



**Australian Federation of
Disability Organisations**

Developing the National Housing and Homelessness Strategy

Submission to the Department of Social Services

November 2023

Table of Contents

DEVELOPING THE NATIONAL HOUSING AND HOMELESSNESS STRATEGY	1
TABLE OF CONTENTS	2
ABOUT AFDO	3
OUR MEMBERS	4
ACKNOWLEDGEMENTS	6
1. INTRODUCTORY COMMENTS	7
2. SUMMARY OF RECOMMENDATIONS	8
3. HOUSING AS A HUMAN RIGHT	14
4. HOMELESSNESS AND PEOPLE WITH DISABILITY	16
5. THE INTERFACE BETWEEN JUSTICE AND HOUSING	19
6. EARLY INTERVENTION TO PREVENT HOMELESSNESS	21
6.1 An effective income support system	21
6.2 Increasing supply of social housing	22
6.3 Increasing availability of accessible housing	22
7. THE ROLE OF SOCIAL HOUSING	25
7.1 Social housing and people with disability	25
7.2 Reconceptualising social housing	25
7.3 Social and economic issues in social housing	26
7.4 Supporting complex needs in social housing	27
7.5 The future of community housing	28
8. REFORMING THE PRIVATE RENTAL MARKET	32
8.1 Reforming policy	32
8.2 Improving accessibility in the private rental market	32
9. DATA COLLECTION	35
10. GLOBAL INNOVATION AND EXAMPLES OF BEST PRACTICE	36
11. CONCLUDING COMMENTS	37
Further Information	37

About AFDO

For over twenty years, the Australian Federation of Disability Organisations (AFDO), a Disabled Peoples Organisation (DPO), has been the recognised national peak in the disability sector, along with its extensive member organisations, representing people with disability.

Our thirty-eight (38) member organisations represent disability specific and population based disability communities providing AFDO with an increasing reach connecting directly with over 4 million Australians (16% of the total population).

AFDO continues to provide a strong, trusted, independent voice for the disability sector on national policy, inquiries, submissions, systemic advocacy and advisory on government initiatives across Federal, State/Territory and local governments.

We work to develop a community where people with disability can participate in all aspects of social, economic, political, and cultural life. This includes genuine participation in mainstream community life, the development of respectful and valued relationships, social and economic participation, and the opportunity to contribute as valued citizens.

Our vision

That all people with disabilities must be involved equally in all aspects of social, economic, political, and cultural life.

Our mission

Using the strength of our membership-based organisations to harness the collective power of uniting people with disability to change society into a community where everyone is equal.

Our strategic objectives

To represent the interests and united voice of our members and people with disability at a national and international level in all relevant forums.

To build the capacity, profile, reputation, and sustainability of AFDO through the strength of our member organisations.

To enhance the connection and influence in international disability initiatives by policy, advocacy and engagement, focused on the Asia Pacific region.

Our members

Full members:

- Advocacy for Inclusion Incorporated
- Arts Access Australia
- Autism Aspergers Advocacy Australia
- Blind Citizens Australia
- Brain Injury Australia
- Deaf Australia
- Deafblind Australia
- Deafness Forum Australia
- Disability Advocacy Network Australia
- Disability Justice Australia
- Disability Resources Centre
- Down Syndrome Australia
- Enhanced Lifestyles
- National Mental Health Consumer & Carer Forum
- People With Disabilities WA
- Polio Australia
- Physical Disability Australia
- South West Autism Network - WA
- Women With Disabilities ACT - ACT
- Women with Disabilities Victoria - Vic

Associate members:

- Advocacy WA
- AED Legal Centre
- All Means All
- Amaze – Vic
- Arts Access Victoria
- Aspergers Victoria
- Brainwave Australia
- Disability Voices Tasmania
- Disability Advocacy and Complaints Service of South Australia
- Explorability Inc
- Leadership Plus
- Multiple Sclerosis Australia
- National Organisation for Foetal Alcohol Spectrum Disorder
- National Union of Students - Disabilities Department
- Star Victoria Inc
- TASC National Limited
- Tourette Syndrome Association of Australia
- Youth Disability Advocacy Service



Acknowledgements

AFDO acknowledges Aboriginal and Torres Strait Islander people as the traditional custodians of the land on which we stand, recognising their continuing connection to land, waters, and community. From our offices in Melbourne, Canberra, Sydney, and Brisbane, we pay our respects to the peoples of the lands on which these operate and to their respective Elders past and present. We also pay our respects to the traditional owners of all lands on which we operate or meet around the country.

