



Australian Network
for Universal
Housing Design



Rights & Inclusion Australia
ABN 60 149 775 100

18 July 2017

Hon Craig Laundry MP,
Assistant Minister for Industry, Innovation and Science
Chairperson, Building Ministers' Forum

Dear Minister,

Timeline for the Regulatory Impact Assessment for minimum accessibility standard for private dwellings in Australia

We refer to the communiqué following the meeting of the Building Ministers' Forum (BMF) on 21 April 2017, which stated:

State and Territory Governments have made progress towards increasing the stock of universal and accessible housing. Ministers agreed to propose to COAG that a national Regulatory Impact Assessment be undertaken as soon as possible to consider applying a minimum accessibility standard for private dwellings in Australia.

We ask you to expedite the Council of Australian Governments' (COAG's) consideration of your proposal for the national Regulatory Impact Assessment and, on their endorsement, direct the Australian Building Codes Board (ABCB) to complete this work in time for the National Construction Code's (NCC's) 2019 review.

Mr Neil Savery, General Manager ABCB, informed us on 4 July 2017 that:

It is our expectation that the work will have been completed in a timeframe that if there were changes to the NCC agreed to, these would not be available for NCC 2019. Having said this, if there are changes proposed for NCC 2022, it is our experience that having a window in which industry can prepare for and transition also helps with effective implementation.

Although we understand Mr Savery's competing pressures, the 2010-2020 National Disability Strategy's (NDS's) commitment has a target that "all new homes will be of agreed universal design standards by 2020 has been set, with interim targets and earlier completion dates to be determined". The timeframe proposed by Mr Savery is therefore not acceptable, as it falls well outside the target dates set by the National Dialogue and endorsed by COAG in the NDS.

Mr Savery contends that this work will be a substantial undertaking, involving analysis, research, consultation, development of provisions and testing of options through a

Regulatory Impact Analysis. We consider this work can and should be completed by 2019 for the following reasons:

- In **2010**, the Strategic Plan¹ of the National Dialogue (see Attachment 1 for members) established a case for action². The National Dialogue supported a self-regulatory approach with measurable targets against which progress could be measured. As active participants in the National Dialogue, the private housing sector representatives agreed that the inclusion of access features in all housing benefitted the whole community, the targets were reasonable and doable, and there was no disadvantage to the industry³. Regular reviews, starting in 2013, were planned to “*identify areas of successful application, any barriers to uptake, and whether there is a need for other incentives or measures to stimulate adoption of Universal Housing Design principles*”⁴.
- In **2010** and 2013, the respective Victorian and ACT Governments attempted to amend their building legislation to provide minimum access features in private housing. Both initiatives were not supported by the housing industry, which favoured the self-regulatory approach.
- In **2011**, COAG launched the NDS, which committed to support the National Dialogue’s Strategic Plan, the 2020 target and the interim targets. The 2015-2018 Implementation Plan of the NDS omitted any review of the National Dialogue’s Strategic Plan.
- In **2012**, Livable Housing Australia was funded \$1 million to implement the Strategic Plan.
- In **2015**, In the absence of any reviews by Livable Housing Australia or COAG, ANUHD and RIA reported on the progress of the self-regulatory approach⁵. This report concluded that:

Despite the support of the Australian Government and the sustained efforts of Livable Housing Australia, the housing industry has failed to show signs of voluntary systemic transformation. A generous estimation is that the current voluntary approach will achieve less than 5% of the National Dialogue’s 2020 target.

Neither COAG nor the housing industry contested these findings.

