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WORDS THAT SUCCEED; POLICIES THAT FAIL

DR MARGARET WARD: Good morning. My presentation today is called Words that succeed; policies that fail". So it may pre‑empt what I'm going to say. Some of you have heard me talk before ‑ I did a presentation on this very topic at the last universal design conference here in Sydney and also presented at the Rights and Inclusion Workshop in November last year, so some of what I am going to present today I have presented earlier. However, this is a continuing story so I'm just going back to the past to take you forward.

I use this picture which those of you who are into fairy tales is the picture of the Emperor with No Clothes. In the picture you will see the emperor, which I call the government, marching through with no clothes on full of confidence that he is in fact clothed. We have a subservient person sweeping up before him which I will call the industry and Livable Housing Australia, and we have in the background people tweeting and being pleased, some people are a little bit shocked but there's a general sort of bemusement in the general masses and there's one little person on the right that says "But he's not wearing any clothes", and I'm suggesting that is the Australian Network for Universal Housing Design, which is a loose network of people across Australia who are primarily people with disability and their allies and what I call ethical designers who are trying to find out really what is going on and want to know just what the housing industry is doing about inclusive housing in Australia.

In 2010 a group was called by Bill Shorten called the National Dialogue on Universal Housing Design. It was a response to the Convention on the Rights of People with Disabilities which called for universal design generally and understanding that the housing industry was taking very little notice of the access requirements of people with disability and older people.

There were two primary groups called together. The first was the industry and you can see there are some heavy hitters there and they're three major developers, Stockland, Grocon and Lend Lease. There was also a very important representation from people with disabilities, human rights organisations and older people and this group made an unprecedented agreement that there would be ‑ this agreement was in 2010 ‑ a voluntary national access guideline for all new housing and that this would be implemented, that the minimum level would be implemented in all new homes voluntarily by 2020 and I need to say that the Australian Network for Universal Housing Design, which has always considered that regulation was the way to go forward on this, signed up to this and agreed to work relentlessly and positively towards a voluntary approach until 2013, when there would be the first review.

And the important thing about this was this agreement was then endorsed by COAG through the National Disability Strategy in 2010 to 2020, which is Australia's response to their obligations to the UN Convention on the Rights of People with Disabilities. So policy direction number 3 improved provision of accessible and well‑designed housing. They made a commitment to an aspirational target that all new homes will be of an agreed universal design by 2020. So in fact all governments ‑ the three levels of government in Australia agreed to this industry agreement, they supported it and they endorsed it within the National Disability Strategy, which must report to the UN convention regularly on its achievements.

So everyone was feeling pretty pleased with themselves and the Government was marching on quite happily. There were to be interim targets and again this was unprecedented because we've had a lot of voluntary efforts in the past ‑ I could name 12 in my time ‑ but this is the first time the industry agreed to measurable targets, so that was by 2013, 25% of all new housing would have these minimum access requirements, 2015 50% and so forth until 2020, when it would be just general practice. And this was taken up with great gusto by governments right across Australia and almost with an indecent haste it was called up as the answer to the very significant problem that Australia was facing and that was that they did not have enough accessible housing for the ageing and disability population.

So you can see here the list. What's interesting if you're into discourse analysis is to actually read these statements. None of them actually had a strategy to get there. They endorsed the agreement, they loved the agreement, but there was actually no policy or strategy behind it on how this was going to happen.

At that point the Government endorsed an organisation called Livable Housing Australia and it was given ‑ I think I'll go on about that a little bit later. It was set up to implement this and it was given $1 million to do so. The other really important thing here was that there was a commitment to a review every two to three years, the first review being in 2013 to check on progress and to see whether the voluntary approach was going to happen.

$1 million funding was given to Livable Housing Australia, which is a not for profit company, but we as an organisation, the Australian Network, started to get a bit nervous at this point because there were poor results and there was no review. So we were getting concerned that this very important agreement called up by COAG and to be reported on to the UN convention was going to go flat. We had no idea what was happening.

So as a small, unfunded organisation we thought "what the heck, we will do the review". So we did a review in 2014 and we asked Livable Housing Australia to tell us what figures they thought the success rate was, what was going on. So these were the figures they gave us. Now, here we have ‑ the blue is the average supply of new housing every year. I put it here at 140,000 dwellings per year. Some say it's 170,000, but since the National Housing Supply Council has been disbanded, no‑one really knows what the supply is anymore. But it's between 140,000 and 170,000.

This was the intention of the Livable Housing Agreement and of the National Dialogue and that it would be a gradual increase until 2020 that all new housing would have these minimum access features. This was the supply that Livable Housing Australia could report you can see in the red below.

