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20 October 2017

## **2017 Housing Forum Summary**

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*Based on real time transcript prepared and provided by The Captioning Studio  
Refer attached attendance profiles*

**Australian Human Rights Commission (AHRC)  
Tuesday 15 August 2017 1.30pm to 5pm**

**Sydney**

### **Welcome and introduction**

MICHAEL FOX: Chair of Rights & Inclusion Australia (RIA) welcomed participants on behalf of RIA and ANUHD, thanked the AHRC for hosting the Housing Forum, and welcomed Emeritus Professor Rosalind Croucher, the new President of the AHRC, and Alastair McEwin, AHRC Disability Commissioner.

Michael acknowledged the traditional owners of the land of the meeting, the Gadigal people of the Eora Nation, and reminded people that we are on Aboriginal land. He also acknowledged the Elders and in particular those attending the Forum.

He thanked the Captioning Studio and the Deaf Society for providing captioning and interpreters for the Forum.

Apologies were noted from several government and industry representatives including the Property Council, Housing Industry and the Institute of Architects.

The Forum catalyst was the April 2017 BMF (Building Ministers Forum) meeting in Sydney, chaired by The Hon Craig Laundy MP, Assistant Minister, Department of Industry, Innovation and Science. The BMF 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.

This relates to Australia's 2008 ratification of the UN CRPD (Convention on the Rights of Persons with Disabilities) and the Article 9 provision that '*access is required on an equal basis to the physical environment, housing, transportation, information and communications*'.

The National Disability Strategy (NDS) is a clear CRPD response, and NDS Policy area 1 refers to Inclusive and Accessible Communities.

Further issues relate to Indigenous housing accessibility and the high cost of retirement housing. A major benefit of more equitable, inclusive and accessible housing is the opportunity for older people to age in place and in familiar neighbourhoods and communities.

Accordingly, the three Forum topics are – Australia’s housing responsibilities under the CRPD, progress towards national accessibility legislation, and harmonising accessible housing Standards and guidelines.

## **Session 1 – Australia’s housing responsibilities under the CRPD**

Alastair McEwin thanked RIA and ANUHD for organising the Housing Forum – and acknowledged that the meeting is on the land of the Gadigal people of the Eora Nation and he paid his respects to elders past and present and Aboriginal people present.

Alastair thanked everyone for an incredible commitment towards accessible housing in Australia, and introduced the new AHRC President, Emeritus Professor Rosalind Croucher by reference to a long association in law reform and disability rights.

### **AHRC President, Emeritus Professor Rosalind Croucher**

President Croucher thanks Alistair and acknowledged the traditional owners of the land by noting *‘This part of Gadigal land is crowded now compared to what it would have been like originally, but it’s still a beautiful part of the Eora landscape.’*

She referred to her experience as President of the Australian Law Reform Commission for the last 10 years, and the AHRC challenge and opportunity to translate the amazing and extensive work of the Commission into positive messages.

The Forum is a great initiative and relates to recent enquiries into equality, capacity and disability with Graeme Innes, and the critically important capacity building CRPD Article 12 Equal recognition before the law.



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Law reform looks at the elevated space but law is only part of the process. The recent elder abuse inquiry and challenges of the ageing population are very relevant and both parents 95 and living independently illustrates the reality of ageing and how frailties can come upon one very quickly. Ageing is not a linear process, so a small change in circumstances can precipitate an enormous change of needs in a physical environment.

President Croucher described a deep appreciation of the issues of overlapping ageing and disability and the real needs in a policy and practical sense with an ageing population.

She acknowledged Alastair as ‘a real champion in the disability discrimination sector’, welcomed everyone to the Commission, and trusted that the Forum would be a rich and positive endeavour.

### **Alastair McEwin, AHRC Disability Commissioner**

Alastair McEwin thanked Rosalind and provided some reflections on the important issues related to accessible housing. He referred to the CRPD and acknowledged the role that Michael Fox and others played in the initiation and adoption of the CRPD.

Initially the Australian Government did not see a need for a Convention, but community action galvanised support for the CRPD to proceed. This illustrates that government can be resistant and the sector must continue to work together.

Alastair reflected on the 4.3 million people with a disability living in Australia, and he acknowledged and thanked RIA and ANUHD, together with all stakeholders present at the Forum.

March next year is the 25-year milestone for the DDA, and we should reflect on the achievements since 1 March 1993 and what more needs to be done.

Next year is the 10<sup>th</sup> anniversary of the Australian Government ratifying the CRPD, showing commitment to implementation at a domestic level.

The NDIS is four years old and enshrines CRPD Article 19 through the NDIA Act to the right to live independently in the community. Articles 19 and 9 are very relevant to accessible housing.

Common goals, common interests and mutuality are the most effective ways we can work together and with government. We have a national disability strategy in place, but a lot of the focus has been on implementing the NDIS.



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We know there will need to be accessible housing and the NDIA plays a critical role in facilitating that growth, but also transport, health, community services are critical. The national disability strategy is a big focus in making sure government is committed to the whole of the NDIS, not just one part.

There is also a critical need for continuity, including the essential role of local government in ensuring that people can live in their local communities.

