Submission to Senate Standing Committees on Economics
Affordable housing inquiry

Disability Advocacy Network Australia
National Ethnic Disability Alliance
Australian Federation of Disability Organisations

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About Disability Advocacy Network Australia (DANA) Ltd
Disability Advocacy Network Australia (DANA) is the national peak body for almost 70 disability advocacy organisations across Australia. Our goal is to advance the rights and interests of people with disability by supporting our members in their targeted advocacy as well as engaging in systemic advocacy on a national level to further these objectives.

About National Ethnic Disability Alliance (NEDA)
NEDA is the national peak organisation representing the rights and interests of people from culturally and linguistically diverse (CaLD) backgrounds and/or non-English speaking background (NESB) with disability, their families and carers throughout Australia. A community based, non-government organisation funded by the Commonwealth Department of Social Services. NEDA has a small secretariat and is governed by a Council of state and territory representatives. The majority of Councillors are people from CaLD and/or NESB with disability, their families and carers.

About Australian Federation of Disability Organisations (AFDO)
The Australian Federation of Disability Organisations (AFDO) was established as the primary national voice to Government that fully represents the interests of all people with disability across Australia. The mission of AFDO is to champion the rights of people with disability in Australia and help them participate fully in Australian life.
Executive Summary
DANA, NEDA and AFDO welcome this inquiry and submit that the rights and needs of people with disabilities are vital to consider when evaluating and formulating measures for expanding affordable housing. The expense of housing often presents a challenge for people with disabilities due to the higher rates of unemployment and poverty experienced by this part of the Australian population. The impact of not having a long-term, national affordable housing plan would disproportionately affect people with disabilities, and could frustrate nation-wide investment in disability services and ongoing advancements in other areas of policy related to people with disabilities.

The United Nations Convention on the Rights of Persons with Disabilities, which Australia ratified in 2008, outlines the rights of people with disability to live in the community and to choose where and with whom to live (without obligation to live in a particular arrangement) with access to a range of support services. In October 2014 the UN Committee recommended that Australia act to close all residential institutions and conduct a mapping of the various forms of accommodation based on the needs of various kinds of people with disabilities. To comply with international human rights, and reflect the inclusive aims of National Disability Strategy, Australian government decisions and policies must ensure people with disabilities are given “a free choice of where they want to live and with whom and be able to receive the necessary support regardless of the place of residence”.

The reality of housing choices for people with disabilities in Australia is a long way from this vision. People with disabilities experience higher rates of discrimination and lower rates of employment, often find themselves practically excluded from owning or renting a home, vulnerable to homelessness, and reliant on public or social housing, which may be unavailable or inadequate. Difficulties in finding secure, stable accommodation may be compounded by the shortage of accessible housing, culturally appropriate housing or housing located in easy proximity to public transport, amenities and services. Modifying accommodation to be accessible and responsive to individual needs is often problematic or costly, due to the limited use of universal housing design principles. Furthermore, people’s choices of where and with whom to live are often constrained by the tying of specialist supports and services to accommodation facilities. Many people with disabilities are currently compelled to live in institutional settings, which restrict individual freedom and decision making, and segregate and isolate people from the wider community, in environments that often foster violence, abuse and neglect.

The introduction of the National Disability Insurance Scheme (NDIS) is reforming the provision of funding for disability services and supports, with the aim of enabling individuals with disabilities to exercise “choice and control” over their lives. With access to supports which can be delivered flexibly in the community, NDIS participants shall place greater demands on the housing system to provide accessible, affordable options that cater to their needs and preferences, and maximise their ability to live independently. This is a vital moment for Federal and State and Territory housing policies and the Australian housing sector to engage with and integrate these principles and find ways to meet this demand. Only through substantial reform and investment shall people with disabilities obtain access to sufficient affordable options in the range of accessible, flexible community-based housing, to truly exercise the fundamental right to choose where and with whom to live.
Affordable housing and people with disabilities: Choosing a home of one’s own

The human rights principles
Australia ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2008, agreeing to be bound by its terms within the international community. Articles of the CRPD apply rights recognised in general human rights treaties to the context faced by people with disabilities, elaborating on how human rights obligations can be implemented in relation to disability. They provide for special measures or supports to enable all people with disabilities to access and exercise those rights. In the context of housing, Article 19 provides a clear articulation of those rights that Australia should immediately seek to progressively realise.¹

In 2011, the Council of Australian Governments endorsed the National Disability Strategy 2010-2020, which is intended to play a key role in promoting, protecting and monitoring implementation the CRPD standards and framework. We applauded Australian Governments for recognising the social economic, and human rights imperatives and committing to a unified, national approach. The vision and principles of the Strategy rightly reflect the aspirations of the CRPD, for the most part. However, the Civil Society Report to the responsible UN Committee questions the Strategy’s inclusion of continued development of certain accommodation models which would not appear to comply with human rights.²

Article 19 of the UN CRPD
In Article 19 the CRPD articulates the rights of people with disability “to live in the community, with choices equal to others, and... choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement...; [with] access to a range of in-home, residential and other community support services...”³

The article clearly requires State Parties to ensure that persons with disabilities have “the opportunity to choose their place of residence”, access to a range of a services to support community living and inclusion and prevent isolation and segregation. Parties must also ensure that “community services and facilities to for general population are available on an equal basis with others, and are responsive to their needs.”

