



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM
Mr Jeremy Hanson MLA (Chair), Mr Michael Pettersson MLA (Deputy Chair),
Ms Suzanne Orr MLA, Mr Mark Parton MLA

Submission Cover Sheet

Inquiry into Building Quality in the ACT

Submission Number: 59

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From: Peter Olley
To: [LA Committee - EDT](#)
Cc: [REDACTED]
Subject: Inability to access entrances and common areas in our apartment block
Date: Sunday, 28 October 2018 10:16:44 PM
Attachments: [Photos\[2\].pdf](#)
[Plans\[2\].pdf](#)

To whom it may concern,

My wife and I downsized due to my wife's health (She has end stage COPD with 18% lung function) and the fact that I don't drive. We purchased an apartment off the plan in Tuggeranong CBD. After looking at the plans it had adaptable units, disabled parking, a toilet for the disabled in one of the common areas, larger than normal lifts, slight inclining ramps, larger than normal lifts for emergency services and a sling to get a disabled person out of the swimming pool. On closer inspection and after settlement we found that my wife was unable to access these facilities due to manual doors and her reliance on a motorised scooter.

I first bought this up with our body corporate in December last Year. who intern were not prepared to fund it due to the first year of the budget. I have sought legal advice and discovered that although the Premises Standard Guide was to begin on 1 May 2011 it has never been harmonised with the building code of Australia so our building has complied with the building code but not the premises standards guide which leaves my wife with the only alternative with civil action. This situation is problematic as she has difficulty just walking small distances and she is on oxygen therapy 24/7. I have looked at 3 cases in Queensland, NSW and Victoria all in favour of the complainant under the disability and discrimination act (DDA) and wondered why the Owner's Corporation so vigorously defended their position only to find that in their guidelines it says they have the right but not the obligation to make adjustments for people with disabilities. There is also a common view that they are not responsible for any legacy issues but just the day to day running with what they have been given.

My wife has just been given an ACAT assessment and was told it could take up to 12 months to get a result for her funding. This suggests to me that there is an unmet need and indeed unreported issues which can be very dangerous for a person with a disability. In one case I new of a women with a disability who was reliant on a scooter who rammed a fire door to get out collecting someone on the other side and has subsequently moved to government housing due to access problems which she should never have been required to do given the facilities that we have.

This is the research and people I have questioned.

1. Social Worker – When asked they had not come across a similar situation.
2. Legal advice from a specialist law firm – When asked they had not come across a similar situation.
3. Minister for Agings office – When asked they had not come across a similar situation and were not aware that the Premises Standard Guide and the Building Code of Australia were not harmonised.
4. The same applies to the equivalent federal ministers office.
5. The Human Rights Commission who have invited me to make a complaint but I believe it takes some time to action.
6. I have read the Premises Standards Guide.
7. The Disability and Discrimination Act.
8. The Building Code of Australia.

In conclusion there is a large unmet need for people with disabilities down sizing to 1 and 2 bedroom apartments which includes access to common areas and exit/ entrance. Housing that supports home care packages is a cheaper option than age care facilities, provides independence for people with disability for longer where as aged care facilities lend themselves to a lack of independence and higher care requirement much sooner. As you can see over what is nearly a 12 month period it is impossible for anyone with a disability to jump through these sorts of hoops and any enquiry with a broad terms of reference will find a large number of people in the same situation as my wife but are unreported.

I have provided attachments of the disability facilities along with Pam trying to get through a manual door and a toilet for the disabled behind a fire door etc along with floor plans.

