Accessible Housing



What's the project?

This project involves undertaking a Regulation Impact Assessment (RIA) of options for minimum accessibility standards for housing, for potential inclusion in the National Construction (NCC).

In this project, 'accessible housing' is housing that includes features to enable use by people either with disability or transitioning through their life stages.

The minimum accessibility standards for housing that are being considered are based on the specifications in the Livable Housing Design Guidelines (LHDG) 2017.

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What options are being considered?

- **Status quo** — it is requirement under COAG guidelines that all regulatory proposals are benchmarked against the status quo (i.e. no change) scenario.
- **Option 1** — NCC requirements based on LHDG Silver, focused on core structural and spatial requirements designed to increase adaptability and reduce the need for future home modifications.
- **Option 2** — NCC requirements based on LHDG Gold, which is similar to Silver, but with larger spatial requirements and features to enable the home be lived in by a wheelchair user.
- **Option 3** — NCC requirements based on LHDG Gold, but with some additional provisions taken from the LHDG Platinum.
- **Option 4** — Similar to Option 2, but applied only to apartments. Options 1, 2 and 3 would apply to both housing and apartments.
- **Non-regulatory approaches** — also required under COAG guidelines as a way of identifying whether regulation is the most effective and proportional response to an identified problem. Non-regulatory approaches can include subsidies and/or promotion of existing guidance such as the LHDG, even where such activities may be outside the role of the ABCB.

Note: Options 1 to 4 may include exemptions in situations where compliance may be impractical or impossible. Also, consistent with the performance-based NCC format, any new regulatory requirements will involve overarching Performance Requirements and a number of compliance pathways based on the LHDG.

Why are we doing this project?

This project was initiated in 2017 by the Building Ministers' Forum (BMF), with the support of the Council of Australian Governments (COAG). It has been part of the ABCB's work program since then.

How is the RIA being carried out?

The RIA is being carried out in two stages.

The first stage involved an Options Paper, which was released in September 2018 as a way to refine the details of the options, objectives and terminology, in preparation for the development of a formal Consultation Regulation Impact Statement (RIS). The Options Paper was supported by a series of consultation forums, held in each capital city in October-November 2018. The results of the Options Paper and forums were documented in a Consultation Report, released in April 2019.

The second stage involves the development of a Regulation Impact Statement (RIS). A RIS must be conducted in accordance with the COAG guidelines for best practice regulation, as required by the ABCB Inter-governmental Agreement. You can access the Consultation RIS and its supporting documentation through the ABCB Consultation Hub.

Further details about the Accessible Housing Consultation RIS can be found in this Explanatory Document.

What will be the end result?

The RIS process, which includes both a consultation and final stage, will provide Governments with analysis of the potential impacts of proceeding with the regulation of housing accessibility through a change to the NCC.

A RIS is an analysis that informs government decision-making, and as such its recommendations are non-binding.

Once the RIS process is complete, submissions will be published (except for confidential submissions).

For information about the timing of each step in the project, refer to the Project Timelines.

Questions?

If you have a question about the project, please submit an online enquiry (use the 'general' option).

If you would like to make a submission on the Consultation RIS, please use the **ABCB Consultation Hub**.

Project timelines

2018

- **Accessible Housing Options Paper released for public comment** (19 September to 30 November)
- **Accessible Housing National Consultation Forums** (15 October to 1 November)

2019

- **Consultation Report released** (April)
- **ABCB undertakes initial drafting of proposed NCC changes assisted by an expert reference group including industry, access consultants and State/Territory Governments** (April to October)
- **The Centre for International Economics (CIE) engaged by ABCB to undertake development of Consultation Regulation Impact Statement (RIS)**

2020

- **Development of Consultation RIS completed by the CIE** (July)
- **Consultation RIS released for public submissions** (8 weeks)
- **Final RIS to be developed following consultation**
- **Further development of proposed NCC changes (if directed by governments)**

2021

- **Consultation on NCC 2022 public comment draft which, if directed by governments, will include the draft accessible housing provisions developed in 2019–20**
- **Decision by governments on a regulation for accessible housing**
- **ABCB Board determines NCC provisions (if governments decide to proceed)**

2022

- **NCC 2022 adopted by States and Territories**



The RIS explained

What is the project?

Information about the Accessible Housing Project can be found in the Project Overview.

What is a RIS?

A Regulation Impact Statement (RIS) is the methodical assessment of regulatory proposals. There is an internationally recognised framework for assessing regulatory proposals, including proposals to amend the NCC. This framework is reflected in the Council of Australian Governments (COAG) Principles of Best Practice Regulation — A Guide for Ministerial Councils and National Standard Setting Bodies.

