WHICH HEARING AUGMENTATION STANDARDS DO I NEED TO COMPLY WITH?

The aim of this article is to reference the main legal requirements (including standards) that are required to be met for hearing augmentation and associated signage.

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   c. (NSW) Disability Inclusion Act 2014:
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3. References

1. “BCA” and “Access to Premises Standard” requirements:

   “a. Optional:”
   While these are Non-mandatory requirements, they clearly define on a pass/fail basis what the different types of Hearing Augmentation systems are, and the tests that must be passed in the built environment.
   They can be found in:
   Australian Standard 1428.5 – 2010
   This standard is also often referenced in contracts.

   “b. Class 9B buildings/areas, counters and areas for judicial purposes:”
   The mandatory requirements for Hearing Augmentation are contained in:
   Building Code of Australia (BCA) - 2015 - Section D3.7
   Disability (Access to Premises - Buildings) Standards 2010 inc
   Amdt 1 – Part D3.7

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The mandatory requirements for Signage for Hearing Augmentation are contained in:
- Building Code of Australia (BCA) - 2015 - Section D3.6 and Specification D3.6
- Disability (Access to Premises - Buildings) Standards 2010 inc Amdt 1 - Part D3.6 and Part D4
- Australian Standards 1428.1 - 2009 Amdt 1, Clause 8.2.2 and Figure 12

“c. Public transport buildings only”
The mandatory requirements for Hearing Augmentation are contained in:
- Building Code of Australia (BCA) - 2015 - Section H2.13
- Disability (Access to Premises - Buildings) Standards 2010 inc Amdt 1 - Section H2.13
- Australian Standard 1428.2 - 1992 Clause 21.1

The mandatory requirements for Signage for Hearing Augmentation are contained in:
- Building Code of Australia (BCA) - 2015 - Section H2.10
- Disability (Access to Premises - Buildings) Standards 2010 inc Amdt 1
- Australian Standards 1428.1 - 2001 Clause 14.3 and Figure 34
- Australian Standards 1428.2 - 1992 Clause 17.1, 17.4, Figure 30 and Table 1

d. Performance (Alternative) Solution
As an exercise in economy, some try to use a Performance (Alternative) Solution. (The process is outlined in A0 of the BCA.)

To the best of my knowledge, no Performance Solution has been proposed that meets the needs of as many people as if the Deemed to Satisfy Solutions in D3.7 had been used.

Any Performance Solution must meet DP9 of the BCA, which is the Performance Criteria, and follow A0 of the BCA.
2. **Other Requirements:**

It is not only the BCA and the Access to Premises Standard that must be met. There are other legal jurisdictions, some which overlap, and some which stand-alone e.g. Fit For Purpose applies to every situation, while the requirements for Public Transport conveyances only applies to this category.

a. **Disability Discrimination Act (DDA)**

Many consider that being compliant with the BCA is the end of the matter. However, where the BCA or the Disability (Access to Premises Buildings) Standards 2010 inc Amendment 1 is silent, the DDA needs to be complied with.

For example,

D3.7 of the above requires receivers, but they don’t mention what attachments are to be provided.

Clearly, not providing attachments means the system is not functional. Hearing impaired users with hearing aids or cochlear implants must have a neckloop, while those without hearing aids or cochlear implants require headphones. The only practical way to be compliant is for every receiver to have both a neckloop and a set of headphones. Failure to do so leaves the way open to a potential breach of the DDA, and a complaint being lodged with Australian Human Rights Commission.

Further, it may be thought that complying with the BCA and Access to Premises Standard is only necessary for the Occupancy Certificate. The reality is quite the opposite; failure to comply with the BCA following occupancy leaves the way open to a potential breach of the DDA, and a complaint being lodged with Australian Human Rights Commission.

b. **Fit for purpose:**

The Australian Competition and Consumer Commission specifies that Businesses that sell goods guarantee that those goods are fit for any purpose that the consumer made known to the business before buying (either expressly or by implication), or the purpose for which the business said it would be fit.

This “Fit for Purpose” rule is replicated in every Australian state and territory, through each area’s Fair Trading laws.