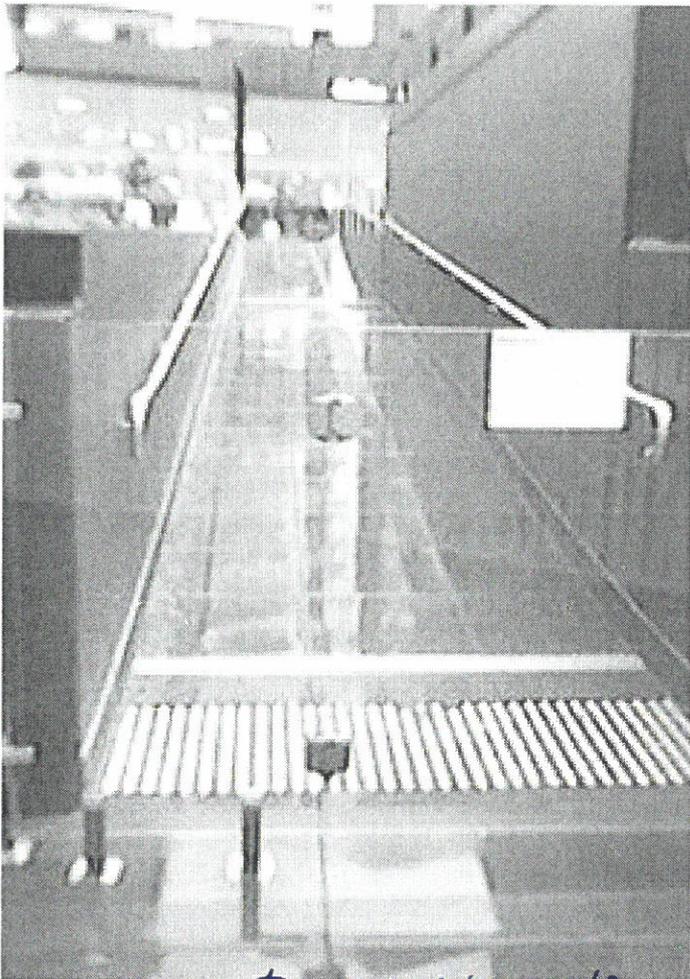
Looking forward to your response.

Peter Olley and Pam Gaston

[REDACTED]
[REDACTED]
[REDACTED]

Phone: [REDACTED]

E-Mail Address is [REDACTED]



pool - level 5 - open towards



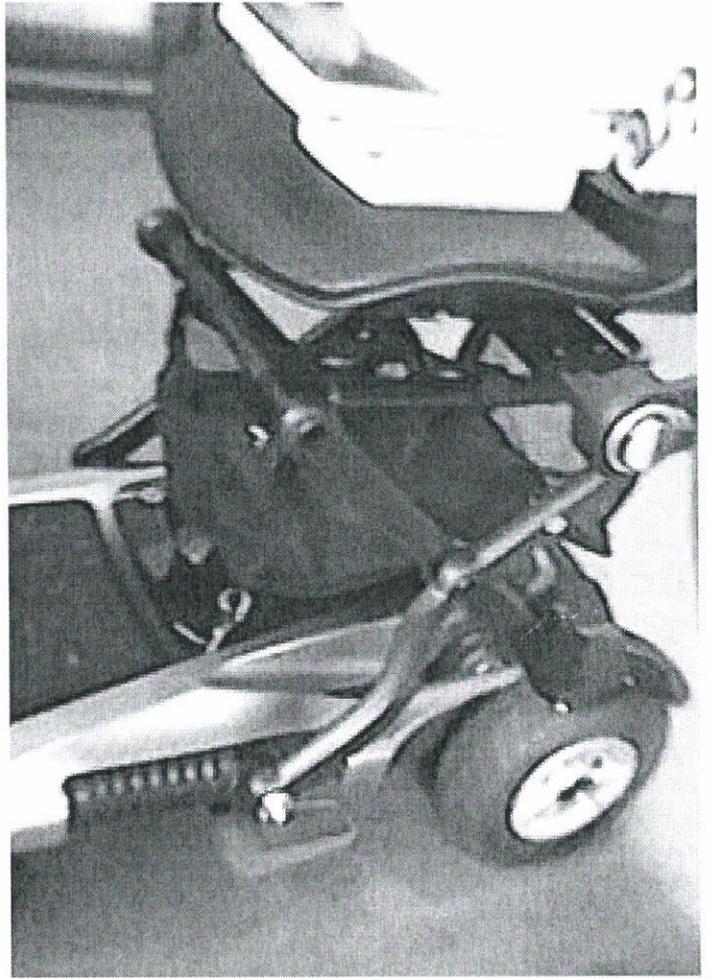
Top of frame - pool -



Pool toilets - level 5



pool toilets - level 5.



