

Public Realm

Master Specification

PR-PF-D1 Designing for Accessibility

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PR-PF-D1 Designing for Accessibility

1 General

- 1.1 The Contractor shall perform its obligations to design the pedestrian environment in accordance with the Contract.
- 1.2 This Part specifies the minimum requirements for the design and construction of infrastructure, to ensure that it complies with the Disability Discrimination Act, 1992 and its subordinate instruments, the:
- a) Disability Standards for Accessible Public Transport, 2002 (DSAPT); and
 - b) Disability (Access to Premises – Buildings) Standards, 2010 (Premises Standards).
- 1.3 The object of the Disability Discrimination Act 1992 (DDA) is to:
- a) eliminate so far as is practicable, discrimination against persons on the ground of disability in the areas of:
 - i) work, accommodation, education, access to premises, clubs and sports;
 - ii) the provision of goods, facilities, services and land; and
 - iii) the administration of Commonwealth Laws and programs.
 - b) ensure, as far as is practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
 - c) promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.
- 1.4 Note that the DDA and its subordinate instruments are Australian Federal Legislation. Non-compliance is illegal and may result in complaints to the Australian Human Rights Commission (AHRC) and / or legal action.

2 Standards and References

- 2.1 Unless specified otherwise, all design and / or documentation must comply with the most recent revisions (including published amendments) of the following design standards and / or specifications:

Table PR-PF-D1 2-1 Legislative Requirements

Title
Disability Standards for Accessible Public Transport, 2002
Disability (Access to Premises – Buildings) Standards, 2010

- 2.2 The DSAPT and Premises Standards call up specific versions of Australian Standards which may have been superseded. If applicable, the version specified must be adhered to, see Table PR-PF-D1 2-2.

Table PR-PF-D1 2-2 Australian Standards

Reference	Title	Applicable versions
AS 1428.1	Design for Access and Mobility. Part 1: General requirements for access - New building work	2001 (DSAPT), 2009
AS 1428.2	Design for Access and Mobility. Part 2: Enhanced and additional requirements – Buildings and facilities	1992
AS 1428.4	Design for Access and Mobility. Part 4: Tactile ground surface indicators for the orientation of people with vision impairments	1992 (DSAPT)
AS 1428.4.1	Design for Access and Mobility. Part 4.1: Means to assist the orientation of people with vision impairments – Wayfinding signs	2009

Reference	Title	Applicable versions
AS 1428.4.2	Design for Access and Mobility. Part 4.2: Means to assist the orientation of people with vision impairments – Tactile ground surface indicators	2018
AS 1428.5	Design for Access and Mobility. Part 5: Communication for people who are deaf or hearing impaired	2010
AS 1735.12	Lifts, escalators and moving walks. Part 12: Facilities for persons with disabilities	1999
AS 2890.6	Parking facilities. Part 6: Off-street parking for people with disabilities	2009
AS EN 301 549	Accessibility requirements suitable for public procurement of ICT products and services	2016

2.3 Table PR-PF-D1 2-2 is not a complete list of all Australian Standards applicable to disability access and inclusion.

Table PR-PF-D1 2-3 Other Standards / Documents to Consider

Standard / Document	Comments
Web Content Accessibility Guidelines 2.0 (WCAG)	AA Standard required
DDA Terminology for Departmental Staff	DIT internal document regarding terms that should be avoided

3 Application of Standards

- 3.1 Contractors are required to comply, in full, with the DDA, the DSAPT and the Premises Standards in the design and construction of all public transport infrastructure.
- a) The DDA will likely apply to all projects in the Department as it is a general overarching piece of legislation relating to discrimination.
 - b) The DSAPT will apply to any project involving public transport, including conveyances and associated premises and infrastructure.
 - c) The Premises Standards will apply to buildings and their surrounds.
- 3.2 It is important for the Contractor to understand that any person with a disability, or on behalf of a person with a disability, may make a complaint under the DDA to the AHRC if they feel they have been discriminated against.
- 3.3 Therefore, where the DSAPT and Premises Standards are not applicable, the Contractor shall comply with the latest version of the Australian Standards.
- 3.4 Please note that all three pieces of legislation may be applicable to a project (i.e. building a railway station). The DDA, DSAPT and Premises Standards will all need to be complied with.

4 Non-Compliance

- 4.1 Where standards can be applied, the Contractor is required to make every effort to implement said standards. However there are exceptional situations, such as pre-existing conditions, topography and site constraints, where it may be impossible, undesirable or highly impractical to do so.
- 4.2 When a non-compliance is identified by a Contractor and all possibilities to rectify the issue have been exhausted, it shall be referred to the Department's Disability Access and Inclusion Team (DAIC) and shall constitute a **Hold Point**.