Disability sits across every area of life but not many people, including in government, have a real understanding of what it means to live as a person with disabilities. There needs to be coordination and better awareness across all of government. The national disability strategy needs total reinvigoration, more investment, and a coordinated approach rather than trying to decentralise it across all of government. The important thing is with disability you need an understanding of disability and that needs to be coordinated.

Alastair acknowledge colleagues involved in a new project with the Summer Foundation in Victoria. The aim is to ensure a strong case for why it makes sense economically and socially to have accessible housing wherever you are. The reference group included Margaret Ward and the Commission is contracting an independent consultancy for a review of literature, statistics and data to illustrate the benefits of accessible housing to people with disability and all members of the community.

Alastair has six priority areas based on conversations and consultations during the last year – namely accessible housing, employment, education, criminal justice system, NDIS, and the issue of violence against people with disabilities – and related DDA Standards.

In response to a question from Mark Relf, Alastair said there should be a DDA standard on accommodation. This should be based on bringing all relevant stakeholders together and is really important as a human rights imperative. The DDA Standards process may be 'long and tortuous' but we need to have accessible minimum housing standards in the BCA. *Thank you.*

Michael Fox thanked Alastair and referred to the CRPD negotiations including the US initial position that the UN should simply adopt the ADA (Americans with Disabilities Act). When the US agreed not to oppose the Convention the CRPD progressed to reality.



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## **Session 2 – Progress towards national accessibility legislation**

Sue Salthouse, RIA director introduced the session by welcoming Margaret Ward and commenting on the NDIS. Choice is of absolute importance and our accessible housing agenda banner is choice for everyone including ageing in place and when you move.

This needs to be backed by research, and that's why Andrew's contribution is so important, and we have the driving force of the NDIS in the market and now we want to be driving the main market as well.

### **Margaret Ward, convener of ANUHD** (refer presentation posted on RIA website)

Margaret Ward provided a summary of the last seven years in the housing accessibility arena.

In 2010 a National Dialogue on Universal Housing Design was agreed with the aspirational goal that 'all new homes will be of an agreed Universal Housing Design standard by 2020', and a 10-year strategic plan was developed. ANUHD was a signatory.

The COAG National Disability Strategy adopted the 2020 target and agreed to support community and industry in reaching the aspirational goal. There was active engagement from the three levels of government.

LHA (Livable Housing Australia) was set up in 2012 and the constitution objects included the 2020 target with generally universal agreement. The LHA Chair Peter Verwer committed to a transparent process with regular reviews, the first in 2013 and every two years after that. In 2010 there were 140,000 new housing starts, currently 200,000 per annum with some indications saying 230,000.

There was no review in 2013, so in 2015 ANUHD and RIA worked with LHA to try to assess what the response was and we came to the position that the current voluntary approach would achieve less than 5% of the National Dialogue's 2020 target.

We distributed our review to all three levels of government, industry and members of the National Dialogue and there was not one contested statement back. This indicated our general assumption was most probably right.

In late 2014 an LHA statement advised that LHA would no longer share any data with the public, so the transparent process at that point ceased.

ANUHD and RIA then proposed to Standards Australia that the next step perhaps was to review AS 4299 -1995 adaptable housing, to align with the National Disability Strategy.

The proposal was submitted to Standards Australia in January 2016 with unsolicited support from 170 organisations across Australia including people with disabilities, families, women, advocates and the aged sector. The housing industry was not supportive, including signatories to the National Dialogue.

Standards Australia refused the proposal due to lack of support from the residential construction / housing industry sector. A similar application to the ABCB was also refused as this was a COAG policy matter.

ANUHD and RIA then approached the BMF (Building Ministers Forum) and we finally received some interest in this as a policy area and that without some action the 2020 target was certainly not going to be met.

In April 2017 the BMF agreed that a regulatory impact assessment needed to be done. The ABCB said that if that happened, they could not complete the assessment by 2020, but possibly 2022 subject to funding.

ANUHD and RIA have since contacted all BMF members at state and territory governments with varying responses.

The Prime Minister has recently asked COAG to endorse work on the regulatory impact assessment and ANUHD and RIA are advocating for the 2020 target to be kept.

It's a lovely story of obfuscation and dry gullies, but we're on our way I think. *Thank you.*

Geoff Barker thanked Margaret and requested questions.

Mark Relf said ACAA did not consider AS4299 was in need of review in the manner suggested and that regulatory change it needed through the BCA as a proposal for change.

Margaret ward thanked Mark for suggesting we go through the BCA and BMF. This was very helpful at the time and was exactly what we did.

Barry Bennett noted that the WA Government said there was no market failure. Were they implying that HIA, the Housing Industry, didn't see that there was any demand from the market for accessible housing and therefore they didn't need to provide it.

Margaret said essentially WA did not support regulation and advised that all responses will be collated and circulated to over 950 ANUHD members to raise further public awareness.

Geoff Barker said the WA Disability Services Commission considered the market demand wasn't there and they relied on the market to stimulate the need. The response from several of builders interviewed was if clients request accessibility we can agree but there is no requirement.

Jane Bringolf suggested that as Alastair said we should galvanise more support particularly in relation to the regulatory impact assessment. What can community members and organisations do to assist.