A



B

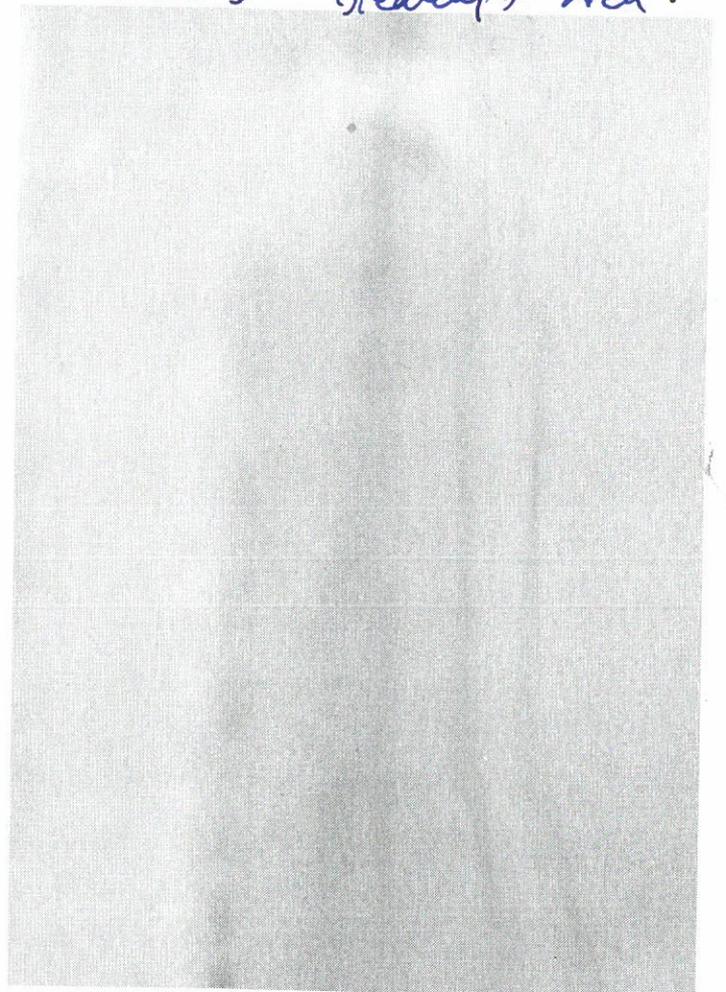
B through the door to left-

