



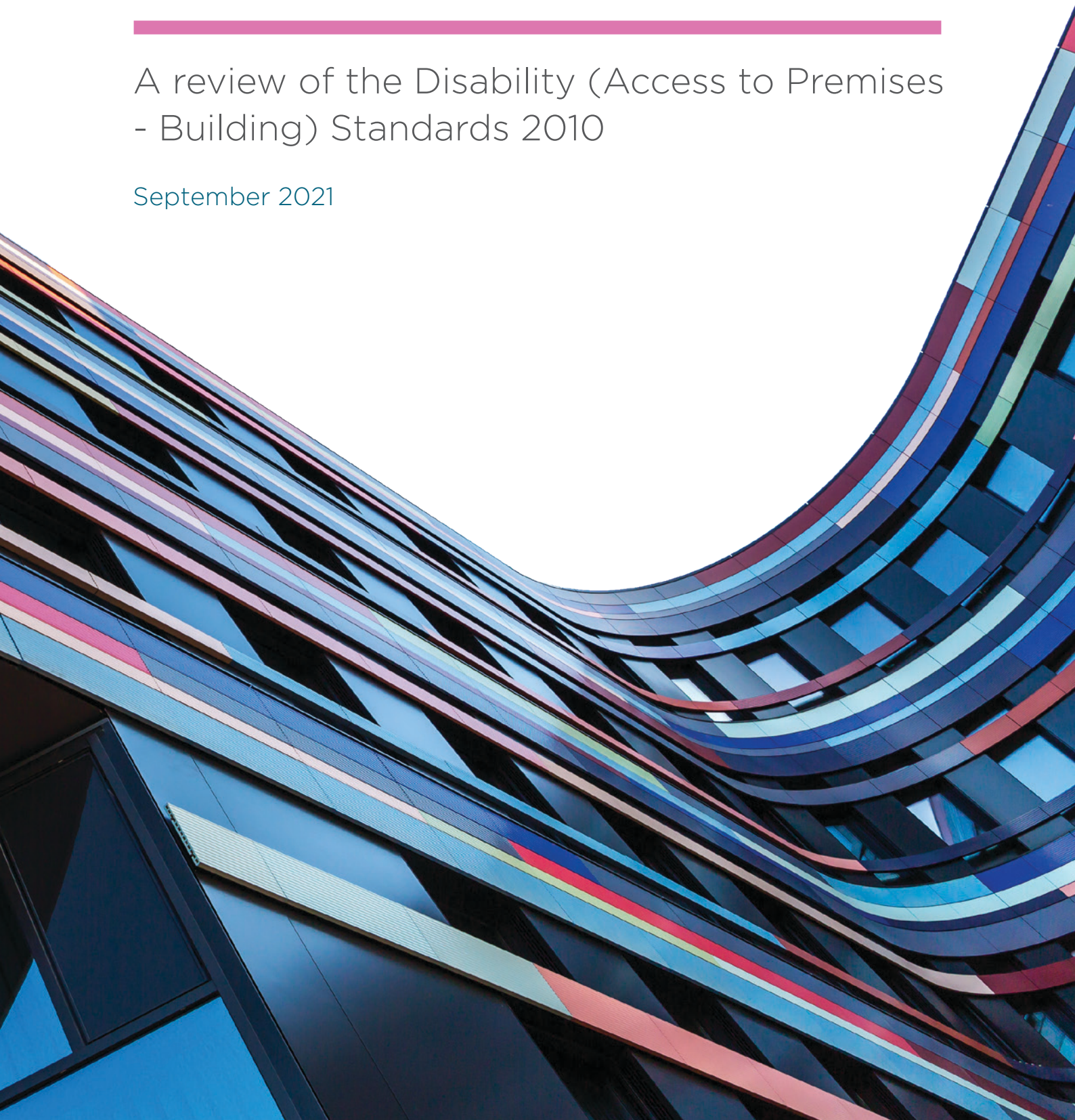
Australian Government

Department of Industry, Science,
Energy and Resources

Premises Standards Review 2021

A review of the Disability (Access to Premises
- Building) Standards 2010

September 2021



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Department of Industry, Science, Energy and Resources.

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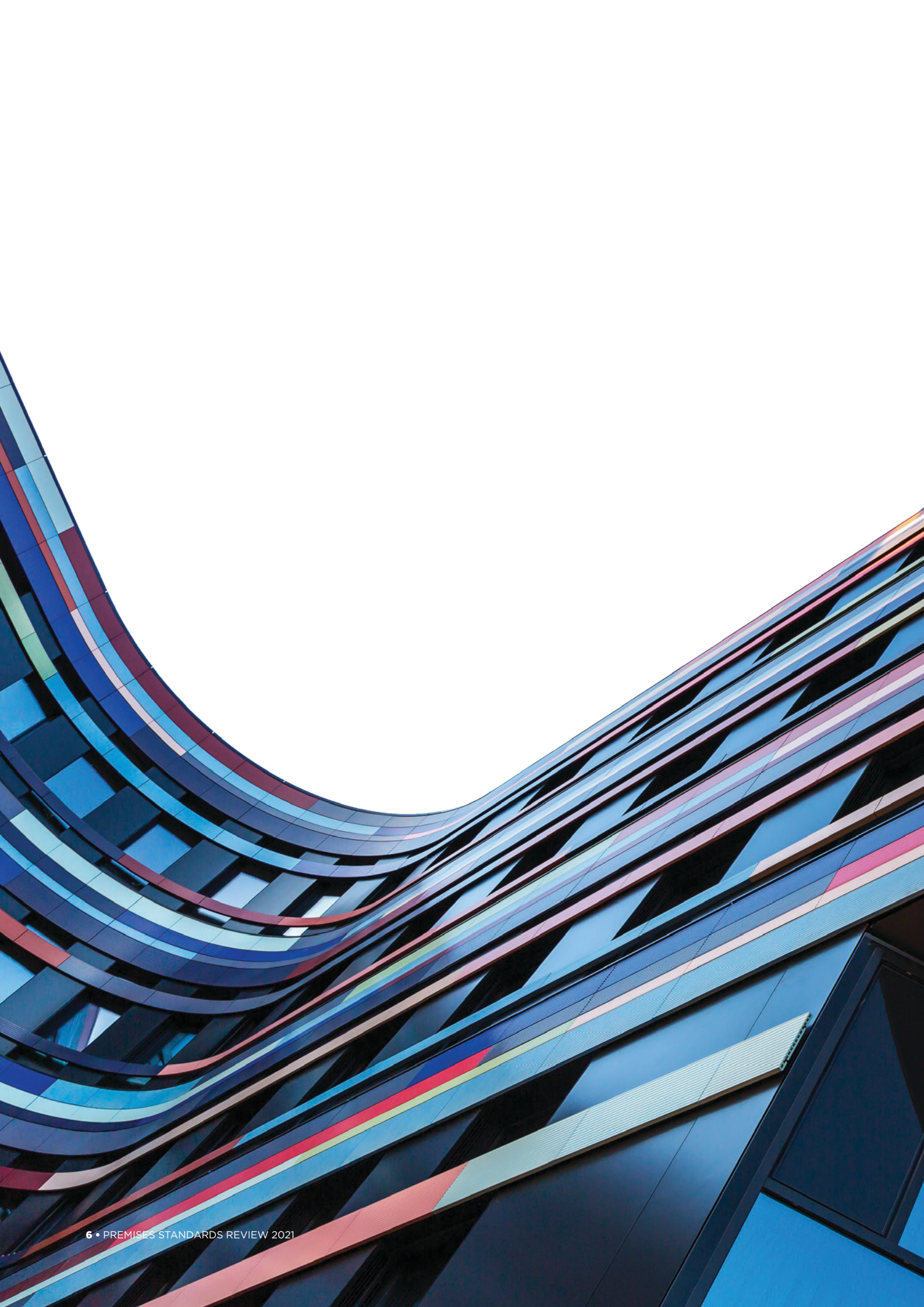
Glossary

Access and egress	Means of entry and exit to a building.
Accessible	When a public building or place is accessible it means people can easily move in, out and around the building or space. Accessibility may be limited by physical, sensory and informational barriers.
Access consultant	A specialist consultant who is trained to identify potential accessibility issues and provide advice on legal obligations.
Access panel	A panel of experts who provide guidance to builders and developers about unjustifiable hardship issues.
Bindi Maps	A free mobile application that helps people find their way around indoor spaces that other navigation apps can't reach.
Blue Badge Map	Worldwide map and database of accessible (Blue Badge) carparking spaces.
Building certifier	A person with responsibility for, or control over, the building approval process for a building. For example, a private certifier, building surveyor or local council.
Building developer	A person with responsibility for, or control over, a building's design or construction. For example, a property developer, property owner, building designer, builder, project manager or project lessee.
Building manager	A person with responsibility for, or control over, matters in the Access Code that apply to the building, other than design and construction matters. For example, a property owner, property lessee, property manager or operational staff.
Disability advocate	A professional that helps people who file for disability benefits, complaints and other disability-related matters.
Dispute resolution	A way of resolving disagreements without bringing the issue to court. It is normally the first step in trying to reach agreement and minimise more problems.
Environmental sensitivities	Adverse effects or chronic conditions in which a person has symptoms when exposed to low levels of chemicals, environmental substances or communication technologies (such as wi-fi).
Luminance contrast	The difference in the amount of light reflected from a darker building element compared to a lighter building element.
Misalignment	Incorrect arrangement or position in regards to design and implementation of policies.



Glossary

Peak bodies	Non-government organisations, associations or advocacy groups that lobby government and promote the interests of their members.
Procedural amendment	A procedural amendment is the process by which the Premises Standards legislative amendments can be adopted into the National Construction Code outside its 3-year review cycle.
Regulatory impact statements	A regulatory impact statement or assessment refers to the process of assessing regulatory proposals.
Regulatory mechanisms	Separate bodies, organisations and committees given responsibility by a government to ensure current coordination and implementation of regulations.
Terms of Reference (ToR)	A document that establishes a board or committee and its authority for a delegated area of responsibility.
Unjustifiable hardship	A burden on a person or business that would be excessive once all circumstances are taken into account.
Wayfinding	Information systems that guide people through a physical environment and enhance their understanding and experience of the space.
Whole of journey	The ability for someone to have a seamless journey from start to finish.



Message from the Minister



Public buildings are central to the lives of Australians. They are where we work, shop, build community relationships and engage in Australian society. As an integral part of our society, it is important that people with disability have equal access to public buildings.

I am pleased to present the outcomes of the 2021 Premises Standards Review. The Premises Standards support dignified access to public buildings for the 1 in 6 Australians living with disability.

The outcomes of the review align with the work of the Australian Government under Australia's Disability Strategy to ensure people living with disability can fulfil their potential as equal members of the community. This is a vision adopted by all governments, who have committed to a national, unified approach to improving the lives of people with disability, their families and carers, and to providing leadership for a community-wide shift in attitudes.

The introduction of the Premises Standards in 2010 has improved access to public buildings and opportunities for people with disability. Safe and appropriate access to public buildings enhances the independence, health and economic security of people with disability. It improves employment opportunities and contributes to more inclusive communities. An accessible built environment also benefits other Australians, such as older Australians and those with temporary injuries.

The 2021 Premises Standards Review aims to ensure that our Premises Standards are achieving their objectives, and to identify opportunities for improvement or areas where barriers exist. It has been undertaken during a tumultuous time, forcing us to be innovative in our approach to stakeholder consultation. While this could have been seen as a barrier, I am proud to say that it has ultimately resulted in broader participation and input than the traditional review process.

I would like to thank everyone who came together to overcome the obstacles posed by COVID-19, in particular the disability sector, and contributed their valuable insights and lived experience to the review. Your input will help to ensure the Premises Standards continue to deliver the right outcomes for people with disability. I would also like to thank the Disability Discrimination Commissioner, Dr Ben Gauntlett, for his vital input to the review and chairing of the virtual town hall meeting.

Improvements to the Premises Standards will help to ensure people with disability can achieve their potential through both increased employment and social opportunities. I look forward to working with my state and territory colleagues to progress the appropriate regulatory reforms based on the review findings.

