



**DANA** Disability Advocacy  
Network Australia

**Submission**

# **National Housing and Homelessness Plan**

*October 2023*

## **About us**

Disability Advocacy Network Australia (DANA) is the national representative body for a network of independent disability advocacy organisations throughout Australia.

DANA's purpose is to strengthen, support and provide a collective voice for independent disability advocacy organisations across Australia that advocates for and with people with disability.

We achieve this by:

- promoting the role and value of independent disability advocacy
- providing a collective voice for our members
- providing communication and information sharing between disability advocacy organisations
- providing support and development for members, staff, and volunteers of disability advocacy organisations
- building the evidence base to demonstrate the value of disability advocacy.
- promoting the human rights, needs, value, and diversity of people with disabilities

## Introduction

People with disability face significant and substantial additional barriers to accessing a home and are disproportionately represented in homelessness and social housing statistics. Advocates support people with disability to find a safe and secure home every day, but a lack of affordable, accessible housing is leading to a crisis for many people with disability.

Housing makes up a very large amount of the requests for assistance that advocates receive. Advocates assist people with disability to navigate the complex process to join a public housing waitlist (and ensure that a person is flagged as a priority if eligible) when experiencing home insecurity, navigate homelessness services that may not be accessible in a crisis, assist to resolve issues between landlords and tenants (including social and community housing authorities) and otherwise attempt to help people who are living in unsuitable, insecure, or inappropriate housing. Requests for Supported Independent Living (SIL) and applications for Specialist Disability Accommodation (SDA) are also common matters supported under the NDIS Appeals Program at the Administrative Appeals Tribunal. Given the volume of this work housing is a common systemic concern of advocates.

We welcome the opportunity to contribute our views to the development of the Housing and Homelessness Plan and are encouraged by the focus of the Federal Government in starting to address these issues. In the first instance, we want to highlight the issues experienced by people with a disability in obtaining secure and appropriate housing and urge the federal government to ensure that the needs of people with a disability are prioritised. Our other recommendations advocate for a greater level of support for people with disability in homelessness services, address the dramatic shortfall in social housing, ensure that people with disability are not discriminated against in the private housing market, and ensure there are pathways to home ownership. Crucially, the plan should incorporate the feedback and views of people with disability in both its development and implementation.

## Recommendations

### *People with Disability as a Priority Group*

- **Recommendation 1:** Make people with a disability a priority group under the Housing and Homelessness Plan (as per recommendation 7.33 of the Disability Royal Commission (DRC)).

### *Homelessness and Homelessness Services*

- **Recommendation 2:** Adopt 'housing first' strategies in responses to homelessness and greatly increase the availability of such services.
- **Recommendation 3:** Ensure that those services are sufficiently resourced and trained to engage with the specific requirements of people with disability who may use the service.
- **Recommendation 4:** Ensure that the resourcing of advocacy and legal services is adequate to assist people with disability to use these services and to provide continuity of support.
- **Recommendation 5:** Ensure that advocacy and legal services are available to people unconditionally and not subject to participation in schemes such as the NDIS.
- **Recommendation 6:** Ensure that no-one exiting services or institutional settings is placed into homelessness by ensuring the agency undertaking the discharge or the NDIA completes a full exit plan (as per recommendation 7.39 of the DRC).

### *Social and Community Housing*

- **Recommendation 7:** Accelerate the rate of investment in building new social housing to eliminate substantial current waitlists in addition to current commitments.
- **Recommendation 8:** Ensure that all new social and community housing is constructed in line with the higher voluntary ABCB liveable Housing Design Standard (as per recommendation 7.35 of the Disability Royal Commission).
- **Recommendation 9:** Fund additional advocacy and legal supports to assist people to navigate complex supports.
- **Recommendation 10:** Ensure that social and community housing bodies uphold the rights of people with disability.
- **Recommendation 11:** Consider models such as the rental and housing navigator to provide specialist assistance for people with disability.
- **Recommendation 12:** Clarify the obligations of federal bodies like the NDIS and state and community housing providers to provide an accessible home when it comes to home modifications and other changes required to a home for a disability.
- **Recommendation 13:** Focus on delivering the disability supports required (such as home modifications) in social/community housing urgently, and either:
  - a) make it clear what party is responsible or
  - b) resolve such issues after the modification has been put in place.

- **Recommendation 14:** Ensure that new social housing is built in locations that do not isolate their occupants from the community and have sufficient connection to disability services.
- **Recommendation 15:** Extend additional tenancy and oversight protections for people living in Supported Residential Services (as per recommendations 7.37 and 7.38 of the DRC).
- **Recommendation 16:** Adopt appropriate oversight protections for group homes, including right of entry for community visitors and advocates (as per recommendation 7.38 of the DRC).
- **Recommendation 17:** Incorporate data from the Australian Disability Data Asset to gain a more complete understanding about the rates of people with disability using public housing and the services they require.

