Statement from the Australian Building Codes Board

In 2017, the Australian Building Codes Board (ABCB) commenced work on the Livable Housing Project. This followed a request from the Building Ministers' Meeting to assess the opportunities and costs associated with introducing new accessibility design standards into the National Construction Code (NCC).

In 2021, most building ministers agreed to include minimum accessibility provisions for residential housing in the NCC 2022. The ministers considered feedback from industry, advocates and the lived experience of members of the community affected by the lack of accessible housing. They also considered the outcomes of the regulatory impact assessment prepared by the ABCB following their 2017 request.

The Board recognises the regulatory impact assessment process was lengthy, complex and difficult for some people to effectively engage in the project. We were keen to understand, for managing large projects, how we could improve our processes and engagement and in December 2021, the Board commissioned an independent review.

From the many groups and people who provided input and attended various consultation sessions, the independent review sought information from 36 people and eight groups across various stakeholder interests. We thank all participants for contributing their time and providing input so we can learn from the feedback received.

The feedback shared with the review team has now been considered and a report has been presented to the Board. We acknowledge the feedback and views of some groups and individuals may not necessarily reflect the views of others or represent all the information available to the Board during the process. The report includes eight recommendations for improving how we work and communicate with interested groups. Our response to each of these recommendations is set out at the end of this statement.

There are valuable lessons to be learned and the Board commits to improving our consultation and engagement processes, transparency and more effectively communicating

with our stakeholders. We have also committed to the timely implementation of these improvements as outlined in the responses to the recommendations.

Again, we thank all participants for sharing their time and feedback.

Board Response to the Recommendations

Recommendation 1

The Board develop a strategy for ensuring, where necessary, any social policy or political parameters are set, clarified or understood before technical standards are drafted.

Response: Agreed

We will continue to improve and enhance the way we support decision makers with complex policy decisions and where possible seek clarity around policy intent before standards are drafted.

Recommendation 2

The Board establish a non-technical, non-industry advisory committee, if possible, at the same governance standing as the BCC and PCC, to capture the non-industry voices and opinions of those who share the ABCB's commitment and vision of communities living in buildings that meet minimum standards of safety, health, amenity, accessibility and sustainability.

Recommendation 3

The Board with the CEO are to identify and agree on:

(a) any remaining risks associated with the Accessible Housing Project and a plan for managing and mitigating those; and

(b) how sensitivity testing project-specific risks and reporting should be included in the ABCB's risk management framework

Response to Recommendations 2 and 3: Agreed-in-principle

We will ensure we have effective technical and advisory input for key projects including capturing the views of people most affected by the reform and industry leaders already demonstrating better practice. Representation of users and consumers will be a priority. We have already agreed, and announced, the formation of a Livable Housing Implementation Advisory Committee and a new project implementation plan has been developed to support the work of this committee. This includes assessment of remaining implementation risks and sensitivities. In turn, we will assist, within our capacity, organisations seeking to further the objects of the ABCB and the IGA.

Recommendation 4

The Board agree on a framework for deciding when steering committees and other governance supporting structures will be established to support the Board's work.

Response: Agreed

Recommendation 5

The Board to decide whether complexity assessments and quality assurance processes are to be included in ABCB's project plans to enhance the Board's capability in overseeing and monitoring the delivery of projects

Response: Agreed

We will continue to strengthen and improve our complexity assessment and quality assurance processes in project plans, to improve monitoring and oversight by the Board.

Recommendation 6

A stakeholder engagement framework be developed to further enhance the delivery of projects like the Accessible Housing Project. Such a framework should be linked to the ABCB's strategic plan and risk management framework. It should also outline how ABCB will ensure stakeholders' submissions or ideas are acknowledged.

Response: Agreed

We have commenced work to update our Stakeholder Engagement Framework. This framework will include a Charter of Transparency and Accountability. Within this charter, we will also consider how we manage disclosure of interests, conflicts of interest and conflicts of duty.

Recommendation 7

In the interests of transparency, submissions received during a regulatory impact process will be made publicly available unless it is requested that a submission remain anonymous or confidential. Submissions will be made available in a way that enables others to see who has made a submission. Submissions should have the ability to be accessed, downloaded or read by others.

Response: Agreed

Recommendation 8

Consider how any technology, platforms or systems used by the ABCB to support a regulatory impact process can be adjusted to accommodate the Web Content Accessibility Guidelines (WCAG).

Response: Agreed