AFDO acknowledges people with disability, particularly those individuals that have experienced or are continuing to experience violence, abuse, neglect, and exploitation. We also acknowledge their families, supporters, and representative organisations and express our thanks for the continuing work we all do in their support.

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1. Introductory comments

AFDO welcomes the opportunity to provide feedback to inform the development of the National Housing and Homelessness Plan and thanks the Department of Social Services for their consideration of this submission.

Australia is currently in the midst of a housing affordability and homelessness crisis. Many Australians, including those with disability, live in housing that is precarious, uncomfortable, and unaffordable. Many people with disability also still do not have any real degree of choice over where, or with whom, they live, no choice or control.

As noted by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission):

“Some people with disability face multiple barriers to securing housing that is accessible, secure, appropriate, and safe. People with higher support needs currently have fewer options in relation to fully inclusive homes and living. They may be denied autonomy and choice over aspects of their daily life and have limited opportunities for meaningful participation in the community. Some people with disability may have little choice but to remain long term in substandard accommodation such as boarding houses, with limited occupancy rights and oversight. Some may experience chronic homelessness. People can be exposed to violence, abuse, neglect, and exploitation in these institutionalised, unregulated, or high-risk settings.”ⁱ

Lack of affordable housing is a major cause of poverty for all demographics. Individuals who cannot access affordable, secure, and appropriate housing are at risk of negative consequences including homelessness, poorer health outcomes, and lower rates of education and employment.

For people with disability, these issues are exacerbated by the fact that homelessness services are not always cognisant of or inclusive to their needs.

This submission will shine a light on some of the key barriers preventing people with disability from accessing safe, secure, accessible, and affordable housing. It will also highlight the key changes needed to better respond to the needs of people with disability in housing or who are experiencing or are at risk of homelessness.

2. Summary of recommendations

Recommendation 1:

Implement *Recommendation 7.33* from the Disability Royal Commission as follows:

- a. *The Australian Government should, in collaboration with state and territory governments, expressly identify people with disability in key housing-related agreements and planning including the:*
 - *National Housing and Homelessness Agreement (NHHA), which should include people with disability as a priority group of housing and homelessness reforms.*
 - *proposed National Housing and Homelessness Plan, which should include people with disability as a priority group and include the measurement and evaluation of outcomes for people with disability.*
 - *National Housing Supply and Affordability Council, which should include people with disability as a priority group in the development of housing supply and affordability policy advice, data collection and reporting.*
- b. *All state and territory governments should include people with disability in housing and homelessness strategies, policies and action plans developed under the NHHA. This should include people with disability as a priority group, and the monitoring and evaluation of implementation and outcomes for people with disability.*

Recommendation 2:

Implement *Recommendation 7.34* from the Disability Royal Commission as follows:

The Australian Government should increase the focus on homelessness in Australia's Disability Strategy by:

- a. *ensuring consultations concerning, and reviews of, Australia's Disability Strategy include people with disability at risk of experiencing homelessness and their representative organisations.*
- b. *expressly including homelessness as a policy priority within the 'Inclusive Homes and Communities' key outcomes.*

Recommendation 3:

Implement *Recommendation 7.34* from the Disability Royal Commission, with particular emphasis on the following:

- a. *identify people with disability, particularly people with intellectual disability or cognitive impairment, as a discrete cohort or cohorts for intensive homelessness support, recognising their needs, circumstances, and diversity.*
- b. *review the adequacy of funding for homelessness, with particular regard to the cost of providing more intensive homelessness support for people with disability and complex needs, and current levels of unmet demand.*
- c. *expand pathways and support for people with disability out of homelessness, including through Housing First programs.*

Recommendation 4:

Implement the following recommendations from the 2017 Council to Homeless Persons' submission to the *Joint Parliamentary Inquiry into and report on the provision of services under the NDIS for people with psychosocial disabilities related to a mental health condition*:

