



Australian
Human Rights
Commission

Advisory Note on Mobility Scooters in Registered Clubs

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1 Background

In 2013 the RSL & Services Clubs Association approached the Australian Human Rights Commission (the Commission) to discuss issues arising from increased scooter use in their buildings and to seek advice on the applicability of the *Disability Discrimination Act 1992* (Cth) (DDA) in this area.

The result of this discussion was a proposal for the development of an Advisory Note (the Note) on the use of mobility scooters in and around Club premises. Supporting the partnership between the Commission and the RSL & Services Clubs Association are Clubs NSW, Leagues Clubs Australia, Bowls NSW and RSL Victoria.

Scooters are increasingly used by all ages as a mobility aid. They have become an indispensable form of transportation for a growing number of people who wish to keep their independence and maintain their wellbeing and engagement with their communities. The exact number of scooters in Australia is difficult to quantify.

Recently the Association of Australian and New Zealand Road Transport and Traffic Authorities (Austroads) initiated a project which aims to develop a consistent national regulatory framework for the use of motorised wheelchairs and other motorised mobility devices. This Note may be amended when the project recommendations are put in place.

In June 2012, the ACCC, NRMA Motoring & Services, CHOICE, EnableNSW, Flinders University and a number of other stakeholders worked together on Australia's first national survey of mobility scooter users named 'Mobility scooter usage and safety survey'.¹

The results challenge the assumption that the majority of scooter users are elderly and established that more than 50 per cent of scooter users were aged less than 60 years. The survey found that without their scooters, many would be housebound and dependent upon family, friends and carers.

Scooters are safe as a mode of transportation if used appropriately and safely.

Clubs have identified the need for an effective and coordinated approach to responding to changes in the community and in particular the needs of patrons with disabilities and ageing patrons who may be impacted by mobility impairments and require the use of a scooter as an aid to mobility.

Consultation Process

Consultation with people with disabilities, their representative organisations and access experts was an essential part of developing this Note. The draft was placed on the Commission's website for public comment and received feedback from interested stakeholders from across Australia.

A reference group met at the Commission to discuss the development of the Note. On each occasion the stakeholders engaged in productive discussions about the needs of Clubs and patrons who use scooters in Clubs. Through these discussions proactive solutions were identified to issues raised.

2 Purpose

The purpose of this Note is to provide:

- information about applicable federal disability discrimination law which is of relevance to mobility scooter use in Clubs (note that each State and Territory also has legislation in relation to disability discrimination)
- information on the rights, responsibilities and reasonable expectations of both Clubs and scooter users
- a range of useful ideas, resources and references that may assist Clubs to make venues more scooter friendly.

Currently, there are no Australian regulatory standards dealing specifically with scooters or rules for scooter use. However, this may change in the next 12 months. Scooters are tending to have a larger footprint, are heavier than motorised wheelchairs and have greater difficulty with manoeuvrability, especially inside buildings. As a consequence, there have been some concerns in regard to the use of scooters in and around publically accessible buildings and the need for specific standards addressing the range of issues relevant to scooter use has been identified.

The actions suggested in this Note are **not** mandatory and the Note **does not have** the force of law. The Note has been prepared by the Commission to assist Clubs and patrons with understanding their existing responsibilities and rights under the DDA. It may also assist Clubs in identifying ways to avoid unlawful disability discrimination and potential disability discrimination complaints.

3 Scope

The scope of this Note refers only to the use of scooters in and around the publicly accessible buildings and grounds of registered Clubs. The Note does not include provisions for other types of mobility devices - for example motorised wheelchairs.

While dealing with the use of scooters within and around Clubs, this Note could be relevant to scooter use in other premises accessible to the public.

4 Terms used

'Disability'

The term 'disability' is defined in section 4 of the DDA. It includes partial or total loss of a person's physical, intellectual or sensory function (eg vision or hearing); conditions that affect thought processes or neurological function; physical disfigurement/malfunction; or the presence in the body of disease-causing organisms (eg HIV/AIDS). Impairment may be life long, acquired by accident or as part of the ageing process. Disability under the DDA includes a disability which presently exists, previously existed, may exist in the future or which is imputed to a person.

