



Submission  
to the Royal Commission into Violence, Abuse, Neglect  
and Exploitation of People with Disability



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# Promoting Inclusion



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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 works from the basic premise that inclusion cannot be achieved without the adoption of universal design in all homes and human environments. As a signatory to the United Nations Convention on the Rights of Persons with Disabilities, Australia has an obligation to take active measures to ensure that people with disability have the same opportunities as other Australians to be fully engaged members of our society. Australians with disability have the same needs as other Australians to be present, to participate and to reciprocate. This means having a home in the community with the people they love, and being able to visit others.

Best practice in housing enables people with disability to live, work and play as everyone else does. Everyone, regardless of their level of disability, should be able to decide where, how and with whom they live. Adoption of housing that is suitable for all people regardless of disability, age or life circumstance should be the norm and a core feature of all mainstream housing strategies.

Housing quality and design is regulated by the National Construction Code, which currently has no minimum requirements for access, inclusion or universal design. Voluntary measures<sup>a</sup> have been tried over the last two decades to encourage the inclusion of universal housing design in new homes but these efforts have failed to make transformative change.

In order to achieve the inclusion of people with disability, ANUHD recommends that amendments are made to the National Construction Code to require that all new housing provide accessibility at the Livable Housing Design Gold Level<sup>b</sup>. This would include:

1. A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.
2. At least one, level (step-free) entrance into the dwelling.
3. Internal doors and corridors that are wide enough to allow safe, comfortable and unimpeded movement between spaces.
4. A toilet on the ground (or entry) level that provides easy access.
5. A bathroom that contains a hobless (step-free) shower recess.
6. Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.
7. Stairways which are designed to reduce the likelihood of injury, and which also enable future adaptation.

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<sup>a</sup> The latest was the [National Dialogue on Universal Housing Design](#) in 2010

<sup>b</sup> Livable Housing Australia. Livable housing design guidelines version 4. 2017.

## Introduction

Australian Network for Universal Housing Design (ANUHD) has been advocating for an access standard for all housing in the National Construction Code since 2002. We argue that social inclusion starts with universal design in housing. In our view, human rights, social policy, and economic perspectives all strongly support this much needed reform.

### Human rights perspective

- The Convention on the Rights of People with Disabilities (UNCRPD) promotes the right of people with disability to access all aspects of the physical and social environment on an equal basis with others.
- The UNCRPD not only directs how housing assistance is offered, but also obliges Australia to adopt universal design principles in all of its activities, including in the design of housing.
- In 2019, the UNCRPD Committee recommended that Australia adopt a mandated access standard for all new and extensively modified housing, in response to the failure of the 'voluntary' approach which had been adopted a decade earlier.

### Social policy perspective

- Home is where people seek privacy, rest and recuperation from daily life, share family values and traditions, raise children, provide support to one another, and solve everyday problems.
- Social inclusion is a process of building relationships and capacities over time. Individuals first learn this at home, within families, and in neighbourhoods.
- Universal design in housing allows everyone to participate in these important activities.

### Economic perspective

- Universal design features are simple and cheap to provide at design stage. They are difficult to provide, and cost 19 times more, if added after the home is built.
- It is estimated that over 90% of homes during their lifetimes can be expected to be used by a disabled, aged or injured resident or visitor.
- Governments want people to live in their own homes, be able to remain at home when they have a disability, or become infirm as they age, and after illness or hospitalisation. Remaining in one's home is the most cost-effective housing solution.
- The Covid Pandemic has required people to isolate by staying at home to prevent community transmission of this infectious disease and to minimise the unpredictable health cost to people and to government.

## Promoting inclusion and universal design

ANUHD argues that promoting inclusion requires the adoption of with universal design. As a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)<sup>1</sup>, Australia has an obligation to promote the concept of universal design. The UNCRPD defines universal design as:

*the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.*

Further, under the UNCRPD, Australia is obligated to:

*undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines.*

Universal design aims for the inclusion of everyone. By aiming to include everyone “to the greatest extent possible, without the need for adaptation or specialized design”, the practice of universal design not only includes most people, but also makes modifications easier, speedier and cheaper for those few who need specialised changes.

## What makes an inclusive society?

Inclusion does not just happen; it is a process of building relationships and capacities over time<sup>2,3</sup>. The concepts of ‘social currency’ (interpersonal skills, talents and personal attributes) and ‘social capital’ (the cumulative result of individual social currency) help us to understand and measure inclusion. Social currency and social capital build from hundreds of everyday human interactions and are what hold communities together.

