Promoting existing guidelines and developing new ones

Guidelines have been produced to support particular areas of accessible design. While these guidelines are not mandatory, they can provide authoritative advice on specific aspects of good practice. Examples include: the New Zealand Transport Agency guidelines for designing facilities for blind and vision impaired pedestrians and the Auckland Regional Transport Authority guidelines on accessible bus stop infrastructure. The Commission wants the introduction of mandatory guidelines which cover all major aspects of the built environment.

Conclusion

Disabled New Zealanders do not have the same access to public places and facilities as their non-disabled counterparts do. A significant part of the problem is that the built environment is not designed with the needs of all citizens in mind. This means that disabled New Zealanders frequently face barriers in places where non-disabled New Zealanders take access for granted, and that these barriers will negatively affect more people as our population ages. Universal design is central to New Zealand addressing its needs of all citizens in mind. This means that the Commission recommends that the Ministerial Committee on Disability Issues keep prioritising accessibility issues, and that the Committee ensure the state sector take the lead in good practice related to building accessibility.

The New Zealand built environment is often not designed with the needs of all users in mind and excludes certain people from accessing and using facilities and services such as buildings, roads and footpaths, signs, recreation facilities, and parks. This particularly impacts on disabled New Zealanders, who make up 17 to 20 per cent of the New Zealand population.

The importance of accessibility

Providing adequate access to the built environment allows disabled people to be included in the economic and social life of the community, to participate in education and employment and to contribute to their society. For tangata whenua and people from culturally and linguistically diverse communities, the right and ability to access cultural spaces such as marae and churches is integrally tied to rights to cultural participation and identity.

Recommendations

The Commission recommends that:

a. the Ministerial Committee on Disability Issues keeps prioritising accessibility issues, and that the Committee ensure the state sector take the lead in good practice related to building accessibility
b. priority is given to ensuring accessibility (in accordance with NZS 4121:2001) and the principles of universal design are applied to the reconstruction of Christchurch
c. the Ministerial Committee on Disability Issues instigates a review of all design standards that relate to the built environment. This review should consider the following: strengthening minimum accessibility requirements either by amending the Building Code or making compliance with NZS 4121:2001 mandatory; extending NZ4121:2001 to residential housing and including stronger specifications for vision and hearing impaired people.

A fully inclusive society recognises and values disabled people as equal participants. Their needs are understood as integral to the social and economic order and not identified as “special”.

New Zealand’s built environment is often not designed with the needs of all users in mind and excludes certain people from accessing and using facilities and services such as buildings, roads and footpaths, signs, recreation facilities, and parks. This particularly impacts on disabled New Zealanders, who make up 17 to 20 per cent of the New Zealand population.

Underlying issues

In many cases inaccessible buildings and public areas are as much to do with the attitudes and knowledge of the people involved as the physical design of the facility. Even more problematic is a wider cultural tendency to treat accessibility as a “special” or “extra” issue relevant only to disabled people. This leads to solutions which tend to segregate disabled people’s use of and access to a building.

Summary, Book 1 of 3

Better Design and Buildings for Everyone: Disabled People’s Rights and the Built Environment

The New Zealand Human Rights Act and the New Zealand Disability surveys define disability to include physical, sensory, psychiatric, intellectual and other disabilities, which can include people who have a long term condition or health problem. It is important to note that the accessibility of the built environment is relevant to a much larger part of the population who may not fall within common definitions of disability; such as senior citizens, those with temporary injuries or illness and those who use push chairs for children.

Human Rights Commission InfoLine

If you have a human rights enquiry or discrimination complaint, call:
0800 496 877 (toll free)
09 377 3593 (attn: InfoLine)
Email infoline@hrc.co.nz
TXT 0210 236 4253
www.hrc.co.nz

Language Line and NZ Sign Language interpreters available. If you have a hearing or speech impairment, you can contact the Commission using the New Zealand Relay Service. NZ Relay is a telecommunications service and all calls are confidential. www.nzrelay.co.nz
In order for the built environment to qualify as accessible, it should accommodate the broadest possible spectrum of human ability across the lifespan and from the earliest stage of building – the design stage.

