



Submission by  
Australian Network for Universal Housing Design  
to the Royal Commission into Violence, Abuse, Neglect  
and Exploitation of People with Disability



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Australian Network  
for Universal  
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## Executive Summary

Australian Network for Universal Housing Design (ANUHD) is a national network of people who believe that the homes we build today should be fit for all of tomorrow's Australians. ANUHD has been advocating for an access standard for all housing in the National Construction Code (NCC) since 2002.

### **Why advocacy has been needed**

Mainstream housing is unaffordable and inaccessible for our vulnerable people with disability without families to help them. They are driven into specialist housing solutions which sequester, isolate and exclude them from mainstream society. These specialist dwellings then have agency for their lifetime—their existence validates their use and legitimises the service that is provided.

There is currently no access standard for housing in the National Construction Code. In the absence of national regulation, numerous voluntary guidelines and standards have been developed with an outcome of confusion, frustration and minimal supply.

In 2009, in response to the severe lack of accessible housing, the Australian Government called housing, community and human rights leaders together to develop the national Livable Housing Design guideline and strategic plan *“so that, by 2020, all new homes would be constructed to meet agreed universal design standards”*.

The Council of Australian Governments' (COAG's) 2010-2020 supported the voluntary approach of Livable Housing Design and the negotiated target in the 2010-2020 National Disability Strategy.

Livable Housing Design as a voluntary approach was a failure.

### **What is best practice?**

A mandated access standard for all housing has been adopted by most developed countries that have a social and human rights commitment to social inclusion, and an economic rationale to keep people supported by their established support networks.

### **What should be done to promote a more inclusive society?**

The Commission should recommend that COAG develop a National Housing Strategy to ensure the social inclusion of all citizens.

### **What should governments, institutions and community do?**

The Commission should recommend that LHD Gold Level access to be mandated for all new and extensively modified housing in the National Construction Code and in State and Territory building legislation.

## Who is ANUHD?

Australian Network for Universal Housing Design (ANUHD) is a national network of people who believe that the homes we build today should be fit for all of tomorrow's Australians. ANUHD has been advocating for an access standard for all housing in the National Construction Code (NCC) since 2002.

### **ANUHD considers Livable Housing Design Gold Level should be mandated in the National Construction Code for all new housing construction.**

ANUHD has framed its advocacy through human rights, social and economic perspectives:

#### Our human rights perspective

- The Convention on the Rights of People with Disabilities<sup>3</sup> (UNCRPD) promoted the right for people with disability to access all aspects of the physical and social environment on an equal basis with others.
- In 2019, in response to the inaction by governments and the housing industry, the UNCRPD Committee recommended that Australia adopt a mandated access standard for all new and extensively modified housing.

#### Our social perspective

- Social inclusion is a process of building relationships and capacities over time. Home, family and neighbourhood is where individuals first learn this.
- Accessibility in housing allows everyone to participate in these important activities. Everyone has something important to contribute.

#### Economic perspective

- Access features are cost-neutral and easy to provide at design stage. They cost 19 times more if added after the home is built.
- It is estimated that over 90% of homes can expect to require access by a disabled, aged or injured resident or visitor sometime in its life.
- Governments want people to live in their own homes, remain at home if they have a disability, as they age or recover at home after an illness because it is the most cost-effective solution.

Regarding the Terms of Reference of the Commission, our submission focuses on:

- Why advocacy has been needed.
- What is best practice
- What should be done to promote a more inclusive society
- What governments, institutions and the community should do.

## Why advocacy has been needed.

### History of neglect by governments and the housing industry

There is no access standard for housing in the National Construction Code. This means that housing built in Australia is not required to be accessible, unless the State or Territory building legislation requires it. Some States and Territories have legislated requirements for a small percentage of housing to be accessible; however, without a mechanism to track these dwellings or to allocate them to the people who need them, proportions have proven to be useless in improving supply.

In the absence of national regulation, numerous voluntary guidelines and standards have been developed with an outcome of confusion, frustration and minimal supply. In 2009, in response to the severe lack of accessible housing, the Australian Government called housing, community and human rights leaders together to develop a national guideline and a strategic plan *“so that, by 2020, all new homes would be constructed to meet agreed universal design standards”*<sup>1</sup>.

This was a voluntary initiative called Livable Housing Design (LHD)<sup>1</sup> favoured strongly over regulation by the housing industry. The housing industry leaders committed to interim targets and regular reviews 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.

The Council of Australian Governments’ (COAG’s) 2010-2020 supported the voluntary approach and this negotiated target in the 2010-2020 National Disability Strategy<sup>2</sup>.

