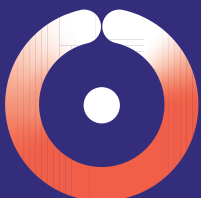


Whitepaper National Construction Code



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Executive Summary

The proposed reforms to the National Construction Code (NCC) are expected to increase the availability of homes with accessibility features to 50% of Australia's total housing stock by 2050. As the population continues to age and mobility issues continue to be a reality for many millions of Australians, the time has come to make this a national priority for the health, safety and overall wellbeing of those who currently need it, and those who will need it in the future.

Despite over a decade of advocacy work and policy pushes for the inclusion of minimum standards to the NCC for 2022, a number of states and territories have rejected the call to implement these changes.

In this paper, we explore why these changes are fundamental to the rights of everyday Australians, the history of the campaign to include accessibility standards into the NCC, and how every Australian can contribute to the [Building Better Homes Campaign](#) and help to cement a truly inclusive national standard of accessible housing.

ABOUT THE AUTHORS



Nick Morris O.A.M

Director

As one of the two founding directors of MGAC, Nick Morris holds a degree in Human Movement, is an accredited accessibility consultant with the Association of Access Consultants of Australia and has degree qualifications for both the secondary and vocational educational sectors.

In 1996 as part of the Aussie Rollers, he won a Paralympic Gold medal in Atlanta in wheelchair basketball. In 1997 Nick was awarded an Order of Australia medal for his services to sport and then went on to compete at the Sydney 2000 Paralympics finishing 5th.

"The inclusion of these changes to the NCC represents the most significant change to the standards since their inception. It's unlikely we'll have another opportunity to update the Code – this is our only shot to make it happen."



David Goding

Director

David Goding is founder and director of Morris Goding Access Consulting. David is an expert in universal accessibility of the built environment and is regarded as one of the pre-eminent access consultants in Australia.

David is an accredited accessibility with the Association of Access Consultants of Australia and has degree qualifications in civil engineering and post graduate diploma in business management.

He has developed a wealth of knowledge based on 30 years in the construction industry. David has provided specialist advice to Major Architects and Builders throughout Australia. He enjoys a stellar reputation based on practical, logical, clear thinking coupled with problem solving of complex issues.

"The proposed reforms to the NCC recognise an overwhelming truth in this space: mandatory accessibility standards will help to ensure greater access to appropriate housing support for all Australians. The choice in this case isn't just about where to live; it is about choosing how to live with a renewed sense of dignity and personal freedom."

1.0

The importance of mandatory accessibility standards

Hundreds of thousands of Australians currently live in homes that do not fit their needs. [According to recent research from the University of Melbourne](#), over 70% of respondents reported they live in housing that does not meet – or only partly meets – their accessibility needs.

This research was initiated in response to the Australian Building Codes Board's (ABCB) consultation on a proposal to include minimum accessibility standards for housing in the NCC, with the aim to address the data gap around the lived experience of those with an accessible housing need. What it uncovered was deeply unsettling:

- Respondents said that inaccessible housing features reduced their ability to move easily around their home and complete daily self-care tasks, such as cleaning and personal care.
- Up to one third of respondents reported that inaccessible housing had affected their ability to find stable employment or had negatively impacted their productivity at work.
- Over 80% reported that the general standard of inaccessible housing means they cannot easily visit family or friends in their homes.

In short, the report concluded that inaccessible housing severely harms the dignity, freedom, social inclusion, economic productivity, and health and wellbeing of people with mobility restrictions.

Additionally, the number of Australians with mobility issues is estimated to increase from 3 million to around 5.75 million over the next 40 years. The challenges those in this vulnerable sector will face within their lived spaces should be cause for wider societal concern.

While different subsets of the population will experience a range of mobility issues, it is worth highlighting how the continuation of such low housing standards will affect those most vulnerable in the community.

1.1 Housing & Elderly Australians

Similar to many developed nations, Australia's population is ageing, largely as a result of sustained low fertility and increasing life expectancy. In fact, the number and proportion of older Australians is only expected to continue to grow. The nation is expected to have nearly 50% more people older than 55 by 2036, with a projected increase from around 6.4 million in 2016 to 9.4 million in 2036. Looking even further ahead, it is projected there will be 8.8 million older people in Australia (22% of the population) by 2057, and by 2097 12.8 million people (25%) will be aged 65 and over.

The recent Royal Commission into Aged Care tellingly revealed what older Australians think when it comes to ageing in place. It showed that older Australians have a strong preference to stay living in their own home should they ever need support or care (80% and 62% of older people respectively). Around 11–12% indicated they would wish to downsize from their current house to a smaller dwelling and 6–7% wanted to move nearer to family or friends. Only 25% stated they would prefer to live in a residential aged care facility if they were to need care.