Margaret said the current campaign is to ask all ANUHD members to contact their Premier with two messages, support the regulatory impact assessment and direct the ABCB to complete the assessment by the 2020 target.

Michael Fox noted that the CRPD is about rights, so WA comments about demand need to be considered in terms of latent demand, housing adaptability and changing demographics. We were involved in development of low floor buses in the 1990s and the initial reticence became mainstream acceptance due to latent demand and use of more accessible transport. This benefits all transport users and similarly more accessible housing will benefit everyone.

**Dr Andrew Martell, University of Melbourne**

(refer presentation posted on RIA website)

Andrew's presentation 'Innovation and Uncertainty' is in three parts.

Firstly, the building industry, particularly the residential construction industry, is structured and the levels of uncertainty and risk actually work generally against a lot of innovation. Where innovation does happen, how it happens and who are the key players allows us to make change to know where we should be putting our energies.

Secondly three research projects have looked to engage the residential construction industry, the developers, in looking at things like universal design, design for people with disabilities, and trying to sort of dispel the myth that it's going to cost more money and it's going to look like a hospital and no-one will want to buy their products.



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Finally, a couple of diagrams pointing out the real advantage of having universal design embedded into the BCA and embedded into the standards will actually open up a market that allows us to develop a lot more housing that will be beneficial for people with disabilities and who are ageing in place.

Innovation actually reflects the structure of the domestic housing industry and the best definition is 'innovation is the actual use of a non-trivial change and improvement in a process, product or system that is novel to the institution developing the change'.

The difference between innovation and invention is that innovation gets picked up across the industry and used. If something is developed and used once on one particular site and never used again, then that's an invention, but if something actually moves through the industry, then that's an innovation and that's what we're after.

Houses are ultimately just manufactured products, sophisticated sometimes, and range from what we call complex systems all the way through to mass production. For very complex systems the client is involved very early, typified by the Sydney Opera House, which had never been done before, and the client was right in there as the product was being developed. Most buildings fall between design to order, which are complex but people have a bit of experience, through to what we call made to order. The volume housing industry is the closest thing we have to a make to order or mass customisation system.

The Australian market-driven system is similar to the US, Canada and the UK where innovation occurs due to the opportunities created by the competitive marketplace.

Other models include European government led systems, Scandinavian social demographic systems and Japanese and Korean 'meso-corporate systems run by a few very large companies.

Innovation can occur through a whole range of interactions between stakeholders, but in residential construction the strongest bond, the strongest link that causes innovation, is between suppliers, product manufacturers and contractors. So if something is coming from the suppliers, what we call technological push, the suppliers will develop a new product and try to get it out there into the marketplace. Market pull is where the construction industry wants new products so they want things to be done a bit faster or a bit safer and so they push the product manufacturers to develop the products.





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Innovation in the residential construction industry is not easy. However, a recent study in Queensland reviewed 5 or 6 building companies and identified 50 different innovations that have happened in that market over 5 years and of those, 21 were product-based innovations, 21 of them were process-based innovations doing different things on site, and another 3 that were a combination of product and process.

Product manufacturers change, new products come onto the market, that's innovation. Builders trust builders so institutions like the HIA are very important because they send out newsletters to builders, they don't trust architects, they don't trust university people very much, but they trust other builders.

Sometimes we get champions within that firm, so somebody who has a personal connection, particularly when we talk about innovations and changes to do with the disability sector for example or ageing in place, it will be a sort of personal thing that comes from somebody in the organisation. Marketing and competition, when you start to look at larger ones, you get competition between Frasers and Stockland and people like that, that drives innovation, and of course regulation will drive innovation. If regulation is there and in place, that will drive innovation.

Our research project with Frasers Property identified what's in the marketplace, where does it work, where does it not work for people with disabilities. We then came up with a series of designs that are the same size, use the same materials, but are put together a little bit better, with universally accessible bathrooms on ground floors etc to prove no additional cost, it still looks pretty, they are saleable and really worthwhile.

A community in Yarrabah, Cairns in a group home with five guys with mental health issues, asked if we could do some designs to build some units. We used the four levels of NDIS Specialist Disability Accommodation (SDA), and developed responses related to climate, costings and return on investment.

A further program in Geelong involved building an accessible house and surveying people as they go through it looking at universal design features right next to other houses without universal design features.

Getting universal design embedded into the BCA, will assist designers in making sure that contractors effectively take accessibility into account.

One of the big issues at the moment with housing and people ageing in place and being appropriate is a real absence of product manufacturers, big product manufacturers. Accessible products are not being promoted.



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One of the reasons is most houses that we build are not the right size to fit their products anyway, so they're too small. If you want to have an accessible bathroom you need to remake the whole bathroom, start from scratch. Whereas if bathrooms were a size appropriate to universal design, whether silver, gold or platinum level, that allows the product manufacturers to be much more confident of bringing in ranges of products that they know will fit rather than have to get an architect and builder to come in and knock walls down and remodel your kitchen or your bathroom. *Thank you.*

Michael Fox thanked Andrew and invited questions.

In response to Geoff Barker Andrew said it is very difficult to collect empirical data about what is wrong with houses. This would show housing developers every time somebody moves into the house they have to change it. There is limited data on accessible housing modifications and developers need to be educated to carry out more extensive demographic surveys and analysis of disability and ageing in place.

