

Business and Building Lessees

2012 Access Fact Sheet 4

This Fact Sheet is provided to assist lessees understand their responsibilities under the relevant Standards

All businesses in Australia must provide equitable, dignified access to their buildings, services, facilities, communication, information, and employment systems. This includes businesses that lease premises. This is required under Australian law and Standards have been developed that outline these requirements.

Disability (Access to Premises – Buildings) Standards 2010

The *Disability (Access to Premises – Buildings) Standards 2010*, came into force across Australia in May, 2011. They affect the requirements for access to new buildings and buildings undergoing significant upgrade. The Standards were introduced in line with an updated Building Code of Australia (BCA).

The aim of these Standards is to provide the building and design industry with detailed information regarding the required access provisions associated with the design and construction of new buildings and upgrade to existing buildings.

The new Standards aim to improve access to buildings for everyone and include a range of requirements as follows:

- increases in the minimum number of accessible entrances and doorways to buildings
- increases in the minimum circulation space required in lifts, accessible toilets and at doorways
- provision of signage in relation to accessible facilities i.e. entrances, toilets

and hearing augmentation to assist people with hearing impairment

- the need for passing and turning spaces on passageways in some situations
- increases in the areas covered by hearing augmentation systems in rooms with a built in PA system
- the types of lifts and access features within lifts
- the number and distribution of accessible spaces in cinema and theatres
- access to certain common areas in new apartment blocks
- accessible facilities in some specified new or upgraded holiday accommodation such as bed and breakfasts or cabins in holiday parks
- increases to the number of accessible units in hotels and motels.
- access into certain public swimming pools
- increases in the number and location of unisex accessible toilets

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- ambulant accessible toilet cubicles in standard toilets.

In general the Premises Standards and new BCA requirements apply to any new public buildings or existing building upgrades for which an application for building approval is made after 1 May 2011.

The Standards also apply to a range of people and determine that lessees could be property developers or property managers who may be granted a building approval. Therefore they are subject to the provisions of the Standards.

Lessees

If you lease a whole building all relevant sections of the Standards apply.

There are however some exceptions and concessions for a lessee who is one of a number of lessees in a building, as follows:

If you are one of a number of lessees in a building, then any new works you undertake to your leased area must comply with the Standards. However, it is not necessary for you to provide an accessible path of travel from the principal entrance of the building to your leased

area, where you are undertaking the new works. E.g.: if you lease a shop in a shopping centre, you don't have to upgrade the pathway from the front of the centre to your new works. You must, however, ensure that your new works meet the Premises Standards.

Where possible, of course, it is advisable to ensure that the path of travel from the entry to the building is accessible, to ensure that as many people as possible can get to your shop or service to maximise your customer base. You may want to talk to the building owner to see if they are prepared to undertake any works required if access from the building entry to your leased area is not currently available.

You also should be aware that there are some elements in buildings like fixtures and fittings that are not covered by the Premises Standards e.g. customer service counters and fitting rooms. However, as required by the *Disability Discrimination Act, 1992*, these must also be accessible to everyone, therefore consideration should be given to this if they are being upgraded. You will need to consider the height, size and location to ensure a person using a wheelchair or other mobility aid like a pram or stroller can easily use these.

Further information

Further information in relation to the Disability (Access to Premises) Buildings Standards 2012 go to: <http://www.ag.gov.au/premisesstandards>

For further information in relation to the Disability Discrimination Act 1992 go to http://www.hreoc.gov.au/disability_rights/dda_guide/dda_guide.htm

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