Senator the Hon Jonno Duniam

Assistant Minister for Industry Development

Review at a glance

The Disability (Access to Premises - Building) Standards 2010 (the Premises Standards) help people with disability have dignified access to buildings. Improved access to buildings can also benefit older people, people with injuries or illness, and parents and carers with young children.

The Premises Standards also help building developers, certifiers and managers ensure that buildings comply with the *Disability Discrimination Act 1992*.

The Premises Standards are reviewed at least once every 5 years. Senator the Hon Jonathon Duniam, Assistant Minister for Industry Development, is responsible for reviewing the Premises Standards in consultation with Senator the Hon Michaelia Cash, Attorney-General. The Department of Industry, Science, Energy and Resources supports the Minister in conducting the review.

The purpose of the review is to:

- ensure the Premises Standards are achieving their objectives
- help building industry stakeholders fulfil their responsibilities to people with disability
- identify ways to improve the Premises Standards.

This report discusses:

- the context in which the 2021 review was undertaken
- the methodology we used
- themes identified through stakeholder engagement
- the review's findings and recommendations.

It also examines practices in other countries to see if any lessons learnt overseas can be applied in Australia.

The review had 3 phases: discovery, consultation and engagement. We engaged a total of 579 participants, including:

- stakeholders across the disability sector
- building professionals
- employers
- people in all levels of government.

Participants shared their views through:

- written submissions
- a webinar
- workshops
- discussion boards
- interviews
- focus groups.



What we heard

People living with disability told us they find it easier to access premises that were built after the Premises Standards were introduced. This indicates that the Premises Standards are achieving their objectives.

However, people living with disability also identified emerging issues and areas for improvement. These included:

- inconsistent requirements for signage and luminance contrast
- a lack of information on emerging wayfinding solutions
- a lack of accessible carparks and automatic doors
- a need to increase the size of openings and thoroughfares for easier access.

These issues need to be addressed to ensure the Premises Standards continue achieving their objectives.

Building professionals told us they needed better guidance to help them comply with the Premises Standards. They were particularly concerned about how to apply the Premises Standards to significant works on older and heritage-listed buildings.

Building professionals were also concerned about the inconsistencies among disability standards, state and territory requirements and the National Construction Code (NCC).

Many businesses emphasised a need for practical guidance, such as check lists, to help them improve access for employees when negotiating commercial leases.

Unfortunately this review could not address every issue raised by stakeholders. We will continue engaging with stakeholders to address other issues.

Opportunities for action

We have grouped stakeholder feedback into 3 areas:

- regulatory reform
- information sharing
- governance.

The opportunities for action align with these areas. If agreed by the government, these actions will ensure the Premises Standards continue meeting their objectives.

Regulatory reform

People living with disability frequently raised 3 issues that had a large impact on their daily lives:

- insufficient accessible car parking
- the placement of automatic doors, as well as their lack of use in accessible toilet facilities
- openings and thoroughfares that are too narrow.

These issues are addressed by Action 1.

Action 1. Investigate the costs and benefits, and whether there is a case for reform, in the key areas impacting the lives of people living with disability.

The Australian Government, in consultation with the Australian Building Codes Office and the states and territories, undertake regulatory impact analysis on:

- whether accessible car-parking ratios are adequate
- where automatic doors are used, including their use in accessible toilet facilities.
- the adequacy of dimensions of openings and thoroughfares in the Premises Standards and the opportunity to align with the Disability Standards for Accessible Public Transport 2002 (Transport Standards). This work will provide evidence for any future changes to the Premises Standards and the National Construction Code (NCC).

Information sharing

Over a quarter of submissions identified the need for new or updated guidance to help stakeholders understand their rights and responsibilities under the Premises Standards.

The guidance most in need of updating is the Australian Human Rights Commission's *Guideline on the application of the Premises Standards*. This is addressed by Action 2a.

Stakeholders also raised the need for guidance on signage requirements, luminance contrasting and wayfinding solutions, which they felt were often overlooked. There is still no consensus amongst majority of the stakeholders on many of these issues, and developing guidance is the first step towards considering these issues in the Premises Standards.

Stakeholders told us they also wanted:

- guidance on lodging and resolving complaints
- guidance on dealing with heritage-listed buildings
- advice for employers and procurement specialists
- closer alignment between the Premises Standards and Transport Standards.

These are all addressed by Action 2b.

To properly assess whether the Premises Standards are achieving their objectives, we need data to help us measure buildings' compliance with the standards. This is addressed by Action 3.

Action 2a. Update the Australian Human Rights Commission (AHRC) *Guideline on the application of the Premises Standards* to ensure people understand their rights and responsibilities under the Premises Standards.

The AHRC's *Guideline on the application of the Premises Standards* is the guidance used most by the building profession and people living with disability. The opportunity exists for the AHRC, in conjunction with the Australian Government, to review and update the guideline to ensure it is:

- up to date
- relevant to stakeholders who want to understand their rights and responsibilities. This will lead to improved access to premises.

Action 2b. Develop guidance to address new and emerging issues identified by stakeholders during the review, which impact their access to buildings or ability to comply with the Premises Standards.

There is an opportunity for the Australian Government, in consultation with people with disability, the AHRC and other relevant stakeholders, to identify, prioritise and develop guidance. This may include:

- guidance on standardisation of signage requirements, luminance contrasting and emerging wayfinding solutions, which may form the basis of nationally consistent standards in future
- information to improve awareness of people's rights and responsibilities under the Premises Standards, including compliance with the standards and how to lodge and resolve complaints
- the best approach for handling issues related to heritage-listed and older buildings that may not be in the scope of the Premises Standards
- best-practice advice and checklists for procurement specialists and employers to improve their awareness of, and compliance with, the Premises Standards
- guidance on the intersecting issues between the Premises Standards and Transport Standards.



Action 3. Create a baseline assessment of premises to ensure that the effectiveness of the Premises Standards can be measured in the future.

- The Premises Standards review process currently relies on people's views of the standards' effectiveness. The opportunity exists for the Australian Government, along with the states and territories, to explore the best way to assess a representative sample of new buildings or building works.

This assessment would:

- test the types of data available
- identify data that could be collected to determine compliance with the Premises Standards.

This data would provide evidence for future reviews of the Premises Standards.

Governance

This review identified opportunities to amend the Premises Standards to improve their effectiveness. This is addressed by Action 4a.

Disability standards including the Premises Standards, the NCC and other Australian standards are updated at different times. This leads to inconsistency across the standards, which causes confusion for stakeholders. The inconsistency is addressed by Action 4b.

Actions 4a and 4b will work together to ensure the NCC and Premises Standards are aligned.

Stakeholders also raised concerns about the amount of time they spend consulting on multiple disability standards reviews at once. These reviews, as well as other Australian Government policy work such as Australia's Disability Strategy, need to be better coordinated. We will monitor the opportunity for greater coordination amongst policy stakeholders as Australia's Disability Strategy is implemented.

Action 4a. Identify amendments to the Premises Standards to ensure consistency with Australian Standards.

The Australian Government amend the Premises Standards to reflect all recent updates to referenced Australian Standards.

Action 4b. Implement a process to more quickly align disability standards and the National Construction Code.

The Department of Industry, Science, Energy and Resources, in consultation with the Australian Building Codes Office and Standards Australia, implement a process to ensure that the National Construction Code (NCC) and Premises Standards can adopt new or amended standards outside the 3-yearly NCC amendment cycle.

Background

The Premises Standards assist people with disability to have dignified access to public buildings. They also have broader implications and benefits to the community. Improved access to buildings can benefit older people, people with injuries or illness, and parents with young children. The Premises Standards are an essential link in the whole of journey experience and enable people with disability to participate in society.

Over 4.4 million people in Australia have some form of disability. Australians aged 65 and over represent approximately 45% of all people with disability¹. This reflects Australia's changing demographics and the types of disability that reviews of the Premises Standards must consider.

The National Disability Strategy 2010–2020 signalled a shift by Australian governments and social and community services towards rights-based approaches. Rights-based approaches can remove barriers and promote greater access for people with disability. To ensure our society is inclusive and accessible, Australia's Disability Strategy requires a comprehensive and coordinated response across all Australian governments, business and community sectors.

The Premises Standards support several other Australian Government policies and public enquiries:

- [Australia's Disability Strategy 2021–2031](#), including these outcome areas:
 - Inclusive Home and Communities
 - Employment and Financial Security
 - Personal and Community Support
 - Health and Wellbeing
- Disability Employment Strategy (DES) 2022–25 Action 10.
- The Royal Commission into Aged Care Quality and Safety.
- The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

The Royal Commission into Aged Care Quality and Safety delivered its final report on 26 February 2021. Some of its recommendations align with the Premises Standards, particularly Recommendation 45: Improving the design of aged care accommodation.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability is still ongoing. The Department of Industry, Science, Energy and Resources will continue to monitor issues being raised at this royal commission.

Australia is a signatory to the United Nations Convention on the Rights of People with Disabilities. The Premises Standards are one part of incorporating this UN convention into domestic law. The Committee on the Rights of Person with Disability considered the combined second and third periodic report² submitted by Australia under this convention and released its conclusion on 15 October 2019.

The committee recommended that Australia progress work towards a national framework for reporting compliance with the Premises Standards and Transport Standards³. It also recommended taking legislative and policy measures to address information and communication technologies and systems and ensure effective sanctions for non-compliance with the Premises Standards.

This review considered the committee's recommendations. This review's recommendations will help achieve the committee's objectives.

¹ Australian Bureau of Statistics (ABS) 2019, 4430.0 - Disability, Ageing and Carers, Australia 2018

² Combined second and third report under the Convention on the Rights of Persons with Disabilities submitted by Australia 2018

³ Committee on the Rights of Persons with Disabilities, Concluding observations on the combined second and third periodic reports of Australia 2019

About the Premises Standards

The Premises Standards:

- apply to new public buildings
- apply to new work (like renovations) on existing public buildings
- could apply to an existing building
- cover common areas of apartment buildings
- do not cover people's homes.

The Access Code in the appendix of the Premises Standards is replicated in the National Construction Code (NCC) and enforced through state and territory building laws and regulations.

Non-compliance with the Premises Standards is unlawful under the *Disability Discrimination Act 1992*. The Australian Human Rights Commission (AHRC) has the power to investigate and resolve complaints of unlawful discrimination on the grounds of disability. If AHRC mediation does not resolve the issue, the affected individual can commence legal proceedings in the Federal Court in certain circumstances.

Sections 21B and 29A of the Disability Discrimination Act allow an exception to the requirement to comply with the Act where compliance would impose unjustifiable hardship. This provides a legal means of defending a decision not to comply with the Premises Standards if the decision is subject to a complaint. However, there is no mechanism in the Disability Discrimination Act or Premises Standards that allows prior approval for non-compliance on the grounds of unjustifiable hardship. Only a court can determine whether or not unjustifiable hardship is an appropriate defence for non-compliance based on the individual facts of a case.

Under the *Australian Human Rights Commission Act 1986*, if the court is satisfied that there has been unlawful discrimination, it may make orders such as it thinks fit, including damages by way of compensation. However, our stakeholders told us that access to justice and the lack of penalties under the Disability Discrimination Act was an issue. Stakeholders indicated that any future review of the Disability Discrimination Act should prioritise access to justice and a penalty regime to deter non-compliance with disability standards.

The 2016 review

The first review of the Premises Standards was completed in 2016. It made 6 overarching recommendations and another 38 sub-recommendations. It also proposed 30 technical amendments to the Premises Standards.

The government agreed to a number of recommendations, which were implemented in a staged approach. These include:

- providing adult accessible change facilities
- technical amendments to align the Premises Standards with the NCC
- establishing an expert advisory group to consider and provide advice on a range of issues under the Premises Standards.

The Premises Standards were amended in September 2020 to include some of the recommended changes.

About the 2021 review

The terms of reference (ToR) for the 2021 review were informed by stakeholders' feedback during the initial discovery phase of the review. The responsible ministers for the review agreed to the ToR on 4 February 2021.

Terms of reference

The review of the Premises Standards will consider the effectiveness of the Premises Standards in achieving its objectives and identify any necessary amendments.

In reviewing its effectiveness, this review will consider whether the Premises Standards has:

- provided people with disability dignified, equitable, cost-effective and reasonably achievable access to public buildings, and facilities and services within buildings that they have a right to enter; and
- given greater certainty to people working in the building industry that access to buildings is compliant with the *Disability Discrimination Act 1992*.