Process for Accepting a Non-Compliance

- 4.3 In the first instance, if a Contractor is having trouble implementing, understanding the standards or requires advice on how best to apply the standards, the Department's Disability Access and Inclusion Team should be consulted.

- 4.4 Consultation with the Disability Access and Inclusion Team may result in a solution which will allow compliance, or failing that, provide advice on the best possible accessible outcome under the circumstances.
- 4.5 The Disability Access and Inclusion Team may choose to recommend its solution to the project as the ideal solution, or if the issue is significant or an accessible solution cannot be found, it may choose to refer the issue and / or its preferred solution to the Disability Access and Inclusion Committee (DAIC).
- 4.6 It shall constitute a **Hold Point** until the recommended solution is implemented. (i.e. agreed changes are made to designs, drawings, infrastructure, etc.)
- 4.7 The Hold Points will be released by the Disability Access and Inclusion Team once the solution is implemented, the agreed course of action is undertaken, or upon written agreement from the Disability Access and Inclusion Team.

Disability Access and Inclusion Committee

- 4.8 A Contractor or appropriate delegate may be asked by the Principal to attend committee meeting(s) and to present the issue(s) faced and the proposed solution and / or course of action.
- 4.9 The committee can provide advice, suggestions on issues and endorsement of a particular course of action or solution, which will be minuted and can be used as part of a defence if a complaint is received.
- 4.10 DAIC usually meets monthly. However, an out of session consultation with the relevant committee members can be arranged for endorsement by the full committee at a later date, if a time sensitive response is required.

Risks

- 4.11 While a proposed solution may be endorsed by the Disability Access and Inclusion Team and / or the DAIC, this may not necessarily mitigate the risk of a complaint via the AHRC or legal action.
- 4.12 As stated above, the DAIC agreement or recommendations can be used as part of a defence, but this will not necessarily guarantee a favourable outcome.
- 4.13 In cases where an accessible solution has not been achieved, an appropriate representative of the Department may be asked by the Contractor to accept the risks of a non-compliance and inaccessible solution on behalf of the department.

Rail Environment

- 4.14 In rail projects, Contractors will be required to comply with specific Departmental standards, such as the Station Technical Standards and Drawings, which can incorporate or reflect disability standards without highlighting this.
- 4.15 There is a formal waiver process, or similar, in place to deal with non-conformities to these standards, however if the standard incorporates the DDA, DSAPT or Premises Standards the Contractor must be aware that the Department cannot issue a waiver to federal legislation.
- 4.16 See 4.3 for process for acceptance of a non-compliance.

DSAPT and Unjustifiable Hardship

- 4.17 Section 33.7 (1) in the DSAPT states "It is not unlawful to fail to comply with a requirement of these Standards if, and to the extent that, compliance would impose unjustifiable hardship on any person or organisation."
- 4.18 Unjustifiable hardship applications are time consuming, rarely granted by the AHRC and the Contractor should not consider this as a viable option to negate a non-compliance to the DSAPT.
- 4.19 See 4.3 for process for acceptance of a non-compliance.

5 Further Considerations

Disability Access and Inclusion Preferences

- 5.1 While some sections of the standards listed in Section 2 may offer a variety of solutions to compliance, in many cases the department maintains preferences as best practice and for consistency across its infrastructure.

Table PR-PF-D1 5-1 Preferences

Area	Preferences
Handrail Terminations	Handrail to terminate turned down through 90° through to the floor
Handrail Diameter	Handrail diameter to be 42 mm

- 5.2 Table PR-PF-D1 5-1 should not be considered to be a complete list of the Department's Disability Access and Inclusion preferences.

Communications

- 5.3 In some cases the Contractor will be required to notify and communicate with the public (e.g. via signs, letters, email, PDFs, etc.).
- 5.4 The Contractor must ensure that the information is accessible to all in appropriate formats.
- 5.5 For example, it is a requirement that on-line accessibility standards such as WCAG 2.0 are adhered to.

Luminance Contrast

- 5.6 While luminance contrast is highlighted in Australian Standards and other disability standards, it is often an area that is misunderstood or not complied with.
- 5.7 Achieving luminance contrast for all required elements can be a challenge, however the Disability Access and Inclusion Team have a luminance contrast meter and can perform contrast tests on materials and finishes, if required.

6 Hold Points

- 6.1 The following is a summary of Hold Points referenced in this Part:

Document Ref.	Hold Point	Response Time
4.2	Communication regarding the non-compliance issue or requesting advice	10 Working Days
4.6	Agreed solutions implemented	10 Working Days