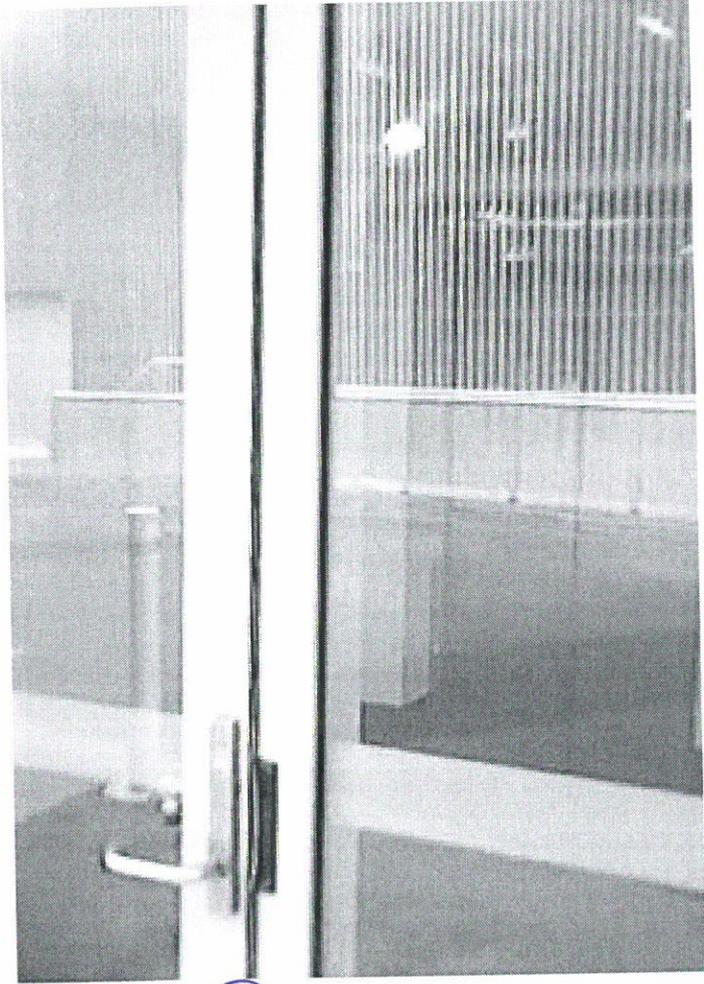


toilet -

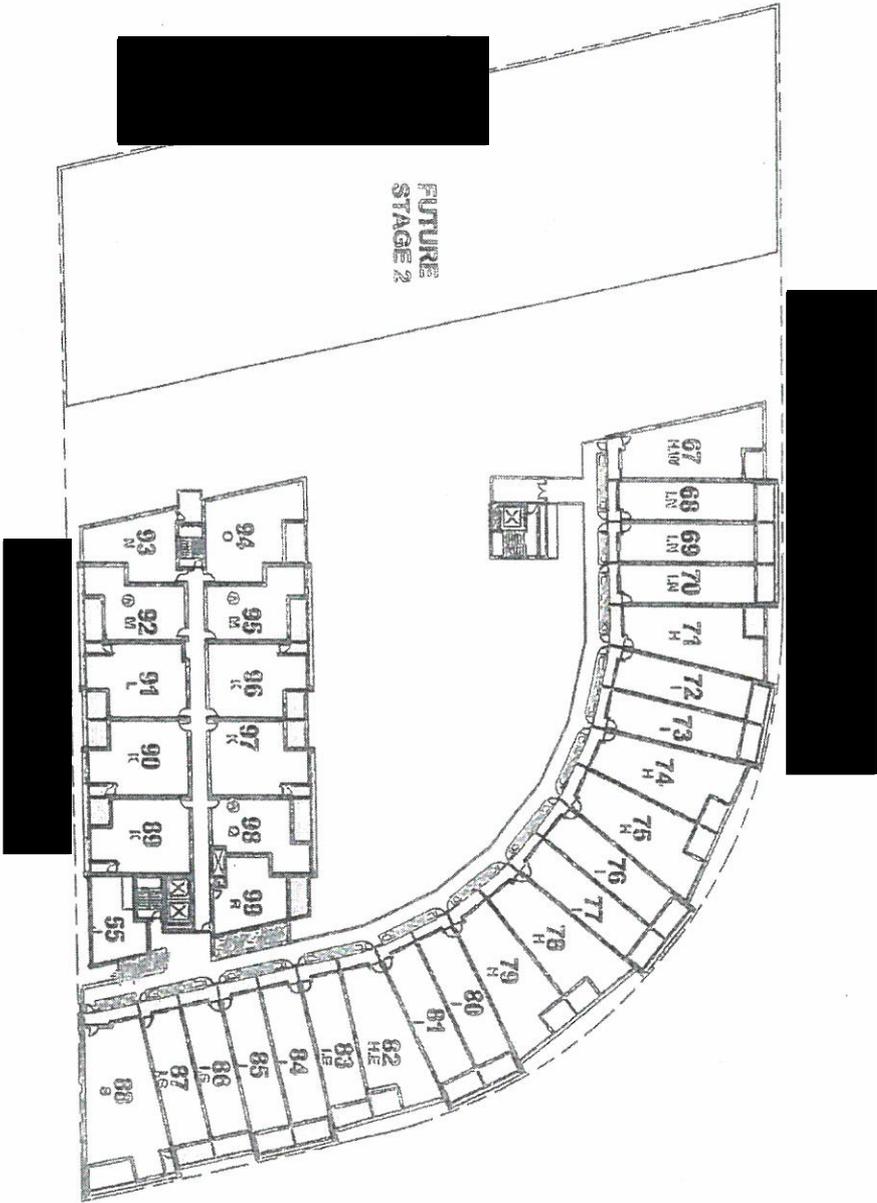