In October 2013, the UN Committee provided specific guidance to Australia on implementing these obligations:

“The Committee encourages the State party to develop and implement a national framework for the closure of residential institutions and allocate the resources necessary for support services that would enable persons with disabilities to live in

³ Article 19, United Nations Convention on the Rights of Persons with Disabilities
their communities. The Committee recommends that the state party takes immediate action to make sure that persons with disabilities are given a free choice of where they want to live and with whom and be able to receive the necessary support regardless of the place of residence. The State party should therefore conduct a mapping of the various forms of living accommodation based on the needs of various kinds of persons with disabilities."\textsuperscript{4}

**National Disability Strategy**

Suitable accommodation features under Outcome 1 - inclusive and accessible communities. Policy Direction 3 is the “improved provision of accessible and well-designed housing with choice for people with disability about where they live."\textsuperscript{5} Universal design principles are also highlighted.\textsuperscript{6}

Housing is also featured under Outcome 3 - economic security. Policy Direction 3 is to “Improve access to housing options that are affordable and provide security of tenure.”

Under Outcome 4, personal and community support, the continued development of innovative and flexible support models for people with high and complex needs is identified as an “area for future action”. Supported accommodation is listed as one these models, despite often being used to refer to practices that do not allow free choice and would not comply with Article 19 of the CRPD.

**The reality of housing choices for Australians with disabilities**

Tually concluded in 2006 that all Australian states and the ACT have exhibited policy understanding of the importance of affordable, secure, stable and appropriate housing for the health, well-being and financial security of people with disabilities.\textsuperscript{7} Yet in 2009, one third of submissions to the national consultation on the experiences of people with disability and their families, identified concerns and difficulties with accommodation and housing.\textsuperscript{8} Problems with housing continue to be a significant issue for the clients of disability advocacy agencies and members of DPOs in all parts of Australia. Bonyhady asserts:

> “people with disability have very few housing options and very limited housing careers. This is due to the cost of support when living independently, and the lack of affordable and accessible private housing for most people with disability.”\textsuperscript{9}

These inadequate housing options exacerbate the significant disadvantage often faced by people with disabilities. According to housing researcher Saugeres, the lack of adequate housing and welfare for people with disabilities reinforces the marginalisation and

\textsuperscript{4} Concluding observations on Australia, adopted by the Committee at its tenth session 4/10/2013. CRPD/C/AUS/CO/1. [42].


\textsuperscript{8} National People with Disabilities and Carer Council, ‘SHUT OUT: The Experience of People with Disability and their Families in Australia’ (Report. Commonwealth of Australia, 2009)

dependency through low incomes, unsuitable housing design and poor housing conditions, restrictions in terms of location and place, and the lack of suitable care and assistance.10

This submission shall consider the challenges of obtaining affordable housing for people with disabilities in their struggles to own, rent or access accommodation, and how the shortage of affordable housing may also be compounded by factors of accessibility, discriminatory or limiting attitudes, location, service restrictions and cultural understanding.

**Unaffordable**

Opportunities for people living with a disability to participate in the mainstream housing market are limited by high costs and low incomes. Forty-five per cent of the two million Australians living with disability live in or near poverty.11 This is more than 2.5 times the rate of poverty experienced in the general population and more than double the OECD average of 22%.12 The Australian Council of Social Service has also released figures showing 620,600 people with disability in Australia are living below the conservative, internationally accepted poverty line used to measure financial hardship in wealthy countries.13 This accounts for over a quarter of people with disability in Australia, and is likely due, in large part to weaker employment prospects.14

Australia has a poor record of employment participation of people with disability. From 2003 to 2009 there was no significant change in the national labour force participation rate for people with disability (COAG Reform Council). Further, the recent ABS Survey of Disability and Carers (2012) has shown that the labour force participation of people with disability has decreased by 0.4% since 2003, indicating that in the last decade we have not only made no progress, but have in fact stagnated in addressing employment participation. With the unemployment rate almost double that of Australians without a disability (9.4% as compared to 4.9%), it is clear that the low employment participation rate for people with disability is having a direct impact on the quality of their housing.