*Housing Costs, Home Ownership, and the Private Rental Market in Australia*

- **Recommendation 18:** Ensure that people with disability can adequately participate in the private housing market by:
  - a) limiting the rate of rent increases in the private market
  - b) reviewing the rates of Jobseeker and the Disability Support Pension.
- **Recommendation 19:** Increase the proposed 15% increase for Rental Assistance.
- **Recommendation 20:** Remove no-grounds evictions and allow for the consideration of disability status in Tribunal matters regarding tenancy (as per recommendation 7.37 of the DRC).
- **Recommendation 21:** Reform residential tenancies laws of State and Territory governments to provide a right to make minor changes to rented homes where required for accessibility of the tenants.
- **Recommendation 22:** Provide additional funding to tenancy unions and advocacy organisations to ensure the rights of people with disability in tenancy are protected.
- **Recommendation 23:** Explore progressive models at a federal and state level to increase home ownership for people with disability, including shared equity schemes and land banks.

## People with Disability as a Priority Group

We endorse and recommend the adoption of the Disability Royal Commission's (DRC) recommendation to establish people with disability as a key priority area for the National Housing and Homelessness Plan.<sup>1</sup> This would also align with the Australian Disability Strategy (ADS), signed and endorsed by the federal and all state governments, to make housing a priority for people with disability. Relevantly for this review, the strategy outlines the following as policy priorities for people with disability:<sup>2</sup>

- Increase the availability of affordable housing.
- Ensure housing is accessible and people with disability have choice and control about where they live, who they live with, and who comes into their home.
- Ensure people with disability can fully participate in social, recreational, sporting, religious and cultural life.

However, the ADS notably omits homelessness as an area of priority focus for its work. There is an opportunity with the development of this plan to highlight the areas of disadvantage experienced by people with a disability across housing areas.

The particular needs of people with disability should be considered in conjunction with the other priority groups flagged in the issues paper, particularly Aboriginal and Torres Strait Islander Housing. The National Disability Data Asset noted that 24% of SOMIH tenants identified as having a disability and that 39% of First Nations public housing tenants were identified as having a disability. DANA endorses the recommendations of other groups with specific expertise, such as the National Aboriginal and Torres Strait Islander Housing Association (NATSIHA) earlier work on recent funding initiatives and First Peoples' Disability Network (FPDN) prior submissions on this issue.<sup>3</sup> Ongoing engagement with those with direct experience and expertise will be crucial to an effective policy.

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<sup>1</sup> Disability Royal Commission et al., 'Final Report - Volume 7, Inclusive Education, Employment and Housing - Part C', Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 28 September 2023, 598 rec 7.40.

<sup>2</sup> Australian Government (Department of Social Services), 'Australia's Disability Strategy 2021-2031', December 2021, <https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1786-australias-disability.pdf>.

<sup>3</sup> First Peoples Disability Network, 'Home and Living: FPDN Submission to the NDIS', August 2021, <https://fpdn.org.au/wp-content/uploads/2021/11/210831-ndis-home-and-living-options-submission.docx.pdf>; First Peoples Disability Network, 'NGO Submission on Australia's 7th Periodic Report', 3 October 2022, [https://fpdn.org.au/wp-content/uploads/2022/10/FINAL-UNCAT-Submission\\_FPDN\\_3.10.2022.pdf](https://fpdn.org.au/wp-content/uploads/2022/10/FINAL-UNCAT-Submission_FPDN_3.10.2022.pdf); National Aboriginal and Torres Strait Islander Housing Association (NATSIHA), 'Submission on National Housing Supply and Affordability Council Bill, and Treasury Laws (Housing Measures No 1) Amendment Bill', accessed 17 October 2023, <https://treasury.gov.au/sites/default/files/2023-02/c2022-343652-natsiha.pdf>.

We want to contribute to several of the focus areas on the report to highlight some of the specific needs of people with disability in addressing homelessness and ensuring that there is sufficient access to safe and secure housing. Advocates can continue to play a key role in ensuring that people with disability are supported to navigate a very complex housing system, but more fundamental efforts are required to resolve the barriers experienced by people with disability.

**Recommendation on people with disability as a priority group**

- **Recommendation 1:** Make people with a disability a priority group under the Housing and Homelessness Plan (as per recommendation 7.33 of the Disability Royal Commission (DRC)).

## Homelessness and Homelessness Services

People with disability experience higher levels of homelessness than the general population. People with disability are five times more likely to access specialist homelessness services than those without a disability, making up about 39% of those seeking help.<sup>4</sup> Access to homelessness services is something identified in the outcomes from the Disability Royal Commission. People with disability experience additional barriers in first interfacing with such services and then navigating the complex set of systems and often require the support of advocates to get help from such systems.

'Housing First' interventions are seen to be most effective and should be a focus of this plan. A home is often a requirement and platform to access other services. The general principles of Housing First programs prioritise provision of housing on an unconditional basis, social and community integration and direct provision of services, as well as facilitating choice and control over the type of housing. Most types of this support in Australia have been only conducted on a trial basis and have yet to fully penetrate approaches in the sector.<sup>5</sup> The DRC report,<sup>6</sup> as well as prior recommendations from the Productivity Commission<sup>7</sup> and Homelessness Australia,<sup>8</sup> identifies this as a priority in expanding support services for people with disability going forward and should inform how the government funds homelessness services as part of this plan.

