



SUBMISSION TO THE AUSTRALIAN
BUILDING CODES BOARD

PROPOSAL TO INCLUDE MINIMUM ACCESSIBILITY STANDARDS FOR HOUSING IN THE NATIONAL CONSTRUCTION CODE

SEPTEMBER 2020

ABOUT ACSA

ACSA is the leading national peak body supporting not for profit church, charitable and for purpose providers of retirement living, community, home and residential care for more than 450,000 older Australians.

ACSA represents, leads and supports its members to achieve excellence in providing quality affordable housing and community and residential care services for older Australians.

Aged care providers make a significant \$17.6 billion economic contribution to Australia, representing 1.1% of GDP by producing outputs, employing people and through buying goods and services. The direct economic component is akin to the contribution made by the residential building construction and sheep, grains, beef and dairy cattle industries.^[1]

ACSA members are important to the community and the people they serve, and are passionate about the quality and value of the services they provide, irrespective of their size, service mix or location.

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^[1] Deloitte Access Economics, Australia's aged care sector: economic contribution and future directions, Aged Care Guild, June 2016, page 24.

ACCESSIBLE HOUSING PROPOSAL FOR NCC

Background

In 2017 the Building Ministers Forum (BMF) with support of Coalition of Australian Governments (COAG), directed the Australian Building Codes Board (ABCB) to undertake a regulatory impact analysis on the possible inclusion of accessibility requirements for housing (**Class 1a buildings and Class 2 apartments**) into the National Construction Code (NCC).

- **Class 1a** = single detached house, row house, town house or villa unit
- **Class 2** = multi-storey residential buildings

Public consultation occurred in 2018 and Options and Consultation Papers released.

Subsequently a consultation Regulatory Impact Statement (RIS) has been released, this is now available for public consultation, with feedback informing the final RIS.

The Consultation RIS considers the impacts of the following options (measures from the status quo baseline):

- Status quo
- Option 1: Accessibility standard, broadly reflecting LHDG silver standard, in the NCC applying to all new Class 1a and Class 2 buildings.
- Option 2: Accessibility standard, broadly reflecting LHDG gold standard, in the NCC applying to all new Class 1a and Class 2 buildings.
- Option 3: Accessibility standard, broadly reflecting LHDG gold standard (plus some platinum features), in the NCC applying to all new Class 1a and Class 2 buildings.
- Option 4: Accessibility standard, broadly reflecting LHDG gold standard, in the NCC applying to all new Class 2 buildings.
- Option 5: A subsidy program to encourage additional availability of accessible rental properties to LHDG Gold standard.
- Option 6: An enhanced approach to voluntary guidance, including:
 - a non-regulatory ABCB handbook
 - information provision at the point of sale
 - better matching services.

COAG Guidelines require benefits to be quantified as far as possible and reflected in monetary terms to allow options to be directly compared.

The RIS uses the term ‘accessible’ to describe the options that are intended to make a home easier and safer to use for the broadest range of occupants. The regulatory options assessed by the Consultation RIS are based on the [Liveable Housing Design Guidelines](#) (LHDG) *Silver-level* and *Gold-level* specifications, as well as a *Gold-plus* specification developed through stakeholder consultation.

We understand the intent of the design principles of the LHDG is to provide homes that are easier and safer to use for all occupants, including people with a disability, the aged, people with temporary injuries and families with young children. According to the LHDG, a home designed using its principles is easy to enter, easy to navigate in and around, capable of easy and cost-effective adaptation and responsive to the changing needs of home occupants.”¹

It is noted that retirement villages would be included under this scope, while aged care facilities are excluded - “Other types of building that may also be used for accommodation are excluded from the scope of the Options Paper because they are either already subject to accessibility requirements under the NCC (e.g. Class 1b accommodation buildings, hotels, aged care buildings), or are intended only for a specific occupancy such as staff or caretaker's dwellings”².

ACSA understands that the next stage includes development of a Final RIS and in 2021 further public consultation which may include the draft accessible housing provisions with government at that time deciding on regulation for accessible housing.

ACSA is pleased to respond to this important matter.

¹ <https://www.abcb.gov.au/Resources/Publications/Consultation/Accessible-Housing-Options-Paper>, page 7, accessed 26/11/2018

² <https://www.abcb.gov.au/Resources/Publications/Consultation/Accessible-Housing-Options-Paper>, page 15, accessed 26/11/2018

CONSULTATION REGULATORY IMPACT STATEMENT

ACSA supports accessible housing principles. Accessible housing allows people to remain living in the environment of their choice in the community of their choice.

There are well recognised benefits in being able to remain independent including improved quality of life, well-being, improved mental health outcomes, greater personal freedom and empowerment³.