The key steps in impact analysis involve:

1. describing the nature and extent of the problem;
2. stating the intended outcomes of proposed action;
3. identifying a range of feasible policy options that are capable of addressing the problem;
4. undertaking cost-benefit analysis of these options to quantify their impacts;
5. consultation to incorporate the views of parties affected by the proposal;
6. identifying the option that would deliver the greatest net benefits to the community; and
7. considering implementation and review.

The purpose of a RIS is to provide analysis to governments on whether government intervention, in this case the regulation of accessible housing through the NCC, is necessary or desirable. A RIS is developed in two stages. Under stage one, initial analysis is released as a Consultation RIS for public comment. Stage two involves the RIS being updated and finalised with new evidence and feedback from consultation, before it is used as an input into decision making. Both stages are covered in more detail below:

Consultation RIS

A Consultation RIS is prepared in accordance with the COAG guidelines for the purpose of consulting with interested parties. It incorporates all formal elements of a RIS, including a full cost-benefit analysis. Interested parties are invited to comment on any aspect of the Consultation RIS. For example, interested parties could provide comment on whether the description of the problem captures the essence of the issues, or suggest other options for addressing the problem. Interested parties are encouraged to comment on the estimated impacts of the options — both the costs and the benefits — and how the regulatory proposal will work in practice. Comments on the Consultation RIS will inform the preparation of a Final RIS for consideration by decision-makers.

The content of a Consultation RIS does not reflect a final decision of the Board in relation to the matter that is the subject of the RIS.

Final RIS

All comments received on a Consultation RIS are reviewed and stakeholder information and data incorporated into the regulatory analysis, as appropriate. The RIS is then used as an input into decision-making and ultimately published as the Final RIS.

A RIS is assessed by the Office of Best Practice Regulation (OBPR) for compliance with the COAG guidelines at key stages including prior to consultation and prior to a decision.

Accessible Housing Consultation RIS

The Accessible Housing Consultation RIS has been has been developed by independent consultants, the Centre for International Economics (CIE), on behalf of the ABCB. The Consultation RIS draws on the information gained through the Options Paper process as well as research and preliminary consultation undertaken by the CIE. The Consultation RIS was deemed compliant by the OBPR with the COAG guidelines for a Consultation RIS.



The RIS explained

The Consultation RIS is accompanied by several supporting documents:

- A quantity surveyor's report prepared by Donald Cant Watts Corke. The report provides expert estimates of potential changes in quantities, space and construction costs associated with the proposed NCC accessible housing requirements.
- Draft NCC provisions for the three regulatory options based on the Livable Housing Design Guidelines (LHDG) Silver- and Gold-level specifications, as well a Gold 'plus' option developed through stakeholder consultation.
- An Explanatory Statement for the draft NCC provisions. This explains the technical basis for each proposed NCC change including, where necessary, departures from the LHDG specifications and proposed exemptions and concessions.

RIS methodology

The Accessible Housing Consultation RIS uses two methodologies for its analysis:

- Problem reduction approach — this approach seeks to quantify the extent that issues arise from a lack of accessible housing, and then the extent to which alternative options would avoid these issues. This relies on data and assumptions, which the consultation process will be used to refine.
- Willingness to pay approach — this approach uses survey data as a way to measure the value people place on the accessibility features proposed. The results vary depending on whether the analysis includes people who place a value on features that they may not need.

Both methods recognise that, at least initially, NCC changes would affect only a minority of all housing stock and that of those homes, not all will have occupants who immediately receive a benefit from increased accessibility. However, as the OBPR cautions against reliance on survey data of the sort that underpins willingness to pay approaches, the survey analysis was also independently peer reviewed and compared against the problem reduction approach.

Preliminary recommendation

The Consultation RIS, which is not a decision, indicates that while regulatory approaches can address the problem to some extent, net costs on the community may occur under the problem reduction approach. The Consultation RIS recommends consultation be used to seek feedback and more information on the assumptions, methods and suitability of alternatives.

Timeframe and decision-making process

Information about when each stage of the process will happen, including the decision-making process, is provided in the Project Timelines.

How can I be involved?

A number of specific questions are included in the Consultation RIS and in the online response form in the ABCB Consultation Hub.

It is requested that responses are submitted through the ABCB's Consultation Hub. By using this channel, the ABCB is able to more efficiently consider your comments and can publish your response (identified or anonymously).

If you have a question about the project, please submit an online enquiry (use the 'general' option). Multiple, identical submissions (i.e. campaign template letters) will be grouped and treated as one single submission. Late submissions will not be accepted.

The Consultation RIS will be open for public submissions from 6 July to 31 August 2020