

Livable Housing Design: Who will take responsibility?

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Livable Housing Design: Who is responsible?

Abstract: Current housing design and construction practices do not meet the needs of many people with disability and older people, and limits their inclusion and participation in community and family life. In spite of a decade of advocacy for regulation of access within residential environments, the Australian government has opted for a voluntary approach where the housing industry takes responsibility. Housing industry leaders have indicated that they are willing to transform their established practice, if it makes good business to do so, and if there is a demand from home buyers. To date, there has been minimal demand.

In 2010, housing industry and community leaders formalised this commitment in an agreement, called Livable Housing Design, to transform housing design and construction practices, with a target of all new housing providing minimal access by 2020. This paper reports on a study which examined the assumption behind Livable Housing Design agreement; that is, individuals in the housing industry will respond voluntarily and take responsibility for the provision of inclusive housing.

From interviews with developers, designers and builders in Brisbane, Queensland, the study found a complex picture of competing demands and responsibilities. Instead of changing their design and construction practices voluntarily to meet the future needs of users over the life of housing, they are more likely to focus on their immediate contractual obligations and to maintain the status quo. Contrary to the view of the government and industry leaders, participants identified that an external regulatory framework would be required if Livable Housing Design's 2020 goal was to be met.

Introduction

The Australian housing industry typically does not consider that inclusive design is a priority for the buying-market (Beer & Faulkner, 2008, p. 51; Karol, 2008). As a result, residential spaces largely remain physically inaccessible; this is contrary to public spaces and places, which are now required to provide non-discriminatory access (Australian Government, 2010a). For over a decade, advocates for inclusive residential environments have called for minimum access features to be included in the National Construction Code for all new and extensively modified housing (Herd, Ward, & Seeger 2003)—without success. National policy obligations towards more liveable cities (Australian Government, 2011b), human rights for people with disability (Australian Government, 2011a) and greater social inclusion (Australian Government, 2010b) catalysed industry and community leaders in 2010 to agree on a national voluntary access guideline for inclusive housing, called Livable Housing Design (NDUHD, 2010a), and a plan (NDUHD, 2010b) to transform these practices, with a target of minimum access features in all new housing by 2020. The plan relies on the assumption that the housing industry will take responsibility for its transformation to more inclusive practices.

This paper reports on a study that problematised this assumption. The study explored the agency within the housing industry in providing inclusive housing. It attempted to “stand in the shoes” of developers, designers and builders to understand what the Livable Housing Design agreement and the 2020 target meant for them within their current practice. Within the limits of the study, the paper suggests the assumption is flawed. The complex and competing demands placed on individual agents in a highly competitive and variable market (Dalton, Wakefield, & Horne, 2011, p. 7) made the change required to provide inclusive housing voluntarily difficult. The paper also suggests that, if the 2020 target of the Livable Housing Design agreement is to be reached, a higher regulatory authority will need to take the responsibility for the provision of inclusive housing, preceded by demonstration, education and industry leadership to prepare the way.

The paper uses the term “inclusive housing” to describe mainstream social or private housing, designed and built to facilitate the participation in everyday domestic life in regular neighbourhoods (Milner & Madigan, 2004). In real terms it refers to a minimum level of access or “visitable” access. Visitability has three fundamentals: basic physical access to and within a dwelling should be a right, not a privilege; this access can be provided through good design at minimal cost; and giving priority to the most important features should make it doable and reasonable within current practice (Maisel, 2006). The Livable Housing Design agreement interpreted visitability as the “Silver Level”, which is described in Appendix 1.

The preliminary findings from this study suggest that there are similarities to the experience of voluntary approaches in the United Kingdom (Imrie, 2006, pp. 45-67) and United States of America

(Nishita, Liebig, Pynoos, Perelman, & Spegal, 2007) and that, based on these experiences, the Livable Housing Design agreement is unlikely to work (Ward, Franz, & Adkins, 2011). This paper reports on the completed study and begins with an exploration of the notions of agency and responsibility. It then situates the study within the current policy and practice for inclusive housing in Australia. It describes the research method and the results of the study, and concludes with a discussion which argues who will need to take responsibility for the provision of inclusive housing, if the 2020 target is to be reached.

