The inaugural Robert Jones Memorial Oration

Thursday 8 May 2014
Level 17, 53 Albert St, Brisbane
Kevin Cocks AM commenced his 4 year appointment as Queensland’s Anti-Discrimination Commissioner in February 2011.

Kevin holds a Master of Social Welfare, Administration & Planning from the University of Queensland and prior to his appointment was a prominent advocate working for social justice and human rights issues for vulnerable people with disabilities.

In 2003 Kevin was awarded the Centenary Medal ‘for distinguished service to disability services in Queensland’ and the QUT award ‘the Humanities and Human Services Outstanding Alumni Award’. This award recognises the contribution of for exceptional professional achievement and contribution to the community at Local, State, National and International level.

In 2005 he was awarded Australian Human Rights Medal 2005, Human Rights and Equal Opportunities Commission (HREOC).

Most recently in 2010, Kevin was made a member of the Order of Australia for service to people with disabilities, as an advocate for the promotion and protection of individual human
rights, and as a contributor to the reform and development of disability services.

At local, state and national levels, Kevin made positive contributions to achieve legislative reform towards creating accessible built environments, facilities and public and private transport. He has provided leadership in influencing legislative and policy reform to protect the most vulnerable people with disability at a state and national level.

As Queensland's Anti-Discrimination Commissioner, Kevin's aim is to work towards a fairer, more inclusive Queensland.

**Margaret Ward** has had many roles to inform her oration. As an architect, public servant, parent, researcher and advocate for the inclusion of all citizens, she has spent much of her career working towards the adoption of housing design which includes everyone regardless of age and ability.
Originally a practising architect, Margaret’s life changed with the birth of her first daughter, Mena, who had a significant disability. In the 1990s Margaret used her architectural and disability knowledge to improve the Queensland Government’s housing service to people with disability, including people who were leaving institutional settings to find a home of their own. She was awarded the Public Service Medal in 1996 for this work. Margaret has developed a deep understanding of the power of well-designed housing and how it can facilitate the safety, inclusion and connectedness of vulnerable people within communities.

Margaret assisted Mena to fulfil her dream to live independently, to work, and to contribute to her community. With her husband Jeremy, she demonstrated how families can envision, plan and take action, rather than wait for a service. Even after Mena’s death, Margaret continues to gain great pleasure from hearing about the creativity and resourcefulness of other families.

Margaret and Robert Jones were friends and colleagues, and were regularly found discussing building access details over dinner and a glass of good wine.

Margaret recently completed her PhD at the Queensland University of Technology on inclusive housing in Australia. She is now a Research Fellow in the School of Human Services and Social Work at Griffith University.
John MacPherson was born in May of 1958 in Brisbane. He has resided in Brisbane since then. In March of 1976 he commenced work with Brisbane City Council and remains in the Council’s employment today. In March of 1990 John transferred to the disability access portfolio in Brisbane City Council. Having zero budget and influence he learned the value of identifying helpful people who occupied positions of authority. John remains in this position currently and thoroughly enjoys meeting and influencing people at all levels in society and in the workplace.

Outside of Council work John sits on the board of Queenslanders with Disability Network and is a life member of QDN.

John is proud of his record of never having even once successfully interviewed for a job. Every position that he has occupied and every project that he has worked on has been by invitation. “Always nice to work for friends” is John’s perspective on this. Projects on which John has participated include the Premises Standard in 2003, the Accessible Rail Code of Practice from 2008-11 and several continuing projects on the matter of accessible public transport infrastructure, conveyances and systems.
When not working on accessibility issues John is a keen student of urban ecology. He has a PhD in this field and publishes on the subject of urban strangling figs. Photography is a lifelong interest, though the much coveted Leica camera remains a dream.
Who was Robert Jones? A gourmand and connoisseur by his own definition. He was also a man with a sharp and incisive mind, a good instinct for strategy and was a well-practiced tactician. A consummate networker with formidable political skills, Robert easily built alliances and gathered support for his position, which was uncompromisingly the right of access and inclusion for people with disabilities in the life of the nation. Robert's unflinching commitment to this right placed him at the heart of the process that developed the Disability Standards for Accessible Transport and the Access to Premises Standards, and he gave expert evidence in the renowned Queensland Convention and Exhibition Centre court case.