- From **2013**, two of Australia’s most important and extensive social welfare programs (NDIS and the Aged-Care Reforms) are being progressively implemented across Australia. Their success is contingent on the active engagement by all levels of Government to work towards accessible and inclusive communities, including housing. If the self-regulatory approach had been successful, more than 700,000 dwellings would

¹ National Dialogue on Universal Housing Design, Strategic Plan, July 2013

² Principle 1 of Best Practice Regulation

³ Press Release from Property Council of Australia, 13 July 2013

⁴ Principle 2 of Best Practice Regulation

⁵ ANUHD/RIA Report on the Progress of the National Dialogue on Universal Housing Design, Jan 2015

now be to a reliable universal design standard, and would have significantly contributed to these programs' implementation.

- In early **2016**, we submitted a Proposal for Change (PFC) to the ABCB to consider a regulatory approach, given the failure of self-regulation. This was supported by many organisations and individuals, who will receive a copy of this letter (See Attachment 2). Although this was not supported, we understood that the ABCB, with its proactive agenda, would have considered the PFC in the light of the COAG's commitment and commenced deliberations.

In summary, it is seven years since the National Dialogue's agreement and there is a growing body of evidence to suggest that the self-regulatory approach has failed. The housing industry has at every point been given the opportunity to respond, and the ABCB has been included in significant correspondence that will have well prepared it for this project. We are concerned by the fact that up to 200,000 inaccessible dwellings will be built in each year that this work is delayed. COAG and the BMF are at risk of significant negative public scrutiny from the general public, inextricably linked to family members and friends who are ageing and with disability, as well as from the disability and ageing sectors, if the 2020 target is not met.

We ask you to expedite the COAG's consideration of your proposal for the national Regulatory Impact Assessment, and on their endorsement, direct the ABCB to complete this work in time for the NCC's 2019 review.

We look forward to your reply by email at anuhd@anuhd.org and would appreciate a response before 10 August 2017.

Thank you.

Yours Sincerely,



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Cc

COM	Mr Neil Savery, General Manager, Australian Building Codes Board Neil.Savery@abcb.gov.au	Dr Anne Byrne Government Member Anne.Byrne@industry.gov.au
WA	The Hon Bill Johnston MP, Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement minister.johnston@dpc.wa.gov.au	Peter Gow Government Member ABCB Peter.gow@commerce.wa.gov.au
SA	The Hon John Rau MP Minister for Planning agd@agd.sa.gov.au	Jodie Evans Government Member ABCB Jodie.evans@sa.gov.au
NSW	The Hon Anthony Roberts MP Minister for Planning, office@roberts.minister.nsw.gov.au	Alex O'Mara Government Member ABCB Alex.O'Mara@planning.nsw.gov.au
VIC	The Hon Richard Wynne MP, Minister for Planning richard.wynne@parliament.vic.gov.au	Jarrod Edwards Government Member ABCB murray.smith@vba.vic.gov.au
TAS	The Hon Guy Barnett MP Minister for Planning and Local Government guy.barnett@parliament.tas.gov.au	Dale Webster Government Member ABCB dale.webster@justice.tas.gov.au
QLD	The Hon Mick de Brenni MP Minister for Housing and Public Works hpw@ministerial.qld.gov.au	Logan Timms Government Member ABCB logan.timms@hpw.qld.gov.au
ACT	The Hon Mick Gentleman MP Minister for Planning and Land Management gentleman@act.gov.au	Ben Ponton Government Member ABCB ben.ponton@act.gov.au
NT	The Hon Nicole Manison MP Minister for Lands and Planning Minister.manison@nt.gov.au	Fabio Finocchiaro Government Member ABCB fabio.finocchiaro@nt.gov.au
	Ms Sophie Pickett-Heaps, Chair Livable Housing Australia sophie.pickett-heaps@stockland.com.au	Kristin Brookfield Housing Industry Association k.brookfield@hia.com.au

Attachment 1

List of members of the National Dialogue on Universal Housing Design in 2010

- Australian Human Rights Commission
- Australian Institute of Architects
- Australian Local Government Association
- Australian Network for Universal Housing Design
- COTA Australia
- Grocon
- Housing Industry Association
- Lend Lease
- Master Builders Australia
- National People with Disabilities and Carers Council
- Office of the Disability Council of NSW
- Property Council of Australia
- Real Estate Institute of Australia
- Stockland

The National Dialogue members acknowledged that achieving the outcomes set out in this Strategic Plan would rely on the ongoing cooperation and contribution of the members and all levels of government over the next ten years.