If people with disability were able to gain employment and not be reliant on social security payments, they may then become eligible for a home loan which would lead to home ownership. Increasing employment among people with disabilities is a complex challenge and will require investment in support, not withdrawal of social security. Disability and welfare advocates maintain that actioning plans to move people from the Disability Support

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12 Organisation for Economic Co-operation and Development (2009). *Sickness, disability and work: Keeping on track in the economic downturn – Background paper*. Figure A2.6.
13 Australian Council of Social Service (2012) *Poverty in Australia*, ACOSS Paper 194, 26. This research does not take account of the extra costs of a disability, which may include adjustments to the home or workplace, purchase of care, additional transport costs such as taxis, pharmaceuticals and medical treatment. A previous study found that taking these costs into account substantially increases the level of poverty among people with disability. See: Peter Saunders, (2005) *Disability, Poverty and Living Standards: Reviewing Australian Evidence and Policies*, Social Policy Research Centre Discussion Paper No 145..
Pension to Newstart would contribute to (rather than reduce) entrenched unemployment, poverty and homelessness.  

**Home ownership**

Due to the high level of poverty experienced by people with disability in Australia, home ownership is often out of the question. This exclusion from the market is exacerbated by the problem of housing affordability in Australia. From 2001 to 2013, the homeownership rate for DSP recipients decreased from 36.7 percent to 28.1 percent. Financial difficulties are also likely to affect co-habitants, family members and carers of people with disabilities. A study by Nelson, Berry and Dalton into mortgage default in Australia revealed particular difficulties for households with a member with a disability (including illness, impairment or injury limiting everyday activities and enduring for several months). Such households may adopt similar strategies to other mortgagors with serious financial difficulties but are likely to have fewer and less attractive options. In addition to not having the financial resources to cover loan repayments, another contributing factor is their ineligibility for a home loan due to receiving a social security payment.

As Bonyhady mentions, people who acquire an impairment later in life may already be homeowners prior to their disability arising and may require modifications to their existing home, in order to live independently. Financial assistance may be necessary for the homeowner to afford these alterations.

**Private rental**

Similarly, people with disabilities, and are often priced out of private rental market especially those with complex needs. Contributing to the financial barriers are attitudinal ones. Discrimination may be practiced by landlords and real estate agents. Selection of new lessors is often opaque, meaning that there is minimal accountability and potentially dismissal of applicants with disability as “risky” tenants. Furthermore, people who have previously been housed in institutions will lack the references often required in rental applications. Systemic discrimination therefore increases the pressure on public housing.

**Homelessness**

People who are experiencing, or have experienced homelessness, or are at risk of homelessness, are some of the most vulnerable in our community. Homelessness issues

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19 Ibid.


22 People with Disability Australia (2014) *Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing*. 6.
concerning the community of people living with disability are even greater than those of the able bodied community. In 2012, over 15 percent of people with disability had experienced homelessness and a fifth had experienced being without a permanent place to live.  

These issues are further exacerbated by issues of culture and ethnic identification; all services, homelessness services included, must develop a sense of belonging in people from a variety of cultures, so that they feel comfortable, and must take an approach of applying a cultural lens to everything we do and of taking culture into mainstream thinking, teaching and learning.  

Anecdotal evidence suggests that discrimination exists in the provision of assistance to people with intellectual disability in the homelessness services sector:

“Many homelessness services do not support People with Intellectual Disability (PWID) as they are determined to be high risk and perceived to be unable to effectively maintain a property, pay rent and so on.”

Public and social housing
Many people with disabilities rely on public or social housing options. The National Social Housing Survey in 2011 found that almost a fifth of social housing and community housing households contained a person who needs assistance with care, movement or communication activities. People with disability are currently around 36% of Housing NSW clients. In 2008 almost half of public housing tenants in Western Australia were receiving the Aged Pension, Veteran’s allowance or DSP. Tually, Beer and McLoughlin argue that housing assistance, such as the provision of social housing and Commonwealth Rent Assistance (CRA) can have a substantial effect on the social inclusion of people with a disability, contributing to stability and reducing their exposure to high housing costs, the risk of eviction, and vulnerability to homelessness. However, placement in social or public housing can have stigmatising effects, and where housing is confined to or gathered around one location, it may foster area-based disadvantage.

Inaccessible
As Ward, Franz and Adkins assert, the shortage of “inclusive housing in Australia contributes to the marginalisation and exclusion of people with disability and older people from family

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23 Australian Bureau of Statistics (2013) 2012 Survey of Disability, Ageing and Carers Table 26
People with disability have difficulty finding accessible houses on the private rental market. Funding for home modifications to make houses accessible for people with disability has been restricted to privately owned and occupied properties. Landlords are usually reluctant to undertake home modifications for a tenant with a disability due to the high costs and perception that such alterations may harm future rental or sales opportunities. The dearth of universally designed houses in turn puts greater pressure on the public and social housing sector. The Universal Design Principles are highlighted in the National Disability Strategy, and though targets have been agreed by governments and industry, these are aspirational. Findings from a research project into the voluntariness of the housing industry indicate that a reliable and consistent supply is unlikely without an equivalent increase in demand. The people who need accessible housing are the least likely and least able to buy it at the point of new sale and average homebuyers do not consider access features as a priority. Evidence from the UK and USA serves to question whether this vision for accessibility can be achieved through voluntary codes. Until stronger measures are taken, many people with disabilities will find their needs unmet by the property market and housing stocks.