The review will also:

- consider the interaction between the Premises Standards and related regulations operating in the states and territories;
- consider inconsistencies in the interpretation and application of the Premises Standards;
- consider any outstanding recommendations from the first statutory review of the Premises Standards (2016); and
- examine any other matters relevant to the Premises Standards and their interaction with current disability reviews and findings from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) and the Royal Commission into Aged Care Quality and Safety.



Methodology

We undertook the 2021 review in 3 phases to target new stakeholders (participants living with disability who may not usually participate) and established stakeholders. We also conducted a literature review to explore policy options and implementation outcomes in other countries.

The 2021 review implemented quantitative and qualitative data capture processes. These let us standardise and analyse insights from the first and second reviews (and any future reviews) to drive more evidence-based policy and decision making. All submissions were recorded in a table and then analysed manually (by reading, coding and analysing every submission) and via an artificial intelligence powered platform.

Submissions often raised issues across multiple key themes. Key themes were broken down into sub-themes, which were further broken down into categories. This allowed the review team to identify issues that intersect across multiple themes.

This approach informed the review's understanding of the impact of specific issues across disability types, age groups and building types.

Review process: discover, consult and engage

Discover

The first phase of consultation – called the 'discovery' phase – started on 8 September 2020 and concluded on 30 November 2020. It focused on understanding stakeholders' experience with the Premises Standards.

The discovery phase used a semi-structured survey design and open-ended questions. It asked participants for their lived experience with buildings and examples of what did and did not work for them.

Accessible Easy Read versions of the survey were available. We accepted multiple methods of participation, including:

- emails
- letters
- audio and video submissions
- telephone calls.

We identified 6 key themes during the discovery phase (Figure 1):

- consistency and clarity
- compliance
- access and egress
- communication and wayfinding
- toilet and change room provisions
- environmental sensitivities.



Figure 1: Key themes identified in the discovery phase

Stakeholder submissions from the discovery phase shaped the terms of reference and consultation paper for the second phase of the review. The second phase began following the approval of the terms of reference by the Minister for Industry, Science and Technology and the Attorney-General.

Consult

The second phase of the review started on 22 February 2021 and finished on 30 April 2021. It was designed to draw out views on specific issues with the Premises Standards and opportunities for improvement.

We made the consultation paper available in an accessible Easy Read format. Submissions during the second phase of consultation provided more detailed and technical information compared to the discovery phase.

Throughout the first and second phases of consultation, we received a total of 251 submissions from the online survey, emails, letters, audio and video, and telephone submissions. 69.3% of the submissions were received from organisations while 30.7% of the submissions were from individuals. Out of the 251 submissions too, 80.89% submissions were received from the disability sector, 9.2% from building industry and 10% from the government sectors.

Total number of submissions received was 251

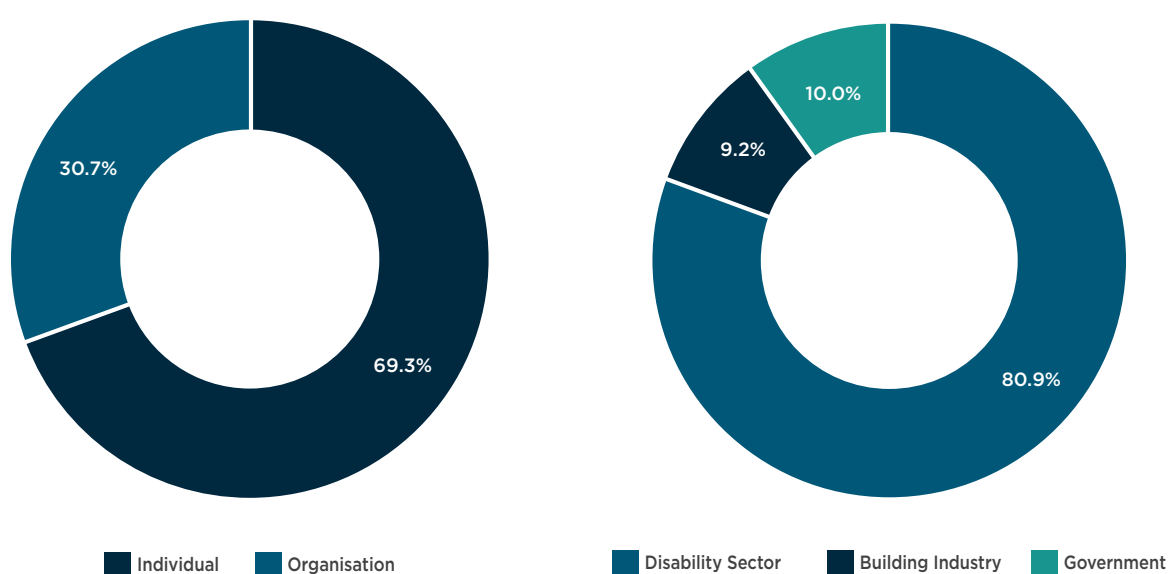


Figure 2: Percentage of submissions by stakeholder type

Engage

The third phase of the review started on 31 March 2021 and concluded on 22 April 2021. For this phase we engaged The Social Deck, a consultancy with expertise in strategic communication and community engagement. The Social Deck provided expert facilitation and engagement tools to explore the issues raised in the first two phases of consultations.

The aim of this phase was to inform the conversation and identify potential solutions with (Figure 3):

- stakeholders in the disability sector (193 stakeholders attended)
- building professionals (38 stakeholders attended)
- employers (39 Access consultant stakeholders attended)
- all levels of government (62 stakeholders attended).

Along with 251 submissions received, The Social Deck conducted engagements using webinars, focus groups, in-depth interviews, discussion boards and workshops (see Figure 3). A total of 579 stakeholders from individuals and organisations from disability and building sectors and government bodies participated in these activities. Some stakeholders attended more than one activities.



Interest groups

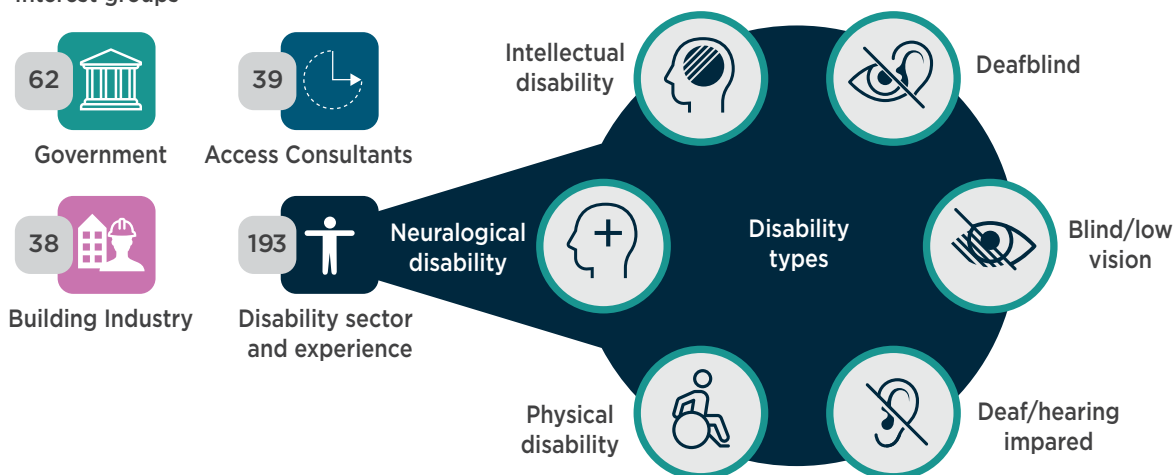


Figure 3: Breakdown of engagement tools and interest groups

We launched the engagement phase at a national webinar with Dr Ben Gauntlett, the Disability Discrimination Commissioner, as key speaker. 143 people from the building industry, disability sector and government participated.

The 3 priorities for change that emerged from the webinar were:

- the importance of improving knowledge and understanding across all aspects of the Premises Standards and their application
- improving auditing and enforcement of the Premises Standards
- strengthening specific requirements in the Premises Standards.

The review sought feedback from many different disability communities as well as their families, carers and friends. Focus groups allowed more targeted engagement and ensured the review could reach people with disability and their families or carers.

Nine focus groups were held with:

- local, state, territory and federal government officials
- building industry professionals
- people living with vision impairment
- people living with sensory processing issues
- people living with intellectual disability
- people living with physical disability in regional Australia
- young people with disability
- deaf First Nations people
- people living with physical disability in metropolitan Australia.

Seventeen participants provided detailed responses during 14 in-depth interview sessions. These interviews let us to ask follow-up questions to obtain additional information. Interviews also let us capture views from audience groups that did not have the chance to participate in the other consultation activities.

In-depth interviews were held with:

- First Nations people with disability (regional)
- First Nations people with disability (remote)
- culturally and linguistically diverse people with disability
- a deafblind person
- people with physical disability and complex communication needs
- people with a special interest in the building codes
- People with a special interest in disability issues.

We used 3 online discussion boards to draw on lived experiences and specific accessibility issues, as well as to facilitate more technical discussion. Discussion boards consisted of:

- building industry professionals
- people with disability
- formal and informal carers.

Finally, we conducted 3 workshops for individuals, organisations and peak bodies from different disability backgrounds to discuss the Premises Standards. The workshops aimed to summarise the problems raised during the review and brainstorm possible solutions to improve the effectiveness of the Premises Standards. A full breakdown of the activities list is listed in Appendix B.



"It's good to see lots of improvements with technology, but the community are not educated about new types of accessible toilets. I have never been in one before, and I think that other deafblind people might be in the same situation. There's no education about the new accessibility."

(PERSON WITH DISABILITY)

"I think the Commonwealth and state and territory governments need to agree on a consistent way of adopting those elements of the Premises Standards to give greater surety to the building sector, to local government who still has a role to play in the approval processes, so that we can fully understand what's required and where the concessions are within the Premises Standards."

(DISABILITY ADVOCATE STAKEHOLDER)

"I know that a lot of people in wheelchairs I know, I know for a fact that they do have problems accessing buildings, because the doors don't self-open and they have to ask people to open it for them, and that puts them at a disadvantage. They don't want to be at a disadvantage, because all people with disability are independent, and that's a big issue with people. Especially government, because they don't look at that independence, all they look at is the disability."

(ABORIGINAL AND TORRES STRAIT ISLANDER PERSON WITH DISABILITY)

Key themes emerging from the review

Approximately 80% of the input into the review came from:

- people with disability
- their families and carers
- representatives from the disability sector.

We also received feedback from:

- all levels of government
- employers
- building industry stakeholders, including developers, building managers, certifiers and industry peak bodies.

Many themes and issues converged during stakeholder engagement activities across the stages of the review. Based on the 251 stakeholder responses, we identified 7 broad themes (Figure 4):

- consistency and clarity (mentioned by 18.7% of respondents)
- access and egress (mentioned by 42.2% of respondents)
- compliance (mentioned by 48.2% of respondents)
- communication and wayfinding (mentioned by 21.9% of respondents)
- toilet and change room provisions (mentioned by 27.5% of respondents)
- environmental sensitivities (mentioned by 35.5% of respondents)
- other themes that are either in scope or intersect with other standards (mentioned by 9.2% of respondents).

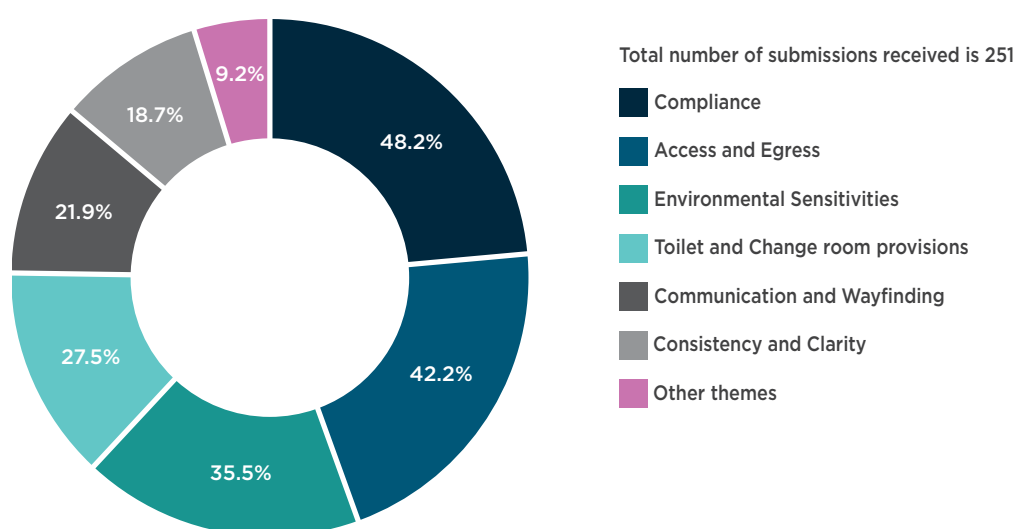


Figure 4: Key themes by a percentage of respondents. Most submissions raised issues across multiple themes, so percentages do not add up to 100%.