People with disability and advocates say that connecting with services that understand disability support needs is also a crucial requirement. The need for person-centric and intensive supports has also been flagged as a crucial issue for people with disability who experience homelessness in the DRC report on the issue. Support to help bridge the gap with providers and to assist with service navigation is a very common way in which advocates are asked to assist people.

However, advocacy organisations are significantly under-resourced to respond appropriately to homelessness. Most advocacy providers seek to provide full, intensive, and integrated systems of support, but often are unable to respond to full the scope of enquiries that come through or find themselves having to compartmentalise cases and only address smaller issues individually to provide some assistance to a greater number of people. This both disadvantages people seeking those services and limits the universal benefits of available advocacy. When time and resources are available a more supported approach can

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<sup>4</sup> Department of Social Services, University of Melbourne, and Australian Institute of Health and Welfare, 'Identification of People with Disability in Linked Administrative Data for Service Use and Outcomes Reporting in Housing' (National Disability Data Asset, December 2021), 4, <https://www.ndda.gov.au/wp-content/uploads/2022/11/summary-ndda-pilot-findings-housing.pdf>.

<sup>5</sup> Patrick Bollen, 'Housing First: The Challenges of Moving from Pilot to Policy', Social Ventures Australia, accessed 11 October 2023, <https://www.socialventures.com.au/sva-quarterly/housing-first-the-challenges-of-moving-from-pilot-to-policy/>.

<sup>6</sup> Disability Royal Commission et al., 'Final Report - Volume 7, Inclusive Education, Employment and Housing - Part C', 596–98.

<sup>7</sup> Productivity Commission, In need of repair: The National Housing and Homelessness Agreement, Study report, August 2022, 215.

<sup>8</sup> Homelessness Australia, 'Housing First Principles for Australia' (Homelessness Australia), accessed 11 October 2023, <https://homelessnessaustralia.org.au/wp-content/uploads/2022/07/Housing-First-Principles.pdf>; Bollen, 'Housing First'.



be very effective, as the below case study from an advocacy organisation demonstrates:

### **Case Study**

An advocacy organisation assisted a man who had been diagnosed with a heart condition and had to manage a lot of medication. As a result of his condition, he was unable to work as this affected his mobility and health. He had been living in his broken-down car in a residential street, had no family contact, and had been intermittently homeless since he was in his early teens. More recently, he had lived in a derelict house for a few months, but otherwise had “couch surfed” or lived in his car. He had numerous knock backs from the private rental market and has never had a lease or rental references. He was referred to an advocate from a hospital social worker to help find permanent housing and to manage his superannuation payout.

The advocate tried referring directly to a homeless housing service, but they didn't seem to be able to work with him - sometimes clients are almost blacklisted and classed as 'too difficult' by the housing providers. Fortunately, he is now living in Transitional Housing, which, due to his condition, he can stay living until a house is available. This application was flagged as a priority given their recurring housing status and - as at the time of writing - this application has been approved and Trevor is now waiting for a house. With the advocate's support, he was able to receive the support to complete the required forms and navigate the housing service, housing office, and other organisations to secure a path to a home.

On the effectiveness of stories like those above, the DRC report has recommended that there should be greater levels of independent legal advice and advocacy services for people with disability who are experiencing homelessness to help them navigate the often very complex services that they are integrated with.<sup>9</sup> The report makes mention of support co-ordination services available people through the NDIS, but these are only provided to participants of the scheme (which may be particularly difficult to arrange for a person exiting a corrections facility). Additionally, unless support co-ordination is funded at the highest level, the support is likely to be less intensive than required and even then may not meet the threshold for 'wrap-around' supports that are recommended.

For that reason, we support a key recommendation of the DRC that the provision of more accessible legal and advocacy services so that the intensive wrap-around support required can be provided. That support should be directly assigned to a responsible agency in each jurisdiction, adopt housing-first practices, and should not be tied to being a participant of other schemes such as the NDIS.

People exiting institutional settings is already a priority area of the National Homelessness and Housing Agreement (NHHA), but the DRC report notes that people that exit such services still find a complex web of services with little co-ordination between them. The report notes that people leaving health or justice settings, many of whom have a disability, can often 'fall between the gaps' of services and agencies that operate the institutions that

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<sup>9</sup> Disability Royal Commission et al., 'Final Report - Volume 7, Inclusive Education, Employment and Housing - Part C', 586–88.

they are moving people out of do not take sufficient responsibility to avoid sending people with disability into homelessness on exit.<sup>10</sup>

More fundamentally, a lack of safe, appropriate, and affordable housing is a key driver to homelessness is identified by the DRC. This requires a response primarily from social housing bodies in increasing the number of homes available through social housing programs and reducing the very large number of people and families currently on waiting lists. As discussed below, this will require more sustained investment in social and affordable housing by governments.