'Disability Aid'

The term 'disability aid' is defined in section 9(3) of the DDA as equipment (including palliative or therapeutic device) that is used by a person with a disability and provides assistance to alleviate the effect of the disability.

'Discrimination'

Disability discrimination under the DDA occurs when a person with a disability is treated less favourably than a person without a disability would be treated in the same or similar circumstances.

Discrimination may also occur indirectly, for example, when a person requires another person to comply with a requirement or condition and, because of the latter person's disability, he/she would only be able to comply if reasonable adjustments were made; however, reasonable adjustments were not made and this had the effect of disadvantaging persons with a disability.

'Mobility Scooters'

Mobility scooters are battery powered three or four wheeled mobility devices that are specifically designed to travel on footpaths and for one user only. They are a simple vehicle with few working parts, requiring a relatively low level of maintenance. They are also referred to as 'motorised mobility devices'.



Scooters are activated by a simple throttle, operated by the fingers, which controls both speed and braking. Steering is via a variety of types of handlebars that operate in a similar fashion to push bikes or motor bikes. They come with varying levels of equipment including twin headlights, indicators and visibility flags.

'Accessible'

Accessible means having features to enable use by people with disabilities.

This may include:

- continuous accessible paths of travel to, into and around a building that can be safely used by people with different disabilities
- enough room around and through doorways, in lifts and toilets for people using wheelchairs or other mobility aids
- light switches and controls at accessible heights
- fit-out of accessible toilets to enable use by people with disabilities using a wheelchair or other mobility aid.

These are detailed further in Appendix 2.

'Premises'

The definition of premises in the DDA includes a structure, building, place (whether enclosed, built on or not) and a part of a premises.

Premises which are covered by the DDA include existing buildings (including heritage buildings); new or proposed buildings; pathways to buildings; transport infrastructure; car parks; sporting venues; public toilets; public gardens/parks.

‘Patrons’

Members or guests of Clubs will be referred to as patrons.

5 Legal responsibility not to discriminate

Disability Discrimination Act 1992 (Cth)

The DDA makes disability discrimination unlawful in certain areas of public life and aims to ensure that people with disabilities have the same fundamental rights as the rest of the community. This includes the same level of access to facilities, premises and goods and services as the rest of the community.

The DDA also prohibits discrimination against people who have a ‘disability aid’. Scooters used by people to alleviate the effect of their disability may be regarded as a ‘disability aid’ under the DDA.

Therefore, it may be unlawful for a Club to refuse entry to someone who uses a scooter where it is being used as a disability aid, to alleviate the effect of a disability. It may also be unlawful for a Club to restrict access to certain parts of its premises.

The DDA also makes it unlawful for a person or organisation to discriminate against people who have a carer, assistant or assistance animal.

Examples of access issues that would particularly affect people with a disability which affects their mobility, and which may lead to discrimination, include:

- entrances located in a position that require a person to be able to walk up steps to get to or through the entrance
- doorways that are too narrow for a person using a wheelchair or scooter to get through
- areas of buildings that can only be approached up a stairway.

In some instances, an organisation may be able to show that providing access to scooter users would result in it incurring ‘unjustifiable hardship’, and in those cases its conduct would not be unlawful. For further details on the DDA and unjustifiable hardship refer to Appendix 1.

6 General considerations

6.1 Safe and considerate use

Staff and scooter users could seek information from club management on:

- expectations for safe usage of scooters within and around their clubs
- acceptable speed

- welcoming information about scooter parking areas
- areas of the building to which scooter users might not be able to get to or safely use because of existing design or facility limitations
- emergency exits
- scooter etiquette.

6.2 *Use of scooters in and around Clubs*

Patrons may use scooters in and around Clubs where the scooter is a disability aid used to alleviate the effect of a disability.

Where there are areas in an existing Club building where access is limited, a patron with a disability might lodge a complaint of discrimination. An outcome of a complaint may be that a Club is required to make accessibility improvements to its premises over time, unless removal of barriers would result in an unjustifiable hardship for the Club.

7 **Responsibilities of Clubs**

Clubs can expect their patrons to behave in an appropriate manner according to the club code of conduct and membership guidelines or rules. They may also, because of their obligations under workplace health and safety laws, require patrons to drive their scooters in a safe manner.

