

Access for People With a Disability and The Premises Standards

People with a disability have the right to expect they will be able to access and use a public building in a dignified manner. The Premises Standards [Disability (Access to Premises-Building) Standards 2010] sets performance requirements and references technical specifications to ensure this occurs. These requirements are applicable to all public buildings and will lead to widespread improvements in the accessibility and safety of all new and upgraded buildings.

The Premises Standards commenced on 1 May 2011 and will improve opportunities for people with a disability to participate in sport, recreation and physical activity.

The following points are offered as a guideline to assist sport and recreation organisations to understand the Premises Standards. Owners and providers of facilities and programs must meet the requirements of the Premises Standards and other relevant laws, acts or council planning schemes.

Purpose of the Premises Standards

These standards will ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with a disability.

The standards will also give confidence to building certifiers, building developers and building managers that if access to buildings is provided in accordance with these Standards, the provision of that access, to the extent covered by these Standards, will not be unlawful under the Disability Discrimination Act 1992.

General application of the Premises Standards

The Premises Standards apply where new work is undertaken that requires a building approval, such as a new building, an extension or renovation.

Key people will be responsible for ensuring that the new or modified part of the building complies with the Premises Standards (see over). Those responsible for the design, construction, certification and management of upgrades or renovations should check with their local government to determine whether or not an application for a building/construction approval is required and that the building complies with the Premises Standards.

Under the Premises Standards, specific access requirements are not imposed on existing

Current as at January 2019



buildings outside the area of the new work, except in some cases to provide for an accessible path of travel to the new or modified part of the building.

It is important to note that while the Premises Standards only apply to works that require a building approval, this does not mean that existing buildings are exempt from all access requirements.

For example, an existing building that is not undergoing an upgrade is not required to comply with the Premises Standards. However, it could still be the subject of a complaint that it did not meet the general requirements for access under the Disability Discrimination Act.

Persons to whom standards apply

Building manager

Property owners, property lessees, property managers or operational staff.

A building manager for a relevant building is a person who has responsibility for, or control over, any of the matters in the Access Code for Buildings other than matters about the design or construction.

Building certifiers

Private certifiers, building surveyors and local councils.

A building certifier for a relevant building is a person who has responsibility for, or control over, the building approval process for a building.

Building developers

Property owners, builders, project managers, property lessees.

A building developer is a person with responsibility for, or control over, a buildings design or construction.

Exemptions, concessions and unjustifiable hardship of the Premises Standards

The Premises Standards generally apply to all parts of the building used by occupants. Compliance will be achieved principally through the normal building certification process. However, there are a number of exemptions and concessions. Exemptions need to be assessed on a case-by-case basis to establish that it would be unfair and unreasonable for key people to comply with particular requirements in the Premises Standards (ie unjustifiable hardship).

There is also an exemption for acts carried out under statutory authority. For example, actions taken in compliance with a court order are not subject to the Premises Standards.

Where can I get more information?

The above points have been prepared as a general guide to assist sport and recreation organisations to understand the Premises Standards and its implications. It is the responsibility of your organisation to ensure that the owners and providers of facilities and program services meet the requirements of relevant laws and acts.

Useful links to assist are provided below:

- Disability (Access to Premises-Buildings) Standards 2010: www.comlaw.gov.au/details/F2010L00668
- Guideline on the application of the Premises Standards: www.humanrights.gov.au/disability_rights/
- Association of Consultants in Access Australia: www.access.asn.au
- Local Government Association of Tasmania: www.lgat.tas.gov.au