Robert used a wheelchair for personal mobility, but never did he allow this to define him. Robert defined himself by force of intellect and personality. He refined this definition further through his work, and it is through our labours that we are judged. We are told that, "every tree is known by his own fruit." The fruit of Robert's labour has been good indeed and many, including myself, have tasted the benefits of it.
To our loss, Robert Jones died on May 12, 2013. More importantly, and on the credit side of the ledger, he was born in 1958, a very good year, in the month of May, an excellent month to be born in. Robert always told me to respect my elders, mostly because he was a few days older than I. He was only half joking. But respect for Robert was never a thing that anyone lacked. He may have been loved, liked or loathed, but Robert was always respected. Respect is always earned and even those who argued for different outcomes respected Robert for his integrity, principal and dogged consistency in the face of intransigence.

I once asked Robert why he had made access and inclusion for people with disabilities his life’s work. Robert was never one for explaining himself but on this occasion he did. “Well, it’s the injustice of it all,” he responded and explained no further. "Injustice for who?" I wondered. Robert's areas of commitment explained who: people who could not access appropriate housing, public transport or public premises. Robert did not actually fit any of these categories.

He owned a well-designed house in a leafy suburb that suited him perfectly, right down to the accessible wine cellar.
Robert did not use public transport. He drove a BMW, claiming that parts were cheap, and could talk anyone into providing him with free parking. To my knowledge his only use of public transport was with taxis when interstate -- though I do recall one recreational excursion on the now defunct Sydney monorail. Robert was determined that we should see this great wonder and equally determined not to pay a fare. “If they ask us to pay we’ll tell them we’re invalid pensioners”, he whispered conspiratorially. Robert charmed the lady at the platform entrance however and we passed without challenge. I still don’t know what a monorail fare cost or even if fares were charged.

Robert was seldom challenged in gaining access to public premises. He would find or charm a way in no matter what. While in Paris Robert once convinced the maître d of *La Tour d'Argent* into providing a guided tour of their renowned and well-guarded wine cellar -- no mean feat for an Anglophone. Access to inaccessible European hotels was never an issue for Robert even if it meant co-opting a small army of bellhops into providing portage up and down stairs.

The injustice that motivated Robert therefore was not personally experienced. Rather, he
witnessed it in the lives of others and was determined that injustice should end. Let us consider the three prime issues that Robert confronted.

Housing: The most important building in any person’s life is their place of residence. If places of residence suitable to their needs are not available, people become trapped in institutions, medical establishments, or accommodation that puts them at risk of poor health or insecurity of tenure. Robert knew that first and foremost, people need a safe secure place to live. Safe secure housing is not only a right; it is a matter of survival. Housing is also a primary location for socialising, and Robert knew that it was in his friends’ houses where the best food was prepared and shared, wine tasted and the best conversations were had.

Transport: Once people have a place to live, they are able to begin considering how they will participate in society. Understanding this Robert put much energy into the development of accessible public transport. Without the means to successfully travel people become trapped at home and are at risk of social isolation and exclusion. Unless they can work from home they have little opportunity for employment.
Premises: If people cannot enter or use the facilities in the built environment, they are unable to participate in economic, cultural or recreational activities. People are then marginalised and become invisible members of the undeserving poor.

Aware that the only way to force change was through law, Robert launched himself into the legal field. His first major challenge was the Queensland Convention and Exhibition Centre case. So that Robert could be called a witness, a young firebrand named Kevin Cocks stepped up to take on the might of the State of Queensland. The celebrated Cocks versus State of Queensland case was won, and in the blink of an eye the Building Code of Australia was changed to require that the principal entrance of any new public building must be accessible.

With his reputation secured Robert became part of the process of developing the *Disability Standards for Accessible Public Transport*, a Disability Standard that was formulated under the Commonwealth's Disability Discrimination Act. The DSAPT has revolutionised public transport in Australia and forced transport operators and providers to reinvent their policies, procedures and procurement.
Robert’s *Magnum Opus* was the *Disability (Access to Premises — Buildings) Standards* otherwise known as the Premises Standards. This document allowed the Building Code of Australia and the Disability Discrimination Act’s provisions for access to public buildings to read as one document. The DDA’s requirements for access to premises entered the regulatory environment and industry, the public and the courts had certainty as to what DDA compliance actually entailed.