Agency and Responsibility

The theory of agency explores what happens when one person or a group of people (agent) is contracted by another (principal) to act for them (Mitnick, 1998, p. 12). The relationship between principal and agent is complex, and centres on the risk involved in this contract (Eisenhardt, 1989). The principal often does not know when agents simply do not care, or the principal does not know if the agent can do the job that is required. So a range of risk-minimising strategies are used, from external regulation or arbitration by a higher authority with prescribed standards to reliance on an informed and knowledgeable principal. This idea of agency was useful for this study to understand the agency of actors in the housing industry either as individuals or as a group in providing inclusive housing voluntarily, and how they considered their responsibility in relation to minimising risk.

Responsibility can be thought of as either *moral* or attributable to a belief or cause, or *substantive*, in the sense that one does what is required in their job or their role (Scanlon, 1998, p. 248). With the type of responsibility is also the idea of levels of responsibility (Williams, 1990). Williams considers the highest level of responsibility is when agents consider they freely deliberate and take voluntary action in the full sense of the term, thereby ideally taking full responsibility for their actions. The second level is when agents take responsibility for their actions, in the sense of being able to accommodate their actions to given requirements. The third level is when agents take no responsibility for the final outcome of their actions. Williams then suggests agents tend to adjust to the appropriate level of responsibility required for their roles, so they can work effectively together. With this in mind, the paper now turns to who within the Australian context might take responsibility.

Current transfer of responsibility

In Australia, four key stakeholders affect the supply of inclusive housing: governing authorities; people who need inclusive housing; buyers of new housing; and the housing industry. With regard to governing authorities, the National Construction Code (NCC), Australia's overarching construction regulation body, has no requirement for access—much less visitability—in detached housing and in the private areas of multi-dwelling developments (Australian Building Codes Board, 2013). Some governing authorities have acted through funding agreements, additions to the NCC, and planning codes to encourage a supply of some inclusive housing (Australian Government, 2009; Landcom, 2008; Urban Land Development Authority, 2011). The South Australian and the ACT Governments have amended their building legislation to mandate visitability in a small number of dwellings within larger complexes (ACT Government, 2013; Government of South Australia, 2002) and many local governments have attempted to incentivise the supply of inclusive housing (Newman, 2010). As well, various funding and policy requirements for social housing include some provisions for visitability, even full access in new construction. The result is a complex array of regulations, incentives and guidelines, denying the housing industry the consistency and reliability that mandated regulation provides (Productivity Commission, 2004, p. 37). In effect, the Australian Government has handed the responsibility for the supply of inclusive housing to the housing industry and market-demand.

The housing industry leaders support this position. Although they acknowledge that nationally consistent regulations are critical to the efficient production of housing for both the provider and the buyer (Productivity Commission, 2004, p. 78), they are reluctant to accept regulation for inclusive housing (Housing Industry Association, 2011). There is simply not enough demand at the point of sale. The literature supports this perception. People who need the access features outlined in the Livable Housing Design guidelines are the least likely to buy new housing (Beer & Faulkner, 2008; de Jonge, Jones, Phillips, & Chung, 2011), and the majority of the buying-market is disinterested in purchasing additional features which they do not envision they need (Crabtree & Hes, 2009; Spanbroek & Karol, 2006).

Those who are adversely affected by the lack of accessible housing are currently calling on the Australian Government to mandate a provision of minimum access features through the National

Construction Code (Australian Network for Universal Housing Design, 2011; Civil Society Project Group, 2012). Although both the ACT and Victorian Governments have attempted to make additions to the NCC, this has been discouraged by industry leaders (Housing Industry Association, 2010).

The outcome is a circular transfer of responsibility where governments, the housing industry and buyers each act independently to provide some inclusive housing, with the ultimate responsibility for a consistent and reliable supply sitting with no-one (See *Figure 1*).