The National Dialogue have been provided secretariat supported by the Department of Families, Housing, Community Services and Indigenous Affairs. The Department of Industry, Innovation, Science and Research and the Australian Building Codes Board acted as observers to the Dialogue given the discussion around developing guidelines. The Department of Planning and Community Development and the Building Commission, Victoria provided technical advice on the guidelines.

Attachment 2

List of supporters of the Proposal For Change submitted by Australian Network for Universal Housing Design and Rights and Inclusion Australia, May 2016.

Organisation Name	Contact name
Access 2 Place Housing	Jonathan Lardner
Access Australia Planning & Design Pty Ltd	Mr Michael Fox AM
Access Designs	Mr Max Murray
ACOSS	Jacqueline Phillips
Action for More Independence & Dignity in Accommodation	Ms Pauline Williams
ADACAS	Ms Christina Pascoe
AMPARO Advocacy	Maureen Fordyce
Andrew Cross, Architect & Occupational Therapist	Andrew Cross
Annecto	Ms Estelle Fyffe
Araluen Centre	Brenton Daw
ARATA	Trina Phuah
Architecture & Access (Aust) Pty Ltd	Aaron Stowe
architecture.access.advocacy	Wendy Lovelace
Association of Consultants in Access Australia	Terry Osborn
Ausco Modular P/L	Mr Anthony Walsh
Australia for All Alliance	Ms Sheila King
Australian Disability and Indigenous People's Education Fund	Mr Frank Hall-Bentick AM
Australian Federation of Disability Organisations	Matthew Wright
Australian Network for Universal Housing Design	David Brant
Avenues Lifestyle Org	Tess Parker
Bamford Godfrey & Assoc. Pty Ltd	Nicholas C Bamford
Berry Street - Northern Family & Domestic Violence Service	Ms Gayle Correnti
Bespoke Lifestyles	Ms Maria Wiltshire
Blesing Design	Joanne Blesing
Blind Citizens Australia	Tony Iezzi
BRIC Housing Company	Gina Pearson
Brisbane City Council	Lord Mayor Graham Quirk
Brownstowe Pty Ltd	Aaron Stowe
Canberra Multicultural Community Forum (CMCF)	Alicia Doherty
Carers Queensland	Debra Cottrell
LivingCare Consulting (LCC)	Carolyn Bennett
Catholic Health Australia	Mr Richard Gray AM
Cerebral Palsy League	Angela Tillmanns
Children with Disability Australia	Stephanie Gotlib
City Futures University of New South Wales	Dr Ilan Weisel
City of Whittlesea	Vivienne Jackson
City of Yarra	Marta Rokicki
Clark Corporate Consulting	Dennis Clark
CMS Architects	Mr Chris Shields
Co-Effective Solutions	Mark Thomson
Community Housing Limited	Preeti Daga
Community Resource Unit	Margaret Rodgers
Community Resourcing	Ash-Lee Hall

