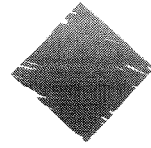


Submission No 119



**Ministerial Advisory Council
on Disability
Western Australia**

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**Submission to the
Federal Parliament's Legal and Constitutional Affairs
Committee**

Disability (Access to Premises – Buildings) Standards 2009

March 2009

About the Ministerial Advisory Council on Disability

The Council is an independent body constituted under the Disability Services Act 1993 (WA) to provide advice to the Western Australian Minister for Disability Services on matters affecting or likely to affect people with disabilities, their families and carers. The membership of 14 is drawn from the community with expertise in disability and includes people with disabilities, their families and carers, service providers and advocates.

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Introduction

The Council is pleased that the draft **Disability (Access to Premises – Buildings) Standard** is again being offered for public comment and we appreciate the opportunity to do so.

While there appear to have been some changes to the last draft, we are concerned that there are many areas that still do not provide appropriate and equitable access and safety for people with disabilities.

As part of our examination of the draft Standard, we reviewed other submissions from peak disability organisations which highlight the need for a significant number of issues in the draft to be addressed before it is accepted as the final Standard. In particular, the submission prepared by AFDO raises a good many points of concern in some detail and we support all of their recommendations. We have also developed a list of some additional concerns, which is provided below.

While we have waited many years for a Premises Standard, we believe it would be unwise to accept this current draft in haste. We hope that appropriate consideration and attention will be given to all concerns raised in this public consultation before finalising this very important document. Australia has a duty to uphold the commitment it has made under the UN Convention on the Rights of People with Disabilities; developing a Premises Standard that meets a high level of access is one way of putting the commitment into practice in a way that will benefit huge numbers of people every single day.

Issues

Parts 1.4 and 2.1

Comment:

Economic hardship may be experienced when converting a home to a small bed and breakfast facility with a minimum of 3 bedrooms. However, newly built facilities should have a requirement of at least one accessible unit.

Part 2.1 - Failure to cover home unit blocks, Class 2 buildings.

Comment:

There are concerns around home unit blocks not being covered under the Standards. Not having class 2 buildings made more accessible prevents many people with disabilities buying or renting a home unit or to even visit family or friends living in one. Barriers will also be experienced for our ageing population to 'age in place' as their access needs change.

This also may lead to local and state authorities to amend their Development Control Plans and allow inaccessible units and common areas to exist.

Part 4.1 Unjustifiable hardship (f) and (k)**Comment:**

Ensure that applications for unjustifiable hardship for those areas/buildings in regional and remote areas and are not automatically granted due to their location.

Ensure that applications for unjustifiable hardship for loss of heritage value or features of the building are not minor or insignificant and are not automatically granted.

Part 4.3 Lessees**Comment:**

There is concern in this exemption that building managers and developers will try to have any upgrades to a building done by those leasing parts of a building in an attempt to bypass compliance with the standards. A better preference for this exemption would be that if the cost of the renovation was more than a set amount (perhaps a percentage of total building cost) then they must comply with the standard.

DP6 Performance requirement**Comment:**

This requirement states that dimensions must be 'appropriate to number, mobility and other characteristics of occupants' - this may allow for too much flexibility and subjectivity by developers. They may assume occupants won't have access needs. Dimensions should be consistent and provide the best access always.

Table D3.1 Class of building – Class 7a - Access requirements**Comment:**

This requires access only to floors of a car park where there are accessible parking bays. With a lack of accessible parking bays experienced in many public parking areas many people with disability are forced to park in non-accessible bays.

In addition people with disability should be able to make a choice where they park and utilise both accessible and non-accessible parking bays.

Table D3.1 Class 9b**Comment:**

Clarity is needed in this table to state that theatres, cinemas and other Class 9b buildings be accessible i.e. to the stage, backstage and other common use areas.

Part D3.3 Parts of buildings to be accessible**Comment:**

The emergency egress e.g. fire isolated stairs etc – provisions are not adequate. Exemptions from access requirements for such areas as fire isolated stairs can endanger all evacuees in a time of crisis and evacuation of a building. Fire isolated stairs and ramps must be required to meet AS1428.1.

Part D3.4 Exemptions

Comment:

Areas and buildings that are listed as exempt in the draft standards should only be those that meet the unjustifiable hardship provisions.

Part D3.5 Accessible car parking and (Section DP8)

Comment:

This part states that accessible parking need not be provided where a parking (valet) service is provided. This requirement can place restrictions on people with disabilities if there is limited valet type parking and any cost that may be associated with this service. Vehicle modifications designed for the particular needs of an individual with a disability may prevent other people from driving the vehicle, in this case the valet service (drivers). Other parking options must be made available in such cases.

AND

The ratio of 1-2% of accessible parking bays is inadequate. A recalculation of the percentage needs to be revisited to determine the number of Parking Permits that have been issued (10 to 13% is a more realistic number).

Part D3.6 Signage

Comment:

Part D3.6 (e) requires no more than the international symbol for access and an arrow.

Written information should also be included with these symbols to ensure the individual is being directed to an accessible entrance.

Part D3.8 Tactile indicators

Comment:

This requirement allows for there not to be ground tactile indicators in e.g. hostels which have handrails with tactile markers. This assumes all people with vision impairment will use the handrail. Some may still be able and prefer to use other navigation methods.

Lifts

There are concerns around allowing constant pressure devices in lifts of any kind.

Lift access must be required to all levels of Class 7a buildings.

Landings

Provision of ample space to enable wheelchair users the required space for a turning circle.

Boom gates and pay machines in car parks

Comment:

Boom gates and pay machines in car parks should be accessible and included in the standards.

Many people with disability cannot access parking pay machines or experience difficulty when doing so. Some issues include: extraction of the ticket at an entry boom gate; pressing the buttons; and inserting cash or cards for payment.

Alternative systems should be introduced such as free parking if you are a holder of an accessible parking sticker.

Accessible parking requirements should be considered in conjunction with the work occurring on the National Accessible Parking Strategy.

Promotion and funding of accessible buildings

Comment:

There has been a large amount of time, effort, and resources put in to promoting and assisting builders, developers and councils to upgrade to 'green' buildings. This is necessary and required. We believe the same effort should be put in to promoting and assisting with the uptake and upgrading to 'accessible' buildings.

Suggestion

Extensive proof-reading of the Draft Standards document is advisable. Grammar and language in some areas are confusing and misleading.

Jackie Softly
Chairperson
Ministerial Advisory Council on Disability

17 March 2009