

# BANNERMANS FACT SHEET:

## Disability (Access to Premises – Buildings) Standards 2010

Many strata managers, owners corporations and owners will now need to consider the wide ranging effect of the new Commonwealth standards which require the installation of disability access and became effective on the 1 May, 2011.

An owners corporation or owner when seeking approval from council or a private certifier for works in a particular class of building or affected part to which these standards apply may be required as part of the construction certificate or complying development certificate conditions to install a wide range of disability access works, such as:

- Increasing and improving the number of accessible entrances and doorways to buildings
- Increasing and improving the circulation space requirements in most areas such as lifts, accessible toilets and at doorways
- Improving the types of lifts including providing lift access features such as Braille or tactile buttons
- Improving signage in relation to accessible facilities
- Replacing a step with a ramp at a building entrance

- Upgrading handrails on a ramp
- Increasing minimum width requirements of doorways or passageways, including passing and turning spaces.

The standards apply to specified building classes under the Building Code of Australia, including commercial, retail and those parts of residential buildings used for short term rent, but excluding those residential parts not used for short term rent.

There are a number of exemptions and concessions which may be available, such as:

1. unjustifiable hardship, which requires satisfaction of a number of factors; and
2. where a lessee of part of the building submits an application for approval for the building work to their leased area only, so long as they are not the only tenant in the building.

An existing building which is not undergoing an upgrade could still be the subject of a complaint under the *Disability Discrimination Act 1992 (Cth)* for failure to comply with the general requirement for access.



### Key Points

*Some key points for strata managers, owners and owners corporations of affected classes of buildings or parts of those buildings, need to consider:*

1. *The requirement to install or upgrade disability access works.*
2. *Owners making applications for works within their lot or on the common property may need to go back to the owners corporation or the prescribed certifying authority to deal with the disability access works.*
3. *Strata managers need to consider their agency agreements to determine its responsibilities and liabilities.*
4. *This area of law is complex and expert legal advice should be considered.*