So this was underwhelming in the extreme. Now, you can see I've only got figures to 2014 because I presented this very graph at the end of 2014 at the Universal Design Conference and at that point Livable Housing Australia refused to give us any more figures.

The other piece of information that we ‑ we did a survey of all the housing ministers on what they were doing. Now, this is around social housing, which is less than 4% of our housing stock may I say, but they had even more ambitious targets set for them within this agreement. And part of the agreement was that they would all take up this standard, this national standard. So we asked them two questions: what standard were they working to; and how many dwellings had been provided to this standard in the last two years.

So without going into the detail, essentially the outcome was that every State had a different approach. Perhaps people with disability are different in every State, I'm not sure, but there certainly was no attempt to develop a national approach and very few of the ‑ I think it was only Tasmania and Western Australia could give us any figures. So they're either not willing to tell us or they're not tracking them.

So we go forward to 2016. The Australian Network approached Livable Housing Australia again for their update and the letter that we got back said that they had 60 or more assessors across Australia. Now, that's not a lot of assessors if you've been working on this for five years. That's only 12 assessors a year, and you've got 170,000 dwellings to assess. So the other interesting thing here was that the website that had listed the assessors was down for a year, so no‑one could get to an assessor for a year in 2015.

The collection of data they agree is an issue. They have no strategy to know what housing is being built to the standard. The cost of certification is a barrier. So the industry is not willing to pay for the cost of certification to even tell us whether they're doing universal design or the minimum standard.

The Property Council of Australia is to audit Livable Housing Australia activities to gain an insight into its adoption and I guess I'm a little nervous about that seeing they are a member of the board and also they're secretariat to the organisation. So it's a bit like a bit of a self‑assessment happening there. And they're also reviewing the guidelines.

So we asked again, but how many, how many houses, dwellings, have included universal design to this minimum standard? "We do not know, there is no strategy to find out and my sense is that the Government at this point simply doesn't care.

So the Australian Network for Universal Housing Design thought we'd just kick the ant's net at this point because we were a bit stuck, we thought oh, well, we'll give it a go, what could we do. And Standards Australia talked to us and said, "Look, anyone can apply to review a standard." So we thought well, if AS4299 is there, which is now a 20‑year‑old standard, that's the only standard that's really been called up at this point, we need to have a look at it and see how it can be reviewed to align with the National Disability Strategy and the UN convention. Then perhaps that might be useful for local governments and other authorities to have a very ‑ not just a guideline, but a standard that had gone through the rigour of Standards Australia and they may be more willing to call it up.

So the Australian Network developed a proposal to review AS4299 and Standards Australia conceded it was a very well‑developed and thorough proposal and this proposal is available on the Australian Network's website for anyone who's interested.

We got support from 150 organisations, but it was rejected because of the lack of the support from the housing industry. So the HIA, the MBA, Livable Housing Australia all said that they would not support this.

So we were advised to go on to the Building Codes Board and we put in a proposal for change to the National Construction Code. This proposal was rejected in July because the board felt they did not have a policy direction to support such action and we were advised to go back to Standards Australia to discuss it with the housing industry. So this was my response, "Aaaah!" I'm trying to calm down before I go forth.

Now, an interesting thing here is there has been a shift. So in this process of going to the Australian Building Codes Board we did write to every State Minister who had a representative on that board and we started to get some shift here. Three state governments supported our proposal in principle and wrote us very encouraging letters. So there has been a shift. I think the naked emperor is starting to put a T‑shirt on.

We got two who were what I call brides in the bathroom, they're tweaking at their veil, not quite ready to say "I do" but they're almost there at the altar. From New South Wales we had the most fabulous letter which I called obfuscating, it didn't even come from the minister, and Tasmania awaiting on advice from the Australian Building Codes Board ‑ oh, give me strength ‑ and the Minister from Northern Territory didn't respond, they had other stuff going down.

So we have had some voluntary action. Grocon housing developments are now all meant to be to silver level, but they haven't had any accreditation process. They're having difficulty getting assessors. I'm not sure why that is.

Melbourne's apartment guidelines are now including access features, and Stockland retirement villages also have universal design, which hello ‑ that's a good thing. That's all we can get out of the housing industry about a voluntary take‑up at this point.

So what are the next steps? Of interest here is that in May the Joint Standing Committee on the National Disability Insurance Scheme released their report and their first recommendation is regulation for access features in all new houses. The Australian Network is now approaching the Building Ministers Forum to see if we can get some policy direction to the Australian Building Codes Board and we are going back to coag to ask them to report on their commitment in 2010.

So to finish up, the question is can words really become policy? Watch this space. Thank you. (Applause) are there any questions?

