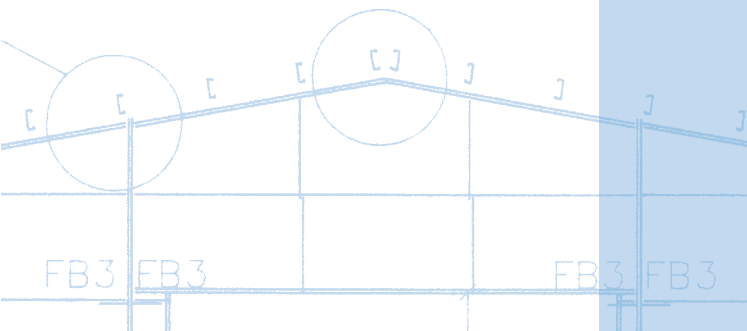




What you need to know about

Making a complaint about access to public buildings



For many reasons people can have difficulty with everyday activities such as hearing public announcements, reading signs, opening doors, using stairs or entering public buildings such as shops, banks, offices, cinemas and clinics.

This brochure can help you if you have concerns about access to a public building or if you want to make a formal complaint. It recommends that you initially notify the owner or occupier of a building when you have access problems.

Who can complain?

Complaints can be lodged by any person who considers they have been discriminated against because of their disability or perceived disability. A friend, family member, associate or an organisation can also complain on their behalf.

What does the law say?

The *Equal Opportunity Act 1995* (EOA) and the *Disability Discrimination Act 1992* (DDA) makes discrimination unlawful in public life. This includes discrimination related to accessing public buildings. The *Building Code of Australia 1996* (the BCA) also requires buildings to have specific features to enable access. For further information about the application of the BCA please refer to the Building Commission's brochure on Victoria's Building Legislation System.

Who should you approach first?

The first step, if possible, should be to discuss the matter with the person who manages or owns the building. You should explain that you believe their building (or part of their building) is discriminatory or compromises you in some way. Some access problems may relate to building management and may be easily fixed, for example a lift or accessible toilet can be unlocked.

You can also lodge your complaint in writing or in person with the building owner or occupier. It is important, that the owner of the building receives your complaint, as they may ultimately be responsible for providing improved access.

Don't forget that corporations or government bodies own some buildings. If this is the case, it is important that you approach the relevant organisation or managing party to discuss your concerns.

If you do not know who owns the building, you can contact the Land Information Centre to obtain a copy of the Title. The Land Information Centre is located at Marland House, Ground Floor, 570 Bourke Street, Melbourne. They can also be emailed at customer.service@dse.vic.gov.au or you can visit their website www.land.vic.gov.au/titles.

It is important, that the owner of the building receives your complaint, as they may ultimately be responsible for providing improved access.

When might you complain to a building surveyor?

If your complaint relates to proposed buildings or buildings that are under construction or have recently been completed, you could raise your concerns with the building surveyor responsible for the project. The building surveyor must ensure that, where applicable new buildings have the features required by the BCA for accessibility.

If you are unable to talk to the building surveyor, your concerns may also be directed to the council where the building is located. The council also has a register of building permits.

When should you lodge a complaint with the Building Commission?

It is important to remember that people approve and construct buildings. Therefore, you may wish to complain about the conduct of the building practitioners responsible for the building. These people should ensure that all the accessibility features required by the BCA are present in new buildings.

Complaints about the conduct of building surveyors and other building practitioners can be lodged with the Building Commission. Complaints about a building practitioner's conduct should be sent to:

Manager, Practitioner Compliance
Building Commission
Casselden Place
PO Box 536E
MELBOURNE VIC 3001
complaintservices@buildingcommmission.com.au

When should you lodge a complaint with the Architects Registration Board of Victoria?

If a complaint relates to the possible professional misconduct of an architect it should be sent to:

Architects Registration Board of Victoria
Level 10 Nauru House
80 Collins Street
Melbourne 3000
registrar@arbv.vic.gov.au
Telephone (03) 9655 8570

When could you lodge a formal complaint with the Human Rights and Equal Opportunity Commission or the Equal Opportunity Commission of Victoria?

If you are unable to resolve the situation by talking to the person responsible for the building, you could then lodge a complaint with the Human Rights and Equal Opportunity Commission (HREOC) or the Equal Opportunity Commission of Victoria (EOCV). You do not have to attempt to resolve the situation before complaining to these organisations.

If your complaint is under the *Disability Discrimination Act 1992* (Federal legislation), you need to complain to the HREOC. If your complaint is under the *Equal Opportunity Act 1995* (State legislation), you need to complain to the EOCV.

Complaints about discrimination cannot be lodged in both State and Federal jurisdictions. The HREOC or the EOCV will be able to advise you which law is most suitable for your particular concern.

For more information about the legislative complaint bodies, contact the:

- Human Rights and Equal Opportunity Commission at www.hreoc.gov.au or complaintsinfo@humanrights.gov.au or telephone 1300 363 992 (voice) or 1800 620 241 (TTY).
- Equal Opportunity Commission of Victoria at www.eoc.vic.gov.au or eoc@vicnet.net.au or telephone 1800 134 142. The direct inquiry line for complaints is (03) 9281 7100 (voice) or 9281 7110 (TTY).

People with disabilities could also obtain advice from disability advocacy and advice bodies via your nearest Community Information Centre or Citizens Advice Bureau.

Who can help me with my complaint?

If you are thinking about making a complaint, you might want to consider obtaining free legal advice from the Disability Discrimination Legal or a Community Legal Centre.

People with disabilities could also obtain advice from disability advocacy and advice bodies via your nearest Community Information Centre or Citizens Advice Bureau. Contact Community Information Victoria on civic@civ.org.au or telephone (03) 9670 1233 if you are unable to locate your nearest Centre or Bureau. Information can also be found by visiting their website at www.civ.org.au.

Disability Discrimination Legal Service

The Disability Discrimination Legal Service is a community legal service that specialises in disability discrimination law. This service offers free information, advice and assistance.

Legal advice and assistance is initially provided to prepare and lodge complaints about disability discrimination with the HREOC and the EOCV.

The Disability Discrimination Legal Service can be contacted on info@dds.org.au or telephone (03) 9602 4877 or toll free 1800 651 275 (voice) or (03) 9602 4135 (TTY).

Community Legal Centres

Community Legal Centres are publicly funded legal services that provide free legal advice and assistance to their local communities.

Contact the Federation of Community Legal Centres on fedclc@vicnet.net.au or telephone (03) 9602 4949 to find your nearest Community Legal Centre.

Need more information?

For any further queries regarding building accessibility complaints, please contact the Building Commission.

This brochure is available from the Building Commission in alternative formats.

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