The Royal Commission also uncovered why the majority of older Australians are hesitant to enter an aged care facility. In an interim report aptly titled 'Aged Care in Australia: A Shocking Tale of Neglect', the findings were concerning. The results showed that the aged care system fundamentally fails to meet the needs of its older, vulnerable, citizens. Further to this, it does not deliver uniformly safe and quality care, is unkind and uncaring towards older people and, in too many instances, it neglects them.

It is clear that Australia is facing a significant challenge when it comes to delivering suitable and accessible housing for the ageing population. But the accessible housing issue isn't an isolated challenge faced only by elderly Australians ageing at home; the effects are shared by others within our families, networks and communities.



1.2 Mobility-impaired Australians

One in six Australians have a disability – that equates to approximately 4.4 million people. Of those 4.4 million, approximately 96% live in the community, with more than 90% in private housing. Additionally, more than 146,000 social housing households have at least 1 person with disability (at June 2019), making up 41% of all social housing households (where disability status is known). While accessible social housing is important, it will not address the increasing need for widespread accessible housing, particularly when it comes to new buildings.

With all of this in mind, any policy response must consider both private and social housing.

According to the research conducted by the University of Melbourne, nearly 75% of Australians with a mobility impairment are unable to find housing that meets their needs. Although definitions of housing accessibility, usability and liveability vary, they tend to revolve around a few key principles:

- Easy entry and exit
- Easy navigation and functionality in and around the home
- Potential for easy and cost-effective adaptation in response to the changing needs of occupants over time

Achieving these benchmarks in established homes can be difficult as the problems with them are numerous. They include poor access; unsuitable internal layouts; inadequately designed bathrooms, kitchens and laundries; and a lack of other qualities such as good light and connections to outdoor views and spaces. These dwellings may also be unsuitably located in relation to transport, services and amenities, further limiting life choices, especially around employment. At present, it is also up to individual households to make the necessary accessibility changes to their dwellings, regardless of whether they own or rent their home.

Currently, the states and territories who have rejected the NCC recommendation to include a minimum accessible standard for new housing have also effectively sidelined this urgent need for Australians who are mobility impaired. And the issue will not resolve itself. Current housing stock already fails to meet the needs of Australians with disabilities and demand for accessible housing is anticipated to almost double over the next 40 years.

Not addressing this issue now is not only economically short-sighted, it is morally bereft.

1.3 Improvements for all Australians

Despite all of the obstacles to better housing accessibility for all Australians, it's not all bad news. The recent report from the University of Melbourne also revealed that the majority of those interviewed reported improved self-reported mental health and wellbeing, thanks to the accessibility of their home.

As more focus continues to turn towards mental health and wellbeing in response to the lasting effects of the COVID outbreak, this is a figure worth focusing attention on in an effort to see lasting and positive change.

The issue of accessible housing is one that affects us all on an economic, social and ethical level. With something this fundamental to the comfort and safety of our families, neighbours, friends and communities, it needs to be reflected and upheld in the policies we enact to make it a priority. It needs to be reflected in our collective efforts to enforce and uphold a truly national standard.



2.0

Decoding the proposed changes to the NCC

On 30 April 2021, a majority of building ministers agreed to the inclusion of mandatory minimum accessibility standards in the NCC. With this majority rule, the accessible housing provisions will become part of the Building Code of Australia (BCA) on 1 September 2022.

Despite these important advances, some states and territories have refused to support the inclusion of the proposed changes as currently outlined in the draft 2022 NCC. While the building ministers in the reluctant states and territories acknowledge the importance of accessible housing, some have pointed to the underlying costs as the major barrier to state-wide implementation.

According to The Hon. Kevin Anderson MP, Minister for Better Regulation and Innovation for the New South Wales government:

"The proposal will require every single new home or apartment to be constructed to these higher, more expensive standards adding to the cost for all purchasers regardless of their accessibility needs.

"In this regard, the NSW Government does not support the inclusion of minimum accessibility standards in the NCC as currently proposed. The changes will have negative impacts on housing affordability and the construction sector, and will also come at a significant cost to the community."

Mr Anderson's rejection of the changes also pointed to another soft spot for long-serving accessibility requirements advocates. According to the Minister, flexible and balanced approaches – including non-regulatory options – had not been fully explored. On the back of a process and decision that has been over a decade in the making, this has been a difficult pill for many to swallow.

As a performance-based code, the NCC sets the minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings. Without every state and territory onboard, there can be no ongoing national standard for accessible housing, meaning these proposed changes, while potentially historic and a benchmark at a national and international scale, could be all rhetoric and no action. To put it lightly, this is a disappointing outcome that could have adverse effects on the health and wellbeing of Australians for generations to come.

