



Responses from the Building Ministers Forum

Regarding the Regulatory Impact Assessment of a minimum accessibility standard for private housing

This document provides the responses to ANUHD and RIA's letter to members of the Building Ministers Forum on 17 February 2018.

Our letter reminded the Ministers that their communiqué on 6 October 2017 stated that *"the RIA will examine the silver and gold performance levels as options for a minimum accessible standard; use a sensitivity approach; and be informed by appropriate case studies."* We also noted that their communiqué in April 2017 called for the RIA to *"be undertaken as soon as possible"*¹. We reminded them of the urgency of this matter, because, without immediate and purposeful action, COAG will not meet its commitment to ensure all *"all new homes will be of agreed universal design standards by 2020"*².

We asked that the members to give the highest priority to the RIA regarding accessibility in housing so that any recommendations to update the National Construction Code can be included in the 2019 edition.

See the responses below.



Australian Government
**Department of Industry,
Innovation and Science**

MC18-001290

Ms Margaret Ward PSM and Mr David Brant
Convenors
Australian Network for Universal Housing Design

Mr Michael Fox AM
Chair
Rights and Inclusion Australia

Dear Ms Ward, Mr Brant, and Mr Fox

Thank you for your letter of 17 February 2018 to the Hon Craig Laundy MP, Minister for Small and Family Business, the Workplace and Deregulation concerning the regulation of minimum access features in housing within the National Construction Code (NCC). The Minister has asked me to reply on his behalf. I apologise for the delay in responding.

The Building Ministers' Forum (BMF), in consultation with the Disability Reform Council, has agreed to prioritise the Regulatory Impact Assessment (RIA), including the examination of using the silver and gold liveable housing design standards as options for a minimum accessible standard for private housing; use a sensitivity approach; and be informed by appropriate case studies.

I understand that the Australian Network for Universal Housing Design (ANUHD) is concerned that the timing of the RIA will not result in changes being adopted in the 2019 version of the NCC.

While accessible housing continues to be an important issue for governments and stakeholders, it is important that the policy parameters of the project be sound, and due diligence followed, to ensure a good decision can be made by the BMF.

I understand you have also written to the other Ministers on the BMF regarding this matter.

The BMF Secretariat will continue to keep you informed of future progress.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rodney Harris', with a long horizontal flourish extending to the right.

Rodney Harris
A/g Manager, BMF Secretariat
Industry Transition Branch

3 May 2018

The Hon John Rau MP



17PLN0734

**Government
of South Australia**

**Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Industrial Relations
Minister for Child Protection
Reform
Minister for the Public Sector
Minister for Consumer and
Business Services
Minister for the City of
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23 February 2018

Dr Margaret Ward & Mr David Brant
Convenors
Australian Network for Universal Housing Design
anuhd.network@gmail.com

Dear Dr Ward and Mr Brant

Request for South Australia's report to address the National Disability Strategy 2010-2020

I write in response to your email seeking a copy of South Australia's report to the Building Ministers' Forum (BMF) regarding the State's progress towards achieving the National Disability Strategy 2010-2020 (NDS) targets, particularly in relation to accessible housing.

I was unfortunately unable to attend the Housing Forum you refer to in your email. I understand the Australian Network for Universal Housing Design intended to provide forum delegates with an update on each state and territory's progress towards the NDS targets. Although no formal report was prepared for the BMF I can provide you information about the range of initiatives the government has undertaken to address the needs of people who require universal and accessible housing. These include:

- a South Australian variation to the National Construction Code (NCC) that requires a minimum of one dwelling per 20 dwellings in new developments, and one apartment per 20 new apartments to be accessible. South Australia is the only jurisdiction that has this requirement.
- The requirement for a design policy under the *Planning, Development and Infrastructure Act 2016* with respect to the universal design of buildings and places.
- 75% of new social housing built by Housing SA is built in accordance with universal design principles.
- The 1000 houses in 1000 days scheme, which requires 10% of housing to be built to the National Liveable Housing Design Guidelines.

As you would be aware, the BMF recently agreed to the preparation of a Regulatory Impact Assessment for mandating a minimum accessibility standard for private housing. It is anticipated that the RIA will be complete by mid-2018 and any findings and recommendations will be considered by the BMF at this time.

