

Consultation Response

2020 Review of the Disability (Access to Premises – Building) Standards 2010

Australian Government, Department of Industry, Science, Energy and Resources

People with Disabilities (WA) Inc. (PWdWA) would like to thank the Australian Government, Department Industry, Science, Energy and Resources for the opportunity to provide comment for their review of the Disability (Access to Premises – Building) Standards 2010. We look forward to the opportunity to provide more detailed feedback on the forthcoming discussion paper which results from this initial consultation.

PWdWA is the peak disability consumer organisation representing the rights, needs and equity of all Western Australians with disabilities via individual and systemic advocacy.

PWdWA is run BY and FOR people with disabilities and, as such, strives to be the voice for all people with disabilities in Western Australia.

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People with disabilities WA (PWdWA)

Since 1981 PWdWA has been the peak disability consumer organisation representing the rights, needs, and equity of all Western Australians with a physical, intellectual, neurological, psychosocial, or sensory disability via individual and systemic advocacy. We provide access to information, and independent individual and systemic advocacy with a focus on those who are most vulnerable.

PWdWA is run by and for people with disabilities and aims to empower the voices of all people with disabilities in Western Australia.

Introduction

PWdWA receives both state and federal funding to provide advocacy around issues experienced by the community, including issues around accessing community and public premises. As the peak consumer voice for people with disability in Western Australia (WA), this response is compiled on the experiences of people with disability, their families, and carers. It is also informed through PWdWA collaboration with other advocacy and disability organisations. We have provided case studies where appropriate to furnish our statements.

Having accessible premises in their community is fundamental to ensuring that people with a disability can live independently and participate fully in all aspects of their lives as guaranteed under the United National Convention on the Rights of Person with Disabilities. The introduction of the Premises Standards has been a great step forward in promoting access and inclusion. However, PWdWA contends that the Premises Standards could be more effective in ensuring that people with a disability have access to public spaces in WA. This includes widening the scope of the Premises Standards and improvements to the way the Premises Standards interact with other legislation, codes, and standards, as well as effective regulation for monitoring compliance across jurisdictions.

This submission provides recommendations for key issues that the review should focus on.

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Access to information about the Premises Standards

Information about the standards is not available in plain or Easy English, Verbal explanation, audio or Auslan recordings etc... and is hard to navigate with access to specific specifications located behind a paywall. Guidance notes are geared more towards people who build, renovate, and manage buildings rather than consumers who want to understand their rights in order to address issues.

PWdWA recommends creating accessible resources that are aimed at informing the public. This could include creating print and online material which is easily navigated and provides information on how to make a complaint.

PWdWA recommends training and education for disability sector to ensure people with a disability are aware of their access rights and how to file a complaint.

Transport

There is a lack of accessible parking in WA. Issues faced by people with a disability in WA include:

- lack of accessible parking bays.
- accessible bays being in poorly considered location, for example in undercover parking where height restrictions prevent vehicle access.
- accessible bays being poorly designed and as such unusable by some cohorts.
- misuse of accessible parking bays.

The WA State Government is currently reviewing the criteria for ACROD parking with a view of potentially expanding the eligibility criteria. This will hopefully ensure people who need ACROD permits can access them, but it will potentially exacerbate the existing infrastructure issues.

Additionally, there continues to be issues with Public Transport Premises as highlighted in PWdWA's submission to the 2018 Review of the Transport Standards:

- Train platforms not being level with train entry/exits.

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- No ramps or ramps being inaccessible to certain cohorts.
- Crossing at public transport hubs being in high traffic bus traffic areas, and no access to safe pedestrian crossing near bus stops.
- Height and placement of bus stops being problematic.
- Wayfinding issues in public transport hubs.

PWdWA recommends that the review consider the current requirements for ratios and design for accessible parking bays and parking structures.

PWdWA recommends that the review consider how the Premises Standards and the Disability Standards for Accessible Public Transport 2002 currently interact and ensure there is consistency between the two Standards.

Accessible Accommodation

Access to housing, recreational accommodation and emergency accommodation continues to be an issue for people with a disability in WA. Uptake of universal design in new housing is limited and there is no incentive to ensure that private dwellings meet any accessibility standards. Finding accessible private housing continues to be difficult with a lack of suitable rental options and limited uptake on SDA in WA. It is also incredibly difficult when travelling in rural and regional WA to find suitable accommodation for people with a disability. In many places, accommodation options are limited to Class 1b type settings and as existing settings are not required to comply with the code, there is no incentive to improve accessibility. We also know that some recreational accommodation that have been renovated or markets itself as disability accessible do not actually meet the minimum standards for accessibility.

PWdWA recommends the review consider how the Premises Standards can be broadened to include private dwellings.

PWdWA recommends that research is undertaken to look at the availability of accessible recreational accommodation that meet the minimum guidelines as set out in the Premises Standards. Research should look at options to encourage and incentivise accommodation providers to improve access.

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Fit out and fixtures

Many people with a disability will have issues navigating within a building due to poorly designed fit out and the placement and type of furniture and fixtures. For example, the height of reception desks and drinking fountains or furniture blocking accessways and reducing turning circle space.

PWdWA recommends the review consider how the Premises Standards can be broadened to include minimum standards for fit-outs and fixtures.

Public footpaths, parks and recreation areas

Access to outdoor community and recreation areas are not covered by the current legislation. Lack of wide, flat public footpaths and footpaths that do not have flush entry/exit points to crosswalks are just some of the issues that people with a disability encounter when trying to navigate public spaces in WA. PWdWA have received complaints from community members about new parks and playgrounds which they believe do not allow for inclusive play spaces for people with a disability. We know that accessible play space features are not always integrated into parks and playgrounds and that they can lead to exclusion rather than inclusion. We also know that, for example, there are accessible paths around beaches but rarely is there a permanent public structure to allow access to the water.

PWdWA recommends that the review consider how the Premises Standards can be broadened to include public footpaths, parks, and recreation areas.

Changing technology and knowledge

As technology and knowledge changes so should our expectations about what is the minimal standards for access. It is becoming cheaper and easier to incorporate universal design.

PWdWA recommends the review look at what improvements to technology, products and processes have developed and the impact of these changes on the costs of accessibility and adjust the scope and minimum requirements of the Premises Standards to reflect these changes.

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PWdWA recommends that the review consider what requirements it would be reasonable to mandate existing premises to comply with by target dates.

Implementation and Monitoring

There is a lack of monitoring around the implementation of Premises Standards. We know from looking at the implementation of many other Government legislated standards that without effective monitoring of compliance that standards are not an effective means of creating positive change. Currently complaints to Human Rights Commission are the only means of addressing issues with access to premises. Many people are unaware that they have rights under the standards, what those rights are and how to complain meaning issues will not be raised in the first instance. This means that although some issues may be resolved through complaints, it is likely that many more issues exist.

PWdWA recommends that the review consider how the Premises Standards can work in conjunction with the National Disability Standards for improved data collection, monitoring and reporting on the implementation and success of the standards.