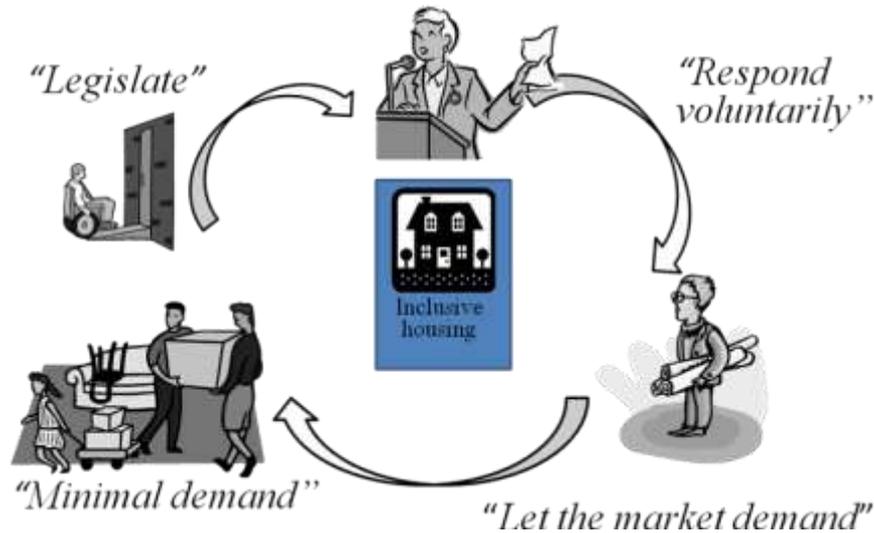


Figure 1. Circular transfer of responsibility.

The Livable Housing Design agreement aims to halt this circular transfer of responsibility by assuming that, in the place of mandated regulation, the housing industry would accept responsibility for improving the supply of inclusive housing, use a national voluntary guideline, with the target of providing minimum features in all new housing by 2020. The Livable Housing Design initiative consider this will happen with the assistance of incentives to increase the demand for inclusive-housing by buyers, promotion and recognition of industry leadership, and acceptance of the guideline and targets as part of government public policy (NDUHD, 2010b, pp. 5-6).

Method

The study took place in and around Brisbane, Australia. It used eleven newly-constructed mainstream dwellings as a theoretical sample of various housing types and contexts (See *Figure 2*); that is, Class 1 (single family dwellings) and Class 2 (multi-dwelling complexes), and a mix of social, private and state-managed developments. Each context had different imperatives for and experiences in providing inclusive housing. The social-housing providers, that being the Queensland Government's public-housing authority and community-housing organisations, were required to provide some access features in their housing in accordance with their individual policies. There was no requirement, either through legislation or funding agreements, to provide access features in the private developments. Queensland Government's Urban Land Development Authority (ULDA) required at least 10% of the housing built within their Urban Development Areas to comply with its accessible housing guideline (Urban Land Development Authority, 2009).

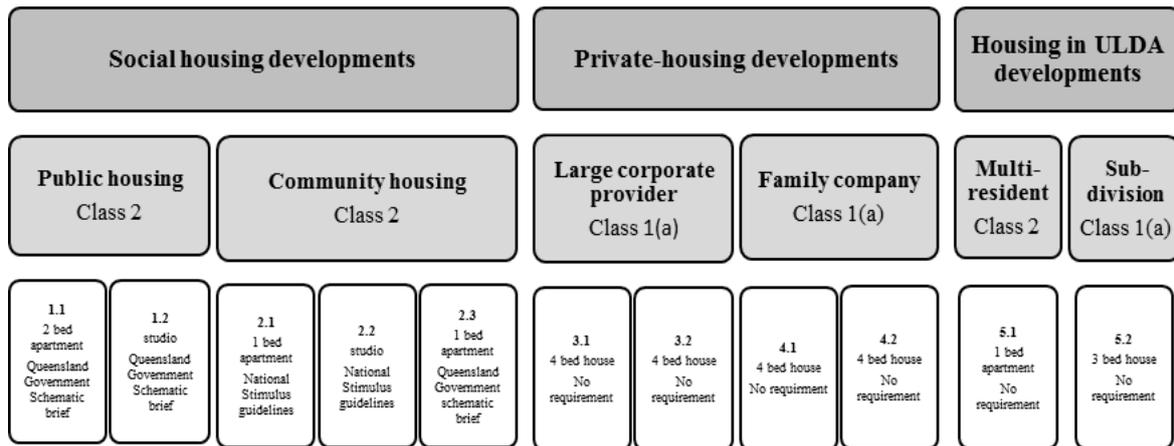


Figure 2. Description of dwellings in housing contexts.

The study gathered data from twenty-eight semi-structured interviews of developers, designers, site representatives and contracted builders involved with the construction of the dwellings, site visits and inspection of contract documents. The study took a theoretical perspective of critical inquiry using immanent critique; thereby “testing” the logic of an initiative (in this case, the Livable Housing Design initiative) by drawing on resources internal to it (Sabia, 2010).