By January 2015, the private and social housing sectors had failed to reach any of the agreed interim targets or undertaken any reviews. ANUHD estimated that, without government regulation, less than 5% of the 2020 target was expected to be met<sup>3</sup>. Livable Housing Design was a failure.

It is worth noting that, if COAG had agreed to regulation in 2010, an estimated two million accessible homes would be in Australia’s housing stock by 2020; if the voluntary approach had worked, the figure would be more than one million.

In September 2017, the UNCRPD Committee asked Australia to report on the progress towards the 2020 targets<sup>4</sup>.

COAG directed its Building Ministers’ Forum to undertake a national Regulatory Impact Assessment (RIA) regarding an access standard for housing in the NCC<sup>5</sup>. Now called The ABCB Accessible Housing project, the RIA is well underway and any proposed changes to the NCC will not occur until 1 May 2022<sup>6</sup>.

In September 2019, the UNCRPD Committee recommended that Australia amend the NCC to adopt a mandated access standard for all new and extensively modified housing<sup>7</sup>.

## Key messages for the Royal Commission

### What is best practice

Through good design, most housing can be useable by everybody, every day; regardless of their frailty, illness or disability, or life circumstance.

#### City of London

ANUHD considers that the City of London, UK, showcases best practice in its proposed City Plan<sup>8</sup> (the Plan). The Mayor of London sets the scene for the future of one of the world's most complex, diverse and populated cities:

*I am optimistic that we can embrace London's population rise as a once in a lifetime opportunity to write the next big chapter in London's history and to deliver a new vision for our city. We let down future generations if we do not properly plan for accommodating growth in a way which is environmentally, economically and socially sustainable. (p. 2)*

All new housing in the United Kingdom (UK) has been required to provide a meet Building Regulation requirement M4-1 (the UK equivalent to LHD Silver level) since 1999.

To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, the London City Council proposes:

- all new dwellings meet Building Regulation requirement M4-2, (the UK equivalent to LHD Gold level).
- at least 10 per cent of new dwellings should meet Building Regulation requirement M4-3, (the UK equivalent to LHD Platinum level).

As noted earlier, Australia does not have workable mechanisms to allocate housing to the people who need it. Regulated proportions have failed to improve social inclusion in any measurable way or to get the right housing to the right people.

**A mandated access standard in housing has been adopted by most developed countries that have a social and human rights commitment to social inclusion, and an economic rationale to keep people supported by their established support networks.**

### What should be done to promote a more inclusive society.

#### Housing accessibility is for everyone

The Commission has considered housing arrangements which arbitrarily sequester people with disability in groups, because of support, affordability and accessibility needs. Everyone is originally from the community. It is useful to consider these housing arrangements in relation to the community as a whole.

Most people live in households in the community. Of the nearly 23 million people in Australia, 4.1 million people (or 18.5% of the population) identify they have a disability with forty per cent over 65 years. Most people live in regular housing in the community with only 0.8% of the population living in some form of alternative accommodation<sup>9</sup>.

Disability, frailty and injuries are usually not anticipated, so most people do not plan for their need for accessibility. Currently, 36% of households have a person with disability or older person, yet accessibility is needed by a much broader cohort. Lack of access impacts on the household, especially primary carers, who are mainly women and children. Currently only twenty per cent of older people and people with disability receive formal home-based support<sup>10</sup>. This leaves the rest to rely on informal support from family, friends and neighbours to remain in their homes and communities.

Nearly one in three households are in rental properties<sup>11</sup>. Most low to middle income households in private tenancies are in housing stress<sup>12</sup>. When renters need access features, they have three issues to overcome. The first is that most rental housing is inaccessible, the second is that most landlords are reluctant to have their properties modified<sup>13</sup>, even though, by law, they must allow for reasonable modifications<sup>14</sup>; and the third is that the tenant must pay for these modifications and then pay again to have them removed when vacating the property<sup>14</sup>.

Social rental housing goes some way to respond to housing need; however, social housing stock is less than 5% of our housing stock<sup>11</sup>. Thus, many of Australia's most vulnerable and poor households are being forced to live in dwellings that are not only inaccessible, but also unaffordable for them with resultant negative impacts on wellbeing, health and independence<sup>15</sup>.

Clearly there is a need for an accessible housing. As noted earlier, there are no access requirements for housing in the National Construction Code. The industry has successfully advocated for market demand to make the change. The Livable Housing Design experiment failed because those people who need accessible housing are not the buyers. Buyers of new housing don't want to pay extra for an access standard that they do not envisage they will need.

