

Comment – Dr John McPherson

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Continued implementation of the National Construction Code's (NCC) Livable Housing Design Standard will benefit Queensland and Queenslanders.

The continued implementation will:

- Incrementally increase the amount housing stock appropriate for all life stages.
- Impose trivial to negligible costs on industry, government and the public.
- Provide substantial social, health, economic and community benefits to Queenslanders.
- Allow Queensland and Australia to meet the Objectives of Australia's Disability Strategy 2021–2031.
- Allow Queensland and Australia to meet their obligations under the Convention on the Rights of Persons with Disabilities (CRPD).

Submission on the productivity of the Queensland construction sector

Dr John McPherson AM

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Submission Overview

Continued implementation of the National Construction Code's (NCC) Livable Housing Design Standard will benefit Queensland and Queenslanders. The continued implementation will:

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- Provide substantial social, health, economic and community benefits to Queenslanders.
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Cost of the Livable Housing Design Standard

In 2020 the Australian Building Codes Board published its *Accessible Housing: Estimated Cost Impact of Proposed Changes to NCC Report Revision V2.2*.¹ This found that the added cost and floor area of building a dwelling to the Livable Housing Design Guidelines Silver level were both trivial. This is detailed in Tables 6 and 7 of the report (see Appendix 1).

A Decision Regulation Impact Statement² (DRIS) on a proposal to include minimum accessibility standards for housing in the National Construction Code was prepared for the Australian Building Codes Board in February 2021³. The DRIS found that:

Housing price and affordability are affected by many factors, of which the construction cost is only one factor. In general, increase in construction cost is not fully passed on to housing price due to demand and supply elasticities.

Continued implementation of the National Construction Code's (NCC) Livable Housing Design Standard will therefore impose nil to negligible cost or productivity penalties on government, industry or the public.

The DRIS found that the cost of doing nothing to both government and community was significant:

While the number of people affected by inaccessible housing appears a small proportion of the total population, the costs to the community for those whose needs are not met (or who have incurred significant cost in having their needs met) are estimated to be significant. The costs to the community are assessed and estimated around each type of problem. For quantifiable costs they are additive.

- The costs associated with inaccessible housing that were able to be quantified are estimated to range between around \$3 billion and \$6.5 billion per year based on 2018 data.
- These costs are estimated to increase to between \$4.5 billion and \$9.9 billion per year by 2040.

Estimated numbers of affected people are detailed in Table 9.1 of the DRIS (see Appendix 2).

¹ <https://www.abcb.gov.au/sites/default/files/resources/2022/Accessible-housing-estimated-cost-impact-of-proposed-changes-to-NCC.pdf>

² <https://www.abcb.gov.au/sites/default/files/resources/2022/Final-decision-RIS-accessible-housing.pdf>

³ <https://www.abcb.gov.au/resource/regulation-impact-statements/proposal-include-minimum-accessibility-standards-housing-ncc>

Ultimately, resistance to constructing to the Livable Housing Design Standard is attitudinal. There are no financial, technical, material or skill-based impediments.

Benefit of the Livable Housing Design Standard

A media release in April 2021 by the then Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement, the Honourable Mick de Brenni⁴ encapsulates the benefits of the Livable Housing Design Standard for all Queenslanders. An excerpt reads:

Mr de Brenni said a minimum accessibility standard would ensure safe, secure and liveable housing especially for seniors, with significant growth expected in the number of Australians remaining in their homes as they age.

"Housing should be designed to accommodate all people, regardless of their age or disability," the Minister said.

"From young families with children to those with a temporary injury or permanent disability as well as the elderly, these reforms will benefit everyone.

"Finding a suitable rental home or home to purchase can be incredibly challenging for the 3.8 million seniors and the 4.4 million Australians with a mobility-related disability.

"The relatively simple and cost-effective fit out of homes with accessibility features would also mean the elderly can stay in their homes longer, enabling full and continued participation in life, like work, volunteering and family interactions.

"Seniors deserve to remain active and engaged, with strong connections to family and community, and a safe and secure home can help them age with dignity."

Plainly, the Livable Housing Design Standard benefit all of the community through incrementally increasing the amount housing stock appropriate for all life stages.

