



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

Committee Secretary

House of Representatives Standing Committee on Legal and Constitutional Affairs

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People With Disabilities (WA) Inc - PWD(WA) - welcomes the opportunity to contribute to the Inquiry into the draft Disability (Access to Premises – Buildings) Standards.

PWD(WA) believes the Standards must be based on the Universal Convention on the Rights of People With Disabilities, which Australia is bound to, if the Standards are to provide an effective platform for systemic improvements in disability access and clarify building requirements for owners, managers and developers. This also requires adherence to the National Disability Strategy currently being developed as part of the nation's social inclusion policy.

A formal review mechanism must exist to guarantee regular monitoring of the Standards to ensure public access is improving. A protocol needs to be included in the Standards to outline the criteria and benchmarks that progress should be measured against. PWD(WA) is concerned at the lengthy delay in finalising sections of the current draft standards, such as AS1428.1, which was not made available to the public, and even adopted, before the invitation to respond to the Draft Disability (Access to Premises – Buildings) Standards opened. It is hoped this will not be indicative of consideration given to any proposed improvements or clarifications to the Standards which arise from the review process.

PWD(WA) is concerned, as are a number of other organisations representing people with disabilities, that the current Standards fail to ensure adequate access for all. Many exemptions seem to undermine the inclusive basis of the Standards. Every person, with or without a disability has the right to enter and use buildings and facilities housed within the built environment. Stating that certain areas do not need to meet the Standards may prevent people with a disability from working, living, or socialising in specific areas. This is discriminatory.

PWD(WA) welcomes a national approach to building standards. People with disabilities ought not be disadvantaged when living in remote or rural locations. Non metropolitan buildings do not automatically qualify for unjustifiable hardship claims. Further to this, unjustifiable hardship is not an acceptable cause for lack of access upgrades on historical premises which would facilitate access for people with disabilities, unless it was likely to cause a significantly adverse and irreversible impact on the heritage significance of the premises.

Access to buildings or public spaces where goods, services and facilities are provided, is a key barrier to full participation and inclusion for people with disabilities. Within current legislation the Disability Discrimination Act (1992) (DDA) protects the right to equitable access. Yet many businesses which ought to comply with the DDA have been slow to act on their responsibilities.

Class 2 buildings (new multi-unit blocks of home units, shops, offices, cinemas, schools, not to mention many professionals like dentists and accountants) must be covered either by the Access to Premises Standard or by the 'Access to Accommodation' provisions of the DDA. Excluding these buildings from coverage in the Access to Premises Standard is discriminatory. It means that buildings, such as those offered for rent, remain inaccessible for people with disabilities. This is of particular concern in this period of economic crisis, when people with disabilities are already disadvantaged by the ever increasing cost of living.

Access to the same range of rooms and universal facilities that other consumers can easily access, such as restaurants or pools, is a must for all citizens. Providing an accessible path of travel between all inaccessible entrances and at least one accessible entrance, located not more than 50m from the inaccessible entrance, is another strong prerequisite.

When a lift services more than one floor, the services available on each floor need to be accessible. This includes the ability for a motorised wheelchair user to have sufficient turning space on each level to enable the person to easily enter and exit the lift, and continue on their journey. Such access ought not be via a long and circuitous route. This can reduce the person's independence in reaching their desired destination.

Class 7a buildings require lift access to all levels. Many people who rely on motorised wheelchairs use large vans. This necessitates parking in places where wheelchairs can be easily loaded and unloaded, and doors can be opened widely. Many public car parks deny people with disabilities the opportunity to choose to park on any level of their venue. This in turn limits the choice of venues the consumer can frequent. Making this change would enhance the range of consumers able to access various premises, a win/win situation for consumers and proprietors.

People have the right to complain when discriminated against because a public place is inaccessible. Raising the awareness of business owners and operators to the access needs of people with disabilities helps remove barriers within the community and reduce the instances of seeking formal grievance processes when discriminatory practices occur. Newly built bed and breakfast establishments, caravan park cabins and ecological retreats/lodges are normally purpose built. Class 1b buildings ought to be as accessible as Class 3 buildings.

It is imperative that fire isolated stairs and ramps meet AS1428.1 to aid people with disability to be safely evacuated if the need arises. People with vision impairments need not be disadvantaged when an emergency occurs simply because fire stairs need to be accessed. Similarly, people with hearing impairments require reassurance when travelling by lift or waiting for public transport, that they can easily identify when they reach their desired floor level, or get on the correct bus to reach a required destination, as any other citizen using the same service.

Valet services, whilst they sometimes make life easier for people with disabilities, are not always the best solution to providing access to a venue. Alternative arrangements, such as enabling parking out the front of a venue, or in a wider or higher roofed area at the front of a car park may be preferable, if not vital, to enable a consumer to access a chosen establishment. As an example, sometimes a driver's seat needs to be removed for the installation of automatic wheelchair locking systems. Other drivers rely upon specific hand operated control systems or extended foot control pedals which can be dangerous, if not confusing, for others to use and therefore preclude them from using valet services.

Vans required for transporting motorised wheelchairs also necessitate bigger parking bays. Consideration needs to be given to the use of wheelchair hoists as low car park roof heights may prevent access for drivers of such vehicles. Hotels that automatically allocate space on their premises for this variety of vehicles are applauded.

In general car parks, the current allocation of 1-2% of accessible spaces is inadequate, given that the acknowledged percentage of the population who have a disability of some form is one in every five Western Australians with three-quarters identifying their disability as physical.’¹

As the peak disability consumer lobby group in Western Australia representing people with disabilities (physical, intellectual, psychiatric and sensory) including children and youth, PWD(WA) promotes a Disability Access Kit to help people advocate for their access rights and respond to the barriers to access encountered in a range of ways. We encourage the use of this kit. PWD(WA) is also a member of the Australian Federation of Disability Organisations (AFDO) and supports the points made within their submission.

Further to this submission, PWD(WA) makes the following recommendations:

- ***Designated disabled parking bays to be provided on a basis relative to the percentage of people with a disability in the community.***
- ***Parking ticket machines and boom gate access mechanism need to be accessible to all.***
- ***Accessible designated parking bays to be available on all multi storey level car parks, with suitable access to the lifts for those who rely on mobility aids.***
- ***Information to be available in a variety of formats in lifts. Ie the provision of Braille and automated messages; sufficient turning space for a person using a motorised wheelchair to safely enter and exit the lift from each level of a building.***
- ***Extend the requirements for accessibility to Class 2 buildings to ensure a range of accommodation is available for all.***
- ***Common areas in new blocks of home units must be accessible to all.***
- ***Aged care facilities need to accommodate a greater percentage of people with disabilities including the needs of those with chronic disabilities as well as those with newly onset disability diagnoses, not just age related infirmities/illnesses.***
- ***Emergency exits, public toilets and fire escapes need to be indicated in a variety of formats.***
- ***Accessible showers and toilets need to be provided wherever a person without a disability would expect to find the same amenity. Eg gyms, caravan parks, pools, fitness clubs, hotels etc.***
- ***Hearing loops need to be available in public places such as council meeting rooms, aged care meeting rooms, school halls etc.***
- ***Allocated wheelchair seating in venues such as churches, cinemas and theatres must take into consideration the social aspect to this provision - people with a disability have the right to attend an event accompanied by one or more friend. Similarly, parents who use a wheelchair may be supervising young children at a film and ought to be able to sit with all of their family, not just one member.***

Please do not hesitate to contact me if you require any clarification or further details.

Yours sincerely



Louise Durack
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People With Disabilities (WA) Inc

¹ Disability Services Commission, (2009) *Future Directions 2025 draft document*