessary: mother hat, survival hat, don't panic hat, focus hat, stay calm hat, courageous hat, alert hat...

It has taken a lot of mental energy and emotional courage just to get this far but although the journey into the city may have ended, new challenges are about to present themselves. A new unpredictable environment awaits me – they may not be life-threatening but it can bruise my ego if I stumble over the unexpected objects amid the clutter of desks, filing cabinets and even loose items on the floor.

My work day passes quickly and before I know it, it is time to set off again for home, in reverse order – the lift, the steps, the roads, the traffic, the tram stop, school, home. I climb aboard the number 5 tram, relieved to have a few minutes to rest my eyes. Check list: work hat off, multi-tasking mother's hat on? Yes!

I arrive home safely with my son, my brain thumping and eyes stinging. My tense body lets go of rigid muscles in the comfort of our home, where *most* things are predictable.

Each time I step out of the house, a whole new adventure begins, presenting a new set of unpredictable challenges as well as hazards of all descriptions: people, poles, rubbish bins, postboxes, shop signs, outdoor chairs, benches, tables, steps, uneven sections of pavement, parked motorbikes, bicycles, dogs on long leashes, small children on small bikes, waiters dashing out from café entrances – not to mention tram tracks, glass bus stops, overhanging branches (particularly not appreciated in the rain), puddles, unaligned kerbs... the list is endless.

As a vision-impaired person, to cope with my limitations and to successfully function in a mostly sighted world, I have learned to refine certain qualities along the way, like razor-sharp wits, well-honed orientation skills, courage, trust, good humour – and, of course, a fetish for many different hats!

SO Appropriate access to premises standards would help enormously.

As an independent advocate in socially equitable strategies and having sat on the Victorian Governments Building Commissions Accessible Building Working Group I have some understanding of the fine detail of the standards 14.28 parts 1 2 and 3 etc. What I discovered was that fine detail at this level empowers the technocrats. On this your journey you need to follow the advice John Bunyan provides in 'The Pilgrims Progress' stick to the straight and narrow path. I have found it is a mistake to become bogged in the detail *before* you understand the broad principles of YOUR intent.

Is your intent to find a compromise point by fine detailed point between the competing interests of two pressure groups-Property Council et al versus the disability lobby?

Is your purpose to contain costs in the WFC?

Is your purpose to provide access to premises for a sizeable group of citizens disenfranchised and socially excluded?

Presumably the answer is a bit of all of these!

Please then, make yourself aware of the needs of disabled citizens because their requirements are *social* and cannot be converted to a dollar value, as can the concerns of property owners. Where a cost benefit analysis exists for the latter you must develop your own Social Equity index for the socially excluded disabled.

If the committee is conducting public hearings I would like the opportunity to speak.

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As the purpose of the new standards is to ensure that people with disabilities have equal access to the built environment they should only be passed if greatly improved access is the outcome

In preparing this submission, I note the Terms of Reference for this enquiry, including consideration of:-

§ 1 the appropriateness and effectiveness of the proposed Premises Standards in achieving their objects;

§ 2 **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;**

§ 3 **whether the Premises Standards will have an unjustifiable impact on any particular sector or group within a sector; and**

§ 4 **any related matters.**

§ 1 The objective should be/is to provide access to all forms of the built environment to people who cannot currently gain access.

The ALP Government is committed to this process in other areas for instance the establishment of the Social Inclusion Board and the signing of the UN Convention on the Rights of People with Disabilities [where you have appointed a blind person to be rapporteur].

To be consistent the committee needs to provide a set of standards that improves social inclusion and meets its obligations under international human rights law.

I do NOT believe the draft standards as they are now are 'appropriate and effective' means to achieve this objective.

The United Nations Convention on the Rights of Persons with Disabilities recognises individuals should have access, on an equal basis with others, to the physical environment, including the elimination of obstacles to accessibility to buildings and housing. People with a disability have the right to live in safe, accessible and adaptable housing, they should be able to enjoy visiting friends or caring for family in the same way that others do. The UN Convention considers the provision of accessible housing for all to be a fundamental human right. This draft standard gives insufficient regard to our obligations under this UN convention – it has removed these rights to the 'too hard' basket.

As a signatory to the United Nations convention on the rights of people with disabilities we are committed to provide access to the built environment and to remove architectural disabling impediments to everyday life.

As mentioned above –this is not in line with the Governments social inclusion policy either.

§ 3 whether these Premises Standards will have an unjustifiable impact on any particular sector or group within a sector.

I suspect that this term of reference will be [almost] entirely the jurisdiction of the business lobby seeking to minimize the financial impost on their investments. This need not be the case.

As they currently stand these Premises Standards will have an unjustifiable impact on people with disabilities in that critical areas of access are not covered. The exclusion of class 1 buildings is the primary example. Without an adequate supply of accessible housing people with disabilities [PWD] can neither enter manoeuvre within or *leave* homes- no lets call them houses though for some they are prisons!

The committee should not dismiss accessible housing as an unjustifiable impost. Any cost-benefit analysis of implementing access requirements, needs to take account of the “whole of life” benefit that arises from houses and premises being accessible and easily adaptable at any time.

Research undertaken by a leading Victorian builder [J G King] indicates that the cost of building a home to universal housing standards would be more a 1% an average of approx \$5000 increase on building costs. This figure is backed by UK Government research and *policy*.

The UK ‘Homes for Life’ approach regulates that new housing be accessible. I refer you to the VCOSS VUHA [Victorian Universal Housing Alliance] research attached.

The Rudd government places great emphasis on social inclusion yet these draft standards consistently negate the needs of people with disabilities by omissions and limitations.

Three obvious examples-

Bed and breakfast facilities cabins in caravan parks and eco villages only have to provide access when there are four or more bedrooms or cabins- This will exclude almost all bed and breakfast developments.

We know that caravan parks are increasingly the refuge of necessity of groups living on the financial economic and social fringes of our society yet we excuse them from

providing facilities that are necessary to the demographics that are over represented in their residential/tenant base.

DISABILITY PARKING PERMITS

Municipal Councils and Shires issue between 10-15% of their residents with disability parking permits. Interestingly this equates roughly to the % of people we know to have mobility impairments profound enough to severely limit access.

BUT the number of designated disability parking bays required by the standard is only 1-2%.

WAYFINDING

The number of Australians who are blind or vision impaired increases each year BUT despite positive research as to its benefits in recent years this draft has NO mention of way finding standards.

Wishing you success in your deliberations

David Brant