The Australian Institute of Health and Welfare in its 2024 report *People with disability in Australia*⁵ notes the benefits of appropriate housing for people who have a disability. This benefit extends to the whole community who at different life stages all benefit from appropriately designed housing. An excerpt from the report reads:

Housing

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https://statements.qld.gov.au/statements/91997?fbclid=IwAR0xso495rkmJ_YEI1slnICEe_WOncD5BjQBggUJ1zWT_c5E8QrsOOBTrxo

⁵ <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/about>

Housing plays a major role in the health and wellbeing of people with disability, by providing shelter, safety and security. The availability of affordable, sustainable and appropriate housing helps people with disability to participate in the social, economic and community aspects of everyday life.

A person who does not have access to affordable, secure and appropriate housing may experience several negative consequences, including homelessness, poor health, and lower rates of employment and education (see '[Homelessness services](#)', '[Health](#)', '[Employment](#)' and '[Education and skills](#)' for more information).

In his 2020 paper, *Living with disability in inaccessible housing: social, health and economic impacts*⁶, Dr Ilan Wiesel of the University of Melbourne found that affordable and accessible housing is a prerequisite for our more vulnerable citizens to find and maintain employment, to live a healthy lifestyle and to build community connection. He observed that:

Inaccessible housing severely harms the dignity, freedom, social inclusion, economic productivity, health and wellbeing of people with mobility restrictions.

Accessible housing will therefore benefit residents through improvements in:

- Employment
- Social isolation
- Mental health
- Housing choice

The benefits identified in literature on home modifications not only apply to, but are exceeded in, new homes built to accessible standard.

Weisel also noted on page 52⁷:

In our study, homes built to accessible standard were found to be equivalent in their accessibility to homes that were modified to meet all individual occupant's needs, and superior in terms of features that require more structural modifications, as well as adaptability for future modifications due to changing needs.

Across the various life domains examined in the study, the positive outcomes for people living in homes built accessible were equivalent to those living in homes that have been modified to meet all individual occupant's needs, and far superior to those who lived in

⁶ https://disability.unimelb.edu.au/data/assets/pdf_file/0010/3969109/Accessible-Housing-Research-Report-22-October-2020.pdf

⁷ https://disability.unimelb.edu.au/data/assets/pdf_file/0010/3969109/Accessible-Housing-Research-Report-22-October-2020.pdf

homes that have been modified to meet only some needs (who represent the majority of participants living in modified homes).

Continued implementation of the National Construction Code's (NCC) Livable Housing Design Standard avoids costly post construction modifications to dwellings. These costs are shared by government and the public.

In *Home modification costs* (page 223) the DRIS provided examples of costs associated with modifying an existing dwelling for accessibility. In most instances these ranged from expensive to prohibitive .

Australia's Disability Strategy 2021–2031 and Housing

Australia's Disability Strategy 2021–2031 has in its *Inclusive Homes and Communities Policy: Priority 2* the Outcome of 'People with disability live in inclusive, accessible and well-designed homes and communities' (see Appendix 3).

This Outcome will only be achieved through construction of the NCC's Livable Housing Design Standard housing.

Convention on the Rights of Persons with Disabilities and Housing

The United Nations' *Convention on the Rights of Persons with Disabilities* (CRPD)^{8,9} defines the fundamental human rights of people with disability. This includes a right to appropriate housing.

Australia signed the CRPD on 30 March 2007, ratified the CRPD on July 17 2008 and ratified the Optional Protocol on 30 July 2009¹⁰. These ratifications are quite significant as is stated on the Federal Attorney General's website¹¹:

In Australia, the Convention on the Rights of Persons with Disabilities (CRPD) is incorporated through legislation, policy and programs at federal, and state and territory levels. Implementation of the CRPD is a whole of government responsibility; this means that agencies at federal, state and territory levels play a part in implementing the articles of the CRPD within their portfolios.

The principles and commitments in the CRPD should therefore continue to be honoured in Queensland through construction of the NCC's Livable

⁸ <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

⁹ <https://humanrights.gov.au/our-work/disability-rights/united-nations-convention-rights-persons-disabilities-uncrpd>

¹⁰ <https://www.dss.gov.au/international-disability-rights#:~:text=UN%20Convention%20on%20the%20Rights%20of%20Persons%20with%20Disabilities&text=On%2030%20March%202007%2C%20Australia,CRPD%20and%20the%20Optional%20Protocol>

¹¹ <https://www.ag.gov.au/rights-and-protections/publications/australian-government-implementation-article-33-crpd>

Housing Design Standard housing as per Article 9 Section 1(a) and Article 28 Section 1 (see Appendix 4).