### **Recommendations for the plan on Homelessness and Homelessness Services**

- **Recommendation 2:** Adopt 'housing first' strategies in responses to homelessness and greatly increase the availability of such services.
- **Recommendation 3:** Ensure that those services are sufficiently resourced and trained to engage with the specific requirements of people with disability who may use the service.
- **Recommendation 4:** Ensure that the resourcing of advocacy and legal services is adequate to assist people with disability to use these services and to provide continuity of support.
- **Recommendation 5:** Ensure that advocacy and legal services are available to people unconditionally and not subject to participation in schemes such as the NDIS.
- **Recommendation 6:** Ensure that no-one exiting services or institutional settings is placed into homelessness by ensuring the agency undertaking the discharge or the NDIA completes a full exit plan (as per recommendation 7.39 of the DRC).

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<sup>10</sup>Disability Royal Commission et al., 589–92.

## Social and Community Housing

Social housing, including community and public housing, plays a key role for many people with disability and are an over-represented group in analysis of who accesses such supports.

As is noted in the Issues paper, AIHW data indicated that 36% of social homes include a person with a disability as of June 2022.<sup>11</sup> However, the true number is likely higher - information from the 2021 National Disability Data Asset pilot - which seeks to provide a more complete picture of disability service use through use of more complete administrative data between jurisdictions - identified that 48% of public housing tenants identified as having a disability. It also found that 71% of all public housing households had at least one person with a disability as a resident.<sup>12</sup> People with disability were 8 times more likely to live in public housing and 5 times more likely to access specialist homelessness services. It also noted that people with psychosocial disability are overrepresented among the overall group of people with disability who access social housing, and that 50% of total social housing tenants were likely to have complex disability-related needs (defined as a person has been identified in more than one disability group).<sup>13</sup>

For those that can make it onto a waitlist, they join another 188,300 households that are waiting to be allocated public housing.<sup>14</sup> This is about 45% of the total number of households that already have a social home.<sup>15</sup> Social housing has not kept pace with the growth of the total number of households in Australia, shrinking as an overall proportion of new growth.<sup>16</sup>

Efforts to substantially reduce homelessness are dependent on having a free and sustainable supply of appropriate housing to direct people towards. This is nowhere near occurring on the current levels of supply, where 34% of households even flagged as a priority were waiting between 1 to 5 years, and 11% of households have been waiting for over 5 years.<sup>17</sup> On the other end, people who don't meet the priority criteria face waiting periods upwards of 11 years in metropolitan Sydney.<sup>18</sup> National numbers of those on waitlists for public housing have not shrunk since 2018.<sup>19</sup> A lack of meaningful and accessible

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<sup>11</sup> Australian Institute of Health and Welfare, 'Housing Assistance in Australia 2020, Priority Groups and Waiting Lists - Australian Institute of Health and Welfare', accessed 16 October 2023, <https://www.aihw.gov.au/reports/housing-assistance/housing-assistance-in-australia-2020/contents/priority-groups-and-waiting-lists>.

<sup>12</sup> Department of Social Services, University of Melbourne, and Australian Institute of Health and Welfare, 'Identification of People with Disability in Linked Administrative Data for Service Use and Outcomes Reporting in Housing', 4.

<sup>13</sup> Department of Social Services, University of Melbourne, and Australian Institute of Health and Welfare, 4.

<sup>14</sup> Department of Social Services, University of Melbourne, and Australian Institute of Health and Welfare, 6.

<sup>15</sup> Australian Institute of Health and Welfare, 'Housing Assistance in Australia 2020, Priority Groups and Waiting Lists - Australian Institute of Health and Welfare'.

<sup>16</sup> Australian Institute of Health and Welfare.

<sup>17</sup> Australian Institute of Health and Welfare.

<sup>18</sup> NSW Ministry of Communities and Justice, 'Expected Waiting Times', Family & Community Services, NSW Government, accessed 16 October 2023, <https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times>.

<sup>19</sup> Australian Institute of Health and Welfare, 'Housing Assistance in Australia 2020, Priority Groups and Waiting Lists - Australian Institute of Health and Welfare'.

alternatives will keep people living in inappropriate, violent, neglectful, or abusive environments.

People are under such pressure to get on the priority list for these applications that they seek the support of disability advocates or otherwise fear that they will never secure a home. As discussed above, that is often the practical reality for people who are not flagged as a priority. As the initial issues paper notes, this number may not include the full scope of demand – supply is so scarce that people may not even bother applying or may live in an area where there is no practical chance of ever securing a home even if prioritised. A 2022 UNSW study indicated that the shortfall of appropriate housing may be closer to 640,000 homes – with particular areas of unmet need concentrated in regional NT and QLD.<sup>20</sup>

Advocates are often sought to assist with resolving issues in social tenancies (both in public and community housing) and are frequently frustrated by the lack of action taken in many cases. Ongoing difficulties also emerge for people with disability who use NDIS supports and require modifications to their social or community home. Often application processes take significant time and must be completely exhausted before the state or community housing authority will deliver essential modifications. Advocates often report their frustration as people with disability end up having to take unsuitable homes that don't meet their disability needs simply because there are no other available properties. Subsequent attempts to make those properties more accessible often require significant time and effort to convince housing authorities to act. Advocates are also regularly asked to step in to resolve situations that have degraded because the person with disability has been placed in environments that were obviously inappropriate for their circumstances. This is a risk detailed by the DRC, noting several studies that indicate a reliance on termination orders to control tenants.<sup>21</sup>

### **Case Study**

A legally blind client with cerebral palsy who was a tenant of the Office of Housing was repeatedly asked to sign work orders by maintenance staff to verify that repairs has been carried out on her residence.