The study first analysed the substantive data. Then, it took an ethnomethodological approach, seeking to understand how the participants made sense of their everyday practices (Garfinkel, 1967, p. 11); here, how they made sense of their agency in, and responsibility for the provision of inclusive housing. This paper reports on the findings of the latter. The study used Dahler-Larsen’s (2001) constructivist approach to program theory as a guide for the structured interviews and site observations. Dahler-Larsen argues that the individual agency of people can assist or inhibit a program or initiative, and intentional strategies can be developed to affect this agency. The participants were busy people and, in the main, ambivalent towards the subject. This guide allowed the study to collect and analyse the most useful data.

Results

The paper first reports on how participants made sense of their agency and the risk incurred by providing inclusive housing. It then describes their responsibility first for the people who need inclusive housing, and for providing inclusive housing voluntarily. Finally, it describes their perceptions of responsibility for meeting the Livable Housing Design’s 2020 target.

Agency and risk

Nearly all the participants were willing to align with the agency of their “group” or “role” whether that be their company, their employer or their profession. Some participants did express a personal opinion; however, most deferred to the opinion that was required in their role or job. One developer explained: *I think, in principle, it’s a great idea. . . . But, ah yeah . . . companies are out to make money. That’s what they are supposed to be doing.* Only one participant was willing to express an opinion within his role knowing that it differed from that of his company: *“I’m very passionate about [inclusive housing]. So you know—and I don’t care what people think of me, if it’s wrong I make them fix it”.*

The participants fell into three broad groups with regard to the level of risk they identified in providing inclusive housing. The first group (named “developers”) considered their purpose was to provide an optimal outcome for the financial investment, and identified a high risk in providing inclusive housing. One developer said: *“Do we have a return on that investment? When we put a product on the market, can we make money out of it?”* The second group (named “designers”) considered their task was to interpret the developers’ directions into a building contract. They identified a medium-level of risk in providing inclusive housing. A designer said: *“The challenge is investor stock—the cheap, get-it-up, get-it-out, sell-it-off-to-students—so-students-can-rent-it. That’s where it’s tricky”.* The third group (“named builders”) considered their purpose was to comply with and complete the building contract.

They identified a low-level of risk in providing inclusive housing. A builder said: *“Always, you follow what’s on the plans. If the design is drawn, you can make it happen”*.

The three groups each presented differently with regard to how they perceived their responsibility for inclusive housing. The developers considered their task was to decide whether inclusive housing should be provided. For example, a developer said: *“It’s kind of hard to determine the exact number . . . you wouldn’t do them 100% as accessible. You would have to pick a number”*. The designers considered their task was to decide what was to be provided; that is, what inclusive housing meant. A designer explained: *“Personally, when I am designing, it’s always 1200[mm wide corridors]”*. The builders considered it their responsibility to decide how (or in what way) inclusive housing was constructed: *“There’s no big deal—as long as you know you’re doing it beforehand”* (See Figure 3).

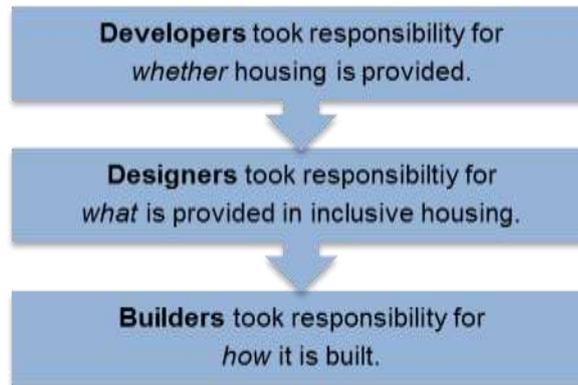


Figure 3. Levels of responsibility.

Perceptions of responsibility in relation to people who need inclusive housing

Participants perceived their responsibility for people who need inclusive housing in two ways. Some were interested in this group because they were potential buyers; meeting their needs meant a business opportunity. Most participants, however, were not interested—they felt that the people who need inclusive housing were not their responsibility. The responsibility sat better with a higher authority, or “specialist” housing providers, such as, disability organisations, public housing, or retirement villages (See Figure 4).