7.1 *Improving access*

Like all older public buildings, there may be areas within Clubs that may have limited access for scooters. Clubs should try to address those limits over time.

Individual Clubs could seek an assessment of current access requirements under the *Disability (Access to Premises) Standards 2010* and the *Building Code of Australia* (Premises Standards and the BCA), identify areas of highest concern and develop an action plan or building upgrade plan to address those issues.

See Appendix 2 for information on minimum requirements for building access for new and upgraded buildings.

See Appendix 3 for more information on Action Plans and building upgrade plans.

7.2 *No discrimination by staff*

Clubs have a responsibility to take reasonable precautions to ensure staff do not discriminate on the grounds of a person's disability. A failure on the part of staff to respond reasonably to the needs of people with disability can lead to significant discriminatory barriers.

Clubs could consider the following strategies:

- make all staff aware of the need to avoid discrimination. This might include issuing a formal policy statement on compliance with discrimination law and more direct advice to staff
- take reasonable measures to give staff sufficient information and expertise to make services and facilities available in a non-discriminatory way
- encourage effective communication with people with disabilities including people with a communication impairment

7.3 *Refusing admittance*

Where it is clear that a scooter user is not using their scooter in a safe and considerate manner, the Club may decide to refuse entry on the grounds of safety for staff and other patrons or to ask a scooter user to leave the premises. Clubs will also apply the law on 'responsible service of alcohol' in relation to all patrons, including scooter users.

However, before any decision is made to refuse admittance, staff should take steps to ensure the patron has access to information on safe and considerate scooter use, understands the Clubs procedures and has the opportunity to discuss their situation.

8 **Responsibilities of patrons**

Scooter users have a responsibility to behave in an appropriate manner according to the code of conduct and membership guidelines or rules of their Club. They should also behave respectfully to management, staff and fellow patrons and drive their scooters in a safe and considerate manner.

Scooter users should be aware of their relevant state or territory road rules for scooter use.

9 **Notes on Practical Guidance**

9.1 *Parking for Scooters*

All Clubs are different sizes and have different access provisions inside and out. Each Club is encouraged to provide parking for scooters and to assess the most appropriate area for doing so. Clubs are encouraged to display clear signage about parking whereabouts, whether it is inside the building or outside.

Parking close to the Club will make it easier for people with a disability to access the facilities. Depending on the layout of the building, there may only be outside space for scooter parking.

Parking inside - designated spaces with space for dismounting should be clear of main pedestrian traffic areas, entries, exits and emergency exits.

Parking outside – if on a footpath, must comply with Council requirements. Where feasible, providing undercover parking is preferred.

If Clubs need assistance, they may seek advice from an access specialist to make recommendations on appropriate parking spaces.

9.2 *Speed*

All scooters are speed limited, meaning that they are set to have a minimum and a maximum speed, and variable in between. The speed dial is either numbered, with the lowest number representing the lowest speed or more commonly, represented by a diagram of a hare and a tortoise. Many scooters can be reprogrammed to adjust the speed to suit its use and the ability and weight of its user.

To ensure the safety of other patrons, users should use the slowest speed possible when inside or within a crowded area. Travelling at a 'walking pace' is the recommended option. If the scooter is passing people who are walking, the scooter is travelling too fast.

9.3 *Size of scooters*

Scooters come in a variety of sizes and shapes to suit the differing needs of users.

People selling, recommending and purchasing scooters should be aware of manoeuvrability and turning space restrictions when making choices about which scooter is suitable.

The requirements of the Premises Standards and the BCA are triggered by new buildings or upgrades to existing buildings. In these situations, if a Club ensures that the minimum dimensions and circulation space requirements in the Premises Standards are met, they are meeting their legal obligations.

It would also be in the interests of all manufacturers and retailers of scooters to alert purchasers to the restrictions on the use of scooters on public transport and in public buildings.

9.4 *Manoeuvrability*

In addition to addressing possible access barriers in the design and construction of the Club premises, consideration could be given to ensuring the best possible circulation space around fixtures and fittings. This might include, where feasible, the re-positioning of movable cupboards, chairs, tables, ATMs, public telephones, food and drink dispensers and similar items so as to improve access and circulation space.