Research undertaken in the USA suggests that there is a 60% probability that a newly built single-family detached unit will house at least one person with a disability (defined as mobility impairments) within the household during its expected lifetime. If the needs of visitors are considered, the figure rises to 91%<sup>16</sup>. Although there is no equivalent research specific to Australia, our demographic data match those of the USA and suggest these findings are relevant to Australia's policy makers.

## What governments, institutions and the community should do

### **A bipartisan National Housing Strategy for an inclusive society**

Mainstream housing is unaffordable and inaccessible for our vulnerable people with disability without families to help them. They are driven into specialist housing solutions which sequester, isolate and exclude them from mainstream society. These specialist dwellings then have agency for their lifetime—their existence validates their use and legitimises the service that is provided. Governments, institutions and the community should call for a bipartisan national housing policy for an inclusive society.

A bipartisan national housing policy has never been supported in Australia. Social housing has not been considered a real alternative to private ownership for some time and is now considered as a welfare response. Consistent housing policy failure is blamed on a mix of poor leadership, missed opportunities, and lack of vision about the long-term benefits of secure, affordable and accessible housing for everyone. An additional factor has been the negative, unco-operative attitude from within the housing industry (as seen in the Livable Housing experiment).

Patrick Troy, one of Australia's eminent housing theorists, summarises Australia's predicament<sup>17</sup>:

*We have been unable, as a society, to develop a shared understanding or commitment to the development of a system of housing that meets the needs of all in an equitable manner. The pursuit of short-term private benefits, including the chimera of reduced public involvement and obligation, has led to the dominance of the "market". This, in turn, has meant that those who saw the provision of a wide range of what were once seen as public goods and were important components of the notion of a just and fair society have simply lost out. (p. 285)*

**The Commission should recommend that COAG develop a National Housing Strategy to ensure the social inclusion of all citizens.**

If a home is central to a person's health and well-being, the Commission should have the issue of accessibility in mainstream housing front and centre of its concerns. It has an opportunity to lead a national debate on people's right to accessible housing and challenge the legacy of expediency and neglect by governments and the self-interests of the housing industry regarding Australia's private housing stock.

**The Commission should recommend that Gold Level access to be mandated for all new and extensively modified housing in the National Construction Code.**

## References

1. National Dialogue on Universal Housing Design. Strategic plan. 2010; [https://www.dss.gov.au/sites/default/files/documents/05\\_2012/national\\_dialogue\\_strategic\\_plan.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/national_dialogue_strategic_plan.pdf). Accessed January 20, 2015.
2. COAG. 2010–2020 National Disability Strategy: An initiative of the Council of Australian Governments. In. Canberra: Australian Government; 2011.
3. ANUHD, RI Australia. Report on the progress of the National Dialogue on Universal Housing Design 2010-2014. In. Sydney; 2015.
4. Committee on the Rights of Persons with Disabilities. *List of issues prior to the submission of the combined second and third periodic reports of Australia*. United Nations; 2017.
5. Building Ministers Forum. Communique, October 2017. In: Department of Industry, ed. Canberra: Australian Government; 2017.
6. ABCB. Accessible Housing. 2019; <https://www.abcb.gov.au/Initiatives/All/Accessible-Housing>.
7. Committee on the Rights of Persons with Disabilities. *Concluding observations on the combined second and third reports of Australia (Advance Unedited Version)*. United Nations; 2019.
8. The Mayor of London. *The draft London Plan*. London, UK; 2019.
9. Australian bureau of Statistics. 4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings, 2015-Key findings: Household characteristics; 2015.
10. Deloitte Access Economics. *The economic value of informal care in Australia in 2015*. Canberra; 2015.
11. AIHW. *Housing assistance in Australia 2017*. Canberra; 2017.
12. Anglicare Australia. *Rental Affordability Snapshot*. Anglicare Australia; 2015.
13. Beer A, Faulkner D. 21st century housing careers and Australia's housing future. *AHURI Final Report No. 128*; 2009
14. Disability Discrimination Act, (1992).
15. Carnemolla P, Bridge C. Housing design and community care: How home modifications reduce care needs of older people and people with disability. *International journal of environmental research and public health*. 2019;16(11).
16. Smith S, Rayer S, Smith E. Aging and disability: Implications for the housing industry and housing policy in the United States. *Journal of the American Planning Association*. 2008;74(3):289-306.
17. Troy P. *Accommodating Australians: Commonwealth government involvement in housing*. Annandale, N.S.W: Federation Press; 2012.