Voluntary Standards are Ignored

Livable housing achieved through voluntarily meeting the Livable Housing Design Guidelines has been tried and failed badly. This was through the *National Dialogue on Universal Housing Design* on which industry participated. Livable Housing Australia note¹²:

Members agreed to set an aspirational target for new housing to be designed and built to meet minimum livable housing design standards. Dialogue members agreed to work together to develop a strategic plan and nationally-consistent guidelines to inform the design and construction of new housing across the country.

The Strategic Plan was developed in 2010¹³ but not implemented by industry. The Australian Network for Universal Housing Design in 2015 found that¹⁴:

The housing industry, as a whole, has failed to show signs of voluntary systemic transformation.

A generous estimation is that the current voluntary approach will achieve less than 5% of the National Dialogue's 2020 target.

The *National Disability Strategy: 2016 Progress Report*¹⁵ on page 27 noted:

Affordable, accessible housing for people with disability was identified as a key area where improvements have not been achieved. People with disability believe that regulatory intervention through the National Construction Code is required to achieve change.

In his 2020 paper, *Living with disability in inaccessible housing: social, health and economic impacts*¹⁶, Dr Ilan Wiesel of the University of Melbourne found that:

Voluntary construction of accessible homes, post construction home modifications and provision of accessible social housing have failed to deliver accessible housing for most Australians with mobility restrictions.

¹² <https://livablehousingaustralia.org.au/about-lha-3/>

¹³ <https://www.aph.gov.au/DocumentStore.ashx?id=7ba0bda3-74e1-4f14-9d15-9ac25b3458ed&subId=561836>

¹⁴ https://aduhdblog.wordpress.com/wp-content/uploads/2016/08/nduhd_report_jan15.pdf

¹⁵

<https://disability.royalcommission.gov.au/system/files/exhibit/CTD.5000.0002.3795.pdf>

¹⁶ https://disability.unimelb.edu.au/_data/assets/pdf_file/0010/3969109/Accessible-Housing-Research-Report-22-October-2020.pdf

Adam Smith, in his seminal *An Inquiry into the Nature and Causes of the Wealth of Nations*, noted that :

I have never known much good done by those who affected to trade for the public good. It is an affectation, indeed, not very common among merchants, and very few words need be employed in dissuading them from it.

Smith's warning should be heeded.

Only through continued implementation of the National Construction Code's (NCC) Livable Housing Design Standard will Queenslanders be provided with safe, affordable and accessible housing. Without regulation, industry will do as they please and not as they should.

Appendix 1

Accessible Housing: Estimated Cost Impact of Proposed Changes to NCC

Accessible Housing: Estimated Cost Impact of Proposed Changes to NCC Report Revision V2.2 – 23 December 2020.¹⁷

2. WEIGHTED ESTIMATED CONSTRUCTION COSTS

2.1. Summary of Estimate

We attach five cost matrixes that capture the design elements being proposed for inclusion in the NCC for each of the representative model homes. Those spreadsheets also capture the scenario weightings:

Table 6

Weighted Construction Costs			
Cost Element Design Element 1B reflected in Table	Option 1 LHDG Silver \$	Option 2 LHDG Gold \$	Option 3 LHDG Gold Plus \$
Class 1a – Volume Product	4,123	12,662	16,912
Class 1a – Custom Home	3,965	11,635	14,583
Class 1a - Townhouse	4,385	17,036	21,500
Class 2 – Three-storey Walk-ups	4,013	12,491	17,844
Class 2 – Plus Four Storeys	2,914	11,792	16,456

2.2. Summary of Area Impacts

Our estimates of the effect of proposed NCC changes on the areas of dwellings is summarised as follows:

Table 7

Weighted Area Changes			
Housing Archetype	Option 1 LHDG Silver m2	Option 2 LHDG Gold m2	Option 3 LHDG Gold Plus m2
Class 1a – Volume Product	1.52	4.10	5.53
Class 1a – Custom Home	1.44	3.19	4.17
Class 1a - Townhouse	1.43	6.09	7.78
Class 2 – Three-storey Walk-ups	1.21	5.06	6.38
Class 2 – Plus Four Storeys	0.72	4.70	5.69

Note that this table reflects the change in area of the dwelling, which for Class 1A dwellings includes any increase in the size of a garage under the main roof change, but for Class 2 excludes any change in the car park area.

