

7 November 2014

Mr Neil Savery  
Executive Director  
Australian Building Codes Board  
GPO Box 9839  
CANBERRA ACT 2601



Australian Institute of Architects

Via email: [abcbris@iinet.com.au](mailto:abcbris@iinet.com.au)

Dear Mr Savery,

*Emergency Egress for Occupants with Disability Regulatory Impact Statement (RIS)*

The Australian Institute of Architects (the Institute) welcomes the opportunity to comment on the Consultation Regulation Impact Statement for Emergency Egress for Occupants with Disability and appreciates the extension granted to provide this feedback.

The Institute is an independent, national member organisation with over 11,000 members across Australia and overseas. The Institute exists to advance the interests of members, their professional standards and contemporary practice; and expand and advocate the value of architects and architecture to the sustainable growth of our community, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design.

The Institute has a Universal Access Policy which includes the following statement:

*The Australian Institute of Architects believes that ensuring a high level of accessibility within the built environment for people of all abilities must be a matter of priority for governments and the community as a whole.*

The Institute also has a nationally convened expert Access Work Group to advise and inform its Practice Committee in relation to this policy.

The Institute supports the Disability Standards for the built environment under the Disability Discrimination Act, and considers this current initiative as useful in the advance of these aims.

The Institute's Access Work group has provided feedback on the consultation RIS and we have attached this feedback for the Australian Building Code Board's (ABCB) consideration.

I trust that the workgroup's feedback is useful to the ABCB and I would be happy to clarify any issues if needed.

Yours sincerely

David Parken, LFRAIA  
Chief Executive Officer

**Feedback from the Australian Institute of Architects'  
National Access Work Group in response to the ABCB's  
Emergency Egress for Occupants with Disability Regulatory Impact Statement (RIS)**

**REFERENCES**

Reliance is placed on two Warrington reports (2004 and 2009) and the NCIS *Fatalities Resulting from Emergency Egress Events in Non-Residential Buildings* (2014) for data about fatalities and injury. None of these reports is available for scrutiny. The following observation is made.

Further references            No mention is made of consultation with the Council of Fire, Accident and Marine Underwriters of Australia or the Fire protection Association Australia. These are the lynch pin of any effective solution to the evacuation question. Their approval has to be obtained before any premises can be insured and their requirements for safety of egress procedures have to be complied with.

They should be intimately involved in this process, their records could prove the best source for guidance to learn from previous events and they will no doubt have access to such information from other countries.

**COSTS**

The "Appendix A" mentioned at p.28 under "Costs" is not an appendix to the RIS, but to the report of Rider Levett Bucknall. Although its cost matrix is described as "disaggregated", it contains essential information not included in the RIS.

This information is the cost of the proposals expressed as a percentage of the overall cost of the building. The matrix found at pps 21 to 24 shows that the additional cost of all five proposals in class 9b buildings represents between 0.15% and 0.45% of their estimated building cost. In Class 9a buildings, the figure is 0.15%; in class 5 buildings of 7 stories or more, the range is 0.77% to 0.88%; and in class 6 buildings, it is 0.36%. It is in smaller buildings that the impact is greatest when expressed as a percentage of their building cost, but the overall cost is a small part of the Total Cost shown in the tables at pps 29 to 31 of the RIS.

Inclusion of this relationship would illustrate the costs more effectively and allow meaningful discussion of the statement on p.9 that the proposals "*have the potential to impose large costs on the community*"

There is a further assumption in the report of Rider Levett Bucknall which deserves comment, and it is that all new buildings will be constructed to the minimum criteria of the NCC deemed-to-satisfy provisions. The assumption is erroneous. Since 1993, responsible building design has exceed these minimum criteria, and, even since 2011, which saw the integration of the access Code into the NCC, it has continued to do so.

The Rider Levett Bucknall report also misreads the current NCC. Para 3.5 of the report (p.15) says

*The following assumption have been included for Proposal 5*

- a) .....
- b) *It has been assumed that currently designed handrails do not include for the handrail to either turn through 180° nor return fully to end post of (sic) wall face as detailed in AS1428.1 Clause 11.2*

In fact, the requirement for handrails in fire-isolated stairways serving as required exits is defined at BCA/NCC D2.17(iv), which references AS1428.1 Clause 12, not 11.2. Sub-clause 12(g) says

*Handrails shall be securely fixed and rigid, and their ends shall be turned through a total of 180°, or to the ground, or returned fully to end post or wall face, as shown in Figures 26(C) and 26(D)*

The report should be reviewed for similar errors and corrected, and the estimates revised.

## SCOPE

The report recognises that the 2009 Warrington Report identifies the primary limitation for emergency egress for people with mobility disabilities is the inability to “independently manoeuvre stairs”. None of the proposals address this primary limitation. The Access Workgroup believes that this remains the most significant issue in improving our building stock. Some timeline should be decided by which the effectiveness of use of the non-regulatory ABCB 2013 Handbook for Lifts Used During Evacuation should be assessed.

## OPTIONS

Of the three options proposed, Option 1 is supported by the Access Workgroup. The Access workgroup believes there is little evidence that publication of a non-regulatory handbook (Option 2) would achieve the desired results, and maintaining the status quo does not advance solution to the identified problems. Those building owners who recognise that the NCC requirements nominate minimum criteria, and choose to exceed those criteria, would continue to do so; but those who are content to abide by the letter of mandatory requirements are unlikely to embrace voluntary design enhancement.

## QUESTIONS

Many of the questions are directed at the experience of persons who live with a disability, and the Access Workgroup is not in a position to answer for them. However, one response is submitted and a further observation made.

Question p 11                      Are there any other factors that contribute to the nature of the problem?

The situation is likely to be exacerbated by a number of the occupants becoming disabled by or during the emergency. Those people will be unaccustomed to coping with a disability and pose a greater problem than those who have experienced disability for some time and have mobility training/aids. The RIS does not address this. When taken into account, the percentage of persons affected, nominated at pps17 to 21, will increase.

Question p.16                      To what extent do you believe lack of emergency egress facilities affects people with disability occupying buildings?

The following response is provided by a member

*After a lifetime of experience I avoid entering premises where I am apprehensive about their accessibility particularly in respect of emergency egress. If I do enter I am reluctant to venture beyond the entry level or to a section where I feel unsafe. I have discussed this with other disabled persons who do the same. In these circumstances it is unlikely that complaints regarding the outcome of a disabled person trying to escape from a building would be very numerous.*

*It is not surprising, considering the fact that most permanently disabled people have come to terms with the fact that due to the prevalent inaccessibility of various classes of premises comprising the stock of existing buildings “that will be considered to be unaffected by the proposals” and the lack of suitable toilet facilities within them, that those disabled people have become accustomed to obtaining the goods or services provided within such premises by alternative means.*

*This unfortunately leads to the owner/managers of these premises to correctly state that “we do not have a problem with access for the*

*disabled because they do not visit our premises” when they are complaining about the NCC requirements.*

*I am unaware of any research or literature on this or of any complaints related to it being lodged.*

## **PROPOSALS**

Adoption of all five proposals would enhance the accessibility of Australia's building stock. The Access Workgroup does not agree that the benefits are intangible when assessed by cost alone, but it is acknowledged that they are difficult to assess. Some benefits with a cost associated are –

- increased patronage of the building stock, and enhanced marketability of the spaces – see the response to question 16, above
- savings in cost of training of personnel arising from increased independence of occupants and their ability to self-evacuate
- possible decrease in cost of insurance premiums