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As an example, Consumer Affairs Victoria states:

A trader guarantees that goods will be reasonably fit for any purpose that the trader or the consumer specifies - the goods will do the job the consumer was told they would.

Suppliers guarantee that services, and any resulting products, are of a standard expected to achieve the results that the consumer expressly or by implication, told the supplier they wanted. Their services will be reasonably fit for any purpose expressly or by implication implied by the consumer.

There are a number of examples where Hearing Augmentation systems have been supplied that are not fit for purpose, including:

- Systems with inadequate output to be received by the telecoil in a user’s hearing aid.
- Claiming to cover 100% of the area with a perimeter loop – in most cases this is not possible due to the dead zone over the top of the cable which the telecoil cannot pick up (unless the person tilts their head).
- Using desk or ceiling microphones which pick up reverberation and background noise, thereby defeating the purpose of the hearing augmentation system.
- Claiming compliance using a portable Hearing Augmentation System when there is a permanent inbuilt amplification system. (A permanent amplification system requires a permanent Hearing Augmentation system.)

c. **(NSW) Disability Inclusion Act 2014:**

All disability service providers run and/or funded by Family and Community Services (FACS) must comply with the NSW Disability Service Standards.

The Disability Inclusion Act 2014 (the Act) and the Disability Inclusion Regulation 2014 (the Regulation) commenced on 3 December 2014.

The Act replaced the Disability Services Act 1993. The Act has two main roles:

1. Committing the NSW Government to making communities more inclusive and accessible for people with disability now and into the future. These commitments will continue even when the National Disability Insurance Scheme (NDIS) is operating across NSW. Parts 1 to 3 of the Act contain the ‘legacy’ or continuing commitments.
2. Regulating specialist disability supports and services to people with disability in NSW and introducing better safeguards for these services until the change over to the NDIS. Parts 4 and 5 and Schedule 5 of the Act cover the ‘transitional’ or change over arrangements.


d. Public transport conveyances

The mandatory requirements for Public Transport Conveyances for Hearing Augmentation are contained in:

Australian Standard 1428.2 - 1992 Clause 21.1

The Disability Standards for Accessible Public Transport (2002) states the following:

26.1 - Public Address Systems — premises and infrastructure
If a public address system is installed, it must comply with AS1428.2 (1992) Clause 21.1, Hearing augmentation. This clause applies to Premises and Infrastructure.

Premises - except premises to which the Premises Standards apply

26.2 - Public address systems – conveyances:
“If a public address system is installed:
(a) people who are deaf or have a hearing impairment must be able to receive a message equivalent to the message received by people without a hearing impairment; and

(b) it must comply with AS1428.2 (1992) Clause 21.1, Hearing augmentation.

Conveyances
- Buses
- Coaches
- Ferries
- Trains
- Trams
- Light Rail
27.1 Access to information about transport services
General information about transport services must be accessible to all passengers.

27.4 Access to information about location
All passengers must be given the same level of access to information on their whereabouts during a public transport journey.

The Disability Standards for Accessible Public Transport Guidelines 2004 (No. 3) states the following:
Operators or providers will supply all passengers with information necessary to use a transport service.
General information is associated with transport services and facilities, including regular service information, and planned and unplanned disruptions. Public address systems are necessary to deliver information, in particular to customers with vision impairments, without the need for direct assistance.
However, to provide general information that is accessible to all passengers, other communication channels such as hearing augmentation for those with a hearing impairment and textual display for the deaf are required.

This above clauses only apply to public transport conveyances, (despite its reference to premises and infrastructure in places) as it is under the “Disability Standards for Accessible Public Transport (2002)” and the BCA takes precedence for premises.

3. References
Disability (Access to Premises - Buildings) Standards 2010 inc Amendment 1 (known as the Access to Premises Standard) effective 1st May, 2011
and
BCA 2011 onwards

The Performance requirement:
DP9 An inbuilt communication system for entry, information, entertainment, or for the provision of a service, must be suitable for occupants who are deaf or hearing impaired.
The Deemed to Satisfy (DTS) requirement of DP9

D3.7  (a)  A hearing augmentation system must be provided where an inbuilt amplification system, other than one used only for emergency warning, is installed –

(i)  in a room in a Class 9b building; or
(ii)  in an auditorium, conference room, meeting room or room for judicatory purposes;
(iii)  at any ticket office, teller’s booth, reception area or the like, where the public is screened from the service provider.