Robert sometimes mused that the moment rights are codified they are diminished, but was canny enough to understand that undefined rights can only be defended via the vicissitudes of the legal system. In this onerous legal process resources frequently triumph over rights. Robert’s genius therefore was to help guide rights to codification and from thence into a regulatory environment where the resources of the State would be employed to ensure the rights of access to premises and transport. He then undertook to ensure that diminution of rights was minimized, playing his pieces as might a chess grandmaster in the Standards’ development process. The battle was fought with Robert’s usual charm, networking, procedural rigour and attention to factual detail.
Of Robert's three interests only housing remains unregulated. The United Nations' Convention on the Rights of People with Disabilities stipulates that access to appropriate housing is a right. Alas, in Australia we have no legal instruments with which to assert this right. The challenge for us therefore, is to navigate a course by which we bring private housing into a regulated environment. Robert’s skills will be sadly missed in this process. Nevertheless, remembering his example we will press on towards the mark with codification and regulation of the right to housing as our destination.

A life cannot be summed up in five minutes and I have not attempted to do so. Rather, I have given what I hope was the flavour of the man and a taste of what he believed in. This taste will lead us on to subsequent speakers who will go beyond my aperitif to the main course of our evening.
ROBERT JONES MEMORIAL ORATION
Getting in the door: the public interest in the design of private housing
Margaret Ward BArch PhD PSM

I have found a new definition for inclusion: “You matter—because you are you, and you matter to the last moment of your life” [1].

I have the honour to present the inaugural Robert Jones Memorial Oration – to propose that, because everyone matters, there is a public interest in the design of private housing.

I first set the scene and challenge some assumptions that, I believe, confuse this debate.

Then I argue there are human rights, social and economic imperatives for this public interest;

And finally I propose some ideas about what is needed for housing design to play its part towards a truly inclusive society where everybody matters.

Robert Jones visited our home regularly on a Saturday night for a family roast dinner. He came because he was our friend, and he came because he could get in the door.

He talked with us about his dream to make public spaces and places accessible to
everyone; when equitable access would be accepted and expected. His dream is now practice through a prescriptive standard, enshrined in legislation and called up in the National Construction Code. This practice, however, stops at the door of our homes, where public space becomes private.

Most of us, though committed to equity and inclusion, live in homes that many people with disability cannot visit. Our commitment stops at our front door. So what role does private space—the place we call home—play in creating inclusive communities – and who is responsible?

To begin, I will share with you two personal stories which have guided my thinking:

My father, a successful and respected professional, lived until he was 96. For the last two years of his life he was blind, frail and barely able to get around. Due to many factors, he was able to stay in his own home until the last few days of his life. To the end, he had things to do and important roles to fulfil. A few months before he died, he welcomed a mother and daughter who came as refugees to Australia into his home. After he died, they told me he changed their lives; he gave them hope for the future.
My daughter, on the other hand, lived a humble and difficult life; she died at the age of 29. Similarly, she also was able to stay in her own home until the end. Destined to have a short life, she lived longer than predicted—her home, her family and friends and the many tasks she had to do, kept her full-of-purpose.

Both of these people relied on good housing design to live their lives to the full.

Overwhelmingly, the evidence shows that Australians want to age in-place, live independently and actively engage in their communities for as long as possible [2, 3]. We want to live, get old and die in our own homes.

It takes many things for people to remain at home. Australians have agreed that it is in the public interest that people receive reasonable and necessary supports and affordable medical services to keep participating and contributing in community [4, 5]. There is no equivalent public interest in the design of their housing [2].

Housing design has not responded well to people with disability and older people. Why? Because the design of private spaces has largely been seen as the province of a speculative housing industry and individual acts of self-interest [6].
The private housing-market, affecting 95% of our housing stock [7], has largely ignored the needs of people with disability and frail older people; because this group have little or no buying power [6]. Most of our housing is unsuitable for them. As a consequence many people become shut-in, isolated in their own homes, shut-out of the homes of others, or excluded from their communities altogether [8].