Margaret Ward suggested builders may not be interested in better design because retrofitting, refurbishments and home modifications are growth industries.

Andrew agreed and said the major developers need to lead by building good accessible housing to influence the general industry and smaller builders.

Karen Robinson mentioned two Queensland display homes by Stockland and Lend Lease where all housing is LHA Silver. This has caused considerable interest and provides an interesting learning opportunity.

Carolyn Bennett suggested ARC (Australian Research Council) funding to develop and source products that are actually appropriate to home mods and new homes.

Andrew agreed and said universal design can assist the product manufacturers and an ARC grant would be 'fantastic'. The housing industry is not an industry that historically has put a lot of money into academic research. Finding suitable industry partners is really important because it helps you win the grant, and involves them in the process. We have ran workshops with Australand, now Frasers, involving people with disabilities and the Frasers design team.



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Tina Salama, graduate architect and medical student, asked about the sourcing of data in relation to health and architecture. A missing link is how do architectural changes affect health outcomes, as life expectancy, morbidity, rates of depression, etc will be affected for the better with these sorts of accessible housing interventions.

There could be collaboration with medical schools and university faculties to look at better health outcomes for people who are able to stay within their homes for longer and then this information could potentially filter into the health system, where for example GPs, health care professionals, occupational therapists, are recommending that patients stay in their homes and this in turn affects demand and it affects the building industry.

If we can enter the popular discourse around ageing and promote staying at home from all fronts, especially through health, getting medical practitioners on board and saying how can you stay in your home for longer, this will have a real impact on more accessible housing outcomes.

Andrew agreed that the building industry is difficult and data on health benefits is probably not going to be very persuasive to a builder. Data that shows the relationship between good health outcomes and then shows how the design elements of those can be cost neutral as far as the builder is concerned becomes more powerful.

Mark Relf said the NSW government has always had the view that there is a need for intervention in the housing market to ensure appropriate housing product in market sectors which have been at a disadvantage. Retirement living aged care sectors have the Housing for Seniors or People with Disability SEPP, there's another one for affordable housing, and they are used as planning tools to enable multi-density housing to be constructed in zonings which otherwise would be prohibited.

The SEPP Seniors Housing requires essentially high-grade adaptable dwellings which far and away exceeds the platinum level LHA guidelines. The designers and builders have met that schedule in order to get their product built. Once they've built one, they come back wanting more, simple.

Andrew said that accessible housing regulations will solve most of these issues because when regulation is there, builders just deal with it. They deal with it and they get on with the job and build it.



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Michael Fox thanked Andrew and said we all need to actively support the regulatory impact assessment which is going to have significant economic and social benefits. Assuming the regulatory impact assessment study is positive, COAG can then direct the ABCB (Australian Building Codes Board) and to progressively implement accessible housing regulation in Australia.

*Afternoon tea break.*

### **Lou O'Neill, National Disability Insurance Agency**

(refer presentation posted on RIA website)

The NDIS assists Australia to meet our obligations under the CRPD. We have our own set of principles and play a large part in addressing some of the work under the National Disability Strategy, but as Alastair said, we're not the only parties, statutory governments and local governments and others all play a part in working through the strategy.

Our principles reflect that people with a disability have the same right as other members of the community to realise their potential; people with disability, their families and carers should have certainty that they will receive the care and support they need for their lifetime; people with disability should be supported to exercise choice in the pursuit of their goals and the planning and delivery of their supports; and the role of families and carers in the lives of people with disability is to be acknowledged and respected.

The NDIS is delivering all these principles in line with the CRPD and particularly Article 19, in relation to a person's right to where they live and how they live.

The scheme is based on three pillars. It's a social insurance scheme, it's not welfare. It's a lifetime approach. It invests in people early to improve their outcomes later in life. We know that the best way to reduce long-term cost is to increase a person's independence with their participation in the community and in the workforce. So the planning process that we go through with participants is targeted at what are the goals that they have in life to succeed, to gain independence or greater independence, how do they want to interact with the community in the workplace, in education and employment.

While the NDIA contributes to addressing housing access for some participants, in general housing is supplied through community and mainstream services.



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COAG agreed that social housing providers will be responsible for providing accessible accommodation for people in need of housing assistance in line with existing allocation and prioritisation processes, consistent with universal design principles as outlined in the National Disability Strategy.

The NDIA supports inclusive communities and principles of universal design and our Chairmen and CEOs have publicly expressed support to include the principles of LHA guidelines in the NCC. This helps deliver better value for money, empowers participants' choice and control, and encourages community and mainstream work in accessibility.

A participant will come to the scheme and may want to explore a different way of living, that the housing that they currently live in is inappropriate for them or that they want to live in a different modality. Either they're living at home with older parents and want to live out in the community, or they might want to move out of an aged care home which some people are now in and back in with family, and so we'll put in some supports in their plan to help them explore different housing options.

It may include then if they say moving back into a family home that there might be requirements for home modifications or other assistive technologies and we would, if it's seen as reasonable and necessary, support the inclusion of those in a person's plan to help them move back into that home or the place that they want to live.