Organisation Name	Contact name
COTA Australia	Ian Yates AM
COTA NSW	Ian Day
COTA Queensland	Mark Tucker Evans
COTA Tasmania	Alwyn Friedersdorff
COTA Victoria	Liz Harvey
Council to Homeless Persons	Ms Kate Colvin
Dante Della Cruz Architects P/L	Mr Dante Della Cruz
Chisholm Institute Disability Support	Darmah Nrs
Deaf Access Barwon SW	Mr Erica Smith
Deakin University	Ms Valerie Watchorn
Decision Easy	Wim van Herik
Deicke Richards Architects	Phil Smith
Didactic Enterprises	Sue Salthouse
Dignity for Disability	Hon Kelly Vincent MLC
Disability Consultancy Services Pty Ltd	Becky Llewellyn
Disability Consultancy Services Pty Ltd	Ms Becky Llewellyn
Disability Justice Advocacy Inc	Mr Trevor Carroll
Disability Rights Law Centre	Ms Christina Ryan
Domestic Violence Victoria	Ms Fiona McCormack
Ecclesia Housing	Dr Phillip Morath
EcoCentre	Donell Davis
Eco-Effective Design	Mr Mark Thomson
Eco Lateral: Experts in Sustainability	Sally Jope
Economic Security for Women	John Moynahan
Egress Group	Mr Lee Wilson
Enabled Quality Living	Mr Leslie Aldor
Enabling Built Environments Program	Dr Catherine Bridge
Endeavour Foundation	David Barbagallo
Equality Rights Alliance	Ms Helen Dalley-Fisher
Eric Martin and Associates	Eric Martin
Erika Webb Enterprises	Erika Webb
Every Australian Counts	John Della Bosca
First Peoples Disability Network (Australia)	Damian Griffis
Functional Access Solutions	George Xinos
Georgina Martina Inc	Ms Lisa Dunbar
Gillian McFee & Associates	Gillian McFee
Gillian McPhee and Associates	Ms Gillian McPhee
Grampians Disability Advocacy	Ms Kaylene Howell
Home Design for Living	Elizabeth Ainsworth
Home Modifications Australia	Michael Bleasdale
HSPC Disability Access Consultancy	Francesca Davenport
I 4 Development P/L	Mr John O'Shea
IDEAS NSW	Diana Palmer
Inclusion Plus Family Support Inc	Peter Farnham
Independent Advocacy Townsville	Kylie-Maree Beller
Integrated Design Group Pty. Ltd	Mr Tony McBurney
JFA Purple Orange	Geoff Barber

Organisation Name	Contact name
John Deshon Pty Ltd	John Deshon AM
Kay Maclean Disability Consultant	Kay Maclean
Kyabra Community Association	Mr David O'Toole
Living Care Consulting	Carolyn Bennett
Mark Golden Architects	Mr Mark Golden
Melbourne City Mission	Ms Jennifer Boulton
Social Equity Institute, Melbourne Law School	Dr Piers Gooding
MiLife Victoria	Ms Terri Carroll
MND and Me Foundation	Mr Paul Olds
MOIRA	Mr Warwick Cavanagh
Montrose Access	Justin Bobbermien
Moorabool Shire Council	Ms Bev Watson
Moreland City Council	Ms Carolyn Hughes
Moreton Bay Regional Council	Allan Sutherland
Mpower	Ms Kerry Nelson
MS Queensland	Mr Clinton Hopper
National Affordable Housing Consortium	Mike Myers
National Disability Services	Ken Baker
National Ethnic Disability Alliance	Jane Flanagan
National Foundation for Australian Women	Kate Bosser
National Rural Women's Coalition	Alwyn Friedersdorff
National Shelter	Adrian Pisarski
NDS Victoria	Mr David Moody
No to Violence/Men's Referral Service	Ms Jacqui Watt
Northcott	Tracey Gleeson
Older people Speak Out	Tony Townsend
People with Disability (WA) Inc	Ms Samantha Jenkinson
People with Disability ACT	Mr Robert Altmore
People with Disability Australia	Therese Sands
People with disability Western Australia	Debra Sommerfield
Phillip Chun Access Consulting	Mr Andrew Blamey
Physical Disability Council of NSW	Serena Ovens
Place Mate Architects	Jan Hogarth
PM&D Architects	Mr Geoff Barker
Public Advocate Qld	Ms Jodie Griffiths-Cook
QCROSS	Mr Mark Henley
Qld Anti-Discrimination Commission	Mr Kevin Cocks AM
Queensland Action for Universal Housing Design	Wendy Lovelace
Queensland Advocacy Inc	Ms Michelle O'Flynn
Queensland Aged and Disability Advocacy	Mr Geoff Rowe
Queensland Alliance for Mental Health Inc	Amara Bains
Queensland Country Women's Association	Robyn McFarlane
Queensland Greens Party	Penny Allman-Payne
Queensland Nurses Union	Beth Mohle
Queenslanders with Disability Network	Ms Paige Armstrong
Rights and Inclusion Australia	Michael Fox AM
Rights in Action	Joseph Lynd