When the resident refused because they could not see what they were signing or whether the work had actually been done, maintenance stopped.

An advocate helped them to lodge a complaint with the VEOHRC and successfully conciliated an outcome that resulted in a change of Office of Housing policy and the offer of relocation to a more suitable and well maintained modern home.

More understanding of disability, as well as the provision of greater levels of advocacy resources and for support for tenancy unions to provide specialised assistance for people with disability is essential to drive the necessary level of understanding for those operating

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<sup>20</sup> Ryan van den Nouwelant, Laurence Troy, and Balamurugan Soundararaj, 'Quantifying Australia's Unmet Housing Need: A National Snapshot' (University of New South Wales, November 2022), <https://cityfutures.ada.unsw.edu.au/documents/699/CHIA-housing-need-national-snapshot-v1.0.pdf>.

<sup>21</sup> Disability Royal Commission et al., 'Final Report - Volume 7, Inclusive Education, Employment and Housing - Part C', 569.

these services. Consideration should be given to specific supports to help people with disability find suitable public or community, such as a the rental and home support navigator system recently detailed by the Australian Disability Dialogue on Housing.<sup>22</sup> Such services could provide a 'one-stop shop' to assist people to navigate such systems, as well as assist in the understanding and impact of systemic issues that stop people with disability participating in these systems.<sup>23</sup>

Current announcements like the Social Housing Accelerator and the passing of the Housing Australia Future Fund are positive steps and will add crucial stock to a highly constrained sector. However, ongoing and sustained levels of investment in social housing is necessary to ensure that the current shortfall of housing is adequately addressed. Earlier recommendations from Homelessness Australia have suggested a figure of 25,000 social homes a year is required to end homelessness.<sup>24</sup> Given that there is also a significant lead time in the production of housing from the time of investment, additional efforts, discussed below, should also be targeted to ensure that the private rental market is accessible and affordable to people with disability.

Governments and public and community housing authorities should ensure that new public housing is not relegated to greenfield sites away from transport and services. To ensure adequate support, people with disability require access to health or support services at a higher intensity than the general population, and need accessible transport that is close to their home. It is also important that social homes are not sidelined to areas of a town or city and having meaningful opportunities to integrate and participate in communities. Having homes only available in new suburbs that do not yet have adequate support services or accessible transport will not meet the needs of people with disability. While there is some agreement on the mandatory liveable housing design standards from most states, we would endorse the Disability Royal Commission recommendation that all new social housing adopt the higher voluntary Liveable Housing Design standard given the reliance on these properties by people with disability.<sup>25</sup>

We also wish to note the concerns raised by other bodies in the experience of people with disability in supported boarding houses, which are often an interface for people with disability requiring additional support who experience homelessness. A recent report from the Queensland Public Advocate examined the operation of several 'Tier 3' facilities in the state and raised significant concerns about the standards of support, limited safeguarding mechanisms, isolation and neglect experienced by residents, and the conflicts of interests arising from the operators of these services and their presence in the larger NDIS ecosystem

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<sup>22</sup> Todd Winther, Elly Desmarchelier, and Australian Disability Dialogue, 'Australian Disability Dialogue on Housing', August 2023, 12, [https://static1.squarespace.com/static/64b4c37558b1ac25b9cde8ac/t/64da050edeb3b076c9224d0a/1692009750581/Essential\\_ADD\\_Blueprint\\_140823.pdf](https://static1.squarespace.com/static/64b4c37558b1ac25b9cde8ac/t/64da050edeb3b076c9224d0a/1692009750581/Essential_ADD_Blueprint_140823.pdf).

<sup>23</sup> Winther, Desmarchelier, and Australian Disability Dialogue, 12.

<sup>24</sup> Homelessness Australia, 'A Plan to End Homelessness', July 2022, 3, <https://homelessnessaustralia.org.au/wp-content/uploads/2022/08/Homelessness-Australia-A-plan-to-end-homelessness.pdf>.

<sup>25</sup> Disability Royal Commission et al., 'Final Report - Volume 7, Inclusive Education, Employment and Housing - Part C', 562–63 rec 7.35 (b).

of supports.<sup>26</sup> A full parliamentary enquiry has been established in response<sup>27</sup> but very similar concerns have been raised in the DRC's report in assessment of systems operating in New South Wales, Victoria, and South Australia.<sup>28</sup>

These services exercise almost complete control over their residents and do not attract anywhere near the level of oversight or regulation that power would ordinarily require. The housing and homelessness plan should consider prompt implementation of the regulation standards detailed in the DRC's final report, which focus on implementing minimum standards and oversight mechanisms on SRS providers.<sup>29</sup> This includes ensuring access to independent advocacy services to meet with residents and monitor the quality of services, right of entry for community visitor schemes and more thorough registration and auditing requirements.