In cases where Clubs are able to make changes to their buildings, or are proposing building upgrades, below are some of the key features of the BCA for 'continuous accessible paths of travel' along corridors or ramps:

- clear door leaf opening minimum 850 mm
- ramps with gradients of 1 in 14 or less
- firm, even and slip-resistant ground surfaces
- corridor width minimum 1000 mm

- passing spaces along corridors (where required) 1800 mm wide x 2000 mm long minimum
- area needed on a corridor to enable a wheelchair user to turn 90° is 1500 mm x 1500 mm minimum and to turn 180° is 1540 mm x 2070 mm minimum (scooters will have differing requirements depending on size).

9.5 *Damage to property*

Patrons should be aware that if they damage premises because of unsafe handling of their scooter, they may be liable for the costs of repairs.

9.6 *Injury to scooter users and/or other patrons*

Both scooter users and club operators should endeavour to minimise the risk of injury to scooter users and other patrons.

10 **Options for creating a scooter friendly environment**

It is recommended that Clubs take a proactive approach to scooter users and anticipate a greater percentage of patrons being scooter users.

Set out below are some ideas which can improve the experience for all stakeholders.

10.1 *Recharge facilities*

Scooter users may need to recharge their battery. Scooter users should be aware of the battery capacity of their scooter. Clubs may choose to provide a recharge power source.

A power point could be installed at an accessible height of 1m in designated parking areas. Users would carry their own recharge cords. Such a power point would need to have a circuit breaker.

10.2 *Communication*

Clubs could:

- Provide mobility maps sourced from Council
- Provide information about scooter recharging options (if any)
- Make available scooter safety guidelines

10.3 *Upgrading parts of the venue*

Clubs could:

- Make scooter friendly areas in Clubs
- Provide occasional seating for use by people who can only walk short distances at a time

- Provide temporary clear spaces for stopping near toilets, reception and eating areas where practicable
- Provide larger toilets than minimum standards and ambulant toilet cubicles (*whether upgrading or not*)
- Widen all doorways to a minimum of clear leaf opening of 850mm (*installing a 920mm door opening*)
- Install automatic opening doors
- Add contrasting strips along glazed doors or other glazing that might be mistaken for a doorway.

10.4 'Scooter Safety' expo

Many Councils employ an 'Access Officer' who is available to provide support for access related projects. A club representative could contact their local Council's access officer and suggest facilitating an information session for users or a scooter safety expo. This invitation could go to patrons and visitors and extend to the broader community.

An expo could have stalls that provide advice on selecting the right scooter, safety equipment, speed inhibitors, transportation and insurance. Information could be provided to explain safe routes of travel to and from the venue, mobility maps which identify accessible toilets and other accessible information and scooter safety guidelines.

Acknowledgments

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Service providers who contributed to the development of the Note include:

- RSL & Services Clubs Association
- Clubs NSW
- Physical Disability Council of NSW
- Accessibility Solutions (NSW) Pty Ltd
- Vista Access Architects
- Scooter and Mobility Australia

Appendix 1 – The *Disability Discrimination Act 1992 (Cth)*

The DDA is a federal anti-discrimination law. Section 3 of the DDA sets out its objects:

- (a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
 - (i) work, accommodation, education, access to premises, clubs and sport; and
 - (ii) the provision of goods, facilities, services and land; and
 - (iii) existing laws; and
 - (iv) the administration of Commonwealth laws and programs; and
- (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
- (c) to 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.

The DDA covers a wide range of areas including employment, education, sport, the provision of goods, services and facilities, accommodation and access to premises. All levels of government, businesses, trade unions, non-government organisations and individuals have responsibilities under the DDA.

The law seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or the presence in the body of a disease causing organism. There are multi-dimensional aspects of the meaning of “disability”; a disability may be made up of a physical/organic, cognitive, psychological or sensory impairment.

People who believe they have been discriminated against because of their disability may make a complaint to the Commission.

Section 4 of the DDA provides that the definition of “premises” includes:

- a. a structure, building, aircraft, vehicle or vessel; and
- b. a place (whether enclosed or built on or not); and
- c. a part of premises (including premises of a kind referred to in paragraph (a) or (b)).

