

Master Specification

Part PR-PF-D1

Designing for Accessibility

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PR-PF-D1 Designing for Accessibility

1 General

- a) This Master Specification Part specifies the requirements for the design and construction of transport infrastructure and infrastructure in the broader pedestrian environment to ensure that it complies with the relevant accessibility standards and Laws, including:
 - i) the application of Laws and Reference Documents, as set out in section 2;
 - ii) the non-compliance requirements, as set out in section 3; and
 - iii) the requirements for further consideration, as set out in section 4.
- b) The Contractor must design the pedestrian environment in accordance with the Contract Documents.
- c) Design and construction of transport infrastructure and infrastructure in the broader pedestrian environment must comply with:
 - i) the Reference Documents, including:
 - A. AS 1428.1 Design for access and mobility, Part 1: General requirements for access - New building work;
 - B. AS 1428.2 Design for access and mobility, Part 2: Enhanced and additional requirements - Buildings and facilities;
 - C. AS 1428.4 Design for access and mobility - Tactile ground surface indicators for the orientation of people with vision impairment;
 - D. AS/NZS 1428.4.1 Design for access and mobility, Part 4.1: Means to assist the orientation of people with vision impairment - Tactile ground surface indicators;
 - E. AS 1428.4.2 Design for access and mobility, Part 4.2: Means to assist the orientation of people with vision impairment - Wayfinding signs;
 - F. AS 1428.5 Design for access and mobility, Part 5: Communication for people who are deaf or hearing impaired;
 - G. AS 1735.12 Lifts, escalators and moving walks, Part 12: Facilities for persons with disabilities;
 - H. AS 2890.6 Parking facilities, Part 6: Off-street parking for people with disabilities;
 - I. AS EN 301 549 Accessibility requirements for ICT products and services;
 - J. AS 4586 Slip resistance classification of new pedestrian surface materials;
 - K. Department Tactile Ground Surface Indicators Luminance Contrast Guidance (available from: https://dit.sa.gov.au/_data/assets/pdf_file/0006/1234167/DIT-TGSIs-Advice-Rev-B.pdf);
 - L. Web Content Accessibility Guidelines (WCAG) 2.0; and
 - M. People with Disability Australia (PWDA) Language Guide: A guide to language about disability Aug 2021 Update (available from: <https://pwd.org.au/wp-content/uploads/2021/12/PWDA-Language-Guide-v2-2021.pdf>); and
 - ii) all relevant Laws, including:
 - A. *Disability Discrimination Act 1992* (Cth), (the DDA));
 - B. *Disability Standards for Accessible Public Transport 2002* (Cth), referred to as "DSAPT" in this Master Specification Part; and

- C. *Disability (Access to Premises - Buildings) Standards 2010* (Cth), referred to as "Premises Standards" in this Master Specification Part.
- d) The object of the DDA is to:
- i) eliminate so far as is practicable, discrimination against persons on the ground of disability in the areas of:
 - A. work, accommodation, education, access to premises, clubs, and sports;
 - B. the provision of goods, facilities, services, and land; and
 - C. the administration of Commonwealth Laws and programs;
 - ii) 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
 - iii) 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.
- e) The Contractor must note that:
- i) the DDA and its subordinate instruments (the DSAPT and Premises Standards) are Commonwealth legislation;
 - ii) non-compliance with the DDA and its subordinate instruments is illegal and may result in complaints to the Australian Human Rights Commission (AHRC) or legal action; and
 - iii) any person with a disability, or any person on behalf of a person with a disability, may make a complaint under the DDA to the AHRC if they believe they have been discriminated against.