Organisation Name	Contact name
RMIT	Dr Carmel Laragy
Ross Howard, Building Designer	Ross Howard
Salwood Asia Pacific Pty Ltd	Stephen and Dao Midgley
SBH Queensland	Bill Shead
Scope(Aust) Pty Ltd	Denise West
Scope(Aust) Pty Ltd	Dr Jennifer Fitzgerald
Sisters 4 Sustainability	Ms Donell Davis
Special Care Central	Yvonne Campbell
Spinal Injuries Australia	John Mayo
St Laurence Community Services	Mr Chris Halls
STAR Victoria Inc	Esther Harris
State Architect (Qld)	Malcolm Middleton AOM
Summer Foundation	Susi Hammond
Sunraysia Residential Services Inc	Marian Luehman
Sunshine Coast Independent Living Service Inc	Paul Martin
Sunshine Coast Special Olympics	Shirley Hastings
Sydney Access Consultants	Gary Finn
Trish Lapsley occupational therapy & access services	Ms Trish Lapsley
Uniting Care Queensland	Ms Anne Cross
Universal Design Australia	Jane Bringolf
VALID	Mr David Craig
(former) Victorian Equal Opportunity and Human Rights Commissioner	Ms Kate Jenkins
Victorian Universal Housing Alliance	David Brant
Visionary Design Development Pty Ltd	Mary Ann Jackson
Vista Access Architects	Farah Madon
Wayfinding Australia	Bryce Tolliday
Whittlesea Disability Network	Alice Wells
WIRE Women's Information	Ms Rachael Bausor
Women with Disabilities Australia	Carolyn Frohmader
Women with Disabilities Victoria	Ms Keran Howe
Women's Health and Wellbeing (Barwon SW Inc)	Ms Emily Lee-Ack
Women's Health East	Ms Kristine Olaris
WSD Access Consultants	Simone Pirovich
Wyndham City	Mr Alan Cocks
Wyse Access Consulting	Ms Maree Wyse
Yarra City Council	Ms Vijaya Vaidyanath
Young People in Nursing Homes National Alliance	Bronwyn Morkham
YoungCare	Ms Samantha Kennerly
Youth Disability Advocacy Service	Dr George Taleporos
YWCA Canberra	Caroline Dempsey
Zel Iscel-consultant	Zel Iscel

Individuals

Annabel Drynan	Cnr Alwyn Friedersdorff	Emily Steel, OT
Anthony Nolan	Digby Hughes	Emma Lennon
Carolyn Vimpani	Dr Barry Seeger	Gillian Turnbull
Claire Orłowski	Dr Rhonda Galbally AO	Heather Falkiner

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Jean Cotchin
Jean Prentis
Jo-Anne O'Neill
Kerry Hunter
Kristine Olaris
Lauren Farrell
Lee Wilson
Lisa Edwards
Lisa Stafford
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Malcolm Merrett
Margaret Stevens
Marie Coleman AO, PSM
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Marilyn Adams
Mr John MacPherson
Natalie Walsh
Natalie Wright
Neroli Moran
Patrice Latcham
Pearl Drolet
Penelope Price
Professor Jeffrey Soar

Rod Hyatt
Roslyn Sackley
Ross Howard, Building
Designer
Sophie Thomas
Stephanie McLeish
Stephen Kelly
Tammy Aplin
Unis Goh
Victoria Jones
Wendy Banfield