If a person is not able to move back into a family home but wants to move into a specialised disability accommodation, then that would be placed in their plan and we would help them look for a place. We'd get coordination supports in their plan to help them find a suitable dwelling to live in.

NDIA home modifications are for some participants and currently 10% of participants have home modifications identified in their plan. NDIA home modifications can include changes to structure, layout or fittings of the participant's home that are required to enable a participant to safely access and move around frequently use areas of their home.

The NDIA focuses on the home to be modified as the participant's primary residence and the participant intends to remain living at that residence. There has to be a direct correlation with the property. If the property is a rental property, we can do home modifications in that property, but we just require a written agreement from the owner of the property to enable us to do those modifications.



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In recent months the NDIA have been refining our approach to enable participants with significant access issues in their current dwellings to explore their home options and this includes supports for evaluating the participant's needs, assessing their current dwelling, including modification options, considering other potential properties and coordinating their interactions. Obviously having greater stock on the market will solve a lot of problems for people and participants in the scheme and for the agency in helping them to find better properties to live. So universally designed housing is essential to providing appropriate options that we would hope to assist people to find.

The NDIA has separated out the supports that are delivered in a person's home under a separate service agreement, called supported independent living, and specialist disability accommodation is a capital funding support included in a participant's plan where they require specialised housing for either high needs or for behavioural needs.

The type of accommodation is not usually available in the general market so NDIA includes special designs or it may be about location of particular features that make it feasible to provide complex or positive supports.

SDA (Specialist Disability Accommodation) is intended to facilitate efficient access to very high levels of support, to facilitate access to shared supports. The NDIS included LHA silver and platinum levels of accessibility as the baseline standards for its design. Even though many SDA participants won't have particular mobility needs, we do require those standards to be adhered to for all designs that they enrol the dwellings as and we are working to get certification standards developed for each of our four levels of housing under SDA.

SDA rules under the NDIS Act legislate the housing and how it's delivered as a support and the design requirements are mandatory. The aim is to give as much community inclusion, social inclusion as possible and not to be separating people out from the rest of the community.

In all of these different areas we should be working towards accessible communities, accessible housing for people with disability. I share Alastair's view that we're not the only ones but there are a lot of other players that will be involved and responsible as well.  
*Thank you.*

Michael Fox thanked Lou and invited questions.

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Mark Relf supported many NDIA aspects but raised concerns about the SDA four categories of dwelling design and the vagueness of specifics. So accessible housing can mean something to one individual and something completely different to another individual.

Lou said NDIA is in the process of getting certification standards done for design categories so that it makes it much clearer about what they are. Lou said the standards development process will be revealed in due course.

Geoff Barker asked who actually implements the design decisions and the procurement process and who determines how much it's going to cost.

Lou said a participant comes to the scheme through their planning process with the planner and if there is a need for home modifications identified, then eight home modification assessors will assess them and there are people who are registered with the scheme who do that as providers as to what the needs are and there is a process of approval that comes back to the scheme around getting those implemented.

Geoff asked who determines whether the final product actually achieves quality and fully satisfies the needs and that the home modifications cost is reasonable.

Lou said NDIA does not regulate the scheme so it would have to adhere to whatever regulatory requirements there are in each state and territory currently for quality and safeguarding around home modifications.

Jen Barling asked if someone has been assessed as being eligible for SDA, how do they find it and is there already existing stock out there.

Lou said people who are found to be eligible for SDA would have a support coordinator in their plan, or they might have a plan manager or both, but those other supports will help them find appropriate stock, appropriate housing. So it is different from what currently happens where state and territory governments manage stock and they manage vacancies and people moving around, the market will manage it.

The price for SDA includes vacancy management for providers, so they will need to advertise their own houses in their local areas. And what we've seen in trials is that there are some collaborations between different providers or they find a marketplace to advertise. In addition, the NDIS is looking at developing the marketplace and that will also help for providers to advertise.



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Lou said there are a lot of SDA private providers so we're seeing more and more private providers coming in to it because it's a capital investment model. There are a lot of different people that are coming into the scheme to build the houses and they become the owner of the property, but the supports that are delivered in a property are delivered by a support provider, which may not be the same person as the housing provider.

Margaret Ward asked if spare bedrooms could be advertised and Lou said not through the scheme. Participants will look for their own, so the supports they have will help them find that vacancy. The agency won't - we won't necessarily know.

Lou said new models are arising and this is what we want to see. One model is where someone is building a block of four two-bedroom units some with overnight accommodation available, and they only need 30% of it from SDA and the rest could be anyone in the market, and not in the scheme, moving in.

This is a business model that people will have to work through, but what we have said to investors and providers is these are the things you need to think about, but if you have a participant in mind, especially these new builds, work with the participant to develop the model that works best, and that's what people are starting to do, we're seeing bespoke solutions coming up around housing to do that.

Margaret said dwellings last for 50 years, so those folks who have invested rightly or wrongly into a larger home will be looking actively for someone with an SDA payment to come in. Do you have a process, given that you're committed to the principles of the CRPD, that people have the right to choose who lives with them.

Lou said the rule is that it is up to the participants to choose. They must be able to choose who they live with as well, it's up to them to manage that with the provider. We're funding the SDA - it's a 20-year model remember.

