



**IN THE FEDERAL CIRCUIT COURT
OF AUSTRALIA
AT BRISBANE**

File No: BRG456/2019

**DAVID ANDREW RYAN AS PERSONAL REPRESENTATIVE OF THE ESTATE
OF THE LATE PETER JOHN RYAN**
Applicant

SUNSHINE COAST HOSPITAL AND HEALTH SERVICE
Respondent

ORDER

BEFORE: JUDGE JARRETT
DATE: 04 August 2021
MADE AT: BRISBANE

APPEARANCES: Made in Chambers

THE COURT DECLARES THAT:

1. The respondent has engaged in the following unlawful indirect discrimination as prohibited by sections 6, 23, 24 and 32 of the *Disability Discrimination Act* 1992 (Cth) (the Disability Discrimination Act):
 - (a) people with vision impairments, such as the applicant, have been subject to unlawful indirect discrimination in relation to:
 - (i) access to the Sunshine Coast University Hospital at Birtinya on the Sunshine Coast in the State of Queensland (the Hospital); and
 - (ii) the provision of goods and services by the Hospital; and
 - (b) the respondent has contravened clauses D3.2(1), D3.8(1) and D3.12 of the *Disability (Access to Premises – Buildings) Standards* 2010 (the Disability Standards), and in so doing has breached section 32 of the *Disability Discrimination Act*.



THE COURT ORDERS THAT:

2. The respondent is to undertake the following at the Sunshine Coast University Hospital:
 - (a) as to the forecourt area:
 - (i) install 45% luminance contrast warning Tactile Ground Surface Indicators (TGSIs) along pedestrian path at same grade as vehicular roadways in Emergency Set Down Area. 600mm wide and set back 300+/- 10mm from the roadway or, where provided, 300+/- 10mm from bollards;
 - (ii) replace existing TGSIs to meet 45% luminance contrast against ground along Passenger Drop Off Area;
 - (iii) replace TGSIs in the Passenger Drop Off Area with 45% luminance contrast directional TGSIs to 600mm width;
 - (iv) provide warning TGSIs and directional TGSIs from the bus station and the short-term car park to the entrance of the Hospital;
 - (v) install 45% luminance contrast warning TGSIs and directional TGSIs to Main Entrance from the bus station and from the short term car park;
 - (vi) paint the whole of all bollards black; and
 - (vii) refinish seats and columns so that as they intersect with the ground surface and they achieve 30% luminance contrast, and this treatment is to have a minimum depth or height of 200mm;
 - (b) as to entrances and glazing:
 - (i) install new solid, non-transparent continuous visual indicator to glazing and glazed doors at Southern Entrance to meet 30% luminance contrast against floor. The contrasting line is to be no less than 75mm in width with the lower edge located between 900mm and 1000mm above the finished floor surface;



- (ii) paint wall between the two doors at Level I Link Entrance to rectify internal luminance contrast between door frames and wall;
 - (iii) install new vertical strip to Northern and Southern Entrance door frames to meet 30% luminance contrast and minimum width of 50mm between glazing and frame;
 - (iv) install a new vertical strip to the automatic doors at the Level 1 Link Entrance to meet 30% luminance contrast and minimum width of 50mm on the leading edge of the door; and
 - (v) provide a solid, non-transparent, continuous visual indicator which provides minimum 30% luminance contrast when viewed against the floor surface within 2 metres of the glazing when viewed from either side of the doors/glazing; and
- (c) as to signage at the Hospital:
- (i) continue Ground Floor and Level 1 Lift Totems black colour down to the floor to meet 30% luminance contrast against floor;
 - (ii) replace direction signs between the two lift doors in lift lobby (Ground Floor to Level 5 - Purple and Orange Lifts) with new anti-glare acrylic panels to rectify the current reflective finish;
 - (iii) amend Ground Floor and Level 1 Lift Totem information and map to rectify contrast of letters/symbols to meet 30% luminance contrast against floor;
 - (iv) continue the black section of Lift and Directory Totem Signs to the floor;
 - (v) relocate grey couches on the Ground Level away from shorelines where they do not achieve a minimum 30% luminance contrast with the floor surface colour;
 - (vi) replace all directory and directional signage (including reflective finish) within Lift Lobbies with raised tactile and Braille signage, and in so doing, ensure:



- (A) all contents within these signs is at an accessible height (1200mm to 1600mm Above Finished Floor Level (AFFL)) to allow for touch reading;
 - (B) the sign content, is accessible regarding lettering height (minimum Cap Height of 15mm), design, luminance contrast, graphics and Braille; and
 - (C) the sign surface is matte in finish;
- (vii) provide 30% luminance contrast between the letters/symbols and sign background colour on lift totems;
 - (viii) replace all directional signs which are currently floor mounted or wall mounted with raised tactile and Braille signs. Ensure all content within these signs is at an accessible height (1200mm to 1600mm AFFL) to allow for touch reading, and ensure the sign content is accessible regarding lettering height (minimum Cap Height of 15mm), design, luminance contrast, graphics and Braille;
 - (ix) replace all Lift Totem signs with raised tactile and Braille signs, and ensure all content within these signs is at an accessible height (1200mm to 1600mm AFFL) to allow for touch reading, and ensure the sign content, including maps, are accessible regarding lettering height (minimum Cap Height of 15mm), design, luminance contrast, graphics and Braille;
 - (x) install Ward Identification signage to all Wards with raised tactile and Braille signage that is at an accessible height (1200mm to 1600mm AFFL) to allow for touch reading, and such sign content is to be accessible regarding lettering height (minimum Cap Height of 15mm), design, luminance contrast and Braille;
 - (xi) install Room Identification signage with raised tactile and Braille signage that are at an accessible height (1200mm to 1600mm AFFL) to allow for touch reading, and such sign content is to be



accessible regarding lettering height (minimum Cap Height of 15mm), design, luminance contrast and Braille;

- (xii) install external directional signs with the public forecourt with a raised tactile and Braille sign, and ensure all content within this sign is at an accessible height (1200 mm to 1600mm AFFL) to allow for touch reading, and such sign content (including maps) are to be accessible regarding lettering height (minimum Cap Height of 15mm for signs and 12mm for maps), design, luminance contrast, graphics and Braille, and the map orientation is to be “heads up” to the required direction of travel;
- (xiii) replace the stainless-steel handrail on the Level 1 glass balustrade with a timber handrail;
- (xiv) paint walls and columns in all corridors where the wall and the floors do not have a minimum 30% luminance contrast so that the walls and columns achieve a 30% luminance contrast with the floor finish; and
- (xv) refinish all vinyl floor surface to remove polished surface finish and to return the surface back to its original matte finish.

3. The parties are to file and serve within fourteen (14) days of this Order:

- (a) written submissions, limited to five (5) pages, as to the appropriate order as to costs; and, if deemed appropriate; and
- (b) any affidavit material in support of such written submissions.

By the Court

DATE ENTERED: 4 August, 2021

A handwritten signature in blue ink, appearing to be 'Registrar', written over a horizontal line.

Registrar