



## BUILDING NOTE

NUMBER 16-2004

6 JANUARY 2004

### DRAFT DISABILITY STANDARD FOR ACCESS TO BUILDINGS AND THE BUILDING CODE OF AUSTRALIA (BCA)

#### **Purpose**

To advise and invite all interested parties to a **FREE** public awareness seminar to be presented by the Australian Building Codes Board (ABCB) on the draft Disability Standard for Access to Premises (Premises Standard).

#### **Background**

The ABCB has given a high priority to the need for a national approach to accessibility within public buildings by developing a draft Premises Standard and also proposing complementary amendments to the BCA. These proposed changes would align building regulatory codes with Federal disability discrimination law.

The proposal will significantly improve access to new and existing public buildings undergoing new building work or a change of use. It will also provide certainty for building owners, occupiers, designers and regulators in relation to providing access for all members of the community.

The proposed amendments will be released early this year and the consultation process will continue up to the end of April.

Since the *Disability Discrimination Act 1992* (DDA) commenced operation in March 1993, complaints to the Human Rights and Equal Opportunity Commission (HREOC) have highlighted inconsistencies between the BCA and Federal anti-discrimination laws.

The DDA makes it unlawful to discriminate against a person on the grounds of disability in various areas, including the workplace, accommodation, public transport and access to buildings. The DDA doesn't, however, provide prescriptive details regarding how a compliant building can be adequately measured.

In recent times the ABCB has progressively made amendments to the BCA in an attempt to align building regulation and Federal disability discrimination laws. In 2001 the Federal government asked the ABCB to undertake a thorough review of the BCA access provisions and recommend amendments so as to ensure that the BCA and DDA are aligned.

The DDA permits the Federal Attorney-General to develop Disability Standards in a number of areas including access to premises. This means that anyone complying with the Standard would be certain that they are also complying with the DDA.

In the absence of a disability standard, people with disabilities, owners, operators, designers and regulators would continue to rely on individual complaint mechanisms of the DDA as the final mechanism for defining compliance. This proposal will effectively mean that the BCA is the compliance document pursuant to the DDA.

In addition to the proposed BCA amendments a Regulatory Impact Statement, detailing the costs and benefits associated with the proposal, has also been prepared.

Recent changes in the DDA now mean that the BCA will form part of the new national Disability Standard on Access to Premises under the DDA. However, before this can occur, the BCA needs to be amended to ensure that premises the public are entitled or allowed to enter or use, are accessible, whilst also providing certainty for building owners and developers about their obligations under both the DDA and the BCA.

## **INVITATION TO ATTEND SEMINARS**

The ABCB will run numerous public awareness sessions across Australia early this year as part of its consultation process. The sessions will outline the draft Premises Standard, the revised BCA Amendments and the public comment period process. Your feedback will be welcomed.

On February 9 and 10 at the Duxton Hotel, the ABCB will release documents for public comment as part of the consultation on the proposed Premises Standard.

Attached is an invitation to attend the seminar. Please feel free to forward the invitation to any person that you think may be interested in this topic.



Peter Gow  
EXECUTIVE DIRECTOR OFFICE OF POLICY AND PLANNING

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*Copies of Building Notes may be obtained from the DHW at 108 Adelaide Terrace, East Perth or by accessing the Department's web-site at [www.dhw.wa.gov.au](http://www.dhw.wa.gov.au).*



## Invitation

### to attend a public awareness session on

the Draft Disability Standards for Access to Premises and proposed changes to the Building Code of Australia

In early 2004, the Australian Building Codes Board (ABCB) will release documents for public comment as part of consultation on the proposed Disability Standards for Access to Premises (Premises Standard). The package also includes proposed changes to the Building Code of Australia (BCA), revised Australian Standards, a Regulation Impact Statement (RIS), Guidelines to the Premises Standard and amendments to the Disability Standards for Accessible Public Transport.

Comment on the proposals has been invited by the end of April 2004.

Public awareness sessions are being held to provide:

- an opportunity to understand why these changes are taking place;
- a broad understanding of what changes are being proposed; and
- information on how you can have your say on the proposed changes.

Speakers include representatives from the ABCB, Disability Sector, Property Sector, Attorney-General's Department and the Human Rights and Equal Opportunity Commission.

Public awareness sessions will be held in each capital city as described on the registration form. All venues are accessible. A sign language interpreter and hearing loop will be available. Anyone can attend these free sessions. However, you must register if you wish to attend. A registration form is attached.

**Return the completed registration form to the Australian Building Codes Board by either:**

Fax: (02) 6213 7287

Mail: GPO Box 9839  
CANBERRA ACT 2601

E-mail: [abcb.office@abcb.gov.au](mailto:abcb.office@abcb.gov.au)

Subject - Public awareness sessions.

Body of Email - Indicate your name, contact details and relevant session.

The documents for public comment will be available on the ABCB web site at [www.abcb.gov.au/content/access/](http://www.abcb.gov.au/content/access/) or from the ABCB at tel. (02) 6213 7240, fax (02) 6213 7287; E-mail: [abcb.office@abcb.gov.au](mailto:abcb.office@abcb.gov.au); Mail: GPO Box 9839, CANBERRA, ACT 2601

# Registration Form

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Registrations to attend a public awareness session on the Draft Disability Standards for Access to Premises and proposed changes to the Building Code of Australia, should be sent to the ABCB no later than 7 days prior to the session you wish to attend. Use this form to respond by mail or fax. If using e-mail refer to the directions on page 1.

**Name** \_\_\_\_\_

**Organisation or interest (if applicable)**

(e.g. Advocacy group, Architect, Building Surveyor)

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**Contact details**

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Where & When:

Canberra	2 February 2004 (10am)	National Convention Centre 27-31 Constitution Avenue, Canberra City
Darwin	3 February 2004 (2pm)	Exhibition Gallery, Darwin Entertainment Centre, 93 Mitchell Street, Darwin
Melbourne	3 February 2004 (2pm) 4 February 2004 (10am)	Darebin Arts and Entertainment Centre Corner Bell Street and St Georges Road, Preston
Hobart	5 February 2004 (10am)	Chorus Hotel 156 Bathurst Street, Hobart
Brisbane	5 February 2004 (2pm) 6 February 2004 (10am)	Brisbane Convention & Exhibition Centre Corner Merivale and Glenelg Streets, South Bank
Adelaide	6 February 2004 (10am) (2pm)	Alchemy Function Room Adelaide Entertainment Centre Port Road, Hindmarsh
Sydney	9 February 2004 (10am) (2pm)	Shannon Room – Paddock Stand, Australian Jockey Club Convention Centre, Royal Randwick Racecourse, Randwick.
Perth	9 February 2004 (2pm) 10 February 2004 (10am)	Duxton Hotel 1 St Georges Terrace, Perth

**PLEASE INDICATE THE SESSION YOU WISH TO ATTEND BY CIRCLING THE CITY, DATE AND TIME AS APPROPRIATE.**

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