For people with disability to benefit from, and contribute to, social currency, it is important to be present, to participate and to reciprocate in ordinary ways<sup>4</sup>. As people age or have less mobility, they are at home more, and the design of their homes and the homes of their friends and family have significant bearing on their social currency, social capital, inclusion, health and well-being<sup>5</sup>; housing that isolates and secludes people contributes to their marginalisation, isolation and exclusion<sup>6</sup>.

Australia’s *Disability Discrimination Act 1992* (DDA) provides for standards for public premises, spaces and transport. Ensuring non-discriminatory access in public spaces and

utilities is not enough. All places, including private homes, need to be universally designed if we are to have a truly inclusive society.

## Best practice in housing for people with disability

Best practice in housing enables people with disability to live, work and play as everyone else does. Everyone, regardless of their level of disability, should be able to decide where, how and with whom they live. Adoption of housing that is suitable for all people regardless of whether or not they have a disability should be a core feature of all mainstream housing strategies.

The Livable Housing Design guidelines interprets universal design as requiring the adoption of seven core design elements, which are described as follows:

1. A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level (step-free).
2. At least one, level (step-free) entrance into the dwelling.
3. Internal doors and corridors that are of sufficient width to allow safe, comfortable, and unimpeded movement between spaces.
4. A toilet on the ground (or entry) level that provides easy access.
5. A bathroom that contains a hobless (step-free) shower recess.
6. Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.
7. Stairways that are designed to reduce the likelihood of injury and that also enable future adaptation.

## The challenge of adopting universal design in housing

The design and construction of the built environment have relied less on a philosophy of inclusion or universal design and more on minimum compliance with building codes. The design of housing is not included in the DDA, and voluntary initiatives to adopt universal design in housing have failed<sup>8</sup>.

Over the last two decades, successive Australian Governments have received several reports identifying the social, economic and human rights costs of housing that excludes people, and highlighting the need for a minimum access standard for housing in the National Construction Code. These reports include:

- The Australian Housing and Research Institute (AHURI) report entitled “*21st century housing careers and Australia’s housing future*”<sup>9</sup> found that many of the physical attributes of the Australian housing stock make it difficult, if not impossible, for persons affected by mobility or other disabilities to occupy those dwellings.
- The “*Shut-Out*” report<sup>10</sup> identified that, although the notion of inclusion is generally accepted, many people with disability and their families continue to

find themselves socially, culturally and politically isolated. The report identified the expectations of most Australians to have a say over where they live and with whom they live. These expectations are not being met for people with disability.

- The *“The Way Forward”* report by the Australian Government appointed Disability Investment Group<sup>11</sup> advised in 2009 that urgent government action was needed because of the predicted rapid increase over the next 40 years in the proportion of the population with disability. They recommended a mandatory access standard for housing in the National Construction Code that would facilitate social inclusion and ageing in place.
- The *“Tomorrow’s suburbs: Building flexible neighbourhoods”* report by the Grattan Institute<sup>12</sup> and the ANUHD report<sup>13</sup> both identified early on that voluntary initiatives by the housing industry were destined to fail.
- The *“Concluding Observations”* report by the UN Committee on the Rights of Persons with Disabilities<sup>14</sup> in 2019 noted the negative impact of poor housing design on people with disability and their families, the failure of the voluntary approach in Australia, and the need for Australia to *“amend the federal [code] by including mandatory rules on access for all new and extensively modified housing”* (p. 5).

## What has happened to date?

In October 2017, the Building Ministers Forum<sup>15</sup> agreed to develop a national regulatory impact statement (RIS) to consider a mandated access standard for housing in the National Construction Code. The RIS examined the Livable Housing Design (LHD) guidelines (Silver and Gold levels) as options. The objective of the RIS was to ensure *“that housing is designed to meet the needs of the community, including older Australians and others with a mobility-related disability”*<sup>16</sup>.

A joint submission by the Melbourne Disability Institute and the Summer Foundation found that the benefits of a mandated access standard for housing substantially outweighed the costs to society<sup>17-19</sup> and concluded that Option 2 (LHD Gold level) had particular merit as the most cost-effective of the options to achieve functionality for those elderly and disabled people in wheelchairs<sup>c</sup>.

In April 2021, the Building Ministers Meeting will decide whether or not to include an access standard for new housing construction in the National Construction Code.

## Specific recommendation

Amendments should be made to the National Construction Code to require at least Gold Level access in all new housing, including the seven core elements listed above.

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<sup>c</sup> The Silver level does not meet this objective. The Silver level would allow most people to visit a home, but would not enable them to stay for an extended time. People reliant on a wheelchair, or a larger mobility aid, would not be able to use the toilet.



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