The DRC has also noted the significant gulf between the tenancy rights attached to boarding homes/supported residential services and private rentals. There is generally a lack of guarantees ensuring that the property is in good order and condition and while the specifics around evictions can vary, some jurisdictions allow people to be removed from SRS with as little as 2 days notice.<sup>30</sup> The DRC recommends a series of reforms based on the occupancy principles outlined in the NSW scheme, which would implement greater levels of notice and the ability for the tribunal to consider a person's disability when resolving disputes which we would endorse as minimum standards.

However, the plan should also commit further to the additional provision of social housing more generally to facilitate the independent homes and reduce the use of these marginal accommodation services more generally.

Additionally, a fully integrated and considered approach for people with disability and housing is required to achieve other important policy objectives from the Royal Commission. DANA and advocates continue to observe and detail issues with the continuing operation of group homes. The continuing operation of group homes is a significant limitation on people with disability's rights to have choice and control over their home and the people they live with, continue to utilise institutional practises, excludes residents from the broader community, and features poor oversight and a significant history of abuse and neglect in the sector. Regulation of group homes should also consider the introduction of a right of entry for community visitors and advocates, like the DRC recommendations on SRS providers. As discussed extensively above, the DRC also recommends provision of extensive advocacy and housing connection supports to facilitate transitions from those arrangements.<sup>31</sup>

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<sup>26</sup> Office of the Public Advocate (Qld) and John Chesterman, "Safe and Affordable?' - The Need for an Independent Inquiry into Supported Accommodation in Queensland," August 2023, [https://www.justice.qld.gov.au/\\_\\_data/assets/pdf\\_file/0010/778888/2023-08-supported-accommodation-report-final.pdf](https://www.justice.qld.gov.au/__data/assets/pdf_file/0010/778888/2023-08-supported-accommodation-report-final.pdf).

<sup>27</sup> Hon Meaghan Scanlon, 'Inquiry to Ensure Residential Services Deliver for Queenslanders', Minister for Housing (Qld), accessed 16 October 2023, <https://statements.qld.gov.au/statements/98669>.

<sup>28</sup> Disability Royal Commission et al., 'Final Report - Volume 7, Inclusive Education, Employment and Housing - Part C', 579–89.

<sup>29</sup> Disability Royal Commission et al., 572.

<sup>30</sup> Disability Royal Commission et al., 571–72.

<sup>31</sup> Disability Royal Commission et al., 628–38.



As the DRC notes, ongoing efforts to end the use of group homes is dependent on the provision of alternative homes that are accessible and available – current supply constraints on both social and private rentals introduces additional barriers to ending the use of group homes.<sup>32</sup> There needs to be practical and materially available alternatives for people who currently reside in group homes. One proposal from the Australian Disability Dialogue should also be considered, with a Disability Housing Land Bank recommended to map the current stock of disability assets. Once identified, these former group homes or psychiatric institutions could be redeveloped to provide additional more appropriate or new living models in areas with infrastructure already established around them.<sup>33</sup>

### Recommendations for the plan for Social & Community Housing

- **Recommendation 7:** Accelerate the rate of investment in building new social housing to eliminate substantial current waitlists in addition to current commitments.
- **Recommendation 8:** Ensure that all new social and community housing is constructed in line with the higher voluntary ABCB liveable Housing Design Standard (as per recommendation 7.35 of the Disability Royal Commission).
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<sup>32</sup> Disability Royal Commission et al., 615.

<sup>33</sup> Winther, Desmarchelier, and Australian Disability Dialogue, 'Australian Disability Dialogue on Housing', 14.

## Housing Costs, Home Ownership, and the Private Rental Market in Australia

Government support payments, most relevantly the Disability Support Pension and Jobseeker, are manifestly inadequate to participate in the private housing market. The proposed 15% increase to rent assistance is inadequate to address recent increases in rental markets, particularly following the COVID period where rents have increased by 30.4% and 8.4% in the year to September.<sup>34</sup>

Anglicare's 2023 rental affordability snapshot found that of 45,895 rental listings, only 66 (0.1%) were available to a single person on the disability support pension. 4 houses, all of which were share houses, were available for a person on Jobseeker.<sup>35</sup>

Many people with disability are also reliant on the Jobseeker Payment due to the high access criteria of the Disability Support Pension.<sup>36</sup> While an imperfect analogue for disability, 352,170 people or 43.5% of jobseeker recipients were assessed to have a 'reduced capacity to work' under the Jobseeker scheme.<sup>37</sup> The three most prominent reasons that a person was assessed as having a partial work capacity related to a psychological/psychiatric condition, muscular/skeletal & connective tissue condition, or a circulatory system condition.<sup>38</sup> People in this system face additional difficulties in making ends meet – stuck on a lower rate but with a reduced capacity to follow the system and obtain more work.

The tight rental market also causes additional barriers for people with disability, who may have to factor in the accessibility features of a property or who are reliant on a network of support providers in their current location. People may be forced to choose an inaccessible property or lose valuable supports to have the more fundamental support of a home.