Margaret said that then for 20 years there will be a bedroom vacant, with enormous pressure to get someone into there. We're talking about the most vulnerable people. I'm just wanting to know what the safeguards are about the other four having a right to say whether they want that person in the house or whether that person actually has a right to say no.





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Lou said each individual participant has to have a service agreement with the provider of the SDA around that property and how they expect to be treated just like a lease, whether it's a participant or their nominee or whoever acts on their behalf, and they will also have a support coordinator that act with them as well to help them to negotiate that space.

We will be monitoring it and make sure we see what happens in that space, make sure people are safe.

Carolyn Bennett asked why 65 years is the cut-off across all states and territories.

Lou said it was a decision of government as aged care starts at 65, and up to 65 it is people with a disability.

Sue Salthouse asked if you're in the scheme before 65 do you remain in the scheme.

Lou said you have a choice. It's your option if you're in the scheme before 65 to stay or use whichever system you wish.

Michael Fox thanked Lou for her presentation on this complex issue and thanked participants for a good debate.

### **Session 3 – Harmonising accessible housing standards & guidelines**

Michael Fox introduced Session 3 by noting that housing access standards and guidelines include Australian Standard AS4299, Livable Housing Australia (LHA) Guidelines and NSW State Environment Planning Policy (SEPP) 65.

These documents use varying terminology including adaptable, universal and accessible and our harmonising goal includes both the standards and the terminology. AS4299 and SEPP65 are in formats suitable for inclusion in legislation whereas LHA is a guideline.

AS4299 is called up in legislation by governments and many local councils whereas LHA is referred to by SEPP65 and the NDIS.

Our next presenter is Ron Pulido from Standards Australia and we are also pleased to welcome Monja Korter and Adam Stingemore from Standards Australia together with John Van der Have who was involved with the AS1428 Standards 20 years ago.

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## **Ron Pulido, Standards Australia**

Ron thanked RIA and ANUHD for the opportunity to provide a presentation on behalf of Standards Australia on the topic of harmonisation of standards for adaptable housing. The presentation responded to 5 questions

1. what has been some of the recent engagement in the AS 4299 standard
2. what is the context of policy with adaptable housing and standards
3. what is the work already done within this space
4. how do Standards Australia view this work
5. what's the next steps, what's the process and how can everyone get involved

Standards Australia is an independent, not-for-profit and non-government organisation, and we represent Australia at the international level through ISO (International Organisation of Standardisation) and IEC (International Electrotechnical Commission). Standards Australia develops and facilitates the development of Australian standards, where there is a need.

Standards Australia is a trusted partner of government, industry and the community and we do that through a continuous engagement with everyone involved, and a key part is that we develop and facilitate the development of standards, but we do not sell or publish the standards.

Standards Australia does not set the laws and regulations, but our view is that there should be one standard, one rule and one solution across Australia and across the multiple jurisdictions, led through policy, consensus and stakeholder involvement.

At the RIA ANUHD 2014 Housing Forum a Standards Australia presentation defined the importance and benefits of Australian Standards and the process involved.

In 2016 ANUHD and RIA a proposal to update AS4299 was received and did not progress due to lack of industry stakeholders. Accordingly, in December 2016 an adaptable housing round table was held in Canberra in December 2016 to progress the review of AS4299.

The process involves Standards Australia ME/64 technical committee and a matrix was to be developed from the round table as well as a matrix from the ME/64 technical committee. Standards Australia will continue with this engagement process.



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As discussed, the recent Building Ministers Forum decision is to propose to COAG as soon as possible that a regulatory impact assessment be undertaken. The regulatory impact assessment is to consider expanding the National Construction Code either as a government national standard, or a Standards Australia consensus-based standard. A consensus-based solution may be able to solve policy matters.

The Standards Australia process is open, transparent and based on consensus. Standardisation guides are available through our website, and for any new access related Standard we go through a public consultation process, the draft is made publicly available for comment, and then there's a consensus-based process in the constitution of the ME/64 technical committee, which is the one that works on the Standard.

The implementation process then needs to meet three key criteria

1. there needs to be a clear scope
2. there needs to be demonstrated and robust net benefit case
3. and there has to be adequate stakeholder support across a broad part of the community that are impacted

I trust this presentation has demonstrated the benefit that are be provided through our process, the need for Standards, and our relationship to the regulatory framework.

Michael Fox thanked Ron and Geoff Barker requested questions.

Geoff asked about the composition and membership if the ME/64 technical committee. Ron said membership details are publicly available and determined through our internal governance process. Mark Relf notes that members include the ABCB, Property Council of Australia, Master Builders and Housing Industry Australia.

Michael Fox noted that AS4299 was developed within 2 years, in response to Sydney winning the right to host the 2000 Games and was successfully incorporated into the design and construction for the Olympic and Paralympic Village.

Adam Stingemore advised that Standards Australia received a project proposal to review AS4299 and there were about 85 supporting organisations with one big missing link, the residential construction sector, including HIA, MBA and the Property Council.

So the round table accepted and acknowledged that 85 different organisations supported the proposal and we decided to have a conversation with the residential construction sector, to continue, withdraw or review AS4299.