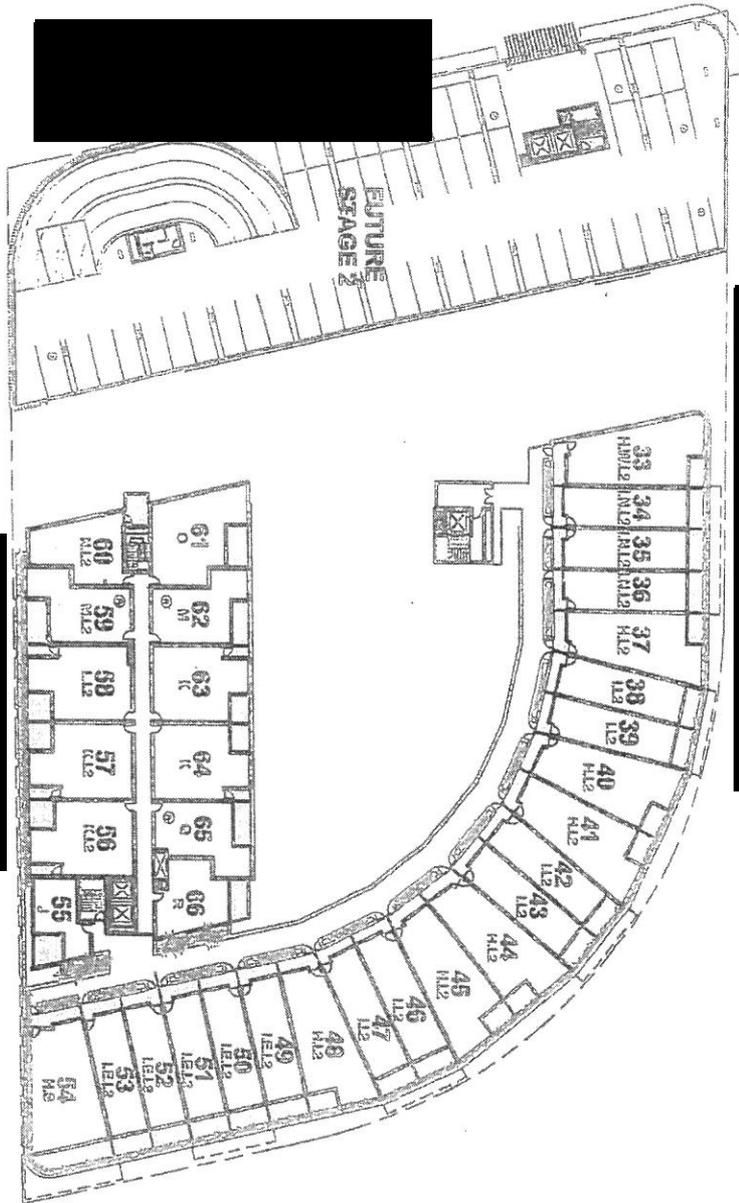
level 5 - breakfast area.