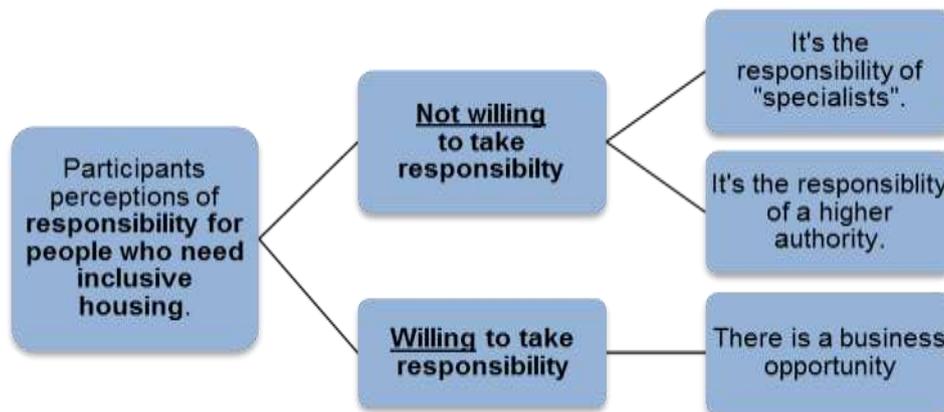


Figure 4. Responsibility for people who need inclusive housing.

Perceptions of responsibility in relation to providing inclusive housing

The study then found that participants directed the responsibility for providing inclusive housing in three directions: to the housing industry; to the buying-market; and to a higher authority (See Figure 5).

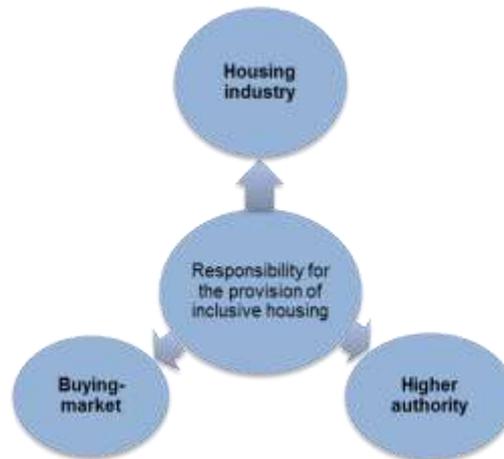


Figure 5. Responsibility for the provision of inclusive housing.

A few participants perceived the responsibility for providing inclusive housing should sit with the housing industry; they considered it to be good practice to make housing inclusive. One designer said: *“I would consider [the Silver Level] a minimum for any good design—any reasonable design, not any even good design—reasonable design”*. The next group considered the responsibility sat with the buying-market; that is, if the buying-market needed it, it was their responsibility to ask for it. A developer explained: *“It’s a consumer-driven thing”*. The third group considered the responsibility sat with a higher authority to direct them on what was needed. A developer exemplified this by saying: *“Unless it’s made compulsory, we would probably never go down that, that line”*.

Perceptions of responsibility for the 2020 target

When the participants were asked to consider who was responsible for meeting the 2020 target, the emphasis changed. Participants were unanimous that this responsibility could not be handed over to the buying-market (See Figure 6).

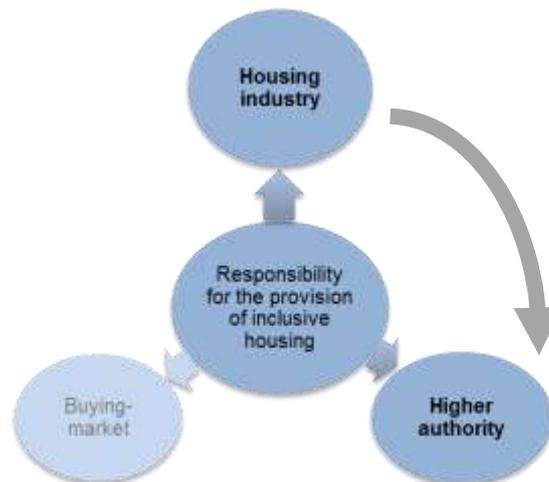


Figure 6. Responsibility for reaching the Livable Housing Design 2020 target.

They considered buyers simply not informed enough, and too variable in their decision-making to expect that such a target could be met through buyer-demand. A developer explained how he thought buyers made decisions: *“I want that door and I want that shower. I want that cool shower that sits in the middle of the bathroom”*.

Most participants assigned responsibility for the 2020 target to a higher authority, with some assigning this responsibility immediately—this is how the industry typically works. A developer explained: *“[Regulation] is the key to make [the industry] change [their practice]. Once they’ve changed it, it’s like*

it's the law of construction, basically. So that's what has to happen". Others considered a reluctant developmental approach, illustrated by one developer: *"I don't agree with regulation by the way (laugh) but I think it's the only way forward"*. Others expressed their caution by identifying strategies that would assist industry acceptance. These included explanation of the task, demonstration that it was good business practice, and the larger companies taking the lead.