Unavailable
Many people are unable to access the funding they need that would support them to live independently in a place of their own. This results in many people with disability residing with their ageing parents who struggle with their care. The increased dependence on informal family care arrangements places pressure on all family members and compromise the natural informal support that should exist between a person with disability and their family and wider community networks, and may lead to financial pressure, relationships breakdown, and poor physical and mental health.

33 People with Disability Australia (2014) Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing 9.
34 People with Disability Australia (2014) Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing 9.
36 Margaret Ward, (2011) ‘Included by design : a case for regulation for accessible housing in Australia’. In The First International Postgraduate Conference on Engineering, Designing and Developing the Built Environment for Sustainable Wellbeing, 27-29 April 2011, Queensland University of Technology, Brisbane, Qld.
Often people with disabilities find no housing is available and experience lengthy waiting periods, often a year or more, even if placed on priority lists – sometimes “waiting in totally inappropriate and sometimes dangerous conditions for extended periods of time.”

An advocate in South Australia provides the example of a person experiencing ongoing harassment and abuse by neighbours, who, whilst remaining in this property, has developed “serious health problems related to the harassment and abuse and is now taking psychiatric medications to cope.” If the situation is recognised as an emergency, temporary crisis accommodation may be secured. An advocate provides this example:

“Mother leaves a rural area because there is a lack of services, say for Autism, and brings family to Perth. With no funding the family will be homeless. An NGO will put them up at a Backpackers, which is around $150 per night, which is not sustainable”

Often funds spent on temporary crisis accommodation are poorly directed away from long-term solutions.

People with disabilities or mental illness leaving institutions to live in the community have sometimes been placed in licensed boarding houses. A 2013 study found that this form of accommodation does not contribute positively to residents’ quality of life or serve to enact the human rights principles articulated in current policy and legislation. Research by Price-Kelly and Attard revealed that people, and especially women, with disabilities residing in licensed boarding houses are highly vulnerable to domestic violence.

Emergency housing for women and their children
Women with disability and their children in urgent need of emergency housing are often unable to find properties to meet their access needs. This is of particular concern as women with a disability experience disproportionate levels of family violence and abuse.

Family Violence Crisis Accommodation Services report the drastic lack of housing exit options for women needing universal access housing. In many instances, this known lack of exit points is a reason for crisis services not having any intake of women with disabilities. It is not uncommon for women leaving crisis refuge accommodation to return to a violent home because there is no other housing option available. The risk of heightened violence and death is much higher after women have attempted to leave. This situation is a systemic failing. DANA, AFDO and NEDA strongly recommend that all emergency housing must be made accessible according to the schedule specified in the National Dialogue on Universal Housing Design Strategic Plan 2010.

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43 People with Disability Australia (2014) Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing 9.
Poorly located
People with disability commonly live in lower priced areas. Affordable housing for people with disability, whether in the private market, or in the public or social housing services, is often poorly located. It is often outside metropolitan areas. Urbis consultants identify “low quality housing that is poorly located in relation to education, employment and social opportunities” as a major barrier to independence and social inclusion for people with disabilities. Access to services and public transport are vital for retaining employment and social connectedness. Gentrification may improve amenities available in an area but decrease affordability, which is a problem for all people who are socio-economically disadvantaged, but particularly challenging for people with disability as moving house can impact on the availability of care and support, the need for retrofitting and established networks. “Some people are clinging to where they are, but they are unable to upgrade their homes. In other cases, they are being pushed out.”

Culturally inappropriate
People from CALD/NESB backgrounds face additional barriers to affordability. The 2012 ACOSS report ‘Poverty in Australia’ reports that “26% of adults living in households below the 50% poverty line came from a non-English-speaking-country”.

DANA, AFDO and NEDA strongly believe that more appropriate service provision is needed for people from NESB and/or CaLD communities with disabilities.

One of the disadvantages that an individual from a NESB and/or CaLD background faces is accessing simple and appropriate information on disability accommodation and support services due to an inability to speak and read English, or the lack of culturally and linguistically appropriate information. The lack of awareness or failure to promote information on services and supports and an absence of interpreters further isolates and marginalises people from NESB and/or CaLD backgrounds. We strongly believe this is further exacerbated by the low participation rate of people from CaLD and/or NESB communities with a disability in accessing disability services, particularly for those seeking to gain independence through independent and private accommodation.

DANA, AFDO and NEDA recommend that specific strategies to address the needs of people with disabilities from Aboriginal and Torres Strait Islander backgrounds, diverse cultural and linguistic backgrounds and rural and remote communities be developed in consultation with representative bodies and advocacy agencies.