Some issues appeared in multiple themes. Grouping these issues into sub-themes clarified the most prominent issues for each stakeholder group: people with disability, building professionals, employers and governments.

Consistency and clarity

Stakeholders responded that consistency across all disability standards and the other regulatory mechanisms interacting with the Premises Standards are important.

The other standards operating under the Disability Discrimination Act are:

- Disability Standards for Education 2005 (Education Standards)
- Disability Standards for Accessible Public Transport 2002 (Transport Standards).

The disability standards listed above reference various Australian Standards. Each of these disability standards and other regulatory mechanisms has a specific role and function. The disability standards are reviewed and amended at different times, creating gaps or inconsistencies between those standards.

Consistency and clarity issues were raised in 18.7% of submissions, as shown in Figure 5. Nearly half the submissions from the building industry and governments discussed consistency and clarity. Alignment with the National Construction Code (NCC) (12.4% of the submissions), Australian Standards (7.6% of the submissions) and Transport Standards (6% of the submissions) emerged as an important sub-themes. Only 4% of the submissions discussed on states and territories legislations.

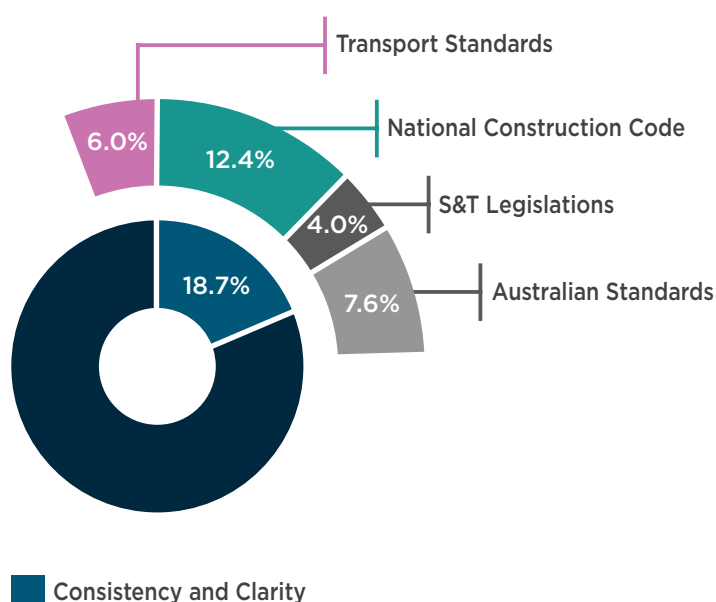


Figure 5: Consistency and clarity, with sub-themes

Examples of issues

Many stakeholders emphasised the importance of:

- full alignment between the Premises Standards, the Transport Standards and the NCC
- a holistic approach to disability policy design and implementation.

Stakeholders argued that a holistic approach was necessary for enabling a whole of journey experience and minimising non-compliance with standards due to confusion.

Due to differences in amendment timing, the potential for misalignment between the Premises Standards and the NCC is a concern. This misalignment could cause inconsistency in provisions and confusion for building professionals and government officials. This could make it difficult for people to comply with their obligations under the Disability Discrimination Act.

There is inconsistency between the Premises Standards and Transport Standards over the width of an accessible path of travel (or passageway). The width of a path or circulation area is often referenced in percentiles. The 80th and 90th percentile dimensions refer to the dimensions of building features required to allow the adequate manoeuvring of 80 per cent or 90 per cent of wheelchairs. The 80th percentile (or A80) wheelchair footprint represents the size of 80 percent of all wheelchairs (sampled at the time), and the 90th percentile (or A90) wheelchair footprint represents the size of 90 percent of all wheelchairs (sampled at the time). The Premises Standards uses both the 80th and 90th percentile dimensions, depending on the area within the building. However, the Transport Standards always use 90th percentile dimensions.

Misalignment of the Premises Standards, Transport Standards and Australian Standards can create significant confusion for building professionals and barriers for people living with disability. Current differences between these standards relate to:

- luminance contrast
- door circulation
- signage
- hearing augmentation
- stairways.

“There is still a lot of confusion within our (building) industry when it comes to what legislation needs to be adhered to, applied and the hierarchy of legislation.”

(BUILDING INDUSTRY STAKEHOLDER)

“There are various instruments prescribing aspects of building accessibility and that it can be difficult for developers to understand which standards to build to, to be compliant with the [Disability Discrimination Act].”

(BUILDING INDUSTRY STAKEHOLDER)

“Consider how the Premises Standards and the Transport Standards currently interact and ensure there is consistency between the 2 standards.”

(BUILDING INDUSTRY STAKEHOLDER)

Access and egress

Access and egress refer to the entries and exits from premises as well as movements within a public building. The Premises Standards have several provisions related to entries, exits and movements within public buildings and spaces. Submissions from the discovery stage of the review said that access and egress provisions could be improved.

Access and egress issues were raised in 42.2% of submissions (Figure 6), making this the second-most raised theme. 35% of submissions from the disability sector discussed access and egress, making it the most discussed issue by the disability sector. A substantially smaller number of buildings industry submissions discussed access and egress.

Key sub-themes emerging were:

- continuous path of travel (37.1% of submissions), with the need for pathways consultation identified as focus areas, and
- accessible car-parking (14.7% of submissions), with the need for carpark ratio consultation identified as focus areas.



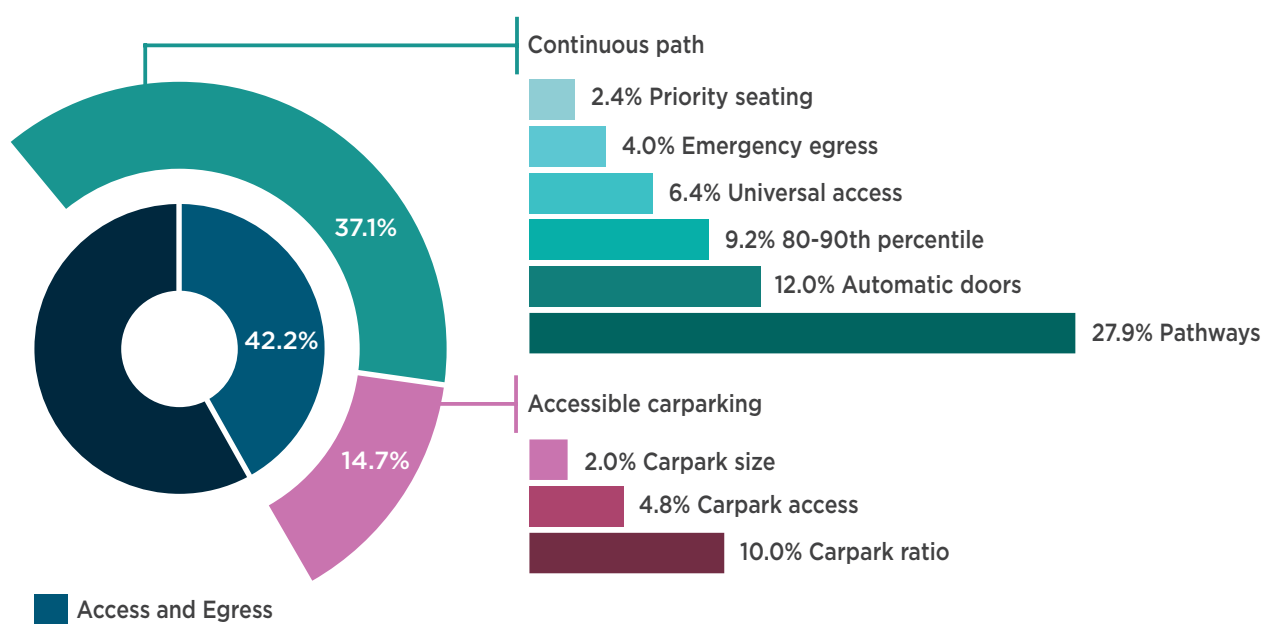


Figure 6: Access and egress, with sub-themes

Examples of issues

Stakeholders raised a range of specific issues about access and egress. They suggested the Premises Standards could help address these issues with stronger requirements and clearer guidance.

Stakeholders noted that many public buildings have heavy manual doors that are difficult to open, particularly in a wheelchair or mobility scooter. This can hinder the accessibility of a building and negate the benefits of other accessibility features. For example, a building may have accessible car-parking spaces and lifts with verbal cues, but a heavy manual door between the carpark and lift bay can negate the benefits of these features.

The availability of accessible car-parking spaces was another issue raised as a barrier to accessing buildings. Under the Premises Standards, the ratio of accessible car-parking spaces required depends on the building class. Generally, it ranges from one accessible car-parking space per 50 spaces to one per 100. But according to the Australian Bureau of Statistics (2018), 17.7% of Australians live with disability⁴. This may indicate a need for a higher ratio of accessible public carparks.

Only limited data is available on the number of disabled parking permits issued across Australia. However, New South Wales Government data shows that 1,318,835 mobility parking permits (include temporary permits) were issued in 2010, and 1,657,119 were issued in 2020. This is a 25% increase in permits issued in NSW in 10 years. If this trend is consistent across Australia, it may point to a growing need for more accessible car-parking spaces. However, further data analysis and research are needed to determine this.

Other issues raised include the size and location of accessible car-parking spaces. Many stakeholders suggested that accessible parking is not 'one size fits all'. For example, a person in a motorised wheelchair may need a significantly larger space than someone who does not require a wheelchair. Distance of accessible car spaces from the entrance to a building was also a concern.

⁴ Australian Bureau of Statistics (ABS) 2019, Disability, Ageing and Carers, Australia: Summary of Findings 2018

“Ramps are placed at a further distance and are less accessible to people with mobility and visual impairment issues.”

(PERSON WITH DISABILITY)

“Heavy entry doors that are problematic to those with arthritis or on mobility scooters.”

(PERSON WITH DISABILITY)

“Disabled parking are not always in the best locations, and not always enough of it. Provide more disability parking in areas likely to have more aged /disabled demographics.”

(PERSON WITH DISABILITY)

“The goal should be to provide access in a way that doesn't tag it as a special feature. Accessibility as far as possible should disappear so that it's not stigmatised, e.g. if levels are dealt with correctly, there should be no need for a ramp.”

(PERSON WITH DISABILITY)



Case study: Pam and Peter

Pam Gaston is diagnosed with chronic obstructive pulmonary disease and has only 18% percent lung capacity. She suffers from chronic shortness of breath, requires oxygen at all times and relies on a scooter for mobility.

Pam and her husband, Peter Olley, moved into their current residence in 2017. They purchased the apartment off the plan because it was advertised as having adaptable units that were designed to consider the needs of people living with disability. Pam and Peter checked the plans to ensure the building had access ramps, appropriate ventilation and the correct door widths for mobility scooter accessibility.

After moving in, Pam realised that she was unable to operate certain doors in the apartment complex while using her mobility scooter. This was because the doors are heavy and manually operated. They are located in communal areas, including:

- the apartment's entrance
- building foyer
- fire exits
- gymnasium (with disability-accessible bathroom facilities)
- recreation area
- swimming pool (provided with an accessible hoist).

Pam relies on assistance from others to open the doors for her. Peter has said this has impacted Pam's and his own wellbeing and limited Pam's independence. One estimate for replacing common area manual doors with automatic doors was approximately \$200,000. As there are around 356 units in the complex, this would cost around \$560 per unit.

