



STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

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**Transcript of interview with Mark Dreyfus, Chair of the House of Representatives Standing Committee on Legal and Constitutional Affairs**

*15 June 2009*

**Video presentation at [www.aph.gov.au/laca](http://www.aph.gov.au/laca)**

I'm Mark Dreyfus. I'm the Chair of the House of Representatives Standing Committee on Legal and Constitutional Affairs. The committee's released its report *Access all areas* which is the committee's report of its inquiry into the Draft Disability Access to Premises Buildings Standards. The premises standards are needed to solve a problem that's arisen since the Disability Discrimination Act in 1992. The Disability Discrimination Act prohibits discrimination against people with a disability in the provision of access to buildings but it works by an individual complaints mechanism. The premises standards provide certainty to developers of buildings and to users of buildings so that they will know whether or not the buildings comply by reference to the premises standards, and its thought that, by introducing standards, overall access to buildings is going to be improved. Disability groups will have more certainty and developers will know that they won't be subject to a complaint of discrimination under the Disability Discrimination Act.

The question of residential apartment buildings, which are known as class 2 buildings in the Building Code of Australia was one of the most important matters that the committee considered. We received very many submissions about this subject and that's in part because the previous draft of the premises standards that were made public in 2003/2004 had included class 2 buildings or residential apartment buildings as an appropriate subject for these premises standards, making provision for access to be regulated in class 2 buildings.

The draft premises standards that we were asked to look at by the Attorney-General and Minister for Innovation did not include class 2 buildings and very many of the submissions that we received suggested that the premises standards should go back to the previous approach of including the class 2 buildings. The committee has recommended that class 2 buildings, insofar as relates to their common areas, should be the subject of these premises standards.

It's been absolutely apparent to every member of the committee that these premises standards are a matter of great importance to people with a disability. We received dozens and dozens of submissions both written and oral submissions from people appearing before the committee that made that point to us over and over again and one can well imagine just how every aspect of your life might be affected by the present difficulty of obtaining access to public areas or public buildings. Anyone that's spent anytime in a wheelchair, anyone that's disabled in any physical way knows exactly what I'm talking about and anyone who's spent time with someone with a disability and tried to navigate them around the city environment, navigate their way around any building, would know just how important it is that we design buildings in an appropriate way and one which provides dignified access.



The committee made some 19 recommendations. I dealt a moment ago with the recommendation that we made about class 2 buildings. But perhaps the most important of the set of recommendations that we made is the recommendation that these disability standards, these premises standards, be introduced without delay, and in making that recommendation the committee was reflecting the concern that we had in very many of the submissions that this process had simply taken far too long. We think that by introducing these premises standards without delay we can get to the position where from the date of their introduction people will know with certainty that all new buildings will be designed with access standards in mind.

When you're designing a building from scratch, very many of the features required by these standards, such as wider turning spaces at corners, in passageways or wider doorways, or providing appropriate signage, which is the sorts of things that these access standards deal with, is able to be accommodated. When one is retrofitting or refurbishing a building, it's sometimes much more difficult, particularly when the particular standard relates to things like the width of a corridor or a turning space, and that's why these premises standards work in the way that they do, which is to impose the requirements of all new buildings but only to impose those requirements on existing buildings at the time of a substantial refurbishment.

There are two other important recommendations out of the 19 that the committee has made that I'd want to mention and the first of those is the committee's recommendation that the objects of the premises standards be amended to include a reference to dignified access for people with a disability. These are not simply words, they are an important concept. They're an important purpose of these premises standards and the committee thought that it was appropriate to include directly a reference to dignified access in the standards themselves. The second matter that I'd want to mention is the subject of a lot of submissions that the committee received was the way in which the standards apply to what are called class 1B buildings, which are Bed and Breakfast eco lodges and that kind of holiday accommodation. Having heard a lot of evidence on this matter the committee came to the conclusion and has made a recommendation that this kind of holiday accommodation, for bed and breakfasts, all new buildings in the class 1B class should be required to comply with the access standards but to leave in place the exception for this kind of holiday accommodation where the existing accommodation is less than four bedrooms, and again this was reflective from the evidence that the committee received, which showed very clearly that there won't be such a cost burden in complying with the access standards where one is dealing with new buildings as against imposing the requirements on existing buildings.