The National Construction Code, which addresses issues of design and performance across Australia, has no access requirements for the private spaces of housing. Government and industry representatives consider a regulatory approach unnecessary—and support a voluntary market-driven response to this need.

So what, in reality, are we talking about? There are various responses to this problem; for example, adaptable, accessible, universal, inclusive and visitable housing. Today, I am focusing on the idea of “visitable” housing.

This is because there is agreement amongst Australian housing industry and community leaders alike that, as a minimum, for communities to be inclusive, dwellings should be visitable [9] – that is, they should allow a person to visit, share a cup of tea, go to the toilet, stay
overnight at short notice, and leave with dignity. This means four things:

- one step-free entry to and into the dwelling;
- doors and corridors on the entry level to be wide enough for a wheelchair;
- a toilet and shower that can be used by most people; and
- Capacity to install grab rails in the toilet and shower if and when they are needed [10].

With these features, a dwelling can cope with most situations; Grandma with her walker can come for Christmas dinner, you can get home from hospital with your broken leg, and your mate in a wheelchair can join you for a few beers to watch the Bronco’s game on the telly.

Changes can be made more easily to meet individual long-term needs over time.

Livable Housing Australia, a non-government body representing both industry and community members, has carriage of this agreement and has the endorsement of Government at all three levels. It has taken a national approach. It has set clear guidelines, measurable targets and strategies with the aspirational goal that all new housing will be visitable by 2020 [9, 11].

The philosopher, Iris Marion Young, suggests that voluntary initiatives within liberal societies,
such as ours, can stimulate co-operation, competition and innovation, and have the power to address systemic social injustice without the heavy hand of government [12]. Livable Housing Australia follows this thinking.

I argue, however, Livable Housing Australia has made three assumptions which are unfounded, and that this voluntary initiative will not work:

The first assumption is that the housing market will respond to the need for visitable housing.

To own your own home remains the Australian dream [7] and the sales pitch most of us prefer to hear denies our vulnerability. Research has shown that, with few exceptions, most people prefer not to think about, let alone plan for, their frailty or their disablement, or for caring for a frail, aged partner [13]. Buyers are simply not interested in paying for features that they do not think they will need for the sake of the “public good”, and salespeople are not keen to emphasise these features as a selling point [14]. It is not surprising that the demand for visitable housing on the salesroom floor is very low.

Most new housing is built by volume builders who remain competitive by using standardised designs and building practices, tight schedules and mass production [15]. So for those few who
do want access features—the process is expensive for everyone, and often discouraged [16].

Some would say the housing market does respond to need; there are different housing types—student housing, family homes, retirement villages, group homes for people with disabilities, social housing and high-end luxury apartments. This assumes that, when our home is no longer suitable, we will sell up and move, modify our existing home, or find a new tenancy, in a planned way as our needs change. And many people do.

However, sometimes life changes without warning. Moving or modifying is not an option; we do not have the time, the money, the capacity or the will for such change. The social, emotional and economic costs of no longer having suitable housing are then picked up by the health, disability and aged care sectors. The original builders of the home are long gone.

What happens in the long-term is simply not the concern of the housing industry.

The second assumption is that it makes good business sense to build visitable housing.
The housing industry falls into two groups: the volume builders who primarily build new housing, and a secondary group which concentrates on renovating existing housing; that is, repairs, additions, alterations and modifications. Renovation is a growth industry—and modifying existing housing for older people and people with disability is a significant part of this business. A consequence of current housing design is that the housing industry has, in effect, more than one bite of the cherry. Now this could infer a considered plot against building inclusive communities—I don’t think this is so—I believe the housing industry just has different priorities. As one builder explained:

“Margaret, we just build houses that sell; we do not think about social inclusion”.

The third assumption is that, by making accessible features fashionable, we will have more visitable housing.