Yours sincerely

A handwritten signature in black ink, appearing to be 'John Rau', written over a circular stamp or seal.

John Rau
Deputy Premier
Minister for Planning



Hon Bill Johnston MLA
Minister for Mines and Petroleum; Commerce and Industrial Relations;
Electoral Affairs; Asian Engagement

Our ref: 71-05556

Dr Margaret Ward PSM
Convenor
Australia Network for Universal Housing Design
anuhd@anuhd.org

Dear Dr Ward

REGULATION OF MINIMUM ACCESS FEATURES IN HOUSING IN NCC

Thank you for your letter of 17 February 2018 concerning the Regulatory Impact Assessment (RIA) for minimum accessible features in housing.

As you would be aware, under the Intergovernmental Agreement (the IGA) for the Australian Building Codes Board (ABCB), the ABCB is required to develop and maintain the National Construction Code (NCC) to accord with the strategic policy priorities established by the Building Ministers Forum (BMF).

The BMF agreed to undertake the national RIA on the matter you have raised at its October 2017 meeting. The IGA outlines the expectation of government, industry and stakeholders that all changes to the NCC will undergo suitable regulatory analysis.

This approach is consistent with COAG best practice guidelines for development of regulations.

While I appreciate your concern with the time it is taking to implement changes to the NCC, appropriate assessment of the impact of regulatory intervention is a necessary part of developing effective government policy and regulation. I am pleased that work is already underway on developing the RIA for accessible housing, in line with the decision of the BMF.

Thank you for your advocacy on this important issue.

Yours sincerely

Hon Bill Johnston MLA
Minister for Mines and Petroleum; Commerce and Industrial Relations;
Electoral Affairs; Asian Engagement

cc: Hon Stephen Dawson MLC, Minister for Disability Services

15 MAR 2018

Mick Gentleman MLA



Member for Brindabella

Manager of Government Business
Minister for Police and Emergency Services
Minister for the Environment and Heritage
Minister for Planning and Land Management
Minister for Urban Renewal

18/04951

Ms Margaret Ward PSM
Mr David Brant
Convenors
Australian Network for Universal Housing Design
anuhd@anuhd.org

Mr Michael Fox AM
Chair
Rights and Inclusion Australia
reply@riaaustralia.org

Dear Ms Ward and Messers Brant and Fox

Thank you for your letter of 17 February 2018 about the potential regulation of minimum access features in housing within the National Construction Code. I apologise for the delay in responding.

The Building Ministers' Forum (BMF) remains committed to undertaking regulatory impact assessment on the inclusion of minimum accessibility standards for housing in the National Construction Code. The BMF has now agreed to the scope of the regulatory impact assessment and it is proposed that the BMF consider an options paper prepared in consultation with the Disability Reform Council at its next meeting.

I can assure you that the project is a priority and officials are working on this reform in accordance with the direction of the BMF and the process for developing and consulting on national standards. As the Chief Minister noted in his correspondence to you there is no nationally agreed standard, or existing standards that have been subject to regulatory impact analysis for application to all new housing across Australia. As such, the BMF and Australian Building Codes Board (ABCB) need to undertake substantial new work as part of this project.

The development of the 2019 National Construction Code (NCC) is already well underway to allow for its release in early 2019. The public comment draft for the 2019 NCC was released for consultation early this year. It would not be likely to include any findings from regulatory impact assessment in the 2019 update, given the assessment as well as any resultant technical standard, if recommended, would need to be finalised within the next few months. This would not allow for the

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thorough consideration and consultation that creating and assessing a new national standard requires.

In previous correspondence to ACT Ministers you sought assurances that there would be adequate consultation and that analysis would take into account social and environmental costs and benefits, not only economic ones. We remain committed that the work is to be comprehensive. It appears from the additional correspondence you provided that other building and disability ministers have done the same.

Thank you for your ongoing support for improved accessibility in housing. I hope you will support the BMF in its work to ensure that the issues associated with limited accessibility in housing are fully considered and any new national regulation is effective.