¹⁷ <https://www.abcb.gov.au/sites/default/files/resources/2022/Accessible-housing-estimated-cost-impact-of-proposed-changes-to-NCC.pdf>

Appendix 2

Proposal to include minimum accessibility standards for housing in the National Construction Code-DRIS

CIE 2021 Proposal to include minimum accessibility standards for housing in the National Construction Code-DRIS¹⁸

9 Conclusions

Inaccessible housing is a significant problem

The costs associated with inaccessible housing are a large and growing problem for the community. More than 3 million Australians have a mobility limitation and/or a self-care limitation due to disability, with more than 90 per cent living within the community.²⁴⁶ This is estimated to increase to around 4.5 million people by 2040.

Despite their disability, more than 80 per cent of people with limited mobility living in the community have no difficulty moving around their residence,²⁴⁷ suggesting that their housing generally meets their needs.

Table 9.1 reports the estimated number of people who may be affected by inaccessible housing with respect to the type of problems associated with inaccessibility. The numbers across problem type are not additive because one person may have multiple problems.

9.1 Number of people affected by lack of accessible housing per year

Problem	Estimated number of people affected per year
Safety-risks	325 100
Additional care needs	453 400
Quality of life	554 400
Additional time in hospital/transition care	159 900
Home modifications per annum ^a	21 790
Additional home moves	Range of 6 400 – 17 300
Premature/inappropriate entry into residential aged care	Range of 2 767 – 6 199
Inability to visit family and friends-(vistability)	85 800
Families with young dependants	Up to 16 000
Short-term injuries	17 551

^a Assumes one person per relevant modification per year

Note: the number of people affected is not additive across each type of problem.

Source: CIE – population is estimated on the basis of analysis in appendices B-J.

¹⁸ <https://www.abcb.gov.au/sites/default/files/resources/2022/Final-decision-RIS-accessible-housing.pdf>

Appendix 3

Australia's Disability Strategy 2021–2031

Inclusive Homes and Communities

Outcome: People with disability live in inclusive, accessible and well-designed homes and communities

Policy Priority 2:

Housing is accessible and people with disability have choice and control about where they live, who they live with, and who comes into their home.

Accessible and well-designed housing supports independence and social and economic participation. Increasing the availability of accessible housing provides choices on where to live, who to live with, and enables people with disability to visit, socialise and connect with neighbours, family, and friends. Improved takeup of universal design principles will support people regardless of age or disability to live in their home through all stages of their lives.

“No-one should be forced to live with their parents solely because suitable accommodation is unavailable.” (Every Australian Counts Campaign 2015)

“Fifty-nine per cent of survey respondents said access to affordable and accessible housing and accommodation was a major or severe issue.” (National Disability Strategy Consultation Report 2019)

“Participants also described physically accessible design features as promoting a person’s independence for a longer period and reducing the number of injuries sustained at home.” (Australian Network for Universal Housing Design 2018)

“Accessible housing is not just needed by Australians with mobility disabilities. [It] assists people with sensory, intellectual or cognitive disabilities. Housing designed with universal design characteristics reduces care needs and costs, ensures people can live at home for longer, enables people with disability to leave hospital more expeditiously and facilitates people with disability obtaining employment.” (Australian Human Rights Commission 2020)

Appendix 4

Convention on the Rights of Persons with Disabilities (CRPD)

Article 9—Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
 - (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, **housing**, medical facilities and workplaces;
 - (b) Information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures:
 - (a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
 - (b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
 - (c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
 - (d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
 - (e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
 - (f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
 - (g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
 - (h) To promote the design, development, production and distribution of accessible information and communications technologies and

systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 28—Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and **housing**, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.
2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
 - (a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
 - (b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
 - (c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability related expenses, including adequate training, counselling, financial assistance and respite care;
 - (d) To ensure access by persons with disabilities to public housing programmes;
 - (e) To ensure equal access by persons with disabilities to retirement benefits and programmes.