Understanding and quantifying the problem

The Regulation Impact Assessment document⁴ indicates that one of the steps in impact analysis involves describing the nature and extent of the problem that Government intervention would address through a regulatory proposal. ABCB consultation documentation indicates that housing that is inaccessible⁵ for people with mobility limitations can impose various costs on those people and their families and the community more broadly. In summary these costs are listed as:

- safety related costs for people with mobility limitations living in unsuitable housing
- costs associated with additional care needs for people with mobility limitations living in unsuitable housing
- unnecessarily high costs associated with home modifications
- costs associated with avoidable moves to more suitable accommodation
- costs associated with loneliness, where people with accessibility needs are unable to leave their own house
- costs associated with inappropriate or premature entry into residential aged care

If these 'costs' are the problem to be addressed, then consideration should be given by governments to the following:

1. To what extent do the current building codes fail to address the 'costs' identified above and which of the proposed options, from the least expensive (option one) to the most expensive (option four) responds to these 'costs' with the least financial impost on builders and home owners?
2. Any cost benefit analysis (CBA) attended following this current phase of public consultation should consider both quantitative and qualitative matters ⁶ to

³ Accessible Housing The Way Forward, Melbourne Disability Institute, University of Melbourne, August 2020

⁴ Accessible Housing What's the project? Australian Building Codes Board, Commonwealth of Australia and the States and Territories of Australia 2020

⁵ The RIS uses the term 'accessible' to describe the options that are intended to make a home easier and safer to use for the broadest range of occupants. It is housing that is designed to be: easy to enter, easy to navigate in and around, capable of easy and cost-effective adaption, and responsive to the changing needs of home occupants

⁶ As recommended by the Office of Best Practice Regulation, Cost-benefit analysis Guidance Note, Department of Prime Minister and Cabinet, Australian Government

ensure all positive and negative impacts on the community and economy of options, are considered are understood before decisions are made to impose a regulatory outcome

3. What percentage of new class 1a and class 2 buildings are proposed to be built to incorporate accessibility criteria? It is unclear what is being proposed. Ongoing discussion with stakeholders is required on this point.
4. We recommend independent analysis of assumptions used and the costings arrived at in the Centre for International Economics report⁷ to provide stakeholders confidence in the cost impacts arrived at
5. Consideration of whether accessible housing outcomes can be achieved adequately through non-regulatory approaches, including guidance documents
6. Consideration of whether there are other mechanisms to achieving adequate supply of accessible housing such as providing incentives including subsidies designed to address affordability of incorporating 'accessibility' into new buildings
7. Governments to continue to provide subsidised home modification services through the Commonwealth Home Support Program enabling older Australians to remain living in their current homes in the community they know
8. Incorporating an exemptions process to accessibility criteria where local circumstances would render accessible housing financially unviable; criteria for exemptions could for example include, site issues (slope/ramping requirements, step free entrances), yield, and car parking costs (particularly for class 2 buildings)
9. Consideration whether accessibility criteria may need to apply to only defined areas in new buildings e.g. entrance, hallways, kitchen/dining/lounge, main bathroom (where a second bathroom may not need to be 'accessible'), and main bedroom (and not subsequent bedrooms)
10. Whether 'accessibility' is to be incorporated into refurbishment of older building stock (for example older independent living units or older retirement village units) where the upgraded buildings are not being 'repurposed'. Requiring 'accessibility' outcomes for refurbishments of these types of dwellings may make them financially unviable. If this is the outcome, housing availability will be reduced at the affordable end of the housing market further exacerbating supply.
11. Assessment of unintended consequences should be undertaken to understand flow-on effects for the building sector and for homeowners and renters, including

⁷ Accessible Housing: Estimated Cost Impact of Proposed Changes to NCC, The Centre for International Economics, Report Revision 5, 22 June 2020

impact on business models for village operators should refurbishments require accessibility built in

12. Should a regulatory approach be adopted, then consultation must occur in relation to development of a transition plan

Summary

Accessibility is an important requirement for those with mobility challenges or disabilities. They must be able to have access to affordable, accessible friendly homes whether in the rental or private ownership market.

Additionally, older Australians must also continue to have access to government subsidised home modification services⁸ to remain in their current homes.

Consideration should be given to alternatives to a regulatory outcome, particularly if the 'problem to be addressed' can be addressed with a guidance approach.

Adoption of a regulatory outcome, if this is the decision taken, should be done understanding the cost / benefit outcome, including understanding and accounting for unintended consequences and addressing the identified problems in the most cost effective way possible.

ACSA is keen to remain engaged on this matter when further consultation occurs, understanding from the RIA document that this is likely to be in 2021.

⁸ The Commonwealth spent \$37 million on home modifications in 2017-18, <https://www.gen-agedcaredata.gov.au/Resources/Access-data/2018/September/Aged-care-data-snapshot%E2%80%99942018>