Yours sincerely



Mick Gentleman MLA
Minister for Planning and Land Management

815718



Dr Margaret Ward PSM
Convenor
Australian Network for Universal Housing Design
anuhd@anuhd.org

Dear Dr Ward

Thank you for your joint correspondence with Mr David Brant, Convenor, Australian Network for Universal Housing Design, and Mr Michael Fox AM, Chair, Rights and Inclusion Australia, to the Hon Anthony Roberts MP, Minister for Planning, about the Australian Building Codes Board's regulatory impact assessment for accessible private housing. The Minister has asked me to respond on his behalf.

I acknowledge your concern that the regulatory impact assessment will not be completed in time for it to be included in the 2019 edition of the National Construction Code. I understand you also raised these concerns with the Hon Matt Kean MP, NSW Minister for Innovation and Regulation, who has referred your correspondence to Minister Roberts. Please note this letter is a response to both approaches.

I appreciate your desire for the regulatory impact assessment to be completed more quickly. However, I must emphasise the significant body of work and extensive stakeholder consultations required for this assessment. This amount of work will, unfortunately, prevent the assessment from being completed within the publishing deadline for NCC 2019. Furthermore, it should also be noted that the proposed changes to the NCC 2019 are currently on exhibition. The Department will continue to monitor progress and advocate for the timely completion of the assessment process to enable consideration of this matter for inclusion in NCC 2022.

I recognise your efforts to encourage policymakers and key stakeholders to promote inclusive and accessible housing across Australia. While establishing national accessibility standards for new private homes takes time, I assure you the Department of Planning and Environment continues to explore policy options to deliver accessible housing. This includes reviewing the provisions in the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 and State Environmental Planning Policy (Affordable Rental Housing) 2009, as part of the wider SEPP Review Program.

Furthermore, the Department's State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide, require consent authorities to consider accessible housing objectives when assessing multi-unit residential buildings.

Should you have any further questions, you may contact Mr Stephen Durnford,
Acting Director, Environment and Building Policy, at the Department on 8217 2009.

Yours sincerely



Alison Frame
Deputy Secretary
Policy and Communications

4.4.18

cc: The Hon Matt Kean MP, Minister for Innovation and Better Regulation



DEPUTY CHIEF MINISTER
MINISTER FOR INFRASTRUCTURE, PLANNING AND LOGISTICS

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Ms Margaret Ward PSM
Convenor
Australian Network for Universal Housing Design

Via email: anuhd@anuhd.org

Dear Ms Ward

Thank you for your letter of 17 February 2018, on behalf of the Australian Network for Universal Housing Design and Rights and Inclusion Australia, regarding the timing of the Regulatory Impact Assessment (RIA) for a minimum accessible standard for private residences and the inclusion of a Proposal for Change in the National Construction Code 2019.

The Building Ministers' Forum, in consultation with the Disability Reform Council, has agreed to prioritise the RIA regarding accessible housing.

As noted in my previous correspondence to you dated 7 November 2017, I understand the Australian Building Codes Board has advised that due to the required processes, the earliest that changes could be considered, would be for the National Construction Code 2022.

The Northern Territory will continue to support consideration of the incorporation of minimum accessible housing performance levels in private residences, through its role in the Building Ministers' Forum.

Yours sincerely

NICOLE MANISON

11 APR 2018

Cc: Mr David Brant, Convenor, Australian Network for Universal Housing Design
Mr Michael Fox AM, Chair, Rights & Inclusion Australia





Minister for Housing and Public Works
Minister for Digital Technology
Minister for Sport

Ref: HPW 00639-2018

02 MAY 2018

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Dr Margaret Ward PSM and
Mr David Brant
Convenors
Australian Network for Universal Housing Design
anuhd@anuhd.org

Dear Dr Ward and Mr Brant

Thank you for the joint letter from the Australian Network for Universal Housing Design (ANUHD) and Rights and Inclusion Australia (RIA) of 17 February 2018, regarding regulation of minimum access features in housing with the National Construction Code.