2 Application of Laws and Reference Documents

- a) The Contractor must comply with all applicable Reference Documents and Laws, including those listed in section 1c).
- b) The Contractor acknowledges and agrees that the list of Reference Documents in section 1c)i) is not a complete list of all Australian standards applicable to disability access and inclusion.
- c) The Contractor must fully comply with the DDA, the DSAPT and the Premises Standards in the design and construction of all public transport infrastructure where applicable, noting that:
 - i) the DDA will likely apply to all Department projects as it is a general overarching piece of legislation relating to discrimination;
 - ii) the DSAPT will apply to any project involving public transport, including conveyances and associated premises and infrastructure;
 - iii) the Premises Standards will apply to buildings and their surrounds; and
 - iv) all 3 pieces of legislation may apply to a project (e.g. building a railway station), in which case the DDA, DSAPT and Premises Standards all need to be complied with.
- d) The DSAPT and Premises Standards reference specific versions of Australian standards which may have been superseded. If applicable, the version specified in the DSAPT and Premises Standards must be adhered to (see Table PR-PF-D1 2-1 for reference purposes only).

Table PR-PF-D1 2-1 Australian standards

Reference	Title	Applicable versions
AS 1428.1	Design for Access and Mobility. Part 1: General requirements for access - New building work	<p>a) For public transport infrastructure where DSAPT applies - the 2001 version.</p> <p>b) For all other transport infrastructure, the version as set out in PC-IN1 "Interpretation".</p>
AS 1428.4	Design for Access and Mobility. Part 4: Tactile ground surface indicators for the orientation of people with vision impairments	<p>a) For public transport infrastructure where DSAPT applies - the 1992 version.</p> <p>b) For all other transport infrastructure, the version as set out in PC-IN1 "Interpretation".</p>

3 Non-compliance

3.1 General

- a) Where there are exceptional circumstances (such as pre-existing conditions, topography or site constraints) the Contractor must explore all possibilities to rectify the non-compliance and adhere to the applicable standards.
- b) If the non-compliance cannot be rectified in accordance with section 3.1a), the Contractor must:
 - i) notify the Principal and the Independent Design Certifier (where relevant) of the Design Departure or possible Design Departure as soon as reasonably practicable after becoming aware of the Design Departure or possible Design Departure in accordance with PC-EDM1 "Design Management"; and
 - ii) include the process outlined in section 3.2 as part of the Design Departure Application process.
- c) The Contractor must not submit any relevant Design Documentation associated with the Design Departure until the proposed solution either:
 - i) complies with the Contract Documents; or
 - ii) the Principal accepts the relevant Design Departure in accordance with PC-EDM1 "Design Management".
- d) Where the non-compliance is identified after the issue of the relevant Issued for Construction Design Documentation the Non-Conformance notification and associated process in accordance with PC-QA1 "Quality Management Requirements" or PC-QA2 "Quality Management Requirements for Major Projects" (as applicable) must be followed, including:
 - i) following the Design Departure requirements detailed in this section 3; and
 - ii) the Contractor not proceeding with any rectification work, covering up on non-conforming Works or any subsequent Works until the relevant Non-Conformance Report Hold Point in accordance with PC-QA1 "Quality Management Requirements" or PC-QA2 "Quality Management Requirements for Major Projects" (as applicable) has been released.

3.2 Process for addressing a non-compliance

- a) When a non-compliance is identified, the Contractor must consult with the Department's Disability Access and Inclusion Team (DAIT) in the first instance to ensure that the details, application and implementation of the standards are understood by the Contractor.