47 People with Disability Australia (2014) Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing 9.
Tied to services and supports

Housing choices have been constrained not only by income, but by the tying of specialist disability supports to accommodation facilities. Some people with disability (particularly those with high or complex support needs), are currently compelled to live in institutions in order to access the support they need. This framework is underpinned by a view that people with disability need specialist types of housing and support options, and so the provision of housing and support becomes focused on the development of special purpose care facilities. This model is contrary to the human rights obligations of the CRPD, as it restricts a person’s rights and opportunities, segregates and isolates from the community, and often limits access to independent and person-centred advocacy and support.

People with disability are the only group within Australia, apart from those in custodial facilities, which in general have no control over where they live and with whom they live. Often they are forced to reside with people who, like them, are living with various forms of disability and with whom they have little or nothing in common apart from living with disability. This model lacks the basic respect and understanding of their needs as member of the community. More often than not people living with disability, who are in need of accommodation services, are allocated a place to live with little consultation and an inference that they should be grateful for small mercies.

In the context of the current Royal Commission into institutional responses to child sexual abuse, it is well established that institutional living accelerates the occasions of abuse, neglect and exploitation of people with disabilities. DPOs and advocacy agencies find that group homes continue to impinge upon human rights by creating violent, unstable environments that unnecessarily restrict freedom yet offer little protection from abuse or intimidation. An advocacy agency observes that:

“... little has changed for people with intellectual disability who are most vulnerable and amongst the most disadvantaged in our communities. People are still being placed in accommodations services rather than living in a home that reflects their needs, their wants their personality, their preference. ..... Systems and services for this cohort are most responsive to the needs of paid workers, services and government than the people themselves. Improvements in regard to design principles, accessible public transport and communication and information systems are impotent when a person spends the majority of their life in a group home, boarding house, or other residential facility.”

55 People with Disability Australia (2014) Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing 5.
56 People with Disability Australia (2014) Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing 6.
57 People with Disability Australia (2014) Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing 6.
58 People with Disability Australia (2014) Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing 5.
60 National Disability Strategy engagement – DANA Survey response – Inclusive and Accessible Communities.
Despite clear evidence of the detrimental aspects of congregate living arrangements, some governments continue to license and fund institutions, and some are being redeveloped into ‘contemporary’ institutions that continue to congregate people with disability and segregate them from community, including group homes and cluster villages. DANA, AFDO and NEDA urge that the recent recommendation of the United Nations Committee on the CRPD is heeded to ensure future initiatives in Australia do not simply “replicate institutional living arrangements” and compel people with disabilities to live residential institutions to receive the necessary supports.

**Housing issues for older people**

Older people with or without disability also face a range of challenges in securing affordable, accessible, community based housing to meet their individual needs. As the population is ageing rapidly, addressing such housing needs must be prioritised. Issues of concern raised by ACT Disability, Aged and Carer Advocacy Service and other advocacy agencies include:

Women who have worked all their lives as home workers and thus have accumulated no superannuation may find themselves in a very vulnerable position when they reach retirement age, particularly if they have chosen to divorce or separate from their spouses. Carers of people with disabilities – also pre-dominantly women – who have been outside of or on the margins of the labour-market because of their caring role face the same situation. They have no source of income, no superannuation and often few assets upon which they can rely. Policy changes are required to ensure that women who fall within this category can be assisted via recognition of their particular vulnerabilities and ensuring that they are allocated housing appropriate to their accommodation needs.

A significant issue that we are facing relates to older people who are admitted to hospital but who are not yet properly recovered, being forced by the hospitals (because of bed shortages) to leave hospital prematurely. The common pathway is that an older person is moved into an aged care facility. This is concerning where the older person was living at home prior to admission into hospital and wants to continue living at home after discharge from hospital and after recovery from their illness or injury. Premature admission to aged care does not facilitate full recovery or rehabilitation and may involve irreversible decisions being made (like selling the family home) at a time when a person is not well enough, or fully informed about the decisions being made.

There are older people on a pension who have suffered from financial abuse from their children or others, thereby weakening their ability to financially support themselves. This is a frequent occurrence amongst people deriving from CaLD communities who may face difficulties understanding documents written in English and their legal rights in Australia and who consequently suffer from elder financial abuse from their children, who gain control of

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62 Concluding observations on Australia, adopted by the Committee at its tenth session 4/10/2013. CRPD/C/AUS/CO/1. [41].
their parents’ assets for their own purposes. Older people falling within this category need support via the provision of affordable housing, to ensure that their needs are met.

Older people on the age pension are being priced out of the private market, given that the pension is insufficient to meet the cost of renting private property. The government could explore means of providing older people receiving the pension with semi-subsidised care if there is inadequate public housing to assist them.

Affordable housing models for older people typically involve cluster housing, older persons units that are developed as a campus or cluster where only older people reside. This is a segregation model of housing which reduces social interaction within communities, increases isolation and leads to devaluing of older people.