The concept of “universal design” requires the consideration of the needs of all members of society during the design of products, environments, programmes and services, to ensure that no adaptation or specialised design is required later on.

**Convention on the Rights of Persons with Disabilities (Disability Convention)**

The Disability Convention is the defining international standard for disabled people’s rights, which New Zealand ratified in 2008. It does not create new rights, but explains government obligations and provides guidance on how to ensure disabled people’s rights can be realised.

The Disability Convention imposes a number of obligations in relation to accessibility of the built environment. Article 9 for example requires facilities and services that are provided to the public to be accessible to disabled people on an equal basis with others. It also requires steps towards ensuring minimum access standards operate in public services and facilities, signage in public buildings is in easy-to-read format and Braille, and that the State ensures the private sector provides accessible services.

**Accessible buildings and facilities: New Zealand legal requirements**

In New Zealand, the two major pieces of domestic legislation that apply to accessibility of the built environment are the Building Act 2004 (and the accompanying Building Code) and the Human Rights Act 1993 (HRA).

Overall, the HRA makes it unlawful to discriminate unless certain (very limited) conditions apply and the Building Act (s.118 in particular) requires public buildings that are being built or renovated to accommodate the accessibility needs of disabled people.

The importance of providing disability access is reinforced by the Act’s reference to NZS 4121:2001 (a building standard outlining requirements for the design of buildings, and other facilities for use by people with disabilities) as a compliance document.

**Accessible footpaths and roads**

There is no consistency in the way disabled road users are catered for in New Zealand. Over many years, limited training for traffic engineers and sparse written guidance have resulted in transport networks in urban areas which are not designed to aid disabled users’ safety and accessibility. Voluntary guidelines have been developed for the design of pedestrian facilities for blind and vision-impaired pedestrians, but the use of these guidelines is not consistent.

**The way ahead**

**Education and promotion**

A number of non-government organisations and groups promote accessibility in New Zealand’s built environment.

The Barrier Free New Zealand Trust trains and accredits a nationwide network of Barrier Free Advisors who audit and advise on the accessibility of the built environment. Trustees and seminar presenters include some of the country’s experts on disability access issues. The Trust’s philosophy promotes universal design.

The Be Institute is a non-profit organisation providing information on accessible buildings and other facilities for use by people with disabilities. Its initiatives include providing information on accessible buildings and facilities, a tool kit designed to assist businesses to become more accessible and an accreditation programme.

The Universal Design Research Group was established in 2012 to progress action and research on universal design in New Zealand.

Examples of improvements in the accessibility of the built environment include:

1. A number of territorial authorities including Auckland, Wellington and Christchurch have produced accessibility maps and guides of their central business districts and key facilities.

2. Arts Access Aotearoa’s production of a resource to help theatres, art galleries, museums and others provide access to their facilities and services for disabled people.

3. The development of a marae accessibility toolkit which provides basic advice, including a checklist on accessibility considerations when marae are considering building or renovating.

4. The development of a Pacific Church disability toolkit which provides churches with information on how to communicate with disabled peoples in their church community, information on disability support services and practical suggestions on how church parishioners can positively respond to the needs of Pacific disabled peoples in their communities.

**Building a fully accessible Christchurch**

The rebuilding of Christchurch presents an ideal opportunity to design a city where accessibility is one of the primary design principles. Post-rebuild, the lessons learned could provide the basis for a review of existing standards and guidelines and for the development of new standards where necessary.

Canterbury earthquake recovery legislation requires recovery plans for the greater Christchurch area to give effect to the New Zealand Disability Strategy. In 2011, the Government announced its intention to ensure that disabled people are involved in the earthquake recovery process and that their needs are acknowledged and responded to. The Ministerial Committee for Disability Issues has agreed to refocus the national Disability Action Plan on the Canterbury earthquake recovery for the 18 months from July 2011.