The DDA covers existing premises, including heritage buildings, those under construction and future premises. The definition includes not only buildings, but also car parks, sports fields, parks, pathways and transport systems.

Section 23 Access to premises provides:

It is unlawful for a person to discriminate against another person on the ground of the other person’s disability:

- (a) by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not); or

(b) in the terms or conditions on which the first-mentioned person is prepared to allow the other person access to, or the use of, any such premises; or

(c) in relation to the provision of means of access to such premises; or

(d) by refusing to allow the other person the use of any facilities in such premises that the public or a section of the public is entitled or allowed to use (whether for payment or not); or

(e) in the terms or conditions on which the first-mentioned person is prepared to allow the other person the use of any such facilities; or

(f) by requiring the other person to leave such premises or cease to use such facilities.

Section 24 Goods, services and facilities provides:

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's disability:

(a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person; or

(b) in the terms or conditions on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person; or

(c) in the manner in which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person.

Examples of discrimination

Examples of issues which could result in a disability discrimination complaint being made include:

- failure to provide equitable physical access to a premise
- inadequate signage for a person with a vision impairment using facilities within a premise
- failure to ensure facilities such as vending machines or counters within buildings are accessible or usable by people with a disability
- failure to provide suitable parking facilities for vehicles used by people with disabilities
- failure to provide a clear and safe access path in a building or on a pathway

If a complaint of discrimination is made under the DDA the Commission would attempt to conciliate the complaint between the parties in order to assist the parties to reach a settlement. If the complaint is not resolved or is terminated for some other reason, the complainant has 60 days from when the Commission terminates the complaint to make an application to the Federal Circuit Court or the Federal Court of Australia to seek a judicial determination of whether the facts of the complaint involved unlawful disability discrimination.

Unjustifiable hardship

Section 29A sets out a defence of "unjustifiable hardship". It provides that it would not be unlawful for a person (the *discriminator*) to discriminate against another person on the ground of a disability of the other person if avoiding the discrimination would impose an unjustifiable hardship on the discriminator.

Unjustifiable hardship is defined in section 11 of the DDA:

(1) For the purposes of this Act, in determining whether a hardship that would be imposed on a person (the *first person*) would be an **unjustifiable hardship**, all relevant circumstances of the particular case must be taken into account, including the following:

- (a) the nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned;
- (b) the effect of the disability of any person concerned;
- (c) the financial circumstances, and the estimated amount of expenditure required to be made, by the first person;
- (d) the availability of financial and other assistance to the first person;
- (e) any relevant action plans given to the Commission under section 64.

Example: One of the circumstances covered by paragraph (1)(a) is the nature of the benefit or detriment likely to accrue to, or to be suffered by, the community.

(2) For the purposes of this Act, the burden of proving that something would impose unjustifiable hardship lies on the person claiming unjustifiable hardship.

Where access to or use of premises has not been provided for people with disabilities, a person with a disability may decide to lodge a complaint. In that case, a defence of unjustifiable hardship may be available to the respondent, depending on the relevant circumstances.

The 'unjustifiable hardship' provision in section 11 states that all relevant circumstances of the particular case must be taken into account.

The best way to avoid disability discrimination or complaints of disability discrimination would be to consider and address access issues as fully as possible from the design stage onwards. This Note is intended to assist in achieving that objective.

Convention on the Rights of Persons with Disabilities

Australia ratified the *Convention on the Rights of Persons with Disabilities* on 17 July 2008. It was one of the first nations to do so. The Convention is an international instrument of the United Nations intended to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Article 9 of the Convention concerns Accessibility

Article 9 - Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b. Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

- a. Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- b. Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- c. Provide training for stakeholders on accessibility issues facing persons with disabilities;
- d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f. Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- g. Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h. Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Appendix 2 – Premises Standards and Building Code of Australia

Note on minimum dimensions and circulation space requirements to meet the minimum requirements of the Premises Standards and Building Code of Australia

The Premises Standards and the BCA set out the minimum requirements for access in relation to features such as doorway widths, corridor widths, circulation areas around doorways and lift floor sizes.

The requirements of the Premises Standards and the BCA are triggered by new buildings or upgrades to existing buildings. In these situations, if an owner or operator ensures that the minimum dimensions and circulation space requirements in the Premises Standards are met, they are meeting their legal obligations.