From Compulsion to “Choice and Control”

With the advent of the National Disability Strategy and the NDIS a shift has occurred to a paradigm of choice and control for people living with disability, which incorporates the concept of “dignity of risk” – that is ensuring the decisions and preferences of people with disability are respected and are afforded the dignity of risk where it is their choice. This approach contrasts sharply with the paternalism that has historically characterised the treatment of people with disabilities.

With “choice and control” being the new catch cry for the disability sector we must ensure that this important shift to person centred approaches is incorporated into all aspects of the community for people living with disability. The lack of accessible alternative community housing cannot be used as a justification for the continued or ‘re-segregation’ of people with disability.63

The National Disability Insurance Scheme

The scheme is intended to allow participants to exercise control and choice over their disability supports. It is hoped the NDIS shall act as a catalyst for transformative growth in disability housing. However, the Agency cannot solve the lack of affordable and accessible private housing for people with disability.64 Indeed, the scheme’s launch will increase the pressure on the housing system to accommodate the needs of people with disabilities seeking better housing options.65 Over half of the intended participants are expected to be on a very low incomes and have limited means to meet all their housing needs through the private rental or ownership market.66 The legislation does not allow for accommodation to be part of a person’s support package.67 Funding shall only be provided for reasonable and

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63 People with Disability Australia (2014) Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing 6, 10.
64 Bruce Bonyhady, “Living independently: A guide to the NDIS and housing,” HousingWORKS, December 2013, 16-17, 16.
65 People with Disability Australia (2014) Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing 3.
66 Bruce Bonyhady, “Living independently: A guide to the NDIS and housing,” HousingWORKS, December 2013, 16-17, 16.
67 Except for some potential supplementary funding (undefined) where disability leads to higher costs, NDIS, Mainstream interface: Housing and independent living Fact Sheet, 16 January 2014.
necessary supports where individuals not already entitled to service from existing general services.⁶⁸

Many NDIS Participants are expected to finally realise their right to live in the community rather than in residences that are tied to their support provision. Such reasonable expectations in turn increase expectations of housing systems, especially regarding demand for flexible community-based housing and an upsurge in renovations to existing housing stocks to improve accessibility.⁶⁹

Younger People with Disability Living in Aged Care Residences
Improvements in accommodation and support systems are of particular significance for those people with disabilities living within the nursing home system and particularly young people living in nursing homes. This group in particular are at risk and disadvantage with regards to housing and support services concerning their ability to self-determine and live within an age appropriate environment.

It is hoped that the NDIS will allow young people with high support needs living within residential aged care the ability to live well and have some true choice and control over the environment they wish to live in. However, research suggests that the NDIS will not provide for their unmet housing and support needs, without additional funding and a building plan and program.⁷⁰ A recent report by PricewaterhouseCoopers and the Summer Foundation recommends a significant increase in the scale and range of accessible and affordable housing for people with disabilities.⁷¹

Seizing opportunities to move forward
A common theme emerges among the commentary that the chances for reform and investment are upon us and that lessons and principles must now be put into action:

PWDA argue that “it is essential to ensure that mistakes from the past which we know to be damaging and a violation of rights, such as institutionalisation, are not repeated simply due to a lack of foresight, a failure to invest in long term solutions, or neglecting to act when the time for reform was right.”⁷²

Director of Public Policy at Urbis, Claire Grealy observes that the NDIS “has the potential to encourage best practice in disability housing in Australia. International examples in housing accessibility set the trend – this is Australia’s chance to catch up, and innovate further in response to the need and the opportunity.”

Bruce Bonyhady points to the opportunities for residential developers to engage in a new way, in new partnerships for ventures in an emerging market space: “It’s a time of great opportunity for organisations to become involved in providing creativity and innovation to

⁶⁸ s34, National Disability Insurance Scheme Act 2013 (Commonwealth)
⁷¹ Ibid, ii.
⁷² People with Disability Australia (2014) Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing 4.
make all the essential aspects of housing solutions for people with disabilities, like the financials and housing design, work much better than in the past.”}

**People with disabilities choosing where and with whom to live**

Accessible and affordable community based accommodation (regardless of impairment, support needs, cultural identity or socioeconomic status) is vital to creating the inclusive future that the National Disability Strategy and NDIS envisage. A healthy and safe appropriately designed environment which provides privacy, personal space, accessible facilities, legibility and adaptability is central to the wellbeing of people with disabilities. Living in the community is bound up with a range of other positive outcomes, such as increased social and economic participation, which leads to greater quality of life. Housing policies should be coordinated with other relevant areas in a national whole-of-government approach. For instance, putting effective strategies in place to increase the employment participation of people with a disability will both decrease poverty and increase access to housing and housing policies should likewise seek to maximise access to employment.

