SENATE STANDING COMMITTEE ON EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

QUESTIONS ON NOTICE SUPPLEMENTARY ESTIMATES 2009-10

Outcome 2

DEEWR Question No. EW724_10

Senator Fifield asked on 22 October 2009, EEWR Hansard pages 73 and 74.

Question

Building the Education Revolution Program

Senator FIFIELD—But it is not a requirement of the Commonwealth that hearing loops be included?

Ms Mitchell—No, it is not.

Senator FIFIELD—Do you know whether it is a requirement of jurisdictions other than the Northern Territory?

Ms Mitchell—I would have to take that on notice.

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Ms Wall—I have certainly seen from some visits and also from looking at project descriptions, that a significant number of them are factoring in ramps, specific toilets with wheelchair access et cetera. The other element is that, because there is a requirement under the program that the facilities are available at low or no cost to the community, that has been a particular feature of new construction—to ensure that they are accessible to members of the community as well as students with disabilities.

Senator FIFIELD—But you will take on notice what the requirements are, jurisdiction by jurisdiction?

Ms Wall—Certainly, I will.

Answer

The Commonwealth has entered into bilateral agreements with states and territories, and funding agreements with Block Grant Authorities, for the delivery of the Building the Education Revolution (BER) program. These agreements require compliance with all relevant Commonwealth laws and policies.

The *Disability Discrimination Act 1992* (DDA) legislates against disability discrimination, including accessing places where government programs are being run. Requirements of the DDA are detailed in the related regulations, *Disability Standards on the Access to Premises*¹, with specific regulations applying to schools.

In addition, the Building Code of Australia (BCA) is the national technical document which sets the minimum standards for building work in Australia. The BCA is produced and maintained by the Australian Building Codes Board on behalf of the Australian Government and State and Territory Governments. The BCA has been given the status of building regulations by all States and Territories.

¹ The Premises Standards instrument and accompanying Guidelines are currently the subject of an Inquiry by the House of Representatives Standing Committee on Legal and Constitutional Affairs. Should the Premises Standards be enacted, the Building Code of Australia will be amended as soon as is practicable to reflect the new Premises Standards, where there is any inconsistency.

The BCA contains technical provisions for the design and construction of buildings and other structures. New buildings are required to provide access to people with disabilities in accordance with the Australian Standard AS 1428.1 - thus the BCA requires mandatory disability access inclusions.

DEEWR sought advice from the state, territory and non-government education authorities responsible for managing the implementation of projects regarding mandatory disability access requirements and requirements for hearing loops for projects funded under the BER. The advice received was broadly consistent, that:

- access requirements are detailed in the DDA and its related regulations
- minimum standards are provided for in the BCA; and
- hearing loops are not a mandatory requirement, though the majority of education authorities indicated that the needs of the students attending the school would be taken into consideration.

The NSW Department of Education and Training indicated that in relation to access requirements, in addition to the DDA and BCA, NSW Government school projects are required to meet the NSW Schools Facilities Standards, which in some areas exceed the BCA standards.