As outlined to you in previous correspondence, I have been and will remain a strong supporter of a national approach to a mandatory minimum standard of accessibility features in private dwellings. However, not unlike the comments from members of the Disability Reform Council, I also support the view that it is important for the regulatory impact of any future National Construction Code reforms to be well considered and subject to appropriate consultation.

The timing of the Australian Building Codes Board (ABCB) Regulatory Impact Statement (RIS) is being given a high priority and it is due in part to the input of organisations such as yours that this work is being undertaken at a national level. Clearly the housing industry across Australia is not uniform, with a wide range of housing types and character styles built to meet regional and local community needs as well as the aspirations of individual consumers. Undertaking a RIS across such a multi-faceted market will be complex and would require significant input from government as well as industry and community stakeholders.

I will continue to advance this important issue for the community and look forward to your organisations continued support and contribution to the work being undertaken by the Department, the Building Minister's Forum and the ABCB. Once again, thank you for the considerable contribution you have made to this important issue.

Yours sincerely

Mick de Brenni MP
Minister for Housing and Public Works
Minister for Digital Technology
Minister for Sport

Cc: Mr Michael Fox AM
Chair
Rights and Inclusion Australia



Hon Richard Wynne MP

Minister for Planning

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Ms Margaret Ward PSM
Convenor
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Ref: MIN040546



Dear Ms Ward

REGULATION OF MINIMUM ACCESSIBILITY STANDARDS FOR HOUSING

Thank you for your letter of 17 February 2018 about the national Regulatory Impact Assessment on accessible housing standards which will be undertaken by the Australian Building Codes Board. I apologise for the delay in responding.

As you are aware, the development of a national Regulatory Impact Assessment is necessary to support the implementation of minimum accessibility standards for residential premises through the National Construction Code.

As re-affirmed in the Building Ministers' Forum Communiqué of 27 April 2018, building Ministers will be working in collaboration with the Disability Reform Council to progress this important work and have requested that the Australian Building Codes Board report back on progress at the next Building Ministers' Forum.

I have copied this response to my colleagues, the Hon Tim Pallas MP, Treasurer and the Hon Martin Foley MP, Minister for Housing, Disability and Ageing, both of whom sit on the Disability Reform Council and are supportive of the proposed national process.

If you would like more information about this matter, please call Dr Trevor Pisciotta, Director, Building, Department of Environment, Land, Water and Planning, on 8392 5412 or email trevor.pisciotta@delwp.vic.gov.au.

Thank you again for writing.

Yours sincerely

HON RICHARD WYNNE MP
Minister for Planning

8, 5, 18

Cc: The Hon Martin Foley MP, Minister for Housing, Disability and Ageing
The Hon Tim Pallas MP, Treasurer

From: Webster, Dale (DoJ)
To: anuhd.network@gmail.com
Cc: [CBOS Executive \(DoJ\)](#)
Subject: Re: Call for priority to be given to RIA for accessible housing
Date: Friday, 2 March 2018 9:12:00 AM

Attention Margaret Ward

Hello Margaret,
Your letter to Minister Barnett has been referred to me under the Caretaker Convention that applies around elections.

Thank you for raising your concerns on the timing of this initiative.

Changes to the National Construction Code are subject to the requirements of the Intergovernmental Agreement which has existed since 1994 in various iterations.

That Agreement set out for the Australian Building Codes Board very clear parameters about what process must be followed for a change to be made to the National Construction Code (NCC).

The current changes proposed for NCC 2019 have been released for public comment and therefore any changes that take in Accessible Housing will not be in the 2019 edition as they have not progressed to that point.

As you would appreciate this type of major change to the NCC requires industry change and part of the reason for the process is to ensure that Industry are aware of the change well before it occurs and can therefore ensure that employees are trained and they are ready for any such change.

I understand that the Board will provide an update to Ministers at a meeting of Ministers scheduled for June and at that time it will be clearer as to the current timeline for this change.

On March 8 my office will be co-sponsoring an accessible housing forum in Hobart the latest in a series of efforts to improve understanding and up take of the principles. In addition the Tasmanian Government mandates the principles in all new affordable housing that is funded by the Government.

I hope that you will continue to engage in the Board process.

Regards

Dale Webster | Executive Director | Consumer, Building and Occupational Services

Department of Justice

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