To truly commit to the principles enacted for the NDIS, Australian governments must refrain from supporting (for instance, through grants of land or funding) the promotion and redevelopment of institutional models that diminish the choices of people with disability to select their own supports and their own housing. There is an inherent risk of compromising choices when funding housing through agreements between social and community housing organisations and disability service providers. Government policies should also avoid endorsing strongly one specific type of housing or design and rather embrace flexible responsive design that can maximise independence of residents and be adapted with ease according to needs and diverse preferences. Therefore, as the United Nations Committee recommends, the Australian government should “conduct a mapping of the various forms of living accommodation based on the needs of various kinds of persons with disabilities”. Built environment professionals, designers, property professionals etc. should work together, and directly engage with people with disabilities to develop innovative and varied housing options. A wide variety of options is needed to adequately cater for the wide variety of access, support, family, cultural, locational and personal needs of people with disabilities.

Bonyhady recommends that creative options be explored to meet the needs of NDIS participants: “getting the most from existing balance sheets of housing assets, gifting of long-term leasing of government-owned land, better use of community owned land and

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73 Bruce Bonyhady quoted in Urbis (2013) *Disability Care and Property*, 5.
74 Urbis (2013) *Disability Care and Property*, 5.
75 People with Disability Australia (2014) *Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing* 5.
76 People with Disability Australia (2014) *Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing* 11.
77 Mary Ann Jackson quoted in Urbis (2013) *Disability Care and Property*, 5.
78 Concluding observations on Australia, adopted by the Committee at its tenth session 4/10/2013. CRPD/C/AUS/CO/1. [42].
seeking affordable finance from the private and social finance sectors should all be considered.”

**Accessible**

Universal design and assistive technology, smart wiring, automatic doors and lifts and a range of electronic devices can assist in maintaining independence, enable improved safety; reduced hospitalisation; improved independence, mobility and physical function; improved well-being and quality of life, including an enhanced sense of safety; and increased opportunities to continue living at home.”

The most effective way of increasing the supply of accessible and adaptable housing is through regulation. Voluntary Codes of Practice and Guidelines such as ‘Liveable Housing Design Guidelines’ have not been successful in bringing about change in the housing industry in Australia and overseas. Regulation with incentives supported by education and awareness has provided the best results. Many other countries have introduced mandatory codes and regulations and Australia should do the same. We strongly advocate for the introduction of regulations for Universal Housing Design Standards in the construction of all new housing in Australia. This could be achieved through the Building Code of Australia and associated state based Building Regulations.

**Private Rental**

We recommend that the federal government introduces a funding program to provide subsidies to landlords to renovate their properties to the agreed Universal Housing Design Standard and/or retro-fit properties to meet the needs of tenants with disabilities. As discussed above, this would provide benefits to the whole rental market.

**Public and Social Housing**

We submit that all public and social housing in Australia should comply with the agreed Universal Housing Design Standard as specified in the National Dialogue on Universal Housing Design Strategic Plan 2010:

National Dialogue members believe that the Commonwealth and all state and territory government providers of social housing should commit to delivering all new public housing to an agreed Universal Housing Design standard. The targets proposed for the uptake of the Guidelines by the Commonwealth and states are:

- 100 per cent to Silver level by 2011
- 50 per cent to Gold level by 2014
- 75 per cent to Gold level by 2017
- 100 per cent to Gold level by 2019

**Adaptable and Responsive**

The implementation of the NDIS is an opportunity to invest in high quality individualised supports for people with disability so that participants can live in their own home and

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82 Margaret Ward, (2011) ‘Included by design: a case for regulation for accessible housing in Australia’. In The First International Postgraduate Conference on Engineering, Designing and Developing the Built Environment for Sustainable Wellbeing, 27-29 April 2011, Queensland University of Technology, Brisbane, Qld.
participate in their community. Policies for affordable housing should reflect the scheme’s focus on accommodating individual needs and preferences. Investment in housing stock should seek to maximise choice, through models of design and construction that can be easily modified to meet the cultural and functional requirements of the occupant. We strongly endorse the Universal Housing Design principle that homes should be capable of easy and cost-effective adaptation, recognising that unimaginative replication of a successful model shall not meet all the housing needs that arise for each individual with disability, or be appropriate to diverse cultural backgrounds. A comprehensive, nuanced understanding of how different cultural and social groups use housing should overlay and inform the development of disability housing policies that are responsive to the individual. A one-size fits all approach will not meet the needs of a majority of people with disability, especially those from culturally diverse backgrounds. Ongoing innovation should be fostered, and focus kept on designs that anticipate and respond to the changing needs of home occupants.

The values of choice and control must be absorbed into the broader housing and homelessness sectors. The housing system must be flexible and responsive to address the needs of people with disability in crisis and at risk of homelessness, and particularly so for people with psychosocial disability. Furthermore, cultural diversity must also be accommodated in support services and design. It is critical for service providers to have an understanding of the various cultural barriers that make it harder for NESB and/or CalD people with disability to access services and information regarding accommodation; and to also ensure that service providers are both culturally aware and sensitive to the complex needs of these communities; there needs to be an examination of the level of diversity and how communication is being conveyed.