- b) Where the Contractor decides to propose a Design Departure and prior to submitting a Design Departure Application in accordance with PC-EDM1 "Design Management", the Contractor must provide the following to the DAIT as part of the Contractor's consultation with the DAIT:
 - i) Design Drawings that show the latest Design Documentation;
 - ii) description of the current issue;
 - iii) background details describing why the non-compliance has arisen;
 - iv) details of proposed options or treatments that would address the accessibility issue;
 - v) drawings that detail the potential design solutions, including an option which details solutions that are compliant with the Contract Documents;
 - vi) details as to how the potential design solutions have applied the standards listed in section 1c)i) and how the potential design solutions achieve functional accessibility; and
 - vii) summary of the positives and negatives of each proposed design solution.
- c) Consultation with the DAIT may result in a solution that achieves compliance with the Contract Documents or advice on the best possible accessible outcome under the circumstances.
- d) The DAIT may:
 - i) recommend its solution to the Project as the ideal solution that complies with the Contract Documents, or
 - ii) if the non-compliance is significant or an accessible solution cannot be found, refer the non-compliance or its preferred solution to the Disability Access and Inclusion Committee (DAIC), as detailed in section 3.3.
- e) Where the Contractor decides to propose a Design Departure and following final confirmation from the DAIT in accordance with section 3.2d) (including in the case of section 3.2d)ii) receipt of the DAIC approval) in addition to the requirements of the Design Departure Application in accordance with PC-EDM1 "Design Management" the Design Departure Application must include:
 - i) the correspondence associated with the process in accordance with this section 3;
 - ii) the information provided in accordance with section 3.2b); and
 - iii) the recommendation or approval (as applicable) from DAIT in accordance with section 3.2d).

3.3 Disability Access and Inclusion Committee

- a) The Contractor or appropriate delegate may be asked by the Principal to attend DAIC meetings and to present the non-compliances and the proposed solution or course of action.
- b) The DAIC 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.
- c) DAIC usually meets monthly, however if a time sensitive response is required, an out of session consultation with the relevant DAIC members can be arranged for endorsement by the full DAIC at a later date.

3.4 Risks

- a) While a proposed solution may be endorsed by the DAIT or DAIC, this may not necessarily mitigate the risk of a complaint via the AHRC or legal action.
- b) As stated in section 3.3b), the DAIC agreement or recommendations can be used as part of a defence, but this will not necessarily guarantee a favourable outcome.

- c) In cases where an accessible solution has not been achieved, an appropriate representative of the Principal may be asked by the Contractor to accept the risks of a non-compliance and inaccessible solution on behalf of the Principal.

3.5 Rail environment

- a) For rail projects, the Contractor must comply with specific Departmental standards, such as the station technical standards and drawings, which can indirectly incorporate or reflect disability standards.
- b) There is a formal waiver process, or similar, in place to deal with non-conformities to the standards in section 3.5a), however if the standard incorporates the DDA, DSAPT or Premises Standards, the Principal cannot issue a waiver to Commonwealth legislation and the Contractor must follow the process for addressing a non-compliance set out in section 3.2.

3.6 DSAPT and unjustifiable hardship

- a) 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.”
- b) Unjustifiable hardship applications are time consuming and rarely granted by the AHRC. The Contractor must not consider this as a viable option to negate a non-compliance to the DSAPT and must follow the process for addressing a non-compliance set out in section 3.2.

4 Further considerations

4.1 Disability access and inclusion preferences

- a) While some sections of the standards listed in section 1c)i) may offer a variety of solutions to compliance, in many cases the Department maintains preferences for Best Industry Practice and consistency across its infrastructure.
- b) Table PR-PF-D1 4-1 provides some of the Department’s disability access and inclusion preferences.

Table PR-PF-D1 4-1 Preferences

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

4.2 Communications

Where the Contractor is required to notify and communicate with the public (e.g., via signs, letters, email, PDFs, etc.), the Contractor must ensure that:

- a) the information is accessible to all in appropriate formats;
- b) suitable terminology and language is used when communicating with, and about, people with disability; and
- c) on-line accessibility standards such as Web Content Accessibility Guidelines (WCAG) 2.0 are adhered to.

4.3 Luminance contrast

- a) Luminance contrast requirements stipulated in the Australian standards are often misunderstood and can be a challenge for Contractors to achieve full compliance against for all required components, particularly for projects with multiple elements.

- b) Contractors having difficulty meeting the luminous contrast requirements stipulated in the Australian Standards must seek early advice and guidance from the DAIT. The DAIT have a luminance contrast meter and can perform contrast tests on materials and finishes, if required.
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