For the logic of the market to function, meaningful choice and options need to be provided. The dual effect of very limited supply and the sheer unaffordability of most housing options does a great deal to limit a person's choice and control in a home that supports their needs. In increasing the supply of homes, the prompt adoption of accessible housing standards across the country is required to ensure a greater proportion of homes are accessible.<sup>39</sup>

We recommend a range of changes to improve affordability. This includes further increases to the DSP and Jobseeker (above and beyond typical CPI adjustments) to ensure that people with disability are not shut-out of the private tenancy market, consideration of rent

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<sup>34</sup> CoreLogic Australia, 'Vacancy Rates Reach New Record Lows despite Rental Growth Easing', CoreLogic Australia, 5 October 2023, <https://www.corelogic.com.au/news-research/news/2023/vacancy-rates-reach-new-record-lows-despite-rental-growth-easing>.

<sup>35</sup> Anglicare Australia, 'Rental Affordability Snapshot 2023 - 14th Edition', April 2023, <https://www.anglicare.asn.au/wp-content/uploads/2023/04/Rental-Affordability-Snapshot-National-Report.pdf>.

<sup>36</sup> Luke Henriques-Gomes, 'Almost Half of Jobseeker Recipients Unable to Work Full-Time Due to Sickness or Disability', *The Guardian*, 18 September 2022, sec. Australia news, <https://www.theguardian.com/australia-news/2022/sep/19/almost-half-of-jobseeker-recipients-unable-to-work-full-time-due-to-sickness-or-disability>.

<sup>37</sup> Department of Social Services, 'Expanded DSS Benefit and Payment Recipient Demographics - June 2023', June 2023, <https://data.gov.au/data/dataset/dss-payment-demographic-data/resource/7a6457a8-44a3-406c-b552-62eb0fef9d66>.

<sup>38</sup> Henriques-Gomes, 'Almost Half of Jobseeker Recipients Unable to Work Full-Time Due to Sickness or Disability'.

<sup>39</sup> Disability Royal Commission et al., 'Final Report - Volume 7, Inclusive Education, Employment and Housing - Part C', 562.



controls to constrain the dramatic short-term increases in rents experienced recently and to ensure that the fundamental human right to a home is not threatened by fluctuations of the market.

People with disability also lack sufficient protections in tenancy legislation. The recent report of the DRC has recommended the abolition of no-grounds evictions and ensuring that tribunals can consider a person's disability when they have discretion to order an eviction, noting the disproportionate impact such provisions have on people with disability.<sup>40</sup> Such a recommendation is essential, but to be fully effective would require the regulation of rents so that people are not effectively evicted when they cannot afford a proposed increase from a landlord at the end of their lease. Advocacy organisations have also reported substantial difficulties in resolving issues where modifications are needed to a rented home, but the landlord is unwilling to facilitate changes to their property and has no positive obligation to do so. A broader right to allow changes to a property where required for accessibility related reasons should also be considered by this plan.

Other groups have also examined the difficulties many people with disability face in owning a home and should be considered. Due to the systemic discrimination against people with disabilities, there are additional barriers in purchasing homes resulting from employment and wage discrimination, the need for accessible designs in building and maintaining connections to services, as well as in addition to more general experiences about the high house prices and reliance on inter-generational wealth to enter the market. The Australian Disability Dialogue has proposed several areas to improve this and recommends exploration of shared equity schemes and other progressive options to support home ownership for people with disability that we would encourage the review to explore.<sup>41</sup>

### **Recommendations for the plan on Housing Costs, Home Ownership, and the Private Rental Market**

- **Recommendation 18:** Ensure that people with disability can adequately participate in the private housing market by:
  - a) limiting the rate of rent increases in the private market
  - b) reviewing the rates of Jobseeker and the Disability Support Pension.
- **Recommendation 19:** Increase the proposed 15% increase for Rental Assistance.
- **Recommendation 20:** Remove no-grounds evictions and allow for the consideration of disability status in related Tribunal matters (as per recommendation 7.37 of the DRC).
- **Recommendation 21:** Reform residential tenancies laws of State and territory governments to provide a right to make minor changes to rented homes where required for accessibility of the tenants.
- **Recommendation 22:** Provide additional funding to tenancy unions and advocacy organisations to ensure the rights of people with disability in tenancy are protected.

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<sup>40</sup> Disability Royal Commission et al., 577 rec 7.37.

<sup>41</sup> Disability Dialogue, Winther, Desmarchelier, and Australian Disability Dialogue, 'Australian Disability Dialogue on Housing', 13–14.

- **Recommendation 23:** Explore progressive models at a federal and state level to increase home ownership for people with disability, including shared equity schemes and land banks.