One often hears, “Many of these features are now in demand!” Hob-free showers are now the trend, double garages with wide driveways right into the dwelling are handy for wheelchairs, generous doorways with lever handles, large ensuites and spacious entertainment areas are considered the norm. It is fashionable to have these accessible features.
These features have been provided by what the 18th Century philosopher Adam Smith called “the invisible hand”—“where private individuals acting in their own self-interest promote the public good even though it is no part of their original intention”[17]. Some access is provided unintentionally to some people, in some places, some of the time. The outcome does not provide a coherent accessible path of travel. The step-free driveway leads to a step at the door, the wide front door leads to a narrow corridor, and the narrow internal doorway does not allow entry of a wheelchair to the spacious bathroom. At first glance beneficial, these private individual acts of self-interest are no more than “crumbs under the table” for people who are struggling to be included.

A colleague of mine who uses a wheelchair said: “I used to visit my friend’s home often-she was able to bump me up her front step, but now she is older and not so strong, and she doesn’t invite me anymore”.

Nearly four years since the industry agreed to change their practices voluntarily to visitable housing, the response has been poor (See Figure 1).
So why continue? (This looks too hard.) Why can’t we just take individual responsibility for our housing? Our home is our last bastion of privacy—why is it the interest of others where and how we choose to live, grow old and die? Besides, why should our homes be visitable to everyone?

I suggest there are three imperatives for a public interest in the design of private spaces: human rights, economic and social.

The first is a Human Rights imperative.

In 2007, The Convention on the Rights of People with Disabilities brought a particular focus to the broadly accepted right to social inclusion, by promoting the right for people with
disability to access all aspects of the physical and social environment on an equal basis with others. The cross-cutting nature of this Convention not only directs how housing assistance is offered; (that is, people have the right “to choose their place of residence and where and with whom they live on an equal basis with others” and so forth [18]), but it also challenges how housing should be designed; (“the design of . . . environments, . . . [should] be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design” [18]).

The Australian Government is accountable to the international community for ensuring that the rights set out in the Convention are respected, protected and fulfilled. The obligations affecting housing supply are considered to be “progressively realisable”; that is, the Australian Government does not have to immediately fully comply with this obligation, but must work to fulfil these obligations over time. Further, any progressive action must match the level of resources a nation has available to it [19]. This is justification for a public interest in the design of private spaces, and in the progress of this voluntary agreement; that the targets are met, and that, if they are not met, alternative action is taken.
This leads to the economic imperative.

How much does visitable housing actually cost, how many should be made visitable, and what are the benefits?

The Victorian Government in 2010 estimated the cost for a new dwelling to be visitable is low. (See Table 1). The cost to retrofit the same features is nineteen times greater (See Table 2) [10].

<table>
<thead>
<tr>
<th>Table 1 Cost of visitable features in new construction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Cost of visitable features in new construction</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Single house</td>
</tr>
<tr>
<td>--------------</td>
</tr>
<tr>
<td>$870</td>
</tr>
<tr>
<td><strong>Cost of dwelling</strong></td>
</tr>
<tr>
<td>$370,000</td>
</tr>
<tr>
<td><strong>Percentage of cost</strong></td>
</tr>
<tr>
<td>0.2%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2 Cost of retrofitting visitable features</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Cost of retrofitting</strong></td>
</tr>
<tr>
<td>$19,400</td>
</tr>
<tr>
<td><strong>Cost of dwelling</strong></td>
</tr>
<tr>
<td>$320,000</td>
</tr>
<tr>
<td><strong>Percentage of cost</strong></td>
</tr>
<tr>
<td>6.1%</td>
</tr>
</tbody>
</table>
The housing industry argues it costs more. A generally accepted estimate the average cost of providing these features is around $5,000 [20]. From my research, I consider this estimate is fair, if the change process is taken into account. The industry must factor in the cost for them to cease their old practice, find new suppliers, and get everyone to accept a new way of doing things. One builder explained, “I can change my designs easily, but then I must go on site for each job and stand over my sub-contractors to make sure they don’t just keep on doing the same old thing”.

Oddly, this is the main reason why the construction industry prefers the regulatory approach of the National Construction Code; it sets a minimum standard, manages the unintended long-term consequences of building practice, and provides a “level playing field” for everyone [21].