Discussion

The finding that participants typically considered their agency in terms of their professional role or job rather than an act of individual agency reflects their preference for taking *substantive* (rather than *moral*) responsibility (Scanlon, 1998, p. 248). It also indicated their roles were interdependent and relied on taking the level of responsibility appropriate to their role in relation to others (Williams, 1990). Bringolf (2011) gives specific insight into this behaviour in her study on the barriers to universal design. She argues that the housing industry risks a domino-style effect; if one agent changes his or her practice it "poses a risk to the whole group, such that they might all fall" (p. 281) providing little incentive for change.

The three groups (developers, designers and builders) identified different levels of risk in their roles in providing inclusive housing, with developers incurring the highest level of risk. This suggests that if change is to happen voluntarily it would best be led by those taking the greatest risk and the most responsibility (developers), and the others (designers and builders) are likely to follow. Participants' attitudes towards people who need inclusive housing also indicated a preference for taking *substantive* responsibility; that is, they were willing to provide inclusive housing if it resulted in a business opportunity for them, or if they were directed (so everyone else was required to do so) resulting in a "level playing field" with no disadvantage for anyone. In the absence of participants expressing a moral responsibility towards inclusive housing, the transfer of responsibility to "specialist housing providers" could be interpreted more as an explanation for the minimal demand by buyers than as a discriminatory, segregationist attitude towards this cohort. One developer said: *"So, um, the public housing sector do actually look after those people with specific-designed homes. I know that because I have quoted on them"*.

Participants acknowledged three reasons for providing inclusive housing; good industry practice, market-demand, and direction from a higher authority. When participants considered the 2020 target, they dismissed the influence of buying-market, thereby acknowledging the current market-failure, and anticipating the limits of a voluntary approach without increased buyer-demand. The 2020 target of the Livable Housing Design initiative sets a precedent—former voluntary codes have not set measurable anticipated outcomes. This target focused the participants on what ultimately would work. The buyer voice is absent in this study. Both Bringolf (2011, p. 266) and Thomas (2004) suggest, however, that buyers wanting particular access features must advocate strongly, and often must acquiesce to established housing practices rather than the reverse. Further research on the agency of the buyers (and what would increase demand) would be useful.

In handing the responsibility for the 2020 target over to a higher authority, the participants differed on the timing. They acknowledged that the industry relied on mandated regulation to set a minimum standard yet preferred to avoid any direction for as long as possible, before its inevitability. The suggested testing period would allow for the development of a clear, coherent national policy, a consultative process on what worked within current practice limitations, and better understanding of its purpose. The participants, in effect, called a halt in the circular transfer of responsibility for inclusive housing (See *Figure 1*) by placing it squarely in the hands of government (See *Figure 7*).

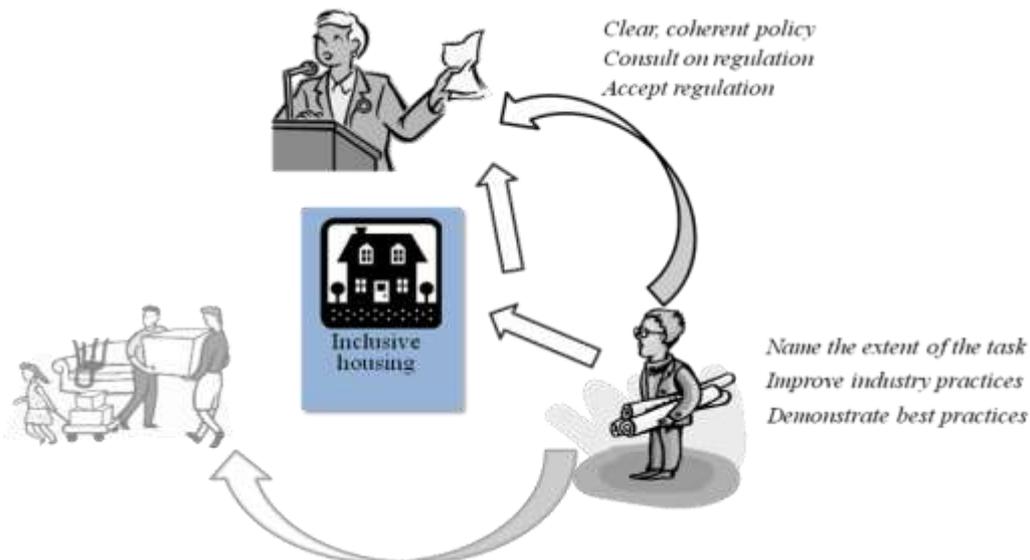


Figure 7. Responsibility for reaching the Livable Housing Design 2020 target.