## Reference List

- Anglicare Australia. 'Rental Affordability Snapshot 2023 - 14th Edition', April 2023.  
<https://www.anglicare.asn.au/wp-content/uploads/2023/04/Rental-Affordability-Snapshot-National-Report.pdf>.
- Australian Government (Department of Social Services). 'Australia's Disability Strategy 2021-2031', December 2021.  
<https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1786-australias-disability.pdf>.
- Australian Institute of Health and Welfare. 'Housing Assistance in Australia 2020, Priority Groups and Waiting Lists - Australian Institute of Health and Welfare'. Accessed 16 October 2023. <https://www.aihw.gov.au/reports/housing-assistance/housing-assistance-in-australia-2020/contents/priority-groups-and-waiting-lists>.
- Bollen, Patrick. 'Housing First: The Challenges of Moving from Pilot to Policy'. Social Ventures Australia. Accessed 11 October 2023.  
<https://www.socialventures.com.au/sva-quarterly/housing-first-the-challenges-of-moving-from-pilot-to-policy/>.
- CoreLogic Australia. 'Vacancy Rates Reach New Record Lows despite Rental Growth Easing'. CoreLogic Australia, 5 October 2023. <https://www.corelogic.com.au/news-research/news/2023/vacancy-rates-reach-new-record-lows-despite-rental-growth-easing>.
- Department of Social Services, University of Melbourne, and Australian Institute of Health and Welfare. 'Identification of People with Disability in Linked Administrative Data for Service Use and Outcomes Reporting in Housing'. National Disability Data Asset, December 2021. <https://www.ndda.gov.au/wp-content/uploads/2022/11/summary-ndda-pilot-findings-housing.pdf>.
- Disability Royal Commission, Ronald Sackville, Barbara Bennet, Rhonda Galbally, Andrea Mason, Alastair McEwin, John Ryan, and Roslyn Atkinson. 'Final Report - Volume 7, Inclusive Education, Employment and Housing - Part C'. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 28 September 2023.
- First Peoples Disability Network. 'Home and Living: FPDN Submission to the NDIS', August 2021. <https://fpdn.org.au/wp-content/uploads/2021/11/210831-ndis-home-and-living-options-submission.docx.pdf>.
- . 'NGO Submission on Australia's 7th Periodic Report', 3 October 2022.  
[https://fpdn.org.au/wp-content/uploads/2022/10/FINAL-UNCAT-Submission\\_FPDN\\_3.10.2022.pdf](https://fpdn.org.au/wp-content/uploads/2022/10/FINAL-UNCAT-Submission_FPDN_3.10.2022.pdf).
- Henriques-Gomes, Luke. 'Almost Half of Jobseeker Recipients Unable to Work Full-Time Due to Sickness or Disability'. *The Guardian*, 18 September 2022, sec. Australia news. <https://www.theguardian.com/australia-news/2022/sep/19/almost-half-of-jobseeker-recipients-unable-to-work-full-time-due-to-sickness-or-disability>.
- Homelessness Australia. 'A Plan to End Homelessness', July 2022.  
<https://homelessnessaustralia.org.au/wp-content/uploads/2022/08/Homelessness-Australia-A-plan-to-end-homelessness.pdf>.

- . 'Housing First Principles for Australia'. Homelessness Australia. Accessed 11 October 2023. <https://homelessnessaustralia.org.au/wp-content/uploads/2022/07/Housing-First-Principles.pdf>.
- Hon Meaghan Scanlon. 'Inquiry to Ensure Residential Services Deliver for Queenslanders'. Minister for Housing (Qld). Accessed 16 October 2023. <https://statements.qld.gov.au/statements/98669>.
- National Aboriginal and Torres Strait Islander Housing Association (NATSHIA). 'Submission on National Housing Supply and Affordability Council Bill, and Treasury Laws (Housing Measures No 1) Amendment Bill'. Accessed 17 October 2023. <https://treasury.gov.au/sites/default/files/2023-02/c2022-343652-natsiha.pdf>.
- Nouwelant, Ryan van den, Laurence Troy, and Balamurugan Soundararaj. 'Quantifying Australia's Unmet Housing Need: A National Snapshot'. University of New South Wales, November 2022. <https://cityfutures.ada.unsw.edu.au/documents/699/CHIA-housing-need-national-snapshot-v1.0.pdf>.
- NSW Ministry of Communities and Justice. 'Expected Waiting Times'. Family & Community Services, NSW Government. Accessed 16 October 2023. <https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times>.
- Office of the Public Advocate (Qld), and John Chesterman. "'Safe and Affordable?' - The Need for an Independent Inquiry into Supported Accommodation in Queensland', August 2023. [https://www.justice.qld.gov.au/\\_\\_data/assets/pdf\\_file/0010/778888/2023-08-supported-accommodation-report-final.pdf](https://www.justice.qld.gov.au/__data/assets/pdf_file/0010/778888/2023-08-supported-accommodation-report-final.pdf).
- Services, Department of Social. 'Expanded DSS Benefit and Payment Recipient Demographics - June 2023', June 2023. <https://data.gov.au/data/dataset/dss-payment-demographic-data/resource/7a6457a8-44a3-406c-b552-62eb0fef9d66>.
- Winther, Todd, Elly Desmarchelier, and Australian Disability Dialogue. 'Australian Disability Dialogue on Housing', August 2023. [https://static1.squarespace.com/static/64b4c37558b1ac25b9cde8ac/t/64da050edeb3b076c9224d0a/1692009750581/Essential\\_ADD\\_Blueprint\\_140823.pdf](https://static1.squarespace.com/static/64b4c37558b1ac25b9cde8ac/t/64da050edeb3b076c9224d0a/1692009750581/Essential_ADD_Blueprint_140823.pdf).