But does every newly-constructed dwelling need to be visitable? Let’s consider this from the viewpoint of the dwelling. A comprehensive United States study estimates that, given the aging and disabled population, the preference to remaining at home, a family’s average length of stay, and the anticipated life of the dwelling, sixty per cent of newly-constructed single family
dwellings would have a resident requiring access features by 2050. If visitors are taken into account, the figure rises to ninety-one percent [22]. Given that Australia’s demographics and housing supply are similar to that of the United States, these figures add weight to the benefit of a legislated response.

In 2010, the Victorian Government identified the principle benefits of providing visitable housing as enhanced safety and amenity, greater social inclusion and social capital, and higher quality housing. At that time, they found the quantifiable net benefit would not be realised for some time; however, considering the number of families that would be affected over the life of the dwelling, and the unquantifiable benefits of equity and inclusion, they proposed regulation [10]. In 2013, the ACT Government made similar propositions. This argument for a long-term vision should be even more compelling now the NDIS and the aged care reforms are being rolled out.

These unquantifiable benefits, lead to the third—the social imperative

Older people and people with disability do not live, and should not live, isolated lives. Social inclusion does not just happen and it is not static; it is a process of building and maintaining relationships and capacities over time. It
happens through hundreds of everyday reciprocal interactions—it happens in private spaces—and it is what binds families and communities together [23].

The design of housing directly facilitates opportunities to develop intimate relationships, pass on family values and traditions, raise children, provide mutual support and solve everyday problems. Housing design directly impacts on who is included, who matters, and who gets in the door.

If we are committed to equity and inclusion of all people, we must first understand deeply how and where equity and inclusion starts. We must take then an active and public interest in the design of our private spaces, and expect to be included no matter who we are, as we live, grow old, and die. Further, that interest and expectation should be safeguarded through the National Construction Code, as it is for public spaces, (not through the vagaries of market-forces and fashion) so that the requirements are clear, everyone understands, everyone is committed, and everyone benefits.

So who is responsible for this action? Iris Marion Young suggests that, when it comes to an issue of social injustice, we fall into four broad groups [12]:
The first group are those who are in positions of power who understand the impacts of social exclusion and do nothing. This group are few; they are not only responsible but also guilty of their inaction.

The second group are responsible by association. The thousands of people that make up the housing industry, developers, designers, builders, suppliers and buyers go about their daily business unaware of how their individual housing decisions contribute to social exclusion. When brought to their attention, they consider they have little impetus from their leaders, or individual power or opportunity to change the status quo.

The third group do take individual responsibility. They make their homes visitable; they build visitable dwellings one at a time, they teach and promote universal design.

The fourth are those who take political responsibility. They take public and collective action to intervene, and call to account those people in power who do nothing. And typically they are led by those, like Robert Jones, who are most affected, who know deeply what social exclusion means.
Perhaps this is a moment to reflect which group you fall in to.

With some rare exceptions, governments at all levels have handed over the responsibility to Livable Housing Australia to improve the supply of visitable housing. Livable Housing Australia is not meeting its targets. Powerful industry interests have successfully advocated against the plans for regulation in Victoria and ACT. And a recent review of the Livable Housing Australia agreement suggests that most of its original supporters have simply lost interest.

At this point it looks like the representatives of the fourth group will need to act to call those in power to account.

They will need to continue the work of Robert Jones and his colleagues, in their quest for equity and inclusion in the design of our buildings—started two decades ago. They will need to engender public interest in the design of our private spaces. They will be unpopular and they will be dismissed, as Robert often was. But they will continue because they know that, to have truly inclusive communities, we all matter, and we matter to the last moment of our lives.
I hope this, the inaugural Robert Jones Memorial Oration, has been useful; and I thank you for listening.
References


Useful links

Australian Network for Universal Housing Design
www.anuhd.org

Centre for Accessible Environments (UK)
www.cae.org.uk

Centre for Inclusive Design and Environmental Access (IDEA) (USA)
www.idea.ap.buffalo.edu

Centre for Universal Design (USA)
www.ncsu.edu/ncsu/design/cud/

Livable Housing Australia
www.lha.org.au

Queensland Action for Universal Housing Design
www.qauhd.org

The good, the bad and the ugly – design and construction for access

The Helen Hamlyn Centre for Design (UK)
www.rca.ac.uk/research-innovation/helen-hamlyn-centre

University of NSW Home Modifications Clearing House
http://www.homemods.info