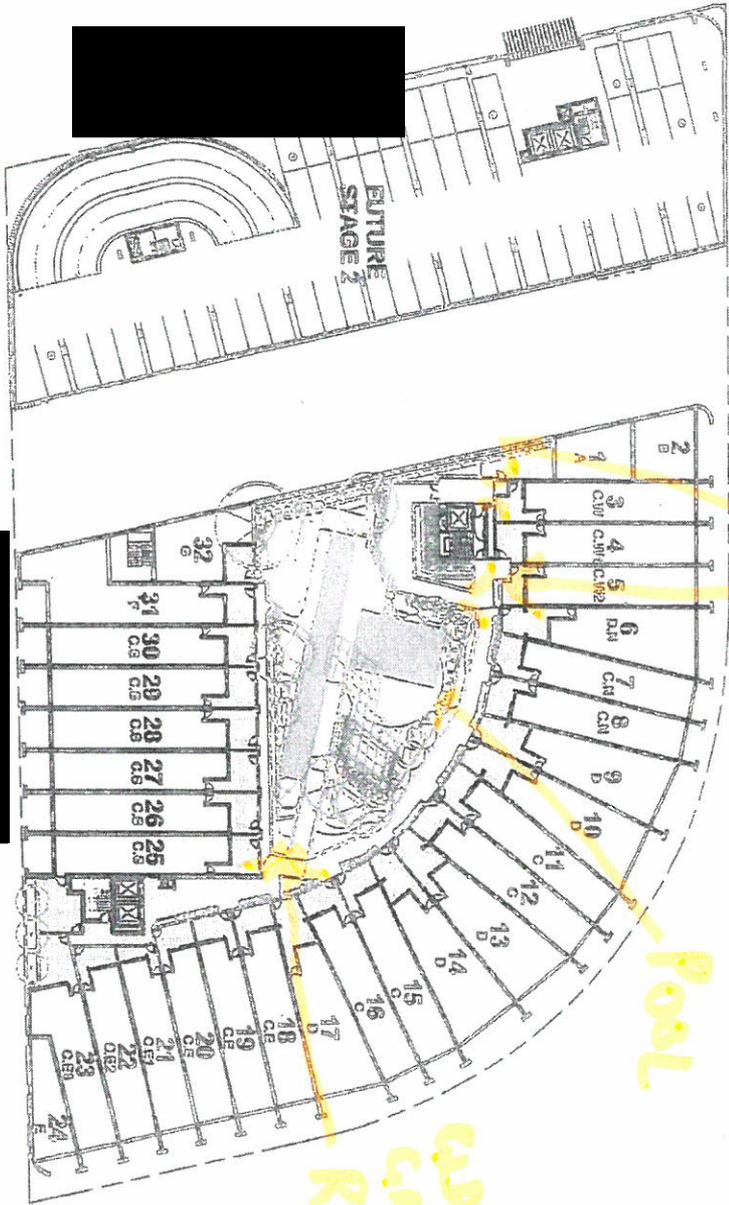


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M-STH LEVEL 1

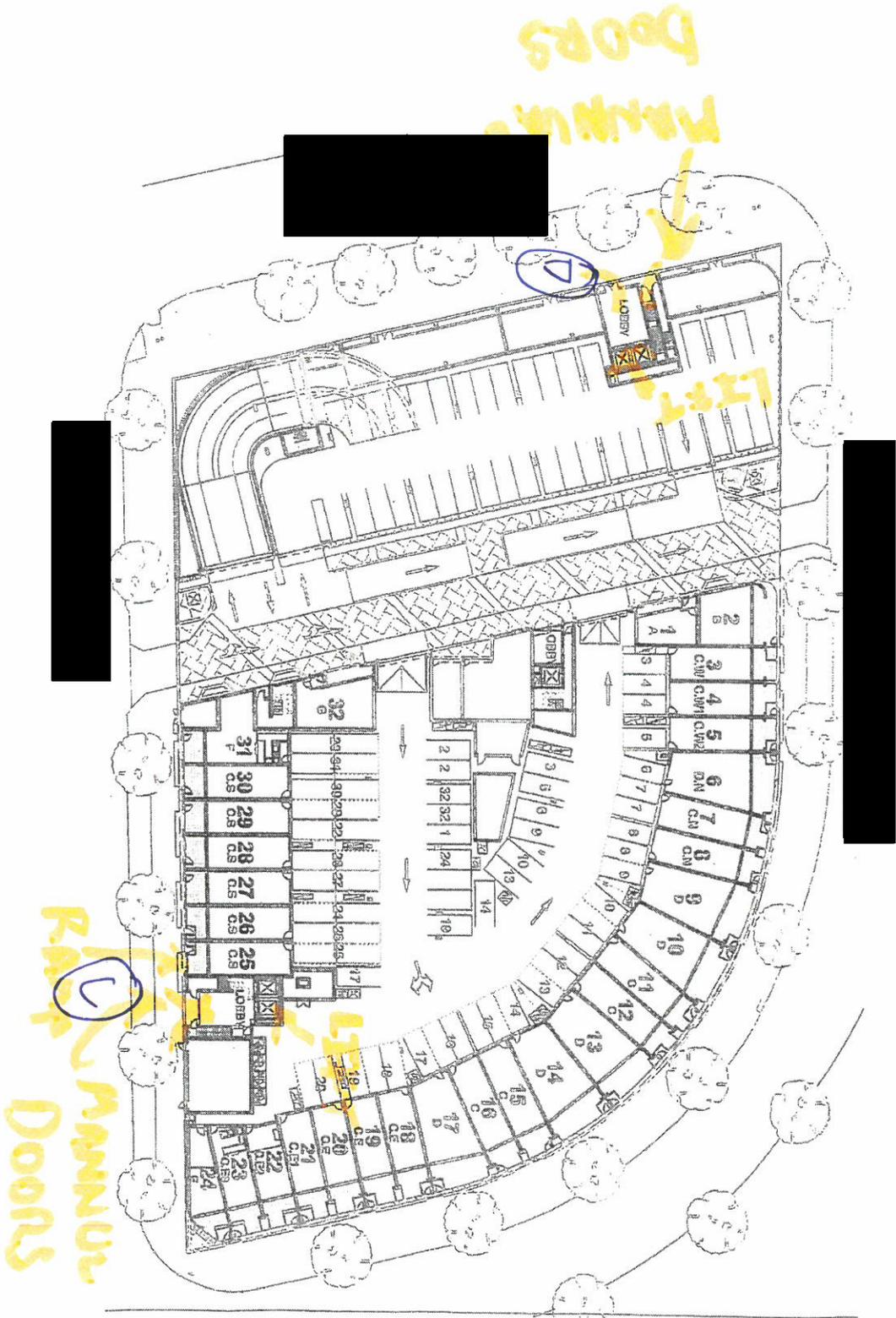