By doing this they supported the position of the advocates for those most affected by the lack of inclusive housing. Their positions, however, come from different concepts of responsibility. While the advocates for inclusive communities call for a higher authority to take both *moral* (“inclusion is a human right”) and *substantive* (“it is cost-effective to keep people in their homes”) responsibility, most participants acknowledged, albeit reluctantly, the need for a higher authority to take *substantive* responsibility for what is acknowledged to be the most reliable and cost-effective strategy to provide inclusive housing (Imrie, 2006, p. 133; Productivity Commission, 2004, p. 37).

Thus, the participants identified that the Livable Housing Design initiative had two purposes. First, it prepares the way for legislation by naming the extent of the task of providing inclusive housing, suggesting that the housing industry can improve its practices, and demonstrating that providing inclusive housing makes good business sense. Second, it encourages the housing industry to provide better than the minimum that would be required by law.

So who will take responsibility for the provision of inclusive housing and for reaching the 2020 target? If the Livable Housing Design initiative ceased its efforts today, the housing industry would have little incentive to change its practice—it would be “business as usual”. Perhaps demand from the buying-market might increase; though the literature on Australian buyer behaviour suggests this is unlikely in the near future (Crabtree & Hes, 2009; Spanbroek & Karol, 2006). Further research in this area would be useful. The changes in demography towards an older population (Australian Bureau of Statistics, 2010) and a preference to remain active and contributing in community life (Ozanne, 2009) may well influence buyers to demand inclusive design.

Advocates for inclusive communities prefer that a higher authority take responsibility (People with Disability Australia, 2010, p. 37). This paper suggests the housing industry also prefers that a higher authority take responsibility, but for different reasons; to provide certainty in a highly competitive environment, when change is required of them. So the problem is not so much “who should take responsibility?”; rather, “how might this happen?”

The impetus for change is more likely to come from those most affected by the lack of inclusive housing, who would identify the need for systemic change. It has typically been thus because those most affected are the first to understand the injustice that has been done to them (in this case, exclusion), and to take action against it (Young, 2011, p. 92). The advocates would thus do well to acknowledge within their arguments for social inclusion, the complex demands on the housing industry, the level of certainty they need, and the development process that they prefer, with any legislation.

Conclusion

This paper reported on a study of the Australian housing industry and its response to providing inclusive housing voluntarily. It problematised the assumption by the recent Livable Housing Design initiative that individual agents within the housing industry would take responsibility for the provision of inclusive housing. Within the limitations of the study, the paper argues this assumption is flawed; a voluntary approach alone will not be adequate, and legislation will be necessary if the 2020 target was to be reached. The study however found the intentional developmental approach of the Livable Housing Design initiative is an important precursor for the housing industry to accept this legislative approach.

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Appendix 1

Livable Housing Design–Silver Level¹

1. *Dwelling access*
There is a safe and continuous pathway from the street entrance and/or parking area to a dwelling entrance that is level.
2. *Dwelling entrance*
There is at least one level entrance into the dwelling to enable home occupants to easily enter and exit the dwelling.
3. *Car parking (where part of the dwelling access)*
Where the parking space is part of the dwelling access it should allow a person to open their car doors fully and easily move around the vehicle.
4. *Internal doors and corridors*
Internal doors and corridors facilitate comfortable and unimpeded movement between spaces.
5. *Toilet*
The ground (or entry) level has a toilet to support easy access for home occupants and visitors.
6. *Shower*
The bathroom and shower is designed for easy and independent access for all home occupants.
7. *Reinforcement of bathroom and toilet walls*
The bathroom and toilet walls are built to enable grab rails to be safely and economically installed.
8. *Less than 5mm transition between internal spaces*
Internal doors and corridors facilitate comfortable and unimpeded movement between spaces.

¹ The Livable Housing Design guidelines were revised in 2012 to incorporate seven core features.