The Premises Standards review received a number of submissions from stakeholders raising similar issues about accessibility requirements for Class 2 buildings like the apartment complex where Pam and Peter live. The Premises Standards only apply when a Class 2 building includes short-term accommodation. As platforms like Airbnb grow in popularity, stakeholders want greater clarification, or an update to the legislation, so that the Premises Standards are relevant for Class 2 building design, planning and use.

The Premises Standards and NCC set out minimum requirements for compliance for Class 2 buildings. As mentioned in the AHRC's *Guideline on the application of the Premises Standards*, there is nothing to prevent builders, building owners or building managers adopting a best-practice approach that provides accessibility provisions beyond these minimum requirements.

Compliance

The performance requirements outlined in the Access Code of the Premises Standards are duplicated in the National Construction Code (NCC). They are also referenced in state and territory building legislation and regulations.

State and territory governments are responsible for building regulation and compliance, including enforcing the performance requirements in the Premises Standards. Building regulations are generally enforced by a registered building certifier signing off a building as compliant.

People with disability stated that equating building certification with compliance with the Premises Standards meant they could not resolve their human rights complaint at the state or territory level.

People with disability said that the Disability Discrimination Act did not give them with tools to resolve their access issues. They also told us the compliance, enforcement and penalty regimes were insufficient to deter non-compliance.

Some consultation participants emphasised the need for better enforcement of the Premises Standards and more serious consequences for non-compliance. They suggested more audit and reporting processes as possible improvements for enforcing the Premises Standards.

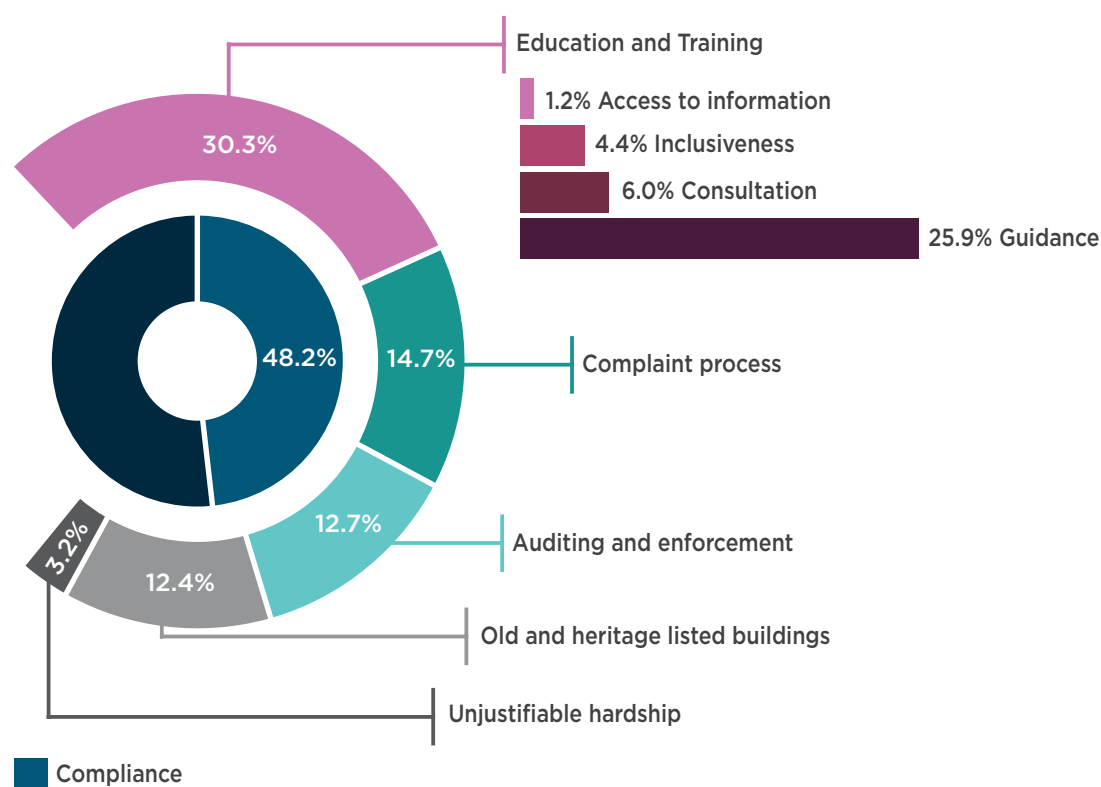


Figure 7: Compliance, with sub-themes

Compliance was raised in 48.2% of total submissions (Figure 7), making it the most frequently raised issue. Compliance was discussed in more than half of government and building industry submissions and nearly half of submissions from the disability sector. This suggests that compliance is a priority issue for all stakeholders.



The key sub-themes emerging from submissions were:

- education and training (30.3% of submissions), with the need for guidance and additional consultation identified as focus areas
- complaint process (14.7% of submissions)
- auditing and enforcement (12.7% of submissions)
- Old and heritage listed buildings (12.4% of submissions), and
- Unjustifiable hardship (3.2% of submissions).

Examples of issues

Many stakeholders felt compliance would improve if the building industry increased its knowledge and understanding of the requirements under the Premises Standards. Participants suggested that more guidance on the Premises Standards' requirements and implementation should be made available.

Participants emphasised that building certifiers have a duty to ensure a building is compliant with the requirements of the Premises Standards. They also suggested that building professionals should undertake continuing professional development on accessibility requirements.

The Australian Human Rights Commission (AHRC) has the power to investigate and resolve complaints of unlawful discrimination on the grounds of disability, including access to premises. If AHRC mediation is unsuccessful and a complaint remains unresolved, the complainant may pursue action through the Federal Court.

However, stakeholders felt the complaints process needs to be made clearer, simpler and less burdensome. Complainants are unsure where to go to lodge complaints. They also felt that when they make a complaint, they often do not receive a satisfactory resolution.

Taking a complaint to court is a time-consuming and expensive process. Very few people appear to be willing or able to take this step if mediation or compliance action cannot resolve the issue.

“Compliance with the standards should be monitored, and longitudinal data collected to track progress towards meeting the standards. Mechanisms for determining compliance need to be consistent across the states and territories.”

(DISABILITY ADVOCATE STAKEHOLDER)

“Although there are rights to lodge valid complaints to various authorities, these options are time-consuming and ultimately pointless on a personal basis, as nothing comes of any follow-up communication.”

(PERSON WITH DISABILITY)

“Responsibility in ensuring compliance rests with building certifiers, who approve the construction plan for the relevant building. But in reality, Australians with disability are required to play an active role in enforcement as well.”

(DISABILITY ADVOCATE STAKEHOLDER)

Case Study: Peter Ryan v Sunshine Coast Hospital and Health Service

In 2019, Peter John Ryan made a complaint to the AHRC about the Sunshine Coast Hospital and Health Service (SCHHS). Mr Ryan is a wheelchair user and has approximately 2% usable vision. He regularly attended SCHHS for treatment of several medical conditions.

SCHHS is a large public tertiary teaching hospital that opened to patients in 2017. The Premises Standards applied at the time SCHHS was designed and constructed.

Mr Ryan claimed that certain design and construction elements of SCHHS unlawfully discriminated against him on the basis of his disabilities. Mediation through the AHRC was unsuccessful, so the matter was referred to the Federal Circuit Court of Australia. The court accepted that Mr Ryan and people with a similar level of impairment had been seriously disadvantaged in accessing and navigating the SCHHS building reasonably, practically and with dignity. This was due to ineffective and insufficient raised tactile signage and wayfinding systems.

The ruling identified another key issue: the lack of luminance contrast for glazed walls next to access ways, pedestrian spaces, lift lobbies and glass balustrades. The court found that it was unreasonable to rely on SCHHS volunteers to assist people with vision impairment who become disoriented.

An interesting aspect of this case is that, while some issues related to non-compliance with the NCC and Premises Standards, others were found to be unlawful under the Disability Discrimination Act. This was possible because the Act uses a complaints-based dispute resolution mechanism, rather than setting out a minimum standard like the NCC and Premises Standards.

This case shows that buildings may need to be designed beyond the minimum requirements set out in the NCC and Premises Standards to reasonably accommodate the accessibility needs of their users and be compliant under the Act. This is supported by the AHRC's *Guideline on the application of the Premises Standards*, which states that 'there is nothing in the Premises Standards to stop a developer from providing greater levels of access than required'.

Court-ordered rectification works at SCHHS are expected to cost tens of millions of dollars. This shows that rectification is often more difficult and expensive than addressing accessibility during building design.

This case also points to the complexity of large building projects and supports the need for updated guidance material, as recommended by Action 2a and Action 2b.

Communication and wayfinding

Wayfinding refers to building features that let people with disability:

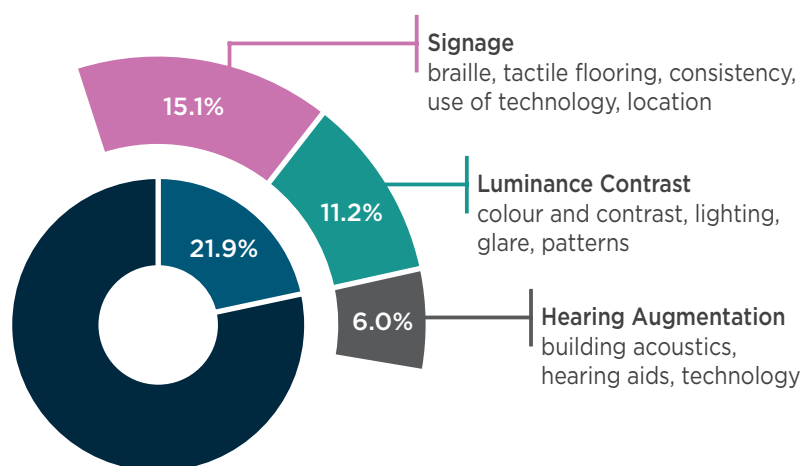
- locate where they are within the environment
- independently navigate that environment.

The Premises Standards include some wayfinding requirements, such as:

- signage to accessible toilets and accessible entrances
- signage of spaces with hearing augmentation
- tactile ground surface indicators to warn of hazards.

Communication and wayfinding was raised as an issue in 21.9% of total submissions (Figure 8). Most of the submissions discussing communication and wayfinding were from governments and the disability sector. The number of submissions from the building industry discussing communication and wayfinding were very low.

The most common sub-themes were signage (15.1% of submissions) and luminance contrast (11.2% of submissions). Luminance contrast is the difference in the amount of light reflected from a darker building element compared to a lighter building element.



■ Communication and Wayfinding

Figure 8: Communication and wayfinding, with sub-themes

Examples of issues

Stakeholders told us that signage and communication systems in buildings are generally inadequate for effective wayfinding. They also told us that the requirements in the Premises Standards are insufficient.

Participants noted that there is no 'one-size-fits-all' solution for effective communication and wayfinding. Information and signage should be provided in a range of ways to cater to diverse needs. However, participants noted this could pose a barrier to developing clear and universal standards for wayfinding.

Participants said that technology could significantly improve the accessibility of communication and wayfinding for some. Technology that could help includes:

- Bindi Maps ⁵, a mobile location app for indoor spaces
- beacons
- touch screens
- QR codes
- verbal and auditory cues and directions
- video prompts
- apps.

For example, a number of stakeholders found wayfinding easier when lifts have verbal cues. However, some cautioned that there shouldn't be an over-reliance on technology to provide effective wayfinding.

Some stakeholders felt that wayfinding could be improved by standardising signage practices, particularly around:

- placement
- size
- font
- contrast
- images and symbols
- the inclusion of braille.

A particular point raised in consultations was the lack of consistency and compliance with luminance contrast requirements.

"The review should focus on the accessibility of technology that increasingly forms an element in building infrastructure, such as touchscreen-based lift destination control systems, touchscreen or and other visual displays required to use accessible bathrooms."

(DISABILITY ADVOCATE STAKEHOLDER)

"For someone with legal blindness the impact of glare on them is like you getting a cramp in your leg, but just do that all around your eyes, inside your eyes and all around your face around your eyes. It is the same sort of effect, it is just pain".

(BUILDING INDUSTRY STAKEHOLDER, ACCESS CONSULTANT)

"Sometimes they have a long way to go from the carpark into the building, and by the time you get to the entrance you're puffed or don't want to get inside anymore."