Examples of minimum requirements in the Premises Standards and the BCA include:

- Clear door leaf opening minimum 850 mm
- Corridor width minimum 1000 mm
- Passing spaces along corridors (where required) 1800 mm wide x 2000 mm long minimum
- Lift floor space for a lift travelling 12 m or less 1100 mm x 1400 mm minimum
- Area needed on a corridor to enable a wheelchair user to turn 90° 1500 mm x 1500 mm minimum
- Area needed on a corridor to enable a wheelchair user to turn 180° 1540 mm x 2070 mm minimum
- Width of space required in a theatre for a wheelchair user 800 mm minimum
- Width of corridor outside a doorway entry into a room varies according to approach and the way the door swings but generally the corridor at this point is required to be wider than the 1000 mm minimum

All the minimum dimensions in the Premises Standards and the BCA are based on research which looked at wheelchair users - not motorised scooter users - and assume a basic maximum occupied wheelchair footprint of 800 mm wide x 1300 mm long.

There are no minimum or maximum dimensions for the width, length or turning space requirements for scooters in the Premises Standards, which do not deal with any specific mobility devices. Rather, the Premises Standards and the BCA define the minimum requirements for building construction or building upgrades. People selling, recommending and purchasing scooters need to be aware of these requirements when making choices about which scooter is suitable if the intended use includes travel inside buildings.

Existing buildings

The situation is not as clearly defined in relation to buildings which were constructed prior to the Premises Standards entering into force, being 1 May 2011 (existing buildings). However, all existing buildings continue to be subject to the general

unlawful discrimination provisions of the DDA, including section 23 of the DDA. See Appendix 1.

An assessment of possible access difficulties in existing buildings and the development of a building upgrade plan could assist in avoiding disability discrimination and disability discrimination complaints. See Appendix 3.

Appendix 3 – Action plans and building upgrade plans

Part 3 of the DDA provides guidance for the voluntary development of an Action Plan, which sets out how an organisation may identify and address discrimination. For example, an Action Plan could be developed which shows how premises might be modified over time to achieve equality of persons with disabilities with the rest of the community. Note that an Action Plan is a relevant circumstance to be considered when a defence of unjustifiable hardship is raised.

Any organisation subject to the DDA can choose to make an Action Plan under sections 60 and 61 of the DDA and lodge it with the Commission. An Action Plan can be revised at any time and can establish priorities for change over a number of years.

For owners, operators, managers and lessors of existing premises, a planned upgrade of buildings to meet the requirements under the Premises Standards and the BCA would be advisable and may reduce disability discrimination and the chance of a disability discrimination complaint being made.

The essentials of an Action Plan are set out in section 61 of the DDA. In summary, these are:

- policies and programs to achieve the objects of the DDA
- how these policies and programs will be communicated to your staff
- a review that identifies any discriminatory practices within your Club
- setting reasonable goals and target against which the success of the action plan may be measured
- the ways in which your Club's policies and programs will be evaluated
- appointment of persons within your Club to implement the Action Plan.

Appendix 4 – Resources

The Premises Standards can be found at <http://www.ag.gov.au/PremisesStandards>

A Guideline on the application of the Premises Standards prepared by the Commission can be found at http://www.hreoc.gov.au/disability_rights/buildings/access_to_premises.html

A guideline on the development of Action Plans can be found at http://humanrights.gov.au/disability_rights/action_plans/Effective_Plan/effective_plan.html

Information on how to locate an access expert to assist in assessing current access of Clubs can be found through the Association of Consultants in Access Australia at <http://www.access.asn.au>

Physical Disability Council of NSW (02) 9552 1606: www.pdcnsw.org.au

ATSA – Assistive Technology Suppliers Australasia (02) 9893 1883:
www.atsa.org.au

Scooters and Mobility www.scootersandmobility.com.au

Scooter Recharge Scheme - www.rechargescheme.org.au

¹ Australian Competition & Consumer Commission, *Mobility scooter usage and safety survey report* (2012). At <http://www.productsafety.gov.au/content/index.phtml/itemId/996221> (viewed 23 May 2014).