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The round table agreed that AS4299 needed to be updated and the round table summary has been circulated.

During the meeting we got word that BMF had made the decision that there was going to be a regulatory impact assessment on accessible housing which gives a framework to proceed. Support of the residential construction sector remains essential.

Standards Australia is currently reviewing our technical governance process, with an issues paper available for comments.

Margaret Ward said she expected standards Australia to refuse the ANUHD proposal for the AS4299 review. We tried very hard to get engagement from the housing industry and the National Dialogue without success. Our supporters include the Australian Institute of Architects, quantity surveyors and the Building Designers Association and we then approached the BMF with success.

Michael Fox thanked everyone for a robust discussion and said the BMF decision will assist in engaging the residential housing industry in this important process. Assistant Minister Craig Laundy is supportive and the proposal is supported by the Prime Minister.

Michael Fox said we need to all work together to successfully achieve our goal of more equitable and accessible housing standards and regulations in Australia.

**Jane Bringolf, Centre for Universal Design**  
(refer presentation posted on RIA website)

Jane said accessible housing is about inclusion, about everybody, and about universal design across a whole range of aspects, products, ICT and learning. The language is confusing and my view of universal design may not be quite the same as somebody else. We are discussing universal design in housing, good design, involving people with a disability and older people. We are building for everyone and for inclusion.

Andrew discussed the house building system and Jane suggested the term house building machine. All parts of the machine are connected including developers, regulators, architects, builders and tradies, and care needs to be taken with the accessible details.



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The building industry says 'we do not want more regulation', but nothing will happen without regulation. The housing market needs to understand the market potential, established building practices need to change and retraining will be required.

The implications for residents throughout the life of the dwelling is critical – and modifications should be easy so you can age in place. Some in the housing industry consider disability and ageing is government business so there is no advantage except for specialist disability accommodation that is not a mass market.

More accessible housing can increase safety for home-based workers, require fewer hours for support, avoid hospital stays, a decreased demand for specialised accommodation, and less demand for home modifications.

Current standards and guidelines include AS4299, LHA Guidelines 2001, Master Builders ACT Housing for Life and Landcom Universal Housing Design Guidelines. Jane was involved in developing the Landcom guidelines through the NSW. The request was 'We are concerned about ageing in place and the ageing population', and 'what features would really work for ageing in place that wouldn't scare the builders and wouldn't cost too much?'

The Landcom 2008 guidelines included nine costed features and illustrated no additional cost if starting from scratch. This included terrace houses, duplexes, stand-alone houses, the whole works, and they costed them all and said it is possible. And that was in 2007 and this book came out in 2008. A spreadsheet comparing AS4299 and SEPP Seniors was prepared and LHA guidelines are based on the Landcom guidelines.

Jane said LHA guidelines were considered best practice. So should a new standard be developed and would it look like LHA or AS4299 or something entirely different. The Landcom guidelines would be a good basis.

Jane proposed that Standards Australia adopt the LHA gold level as the basis for the new Australian Standard. The reason for gold level is because silver level meets the needs of the DDA and is visitable but gold level is the liveable and ageing in place level and that's the one we should be aiming for.

So that's my provocative statement out there and I look forward to discussion.

Sue Salthouse thanked Jane and requested questions.



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Jen Barling asked about the LHA research base and Jan said the research was done by Tony McBurney from IDG Architecture.

Robyn Thompson said AS4299 probably needs updating but we should not lose AS4299 because we have been building thousands of SEPP seniors housing based on AS 4299, we've got a stock of housing that can actually be fully accessible and it would be a step backwards to go down to LHA.

There is a place for LHA but the OT Association didn't want to lose AS4299 because it is a very good guideline that we know, and Jen has been doing some pilot studies on getting feedback, showing AS4299 is working. AS4299 gives OTs the ability to modify housing to a higher level of access. Now, whether you can get a general level for class 1 and 2 housing, class 1 housing, that's great, but don't lose AS 4299.

Jane said gold level was is in the context that we now have specialist disability accommodation. We're talking about project home mass market building here that is not specialised at all, that this would be every single home. The housing industry has signed off on LHA but not on AS4299. Gold level is not fully accessible, whereas the platinum level needs to move into the specialised housing bracket.

Robyn Thompson suggested there could be two sections in AS4299, one part similar to the UK criteria for mass housing. OTs have a significant role in home mods, and particularly in the aged care sector. SEPP seniors housing when built properly is working really well, so turning AS4299 into liveable housing would be very stressful

Robyn is currently involved in affordable housing for women run by an NGO who finished work and can't afford to pay rent and they're building that based on AS4299. These women do not have to move again, so that it can be walking frame friendly, and wheelchair friendly.

John Van Der Have suggested engaging the building industry through the hip pocket. Mark said builders like SEPP seniors living because once they have done it they come back because they like it. The reason they like it is because it increases their profits. We need to get that message across to the Property Council, HIA and MBA and if we do, I think we will get them on board.

Monja Korter said we could have a two part AS4299 or a completely separate document. Standards Australia could consider these alternatives.