(CULTURALLY AND LINGUISTICALLY DIVERSE PERSON WITH DISABILITY)

⁵ Bindi Maps is a mobile app that locates users precisely in indoor spaces. It employs a simple, natural-language audio system to describe where users are, what's around them and the best way to get to their chosen destination.



Case study: Tony Starkey

Hello, my name is Tony Starkey. I am aged 68 and have had less than 2% vision since I was 16 years old due to the eye disease glaucoma. I use a white cane as a mobility tool and a screen reader to communicate. Although there are still significant barriers for people in the blind and vision-impaired community, I believe access to premises has greatly improved since the 1970s.

I have previously worked as a factory process worker, a computer programmer in the banking industry, and in marketing and fundraising. For the past 22 years, I have provided advocacy and policy advice to government and the business sector. This includes participating in the development and review of standards related to accessibility for people with disabilities, such as the National Construction Code (NCC), Premises Standards, Transport Standards and Australian Standards.

People who are vision impaired need tactile and auditory information to help understand their surroundings. For example, tactile indicators on tram ramps allow me to identify a safe path of travel for road crossing. Without tactile indicators at bus stops, I have no idea if I am at a no parking zone or a bus stop. Independently accessing buildings can be frustrating without this kind of information. For example, when building numbers are not always displayed, or are not located in a consistent position. Or when there are accessible signs on toilet doors, but no information to say where the door is. While talking lifts are a great technical innovation, they require you to find a touch screen and then navigate to the allocated lift, sometimes with no tactile buttons available.

In my experience, consistent and logical wayfinding is the most important way to empower independent navigation for people who are blind or vision impaired. It is vital to enabling social participation and access to employment. At this point in time, there are limited mandatory wayfinding features in the NCC and Premises Standards. Some issues these standards need to address include the logical path of travel from building boundary to entrance, particularly when open space is a feature, and wayfinding solutions once inside a building, such as logical design for finding a building's reception, lifts and directory. There also needs to be alignment between the Premises Standards, Transport Standards, and NCC, and use of Universal Design principles, with a focus on function.

Toilet and change room provisions

Stakeholders shared mixed experiences with accessible toilet facilities. Some reported that they had found plenty of accessible toilets in public buildings. Others said there are not enough accessible toilets and that they are often not big enough, particularly for different types of wheelchairs.

Toilet and change room provisions were raised as an issue in 27.5% of total submissions. Around 30% of submissions from the disability sector and governments discussed toilet and change room provisions.

The most common sub-themes raised were availability (18.3% of submissions) and accessibility (10.8% of submissions).

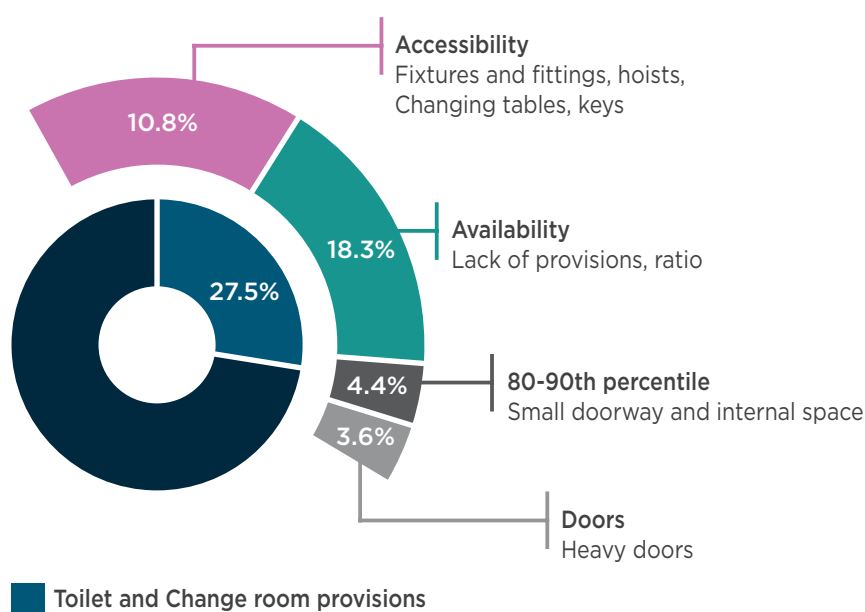


Figure 9: Toilet and change room provisions, with sub-themes

Examples of issues

A number of stakeholders noted difficulties in accessing toilet facilities due to a lack of automatic doors. Opening a manual door can pose challenges for people with disability, particularly those using wheelchairs or mobility scooters. The Premises Standards do not specify that an automatic door is required for accessible toilet facilities.

Other issues with toilet facilities raised by stakeholders include:

- washing basins placed in corners, which are challenging to get to with mobility scooters
- toilet roll holders placed too low, making them difficult to reach
- the need for more than one grab rail being regularly used by people without disability, delaying access by people with disability who may have an urgent need
- the location of accessible toilets, which can be in distant parts of buildings.

Some industry stakeholders advised that information for the building industry about the inclusion of accessible toilet facilities is unclear and causes confusion. This is particularly true for adult accessible change facilities.

A point consistently raised in consultations was the lack of adult accessible change facilities, especially at transport hubs, shopping centres and other public buildings.

The inclusion of adult accessible change facilities in the Premises Standards was a significant outcome from the first review of the standards. From 30 September 2020, adult accessible change facilities must be provided in all new shopping centres, sports venues, museums, galleries, theatres and airports (as long as they are above a specified size). This will see more adult accessible change facilities available in future.

“There is not enough adult accessible change facility (AACF) in the local area; there is only one. Often we have to queue and wait in line.”

(PERSON WITH DISABILITY)

“Heavy doors and buttons in many disabled toilets are difficult to open for those who have disability. There needs to be good signage to distinguish between the ambulant toilet and disabled toilet.”

(PERSON WITH DISABILITY)

“Lack of AACF (including hoists) in shopping malls, theatres, libraries and other public buildings.”

(PERSON WITH DISABILITY)

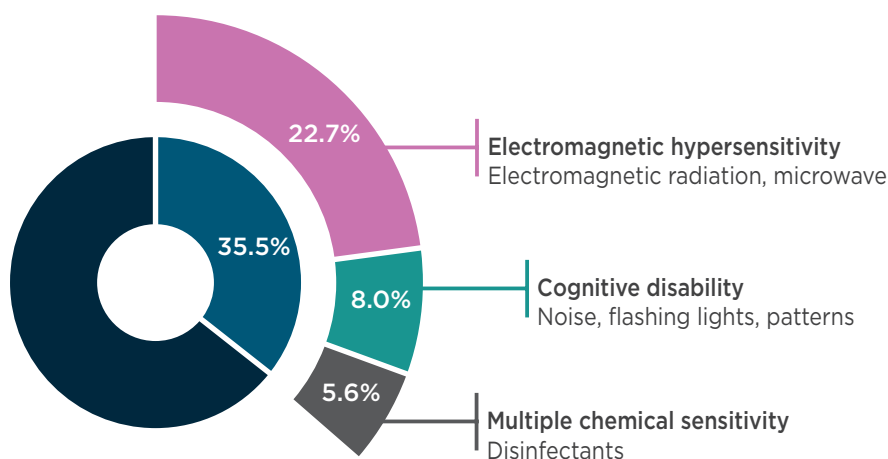
Environmental sensitivities

In the second stage of consultation, many respondents raised issues with public buildings triggering their sensitivities to environmental factors such as:

- excess light
- sound
- chemicals released as building materials age and degrade.

Environmental sensitivities were raised in 35.5% of submissions. They were part of an active awareness campaign from people impacted by electromagnetic hypersensitivity every day. The number of submissions from the building industry and government on environmental sensitivities was very low.

Common sub-themes emerging as issues were electromagnetic hypersensitivity (22.7% of submissions) and cognitive disability (8% of submissions).



Environment Sensitivities

Figure 10: Environmental sensitivities, with sub-themes

Building design is unlikely to address many of the issues raised around environmental sensitivities theme. Some of these issues are related to products and interior fit-outs, which are not covered by the Premises Standards or National Construction Code.

Examples of issues

People with psychosocial disabilities or neuro-diverse disabilities such as trigeminal neuralgia may be affected by:

- reflective and patterned surfaces including floors and walls
- noise from poor acoustical treatment in the building.

People with multiple chemical sensitivity may have their health and wellbeing affected by:

- dust
- fragrances
- chemicals and cleaning products
- other allergens.

People with electromagnetic hypersensitivity may be affected by exposure to Wi-Fi enabled technologies such as mobile phones. This restricts their accessibility in buildings with these technologies.

Many suggestions to address electromagnetic hypersensitivity issues were not in the scope of the Premises Standards. Others lacked sufficient evidence to limit Wi-Fi technology, particularly when other people with disability use devices such as smartphones to assist them with their disability.

Other recommendations included providing safe zones or resting areas in large public buildings. These are quiet spaces with simple or no wall or flooring patterns, which can be used by people experiencing sensory overload or cognitive impairment. These spaces have been provided in some shopping centres in recent years.

“Places of public assembly should have quiet spaces available for people who experience sensory overload. Sports stadiums and some airports are beginning to install these features”

(LOCAL GOVERNMENT STAKEHOLDER)

“Because there are many different types of information that you need to access if you’re going to move independently and safely around a building, the Premises Standards have to address each of those areas or categories of information.”

(DISABILITY ADVOCATE STAKEHOLDER)

Other issues

Many stakeholders raised issues indirectly linked to the Premises Standards or that fell outside the scope of the Premises Standards. These issues often reflected a desire for buildings that focus on people’s accessibility needs across their whole journey.

Examples of issues

Many stakeholders asked that all new buildings be built with universal access in mind. Stakeholders said that universal design principles were referenced in the National Disability Strategy and international jurisdictions. They suggested that Australia incorporate these principles.

Several stakeholders noted that building types and scopes can be changed or revised. For example, a building’s use or zoning requirements can be altered. However, this change does not trigger any requirement to comply with the Premises Standards.

Some of the stakeholders addressed building types that fall outside the scope of the Premises Standards, such as domestic housing.

Stakeholders also highlighted single points of failure. These included:

- heavy doors in high-rise buildings
- single steps in buildings and shops
- raised door jams, which may prevent or limit access to the building.

“The NCC [National Construction Code] provides clarity regarding access to and within the common areas of Class 2 residential accommodation compared to the vagueness of Premises Standards.”

(DISABILITY ADVOCATE STAKEHOLDER)

“Every person building or converting a building to a Class 1b rooming house has been required to meet AS1428.1, at significant additional cost, and for limited benefit.”

(BUILDING INDUSTRY STAKEHOLDER)

Opportunities for action

Regulatory reform

Action 1

Investigate the costs and benefits, and whether there is a case for reform, in the key areas impacting the lives of people living with disability.

The Australian Government, in consultation with the Australian Building Codes Office and the states and territories, undertake regulatory impact analysis on:

- whether accessible car-parking ratios are adequate
- where automatic doors are used, including their use in accessible toilet facilities.
- the adequacy of dimensions of openings and thoroughfares in the Premises Standards and the opportunity to align with the Disability Standards for Accessible Public Transport 2002 (Transport Standards).

This work will provide evidence for any future changes to the Premises Standards and the National Construction Code (NCC).

Issues this action will address

Stakeholders frequently raised 3 issues as having a large impact on the daily lives of people living with disability:

- accessible car-parking ratios
- placement of automatic doors and their use in accessible toilet facilities
- the adequacy of dimensions of openings and thoroughfares, including how the 80th and 90th percentile wheelchair dimensions are used.

Addressing these technical issues could significantly affect requirements in the NCC and the building industry. A thorough technical and policy assessment is needed to understand how any changes to the Premises Standards and NCC would impact stakeholders.

These issues were raised during the 2016 review of the Premises Standards and identified for possible resolution by this review. Participants confirmed that these issues remain priority areas for possible regulatory reform.

