

The Hon Michelle Lensink MLC
Minister for Human Services
South Australia

Forwarded by email: dhsministerforhumanservices@sa.gov.au

Dear Minister,

Re: Regulatory Impact Statement for an access standard for housing in the NCC

As you would be aware, in October 2017, the Building Ministers Forum (BMF) agreed to develop a national regulatory impact statement (RIS) for accessible housing. The RIS was to examine the Liveable Housing Design Guidelines (silver and gold levels) as options for creating a minimum access standard in the National Construction Code (NCC). The Australian Building Codes Board (ABCB) released the Consultation RIS for public consultation from 6 July to 31 August 2020.

The BMF committed to consult with Disability Ministers and presumably Housing Ministers during the development of the RIS, as households with people living with disability and older people are the group most affected by this proposal. To this end we recognise you have a real opportunity to shape the thinking of our own Building Minister.

SACOSS has maintained a watching brief on the process but am now writing to you to seek your intervention.

We consider that this RIS is incredibly important and timely for the Australian Government as well as State and Territory governments. This RIS offers a real opportunity to create living environments that are genuinely inclusive – not just for people who live with disability and people who are older and becoming less mobile, but also people with young families whose mobility could be greatly enhanced through proper universal housing design standards.

We note the South Australian Housing Authority (SAHA) has made its own submission to this process where for various reasons it concluded that “the Authority does not accept mandating the use of LHDG for the design and construction of affordable housing, as it stands in the 4th edition.”

We contest that conclusion and think that it’s very unfortunate that the SAHA - who should in fact be a leading champion for inclusion – has promoted that position. The nature of people’s living environments will always embed elements that define and enable their capacity to be included socially, and to age in place. Alternatively, poor design can become intolerably constricting and thus any opportunity to embed better practice should be taken up.

Furthermore, adopting a genuinely inclusive universal standards as proposed by the LHDG via this RIS offers:

- an opportunity to ensure that within a context of the NDIS the interests of SA citizens who live with disability are ensured of having access to living environments that allow them to lead full and inclusive lives;
- an increased likelihood that if people's mobility becomes more limited as they age the property they are living in will be designed in a way that accommodates this;
- provide a very practical response to address at least in part, the substandard treatment of people with disability and older people in congregate care that's been widely articulated at the two current Royal Commissions.
- a practical strategy to manage both the ageing population in South Australia and game changing circumstances that COVID-19 (or any other likely pandemic) because better designed housing will make hospital in the home programs, quarantining and work from home, more cost-effective than any of the current alternatives.

Now SACOSS is aware that colleagues at the Australian Network for Universal Housing Design (ANUHD) have previously written to you noting real concerns about the process of the RIS. SACOSS shares their expressed concerns about:

1. *The cost/benefit analysis warranting much greater scrutiny*
2. *the absence of any qualitative analysis*
3. *the fact that the consultation process failing to meet best practice standards.*

SACOSS joins the ANUHD in contending that as a result, the current recommendations emerging from the RIS process may not be well founded.

Now while the RIS may well be the principal business of Minister Chapman as Building Minister, it has far-reaching ramifications for your own portfolio, your constituents and your budget. Thus, we urge you to monitor this work closely, ensure that a robust and high-quality RIS has been done, that your different portfolio interests have been considered, and that the people most affected have properly had an opportunity to have their say.

We then urge you to share those views with the Building Minister principally responsible for carrying discussions at a national level.

We would appreciate a prompt response detailing you might intend to ensure this will be the case.

Yours sincerely,



Ross Womersley

CEO