Inclusion of accessibility standards into the NCC is a momentous step forward for older Australians and those who are mobility impaired. Despite what many of the reluctant states and territories may believe, these accessibility recommendations are not a surprise to the construction or community planning sectors – these proposed changes have been over a decade in the making.



3.0

The long road to accessibility inclusion

These changes have not been sprung on the states and territories overnight. In fact, the road to including mandatory accessibility minimums in the NCC is one that has been paved by the hard work and advocacy of many in the equal access community.

In 2010 the [National Dialogue on Universal Housing Design](#), which has been agreed upon by numerous organisations including the Master Builders Association, Property Council of Australia, Lendlease, Stock

land and the Australian Human Rights Commission, set a voluntary target for all new residential housing to meet minimum accessibility requirements by 2020. The voluntary option has long been favoured by the building industry, with many in the construction industry insisting the opt-in approach would be substantiated to fulfill the need for accessible housing throughout Australia. Predictably, the voluntary response was vastly insufficient – less than 5% of houses met the necessary standard.

By 2017 it was clear something had to change; the need for a shift from voluntary to mandatory minimums for accessibility was now overwhelming. In response to public and industry pressure, the Building Ministers' Forum (BMF), with the support of the Council of Australian Governments (COAG), directed the Australian Building Codes Board (ABCB) to undertake a regulatory impact analysis on the potential inclusion of accessibility requirements for housing (specifically, Class 1a buildings and Class 2 apartments) into the National Construction Code (NCC).





For those interested in reading the entire project overview, the ABCB has released a document that explains the entire project, its timelines and the RIS process. To briefly summarise, the process aimed to determine if a national standard and intervention was necessary, and if so, to what degree. Behind this official purpose there was also a potential unveiling around a long-standing point of policy contention for the accessibility community.

Making accessible design features mandatory through the NCC is sometimes viewed as being an expensive way of catering to a small section of the Australian population. However, as many advocates insist, by making some features compulsory, it has the potential to future-proof Australia's housing for generations to come. In many ways, the RIS process has revealed a very telling cost-benefit analysis around accessibility – is it worth the short-term cost now for the long-term benefit later?

As the RIS process drew to a close, the overwhelming conclusion and recommendation was to include accessibility at a silver LHA benchmark as standard. By failing to do so, we are actively choosing short-term savings over long-term advances in housing for our entire population. While the outlays for accessibility may pose a cost, the benefits far outweigh them.

As Australia ponders the changes to the NCC, many other developed nations are starting to take the lead when it comes to accessible housing.

3.1 Setting an international standard, or falling behind?

For many proponents of the inclusion of mandatory minimum accessibility standards, the decision for all states and territories to proceed with the change is potentially historic on an international stage.

When Australia's standards are compared to other advanced economies, we are close to leading the way when it comes to mandating accessible housing as standard. The three Australian LHA level correspond with, but are not identical to, the three levels specified in the UK accessibility standards: VISIBLE Dwellings, Accessible and Adaptable Dwellings and Wheelchair User Dwellings.

With these standards in place, the UK would appear to be the current leaders in adopting a national regulatory approach to accessible dwellings. Similarly, while the US has minimum federal standards, they only apply to multi-unit dwellings and federal public housing.

Finally, even though Norway has a policy commitment under an Action Plan named '[Norway universally designed by 2025](#)', there is no legislated design standard currently active.

We have a once in a generation opportunity to set the international standard when it comes to accessible housing. There is an international leadership vacuum in this space that is ready to be filled, but only if we act as one nation under one code. As Disability Discrimination Commissioner Dr Ben Gauntlett wrote earlier this year:

“We need federal and state building ministers to show some spine. We all need a home.”

4.0

Committing to a national standard


At MGAC, we believe that this significant change to the NCC is a momentous opportunity to positively affect the lives of all Australians for many years to come. As the largest single and impactful amendment to the NCC since its inception, it is unthinkable for it to not be rolled out across all states and territories for the benefit of every mobility impaired individual.

While it is disappointing to see so many states and territories hesitant to adhere to the NCC changes, there is something every one of us can do to help usher in national change.

The Building Better Homes Campaign is a coalition of more than 40 partners (including Every Australian Counts) from the disability, aged care and health sectors. The Building Better Homes Campaign is working hard to make sure federal and state building ministers understand the importance of including mandatory accessibility standards in the 2022 NCC.

[Visit the Building Better Homes Campaign](#) to find out if your state or territory has committed to implementing the new National Construction Code. If they haven't, you can let them know directly that you support accessible housing for all Australians.

Seamless integration of universal design and accessibility for everyone

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