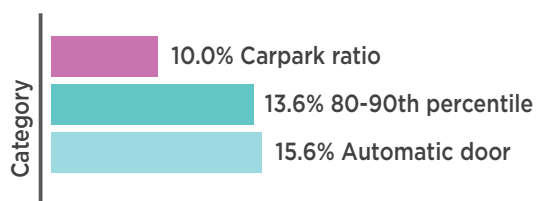


Figure 11: Percentage of submissions discussing issues associated with Action 1

Car-parking ratios were raised in 10% of all submissions. Some submissions also raised continuous paths of travel from parking spaces to buildings.

Stakeholders mentioned automated doors in 15.6% of submissions. 3.6% of submissions mentioned automated doors on toilet facilities.

13.6% of respondents raised:

- issues around the 80th and 90th percentile wheelchair dimensions
- alignment with the Disability Transport Standards
- clarification in the AS1428 suite of documents on wheelchair dimensions
- a continuous path of travel more broadly.

The issue of 80th and 90th percentile wheelchair dimensions was seen as critical for the whole of journey concept.

More than 30% of submissions from the disability sector raised car parking, automatic doors and the dimensions of openings and thoroughfares. Only 0.8% of submissions from the building industry touched on these 3 issues.

This assessment is fundamental to ensuring the Premises Standards are still meeting these objectives.

Information sharing

Action 2a

Update the Australian Human Rights Commission (AHRC) *Guideline on the application of the Premises Standards* to ensure people understand their rights and responsibilities under the Premises Standards.

The AHRC's *Guideline on the application of the Premises Standards* is the guidance used most by the building profession and people living with disability.

The opportunity exists for the AHRC, in conjunction with the Australian Government, to review and update the guideline to ensure it is:

- up to date
- relevant to stakeholders who want to understand their rights and responsibilities.

This will lead to improved access to premises.

Action 2b

Develop guidance to address new and emerging issues identified by stakeholders during the review, which impact their access to buildings or ability to comply with the Premises Standards.

There is an opportunity for the Australian Government, in consultation with people with disability, the AHRC and other relevant stakeholders, to identify, prioritise and develop guidance. This may include:

- guidance on standardisation of signage requirements, luminance contrasting and emerging wayfinding solutions, which may form the basis of nationally consistent standards in future.
- information to improve awareness of people's rights and responsibilities under the Premises Standards, including compliance with the standards and how to lodge and resolve complaints.
- the best approach for handling issues related to heritage-listed and older buildings that may not be in the scope of the Premises Standards.
- best-practice advice and checklists for procurement specialists and employers to improve their awareness of, and compliance with, the Premises Standards
- guidance on the intersecting issues between the Premises Standards and Transport Standards.

Issues actions 2a and 2b will address

Over 25% of all submissions, and half of submissions made by the building industry, identified the need for new or updated guidance on rights and responsibilities under the Premises Standards. The AHRC's *Guideline on the application of the Premises Standards* was identified as a key document used by the building industry.

The NCC does not address fixtures and fittings in detail – it focuses on structural elements that are certified before the building is in use. However, the Premises Standards has scope to address fixtures and fittings. However there is no consensus among disability and building experts on many wayfinding issues, including:

- signage requirements
- luminance contrasting
- other emerging wayfinding solutions.

The 2016 review of the Premises Standards identified the need for more work on these issues. Some progress has been made on these issues within Australian Standards, but there is no consensus.

The Australian Government, in conjunction with stakeholders, could oversee guidelines on signage requirements, luminance contrasting and other emerging wayfinding solutions. This could be used to inform issues in the Premises Standards, either by an Australian Standards process or through a future amendment to the Premises Standards.

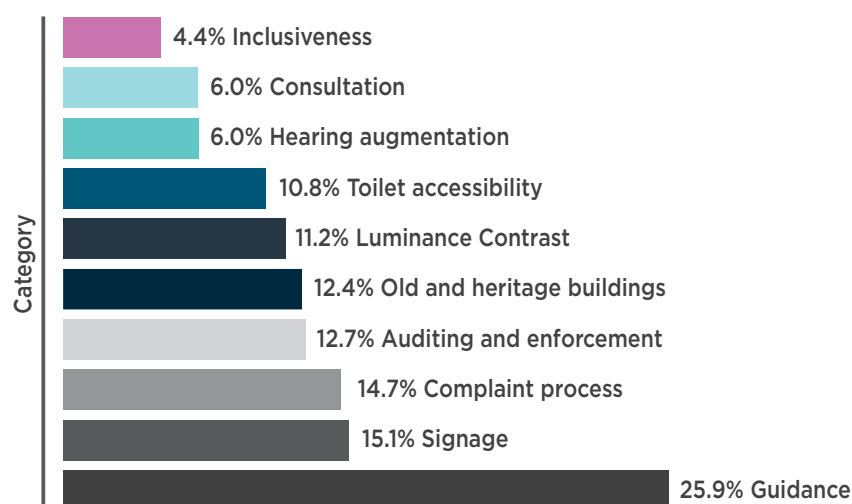


Figure 12: Percentage of submissions discussing issues associated with Action 2

Nearly 30% of submissions from the disability sector raised the need for:

- guidance on lodging and resolving complaints
- guidance on dealing with heritage-listed and older buildings
- advice for employers and procurement specialists.

Some submissions also raised the importance of guidance to align the Premises Standards and Transport Standards. However, stakeholders said that alignment of these standards would not resolve all interpretation issues related to their implementation. Guidance would focus on helping people interpret and implement the standards where they intersect.

Action 3

Create a baseline assessment of premises to ensure that the effectiveness of the Premises Standards can be measured in the future.

The Premises Standards review process currently relies on people's views of the standards' effectiveness.

The opportunity exists for the Australian Government, along with the states and territories, to explore the best way to assess a representative sample of new buildings or building works.

This assessment would:

- test the types of data available
- identify data that could be collected to determine compliance with the Premises Standards.

This data would provide evidence for future reviews of the Premises Standards.

Issues action 3 will address

Assessing whether the Premises Standards are achieving their objectives is complicated without a way to measure compliance and non-compliance issues.

In 2009 the House of Representatives Standing Committee on Legal and Constitutional Affairs held an inquiry into the draft Premises Standards. It delivered a report recommending that a baseline study be done before reviewing the Premises Standards. The baseline study would develop measurements and understanding of the nature of compliance. It would also provide a way for future Premises Standards reviews to assess whether the standards were achieving their objectives.

During consultations, stakeholders raised concerns about the lack of data and information on non-compliance with the Premises Standards. Since all occupied buildings are certified, it is assumed they are also compliant with the Premises Standards. However, as the *Building Confidence Report* identifies, non-compliance occurs in certified buildings.

Premises Standards reviews currently rely on people's views of the standards' effectiveness. There are no established building metrics available to assess compliance and non-compliance. Without this data it is difficult to objectively measure trends in compliance and effectiveness.

State and territory enforcement and audit strategies vary, and building certifiers primarily check for compliance. Compliance with the Premises Standards has not been a focus of states and territories' audit work to date. However, some states have indicated that future audit work would look at compliance with the Premises Standards.

In the meantime, there is very little data on compliance with the Premises Standards at all levels of government.

Over 25% of submissions raised the possibility of this assessment work contributing to future guidance. More than half of the submissions from the building industry emphasised the need for new or updated guidance.

Nearly 13% of all submissions raised concerns about the lack of auditing and enforcement outcomes related to the Premises Standards. Almost 30% of disability sector submissions discussed the need for better auditing and enforcement strategies.

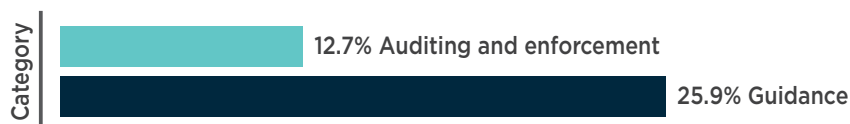


Figure 13: Percentage of submissions discussing issues associated with Action 3

Further observations

Currently, the ability to establish a cross-government framework for data sharing is being investigated across governments. However, data collection for the Premises Standards is the primary issue.

The Australian Government, in conjunction with states and territories, should oversee a sample of new buildings or building work to inform future Premises Standards reviews. This will provide insights into compliance issues and inform future studies and decisions. The information and metrics could be made available to states, territories and building certifiers to inform their own audit strategies and certification processes.

Governance

Action 4a

Identify amendments to the Premises Standards to ensure consistency with Australian Standards.

The Australian Government amend the Premises Standards to reflect all recent updates to referenced Australian Standards.

Action 4b

Implement a process to more quickly align disability standards and the National Construction Code.

The Department of Industry, Science, Energy and Resources, in consultation with the Australian Building Codes Office and Standards Australia, implement a process to ensure that the National Construction Code (NCC) and Premises Standards can adopt new or amended standards outside the 3-yearly NCC amendment cycle.

Issues these actions will address

This review identifies opportunities to amend the Premises Standards. Actions 4a and 4b will ensure that amendments to the Premises Standards occur in a timely manner and are reflected in the NCC as soon as possible.

Several Australian Standards referenced in the Premises Standards have recently been updated. The review recommends updating the Premises Standards with those changes to minimise the potential for misalignment. This will ensure that the Premises Standards, the Access Code and the NCC all reference the most current Australian Standards.

During this review, 7.6% of submissions raised the issue of necessary updates based on Australian Standards (see Figure 14). More submissions from the building industry discussed the significance of alignment between the Premises Standards and the Australian Standards compared to the disability sector. Amendments to the Premises Standards can go beyond referenced Australian Standards, such as amendments addressing adult accessible change facilities.



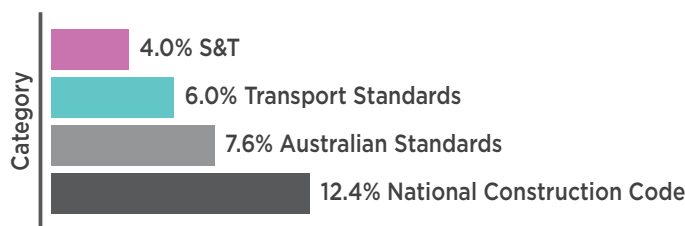


Figure 14: Percentage of submissions discussing issues associated with Action 4

A complete list of amendments is available in Appendix A.

The Disability Standards, Australian Standards and the NCC are all updated at different times. This leads to inconsistency across these standards and causes confusion for stakeholders.

The Premises Standards are reviewed every 5 years. Amending the Premises Standards review cycle in line with the NCC's 3-yearly review cycle is not always practical. Updates to Australian Standards and the Transport Standards (which are referenced in the Premises Standards) may also occur at different intervals.

A procedural amendment process is the most flexible method for the Australian Government to promptly address necessary updates. This would ensure consistency across:

- the Premises Standards
- Australian Standards
- Transport Standards references contained within the Premises Standards
- the NCC.

The procedural amendment process is a mechanism to address issues that fall outside the NCC's 3-yearly review cycle. Currently if the Premises Standards are updated soon after a review of the NCC, the Premises Standards and the NCC could be out of sync for up to 3 years.

More than half of building industry and government stakeholders said that alignment issues between the NCC and Premises Standards caused significant concerns. These concerns were reflected in 12.4% of the 251 received submissions. This alignment issue also extends to the Transport Standards for 6% of submissions.

Other issues raised include:

- alignment between the Premises Standards and Australian Standards (7.6% of submissions)
- alignment between the Premises Standards and state and territory legislation and standards (4% of submissions).

International approaches

We conducted an international literature review to explore how other countries address access to premises. The literature review provides examples of alternative approaches to accessibility and how those could be adapted to an Australian context.

Examples and observations from the literature review are grouped with our key themes and recommendations.

Consistency and clarity

These examples provide a snapshot of how different countries address the theme of consistency and clarity. Other countries emphasise:

- education about building requirements
- appropriate consultation to ensure people with disability are heard.

Education

Relevant, free and easily accessible education materials for building professionals, businesses, and disability stakeholders are critical to the successful implementation of legislation.

In Australia, Premises Standards resources predominately come from the AHRC and the Australian Building Code Office. However, other countries can teach us about delivery methods and ensuring the information is current and relevant.

In Canada, the Ontario Human Rights Commission provides free e-learning modules with quizzes. These let builders and other interested stakeholders check their understanding of:

- relevant legislation and standards
- the duty to accommodate
- applying human rights principles
- compliance and enforcement processes.