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Mark Relf agreed that industry has signed off on LHA, but unfortunately there is very small take-up of it because designers do not like what they see inside the guidelines. They have real problems with bathrooms and kitchen arrangements. And interior designers consider the guidelines too prescriptive. LHA guidelines were developed with little understanding of the process and simply copied bits and pieces out of AS4299.

The guidelines should look at this properly, including for example how to develop 100 designs for a bathroom that could be usable for people with disabilities and the general market. The bathroom has been the biggest bogey. Even just getting a silver-level toilet inside the bathroom has been a real stumbling block and that is why there has been no take-up of it and why there is less than 5% LHA in the new market.

Mark suggested we ditch LHA and AS4299 and develop a star rating system. Star rating systems are something which has gravitas in the market, both at the consumer level as well as the design and construction sector. People could then choose whether they want a 2, 4, or 6 star accommodation depending on how much accessibility they want built into their product. That I think is the way forward. And we need to go back to scratch and deal with all these sensitive issues of interior design and universal design and accessibility in a different way, in a different paradigm.

Karen Robinson discussed the process of regulating a minimum standard in Queensland and there is a very strong level of support for the regulatory impact assessment and the BMF. That is where we should focus our energy because the devil will be in the detail. From some very negative experiences in a different policy area with COAG regulatory impact assessments can be very economic rationalist focused.

Maybe the regulatory impact assessment should be on both LHA silver and gold, or maybe something else. But there needs to be a single consensus about this issue otherwise industry will get the numbers or someone else will get the numbers.

Karen said there was some tweaking of the LHA guidelines in June around the bathroom and it suddenly was not clear anymore. Should a bathroom on the ground level be part of LHA silver, and little things like that can actually change the whole way you are looking at it as a regulator.

Karen said the whole discussion around the standards is really pertinent, but the main current issue is the said regulatory impact assessment.



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Monja Korter said Standards Australia needs working group level experts and adaptable housing needs people coming to meetings and productively helping.

### **Forum close and thanks**

Michael Fox thanked all participants and particularly thanked Mandy for the real time captioning. The Captioning Studio will provide a transcript of the Forum and this will provide the basis for our Forum summary.

The Forum summary provides a document for review and comments by all participants – and to assist in progressing a consensus on this critical issue of more equitable and accessible housing in Australia,

As discussed, our next goal is a successful regulatory impact assessment. If successful, the ABCB (Australian Building Codes Board) will be directed to modify the NCC / BCA, and more accessible housing can become a reality.

Michael Fox thanked everyone including AHRC, ANUHD, all members of RIA, Standards Australia – and trusted that participants found the Forum a useful experience and that the dialogue will continue.

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## Attendance profiles

Michael Fox, Chair of Rights & Inclusion Australia, architect, planner and access consultant involved in accessibility and human rights for over 30 years.

Geoff Barker from Perth, architect working in the indigenous housing, building and living environment sector for the last 40 years, primarily in the Northern Territory, north WA and north Queensland, with a particular interest in integrated living in comfortable and appropriate accommodation meeting people's cultural and physical needs.

Margaret Ward, convener of the ANUHD (Australian Network for Universal Housing Design).

Andrew Martel, lecturer in architecture and construction at the University of Melbourne and a housing researcher.

Jane Bringolf, Director of the Centre for Universal Design Australia.

Karen Robinson, representing the Queensland Government and Minister de Brenni at the Department of Housing and Public Works dealing with building legislation and codes, including LHA Silver potential implementation and accessible toilets for people with high physical support needs.

Lou O'Neill, branch manager Market Commissioning, Design and Solutions, National Disability Insurance Agency. Activities include facilitating access programs and transitions from state and territory governments into the scheme, and design of specialist disability accommodation, a capital investment legislated rule providing housing to the top 6% of people in the scheme. Related areas include transport, assistive technologies, participants who have complex needs and support coordination, other mechanisms for providing support in the scheme and remote markets.

Matt Spanko, National Disability Services transition adviser. NDS is a peak body for disability providers.

John Van der Have, architect and access consultant based in the Blue Mountains in private practice, including putting into practice the AS1428 series and AS1499 adaptable housing.

Alastair McEwin, AHRC Disability Commissioner.

Kiri Weller, representing the Home Modification Information Clearinghouse at UNSW. Trainee statistician specialising in ageing and disability data.

Dean Price, People with Disability Australia. Senior policy officers focusing on, amongst other things, housing.

Monja Korter, Standards Australia. Project manager for ME/64 who is looking after the 1428 series of standards.

Ron Pulido, Stakeholder Engagement Manager at Standards Australia, overseeing the building and construction sector.

Jen Barling, access consultant in private practice.

Robyn Thompson representing Occupational Therapy Australia and the Association of Occupational Therapists on the ME/64 committee. An access consultant in private practice.

Mark Relf. Access consultant and current President of ACAA.

Tina Salama, graduate architect, studying medicine and very interested in the intersection of health and architecture. Daughter in law of Michael Fox.

Carolyn Bennett, Living Care Perth, WA working in the space of home modifications and access which extends from research into nationalisation and networking, a very new area on our horizon.

Barry Bennett, City of Perth Principal Building Surveyor, involved in building approvals, occupation, compliance and part of the City of Perth Disability Access and Inclusion Group.

Sue Salthouse, director of RIA.

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