CROSS JOINTS -100
RAMP
FUTURE

Pool

STAIRS

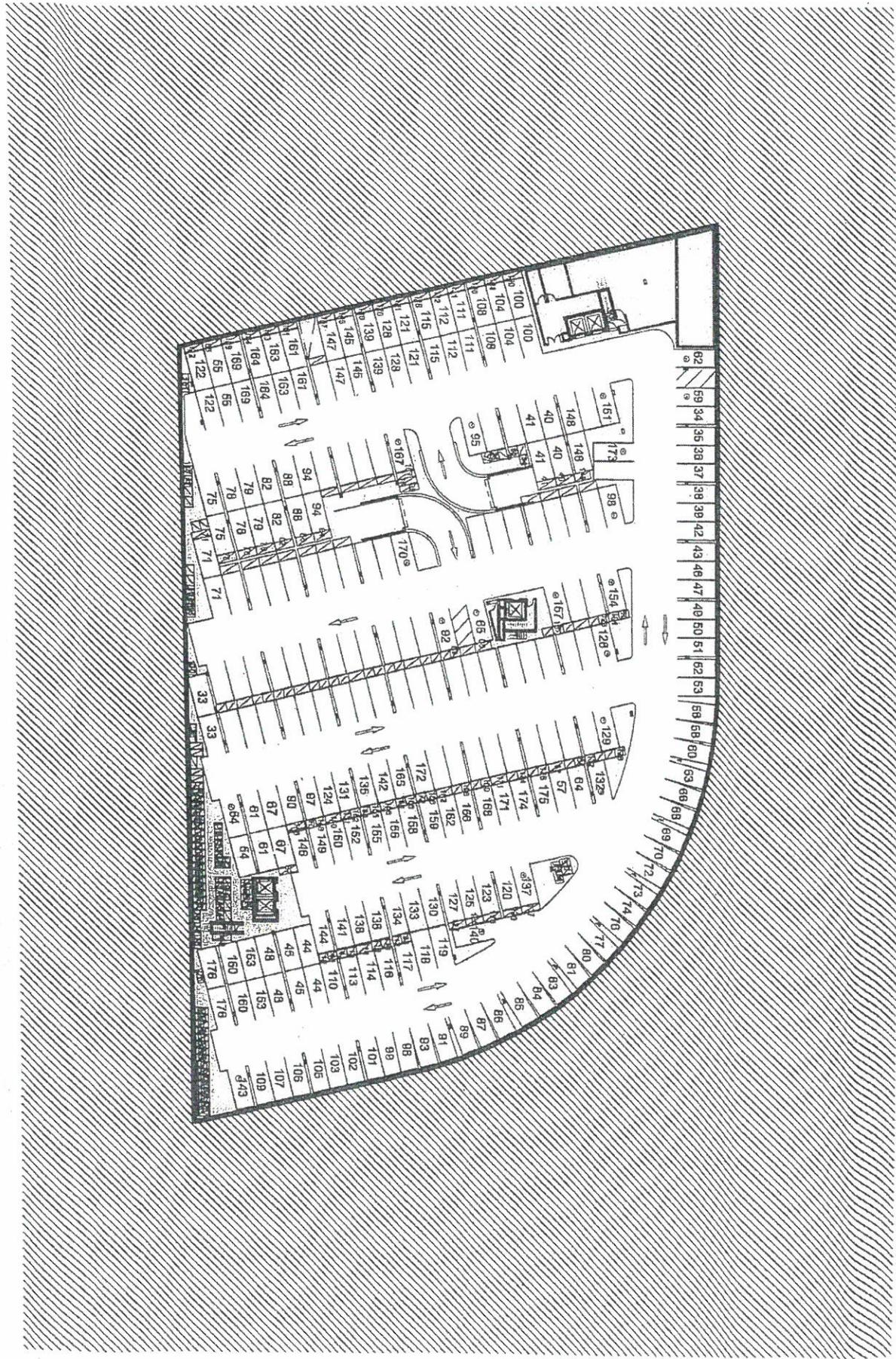
M-ST1-G GROUND FLOOR PLAN