(b)  If a hearing augmentation system required by (a) is —

i)  an induction loop, it must be provided to not less than 80% of the floor area of the room or space served by the inbuilt amplification system; or

ii)  a system requiring the use of receivers or the like, it must be available to not less than 95% of the floor area of the room or space served by the inbuilt amplification system, and the number of receivers provided must not be less than—

(A)  if the room or space accommodates up to 500 persons, 1 receiver for every 25 persons or part thereof, or 2 receivers, whichever is the greater; and

(B)  if the room or space accommodates more than 500 persons but not more than 1000 persons, 20 receivers plus 1 receiver for every 33 persons or part thereof in excess of 500 persons; and

(C)  if the room or space accommodates more than 1000 persons but not more than 2000 persons, 35 receivers plus 1 receiver for every 50 persons or part thereof in excess of 1000 persons; and

(D)  if the room or space accommodates more than 2000 persons, 55 receivers plus 1 receiver for every 100 persons or part thereof in excess of 2000 persons.

(c)  The number of persons accommodated in the room or space served by an inbuilt amplification system must be calculated according to D1.13
(d) Any screen or scoreboard associated with a Class 9b building and capable of displaying public announcements must be capable of supplementing any public address system, other than a public address system used for emergency warning purposes only.

**Signage Requirement**

**D3.6** In a building required to be accessible—

(a) braille and tactile signage complying with Specification D3.6 must –

(i) incorporate the international symbol of access or deafness, as appropriate, in accordance with AS 1428.1 and identify each—

(A) ...  
(B) space with a hearing augmentation system; and

(ii) ...  

(b) signage including the international symbol for deafness in accordance with AS 1428.1 must be provided within a room containing a hearing augmentation system identifying—

(i) the type of hearing augmentation; and  
(ii) the area covered within the room; and  
(iii) if receivers are being used and where the receivers can be obtained; and

**AS 1428.1 - 2009 Amdt 1** Design for access and mobility - General requirements for access - New building work

**AS 1428.1 – 2001** Design for access and mobility - General requirements for access - New building work

**AS 1428.5 – 2010** Design for access and mobility - Communication for people who are deaf or hearing impaired

**BCA Performance Solution** (previously Alternative Solution)

If you are looking at using an alternative to the Deemed To Satisfy requirements, this sets out the process to be followed.
BCA PART A0 APPLICATION
A0.1 Compliance with the NCC
A0.2 Meeting the Performance Requirements
A0.3 Performance Solutions
A0.4 Deemed-to-Satisfy Solutions
A0.5 Assessment Methods
A0.6 Defined terms
A0.7 Relevant Performance Requirements

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About the Author
Andrew Stewart is qualified in electronics, and has been working for ClearaSound for over 30 years of installing, testing and commissioning Hearing Augmentation Systems. He and his team have conducted their own research of comparison methodologies of installing hearing loop systems and designed and constructed test equipment.

Installations include Sydney Opera House, First Class Qantas Club Singapore, art galleries, museums, theatres and many others.

Andrew was a key leader in the development of AS 1428.5 - 2010, the authoritative document on Hearing Augmentation in Australia.

He is also a life member of Deafness Forum of Australia (the peak body for hearing impaired people in Australia) and continues to represent them, as he has on many committees for over 15 years.

Andrew has been hearing impaired all his life, with a progressive loss, and now wears two cochlear implants. He has 9 other family members who wear hearing aids and or cochlear implants.
Why choose ClearaSound?

- Specialising in Hearing Augmentation Systems for over 30 years.
- Innovative technical team who conduct research and development of our Hearing Augmentation systems for improved outcomes.
- Over 30 years of design, installation and commissioning of Hearing Augmentation systems (loop systems, FM systems, sound field systems and public address systems) for a range of public access buildings, for small halls to significant buildings and venues.
- Hearing Augmentation seminars for building professionals.
- Provide training in Hearing Augmentation for Access Consultants, Building certifiers and surveyors, and architects.

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Further information

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