The United Kingdom's National Disability Authority has a toolkit to help people make their services, buildings, information and websites more accessible. The 'Consider accessibility when procuring' resource outlines how the head of a public body can ensure the goods and services it procures are accessible to people with disabilities. The 'Make your buildings more accessible' resource recommends owners audit their buildings every 3 years. It also provides a template for an 'access handbook' outlining the features of a building that must be maintained to ensure access for everyone. The UK Government sponsors an Inclusive Design Hub offering a free one-hour course on inclusive environments. The course outlines best-practice guidance for designing public buildings and outside spaces.

Consultation and appropriate representation

People living with disability, as well as access consultants, commented that access issues are best addressed in the design phase. A lack of appropriate consultation sometimes resulted in costly rectification work or a lack of accessibility for people living with disability.

In 2020, Ireland's Department of Justice launched a Disability Participation and Consultation Network. The network aims to involve people living with disability in developing policy and legislation across the government. A member of the network is the Disabled Persons Organisation, which provides opinions on specific issues or projects, such as Ireland's state report to the UN Committee on the Rights of Persons with a Disability.

The Canadian province of Newfoundland and Labrador has a Buildings Accessibility Advisory Board. The board is a public advisory body composed of a chairperson, representatives of persons with disabilities, and a representative of the responsible department for building policy.

The board's objective is to advise the responsible minister on accessibility for:

- buildings
- associated entrances
- parking spaces
- grounds
- walkways
- other facilities.



Rating systems and mapping

People living with disability suggested that a star rating system can help people living with disability plan their journeys. For example, Western Australia has a rating system that provides information on accessibility at their train stations.

However, it can be difficult to combined data from the Australian Government, state and territory governments, and local councils. The United Kingdom's [Blue Badge Map](#) may provide a solution to this problem.

When the UK's local authorities stopped producing maps of accessible parking spaces, a member of the public started the crowd-sourced Blue Badge Map. As well as helping people with disability parking permits find carparks, the free online map provides location and accessibility information for:

- petrol stations
- railway stations
- underground stations
- taxi ranks
- accessible beaches
- public buildings of interest, like museums and hospitals.

Access and egress

Access and egress is a broad topic, which was reflected in the submissions received during the review.

There are many different approaches to access and egress issues around the world. The examples below illustrate just a few of the lessons and insights from international jurisdictions.

Wheelchair openings and thoroughfares

In our review, people living with disability and their advocates said that wheelchair openings and thoroughfares are not wide enough for larger wheelchairs or mobility scooters, which are becoming more common. Some of these stakeholders suggested that the National Disability Strategy and National Disability Insurance Scheme might have sped up this trend, by helping people with disability have access mobility aids that suit their needs, rather than settling for what was previously available. In 2006, the Canadian Human Rights Commission reported on international examples of best practice in universal design. It noted dimensions for wheelchair openings and thoroughfares in different countries. The ideal width was found to be 1200 mm, or 1830 mm in high-traffic areas.

Emergency egress

Emergency egress was an issue raised by our stakeholders. Many respondents felt Australia was behind in this area due to our lack of high-density living compared to other countries. Recently released international disability standards have also further addressed emergency egress issues. Canadian Standard B651-18 covers accessible design for the built environment. It says that if a building's emergency evacuation route is different for people unable to evacuate independently, it must publicly display evacuation plan signs indicating an accessible egress route. The standards includes provision for individual evacuation plans for people with disabilities.

The United States' 2010 *ADA standards for accessible design* state that tactile signs must identify emergency exit doors. Fire alarm systems must also have permanently installed audible and visible alarms.

Accessible car parking

Accessible car parking has been a significant issue in both Premises Standards reviews. Car-parking ratios in other countries are often more generous than the 1 in 50 and 1 in 100 ratios of the Premises Standards.

Ireland's *Technical guidance document M – access and use* (2010) states that at least 5% of spaces for public buildings should be designated accessible car parking spaces, with a minimum provision of one space. This is unless otherwise specified by local authorities.

The United States' 2010 *ADA standards for accessible design* has compulsory requirements and extensive advisory information about car parking. For example, access aisles must be at the same level as the parking spaces they serve. Built-up curb ramps should not project into access aisles and parking spaces, because the slope would be too great for wheelchair transfer to and from vehicles.

Lifts

Stakeholders in our review raised issues around lifts, especially where they intersect with public transport and premises. However, stakeholders stated the newer lift standards, such as Australian Standard 1735.12:2020, are a significant improvement to the 1999 version of the standard.

Ireland's *Technical guidance document M – access and use* has specific requirements for accessible lifts. These include a diagram of dimensions and provisions for those with vision or hearing impairment.

For example, lift landing and lift car doors should contrast visually with adjoining walls. Lift floors must not be dark, to avoid creating the illusion of an open lift shaft. Emergency lift communication systems with push-button activation and inductive couplers should be included for people using hearing aids.

Heritage buildings

Many countries acknowledge that a proposed modification for equal access may undermine architectural, cultural or other qualities of historical buildings. Historical preservation preference should be given to preserving heritage aspects of the building.

Suggestions for addressing these issues include:

- finding ways to avoid an obstacle instead of altering it (Ireland)
- making the visitor experience more inclusive, such as through descriptions and visual displays (New Zealand).

Compliance

Countries' compliance regimes depend on enabling legislation and governance frameworks. These examples offer insights into how state and local jurisdictions undertake compliance activities. These requirements also generate data that is useful in:

- future assessments
- policy and legislative design
- implementation.

In Ireland, local authorities are designated as building control authorities, giving them powers of inspection and enforcement for compliance. Prosecution of non-compliance in court can lead to fines or imprisonment. When Ireland's parliament changes public building accessibility requirements under its National Disability Inclusion Strategy, it triggers an access audit of specific public buildings. Local authorities must carry out this audit within 6 months. In the United States, the Minnesota Council on Disability has developed standardised building access checklist to assess the accessibility of buildings, their internal spaces and the surrounding site.

Communication and wayfinding

The examples below highlight how supplementary material can guide best practices for building professionals and employers. Communication and wayfinding issues also intersect with emergency egress issues, as highlighted by the examples from the United States.



Improved guidance with standards

Ireland's National Disability Authority provides signage design guidance to supplement their *Technical guidance document M – access and use*. Based on findings from the Centre for Excellence in Universal Design, the guidance covers:

- text
- symbols and arrows
- colour and contrast
- tactile features
- positioning of signage.

The document also provides a rationale statement for specific requirements. For example, section 1.1.3.5 (m) says that tapered treads and open risers should not be used. The rationale is that they create a sense of insecurity for people with vision impairment.

Emergency egress

Under the United States' *2010 ADA standards for accessible design*, fire alarm systems must have permanently installed audible and visible alarms. This aids communication and wayfinding for people with vision and hearing impairment during emergencies.

Fixtures and fittings

Standardisation of certain fixtures and fittings, especially signage placement and switches, is an issue for people with vision or hearing impairments. The benefits of these standards were also noted by people with intellectual or cognitive impairment. Larger employers indicated a strong preference for standardisation to provide an accessible and inclusive work environment.

Other countries, such as Ireland, Canada and the United States, include fixtures and fittings in their standards for public building accessibility. The United States has requirements for building elements like light switches and lift controls, including providing access to those fixtures and fittings. For example, the standards specify reach ranges for both adults and children.

Toilet and change room provisions

Our stakeholders considered the inclusion of adult accessible change facilities in the NCC a significant achievement. Stakeholders indicated a need for more of these facilities, especially at major transport hubs. Stakeholders raised adult accessible change facilities as an issue that should be addressed in the future.

The UK's building regulations mandate the standard provision of changing places toilets in 6 specific locations. These include:

- hospitals
- primary care centres
- assembly, recreation and entertainment buildings with a capacity of 250 or more people.

In the United States, the City of Portland has developed a self-contained kiosk-style public toilet. The Portland Loo is smaller than a carpark space spacious enough for users with a pram, shopping trolley or wheelchair. It comes pre-assembled, requires minimal utilities and can be cleaned with a hose. This means it can be used in areas where traditional toilet blocks are not suitable.

Environmental sensitivities

A number of access and health issues are included under the theme of environmental sensitivities. Compared to the 2016 review, the 2021 review received more submissions that raised multiple chemical sensitivities.

New building materials were identified as a source of gases. Recent work in Australia has examined this issue. However, the scope of the Premises Standards does not cover building materials.

Canadian standard B651-18 mandates that construction, furnishing or decorative materials should not give off gases that affect air quality. It also requires adequate ventilation to dilute any contaminants.

Appendix A: Documents referenced by the Premises Standards

The Australian Standards and other documents listed in first column (Part) of the tables are referred to in the clauses of the Premises Standards' Access Code listed in third column of the table (Provisions of Access Code).

AS 1428: Design for access and mobility

Part	Title	Provisions of Access Code	Current referenced version	Proposed referenced version
Part 1	General requirements for access - New building work (incorporating amendments 1 and 2)	A1.1, D3.1, D3.2, D3.3, D3.6, D3.8, D3.9, D3.10, D3.12, D5.2, D5.3, F2.4	2009	2021
Part 1	General requirements for access - New building work	H2.7, H2.8, H2.10, H2.15	2001	2021 (pending Transport Standards Reform Regulatory Impact Statement)
Part 1 (Supplement 1)	General requirements for access - Buildings - Commentary	H2.2	1993	2021 (pending Transport Standards Reform RIS)
Part 2	Enhanced and additional requirements - Buildings and facilities	H2.2, H2.3, H2.4, H2.5, H2.7, H2.10, H2.11, H2.12, H2.13, H2.14	1992	1992
Part 4	Tactile ground surface indicators for the orientation of people with vision impairment	H2.11	1992	1992
Part 5	Hearing augmentation and emergency systems for people who are deaf or hearing impaired		Not referenced in Premises Standards or National Construction Code (NCC)	2021



AS/NZS 1428: Design for access and mobility

Part	Title	Provisions of Access Code	Current referenced version	Proposed referenced version
Part 4.1	Means to assist the orientation of people with vision impairment - Tactile ground surface indicators (incorporating Amendments 1 and 2)	D3.8	2009	2009

AS 1735: Lifts, escalators and moving walks (SAA Lift Code)

Part	Title	Provisions of Access Code	Current referenced version	Proposed referenced version
Part 12	Facilities for persons with disabilities (incorporating Amendment 1)	E3.6, H2.6	1999	2020 (pending Transport Standards Reform RIS)

AS/NZS 2890: Parking facilities

Part	Title	Provisions of Access Code	Current referenced version	Proposed referenced version
Part 6	Off-street parking for people with disabilities	D3.5	2009	2009

AS 4586: Slip resistance classification of new pedestrian surface materials (incorporating Amendment 1)

Part	Title	Provisions of Access Code	Current referenced version	Proposed referenced version
N/A	N/A	F3.2	2013	2013

AS 4586: Slip resistance classification of new pedestrian surface materials (incorporating Amendment 1)

Part	Title	Provisions of Access Code	Current referenced version	Proposed referenced version
N/A	N/A	F2.9, H2.1	2002	2020 (pending Transport Standards Reform RIS)

Appendix B: Second-phase consultations activities list

The following activities were held as part of this review's second consultation phase. A total of 328 participants took part in 33 events.

Stakeholder consulted	Date	Number of participants
Webinar (disability, industry and government participants)	30 March 2021	143
Building industry	31 March 2021	13
Government	31 March 2021	13
Vision-impairment	6 April 2021	10
Sensory processing issues	6 April 2021	9
Intellectual disability	8 April 2021	11
Physical disability (regional)	9 April 2021	8
Young people with disability	13 April 2021	4
Deaf First Nations people	13 April 2021	7
Physical disability	22 April 2021	20
First Nations people with disability - regional	9 April 2021	1
CALD people with disability (x2)	12-14 April 2021	2
Deafblind	15 April 2021	1
Physical disability and complex communication	15 April 2021	2
Special interest - building (x2)	15-16 April 2021	2
First Nations people with disability - remote	21 April 2021	2
Special interest - disability (x5)	13-29 April 2021	7
Building industry	12-14 April 2021	5
People with disability	22-23 April 2021	12
Informal carers	22-23 April 2021	13
Disability - How the Premises Standards Work	23 April 2021	13
Building industry	23 April 2021	12
Disability - Improving access to buildings for people with disability	27 April 2021	18



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