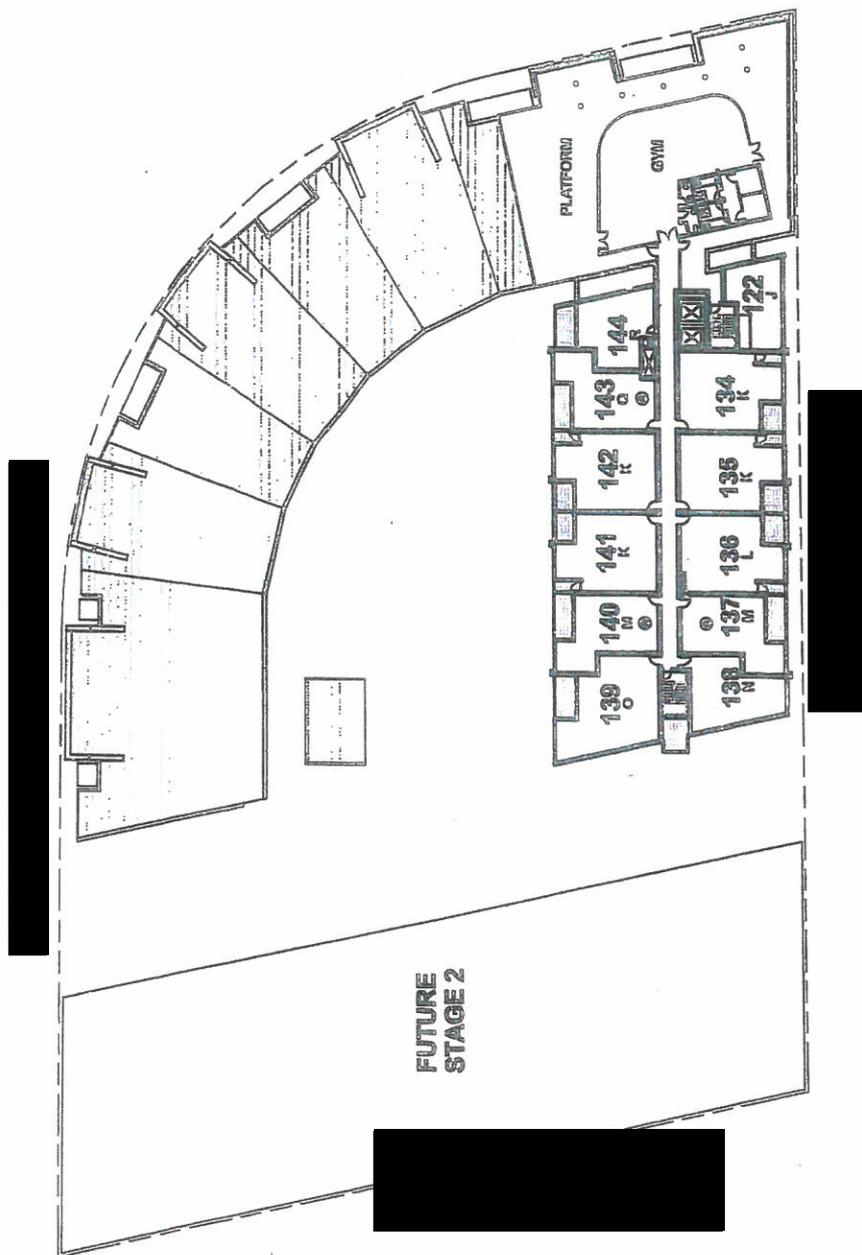


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M-ST1-B BASEMENT FLOOR PLAN





M-STI-5 LEVEL 5