It is crucial to consider the linguistic and cultural aspects of providing appropriate services to persons from CalD and/or NESB backgrounds with a disability as there needs to be an important division between language and culture. We recommend that accommodation and support services to have an understanding, as well as cultural sensitivity towards a person’s complex needs and understand that they may have a whole range of needs such as religious, cultural and gender.

Language-specific programmes need to be incorporated into both Government and NGO service delivery in order to better service this consumer group, particularly in rural and regional communities. This will help to ensure adequate provision of information in alternative language formats, interpreters, translators and provision of information in audio/video format and to ensure accessibility of information and service provision to different cultural groups and various dialects. Tenancy requirements, amenities and other features of accommodation and support must be introduced and explained in a way the individual understands.

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85 Sam Sowerwine and Louis Schetzer (2013) Skating on Thin Ice: Difficulties faces by people living with mental illness accessing and maintaining social housing, Public Interest Advocacy Centre Ltd, October 2013.
DANA, AFDO and NEDA: a strategic approach which guarantees cultural sensitivity in the quality of service provision, as well as to manage the diversity that exists amongst NESB and/or CaLD groups to ensure that these people don’t fall through the gaps which currently exist in the system. We believe that this is a trickle down process that starts with Government in modelling behaviour and the process for change based on cultural competency. This change must start with various Departments that have direct responsibility for diverse communities and the people they represent.

**Efficient**

A greater investment in accessible housing is not only impelled by the human rights and wellbeing of people with disabilities in Australia but would represent good economic sense. Urbis consultants posit that “linking housing choice for people with a disability with design principles of universal access addresses consumer preferences for spaces and buildings that offer adaptability and flexibility, and that supports ongoing growth in market value.”

Increasing the amount of accessible and adaptable housing will provide more appropriate housing as the population ages, enhance independence and reduce falls in the home. Accessible housing benefits the whole community over the long term.

Tually, Beer and McLoughlin conclude that additional supply of social housing and rental assistance targeted to people with disabilities will have positive impacts. Provision of supports must concentrate on sustaining tenancies to maximise social inclusion outcomes, and help to address sustained high housing costs. Sophisticated understandings of efficiency engage with the context in which people live – people’s connections with local service providers and informal supports, relationships with family and friends and opportunities for social and economic participation. For instance it may be suggested that shortening leases limits wastage, yet this insecurity may also act as a disincentive to seeking employment because receiving income support is often a condition of lease renewal. Furthermore longer leases enhance security for already-vulnerable tenants, and encourage greater investment and participation in the local community.

**Well-Located**

As discussed above the location of accommodation is particularly important to people with disabilities, as poor location may compromise their ability to access and participate in their local community. Decisions on housing location should therefore consider proximity to shops, recreation and amenities and accessibility to public transport. Provision of housing for people with disabilities should avoid areas of concentration. Grouping large numbers of people with disability in one location may have a segregating effect or foster area-based disadvantage. The supply of housing needs should, as much as possible, be spread across a

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89 People with Disability Australia (2014) *Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing* 12.
90 People with Disability Australia (2014) *Submission to Legislative Council Select Committee Inquiry into Social, Public and Affordable Housing* 13.
range of locations and neighbourhoods.\textsuperscript{91} A housing mix in all areas, through planning and development controls, can also ensure that key workers are available to staff necessary disability support services.\textsuperscript{92}

**Empowering**

Securing appropriate and stable accommodation helps people to deal with the other challenges in their lives, making it more likely the person will enter and remain in paid employment, and engage with and participate in the community. Living independently, with autonomy around life choices and decisions assists people with disabilities to have a voice.\textsuperscript{93}

Tually, Beer and McLoughlin found that housing and housing assistance contributes to the capacity of individuals with disabilities to be heard and engage with wider social institutions.\textsuperscript{94} Advocacy agencies and DPOs find that housing is a major area where people need an advocate or support to advocate for themselves to secure the best possible outcome – without access to advocacy services or self-advocacy support, marginalised people are disadvantaged and excluded from some forms of housing assistance. People with a disability, their family members and/or carers need empowerment and advocacy training, services and supports to ensure that they fully understand how to advance and exercise their rights when dealing with government or NGO service providers offering them “supported” accommodation and general accommodation services. This may be particularly important for people with disabilities from NESB and/or CaLD backgrounds. These communities need to be empowered to work together with services in creating a culturally accessible and sensitive service to individuals from NESB and/or CaLD communities with a disability. Approaches that seek to build the advocacy skills of people with disabilities within the housing assistance sector will empower them in all areas of life.\textsuperscript{95}

\textsuperscript{92} Phillip French (2010) *Accommodating Human Rights: A human rights perspective on housing, and housing and support, for persons with disability*, People with Disability Australia, 47.
\textsuperscript{95} Selina Tually, Andrew Beer and Pauline McLoughlin (2011) *Housing assistance, social inclusion and people living with a disability* AHURI Final Report No. 178. Melbourne: Australian Housing and Urban Research Institute, 57.