SARAH: Sarah, an aged and disability worker at Wollongong City Council. I understand in our council when there's developments that are over like I think it might be 10 to 20 unit blocks that we require a certain percentage of those units to be universally designed, but into the future I don't understand what happens with that stock. So it goes in, the plans are stamped, it does happen ‑ I'm quite confident it does happen because I've seen it come across my desk ‑ but who looks after that, who knows where that is, who promotes that, who sells that? There's none of that. There's another step in the process that I see ‑ we're not talking residential housing dwellings, but there is some step in terms of units. What are the answers there? It's often something that we'll talk about where to after the plans and it has been built, basically.

DR MARGARET WARD: There is no strategy to track those dwellings and I do question whether they even happen. In Queensland the Urban Land Development Authority has a requirement for 10% of all their affordable housing to be accessible. I did a small research project in 2012 on this and the developers were not willing to be involved. Since then I have a little private project, so every now and then I ring up and ask for an accessible dwelling in a new development and they close down on me. So I'm not sure what's going on. There's no way to track them. Certainly in the ACT and in South Australia they have similar legislative requirements for a percentage of housing, but there is no strategy to find those houses or to on‑sell them or to match people with housing. They're in the private market, they get lost. So it's not an effective strategy.

SARAH: Conversely quite a while ago, in 2005, to my surprise we had Spinal Cord Injuries Australia come to our council to run selling and marketing accessible real estate to all training to real estate agents and I was shocked at how many actually came and the interest was there from our community to buy and they wanted to understand more. So it was training to help real estate agents actually understand what an accessible dwelling would look like to be able to go through and determine if something was accessible. The training went for two days. They told me they'd only make it for one day, so I thought yes, I'll just do that, they all came back the next day. But that's in 2005. What's going on?

DR MARGARET WARD: In a nutshell, I've got six minutes, this is a neo liberal response. Again differ from Singapore, where 80% of the housing is social housing, in Australia it's less than 4%. So we have a culture of our home is our Castle and it is a private space. So at a broader level we need a social movement that says there's a public interest in private spaces and I think we're starting to get some movement there with the NDIS Standing Committee realising that there's a very significant social change through the immense amount of money that's going out needs to be spent more efficiently and part of that is an inclusive housing environment. Similarly with the aged sector, where the aged care reforms are going out and they're going to be not as well used while we have housing industry ploughing on building inaccessible housing.

So I think the hope is not with the housing industry, the hope is with the sectors that represent people that live there afterwards. The Australian Building Codes Board has no representation of users of dwellings on it, so it is a completely different narrative to the one that perhaps is in this room.

Personally, I think it is a political campaign that has to happen from the grassroots to name and shame and it's not so much the housing industry we have to name and shame but governments that they have made this very significant commitment and have just walked away.

MR JUSTIN NICKS: Margaret, Justin Nicks. Just a comment and then a question. It's incredibly frustrating when all the evidence around the world tells us that voluntary compliance for accessible housing doesn't really work and the only way to really achieve it is through legislation. My question is I was involved in a little bit of a research project which analysed the impact of current standards that we have on world design of residential housing for people with high support needs. Rather than relooking at AS4299 and that whole concept of an adaptable house, what are your thoughts in regard to the development of a brand‑new standard specifically for well‑designed residential housing for people with high support needs?

DR MARGARET WARD: Look, I think that's the how question. We're not even there. We're at the “if” question. We cannot get engagement on whether we should have inclusive housing environments. And once we get to that, once we get past the “if” question to the how question, I'm walking away because there are people around who are far more capable in working out that solution. The how question is easy, it needs to get the best brains in Australia to get together and work it out and they can do it in a heartbeat. There are tomes written on this and if the will is there they could do it in a day. So for me the how question is not important. We have the knowledge, we have the skills to do that. It's the “if” question. We need the political will to build inclusive housing environments so that we are an inclusive Australia. We do not have that at this moment. Thank you.

MR NICK RUSHWORTH: We do have time for one more question. Do I have a motion from the floor? Yes, we do.

NEW SPEAKER: Margaret, I suppose for us sitting around here it's more about what you want us to be doing, how can we help move this forward, because I know you've tried. All the work you did last year ‑‑

DR MARGARET WARD: Thank you for that. There are two things I would like you to do ‑ oh, first of all I want to acknowledge all the people in the room who have supported us to do the thorough work we've been doing. The case is made, the case is absolutely made, and they know it. The industry knows it, the government knows it, and they're just sitting on their hands. So I think it's a matter of the people stepping up. So I ask you to join the Australian Network for Universal Housing Design. There's no cost, you just need to go on to the website and click "register" and you're in and then you will get an update every month on our progress.