- Further discussion with the homelessness sector to better define roles and responsibilities, including developing best practice examples of how the NDIS may be able to offer support (in conjunction with homelessness services) to create pathways for people out of homelessness.
- Creating links and pathways between homelessness service system entry points and the NDIA.
- Recognition within the assessment and planning process that relationships are important – with allocations of appropriate time, flexibility, and personnel resources.
- Practical assistance to support making an access request, including financial support for medical assessments, and making and attending medical appointments to gain relevant documentation.
- Information about the NDIS utilising language and examples which are relevant for people who are experiencing homelessness.

Recommendation 5:

The Department of Social Services address the issues raised in the Disability Royal Commission's research report, *People with disability transitioning from prison and their pathways into homelessness*, by undertaking further consultation on lived experience with the following parties to determine a future pathway for people with disability who have been incarcerated:

- People with disability who have had previous interactions with the criminal justice system on their experiences with homelessness or housing stress.
- The Justice Reform Initiative.
- The First Peoples Disability Network.

Recommendation 6:

Ensure the Safety Targeted Action Plan, that sits underneath Australia's Disability Strategy 2021-2031, addresses the experiences of all people with disability exiting the justice system, including those who are NDIS participants along with those who are ineligible for the NDIS.

Recommendation 7:

The rate of Commonwealth Rent Assistance be reviewed and increased as required every 12 months so that it better meets the needs of low-income renters and remains in line and keeps pace with any increased cost of living expenses.

Recommendation 8:

The Commonwealth Government introduce nationally consistent rent regulation legislation that ties the national rent price index with the median wage index and limits rent increases to no more than once every 12 months.

Recommendation 9:

The Commonwealth Government commit to increasing the rates of the Disability Support Pension and JobSeeker Payment to ensure these are maintained at appropriate levels and above the minimum wage level and for people with disability that they allow for the additional cost of living this entails, as a matter of urgency.

Recommendation 10:

The Department of Social Services consult, through a genuine process of co-design, with people with disability and their representative organisations to develop a priority road map for the implementation of recommendations from:

- The Senate Inquiry into the *Purpose, Intent and Adequacy of the Disability Support Pension*
- The Commonwealth Ombudsman's 2016 report on the *Accessibility of Disability Support Pension for remote Indigenous Australians*

Recommendation 11

Implement *Recommendation 7.35* from the Disability Royal Commission as follows:

State and territory governments should commit to increasing the availability and supply of accessible and adaptive housing for people with disability by:

- a. immediately adopting the mandatory Australian Building Codes Board (ABCB) Liveable Housing Design Standard for all new dwellings if they have not done so already, and developing a plan for the full implementation of the standard, including timeframes and outcomes measures*
- b. adopting the voluntary ABCB Liveable Housing Design Standard for all new social housing construction*
- c. auditing the demand for, and accessibility of, current crisis housing (including domestic family violence shelters and refuges, and natural disaster crisis accommodation) to –*
 - *determine the appropriate amount, location and cost of crisis housing required to meet the needs of people with disability.*
 - *set appropriate targets for new crisis housing construction and refurbishment that meet the voluntary ABCB Livable Housing Design Standard.*

Recommendation 12

Medium-term actions to prevent homelessness and support people who may be at risk of becoming homeless should include:

- Increase funding for homelessness and mental health services, especially non-NDIS funded services.
- Increase mental health supports for vulnerable populations, such as people with psychosocial disability or people with disability on low incomes.
- Increase funding for tenancy advocacy in line with *Recommendation 7.36* of the Disability Royal Commission.
- Invest in transitional housing that provides an immediate solution to those aged under 65 at risk of aged care entry.

Recommendation 13:

Long-term actions to prevent homelessness and support people who may be at risk of becoming homeless should include:

- Governments commit to building social housing to the level needed to address both listed and projected needs of people who are unable or unsuitable to live in the private rental market without experiencing undue hardship.
- Address deficiencies in tenancy rights, including prevention of sharp rent increases, in line with *Recommendation 7.37* of the Disability Royal Commission.
- Support people with high and complex disability support and housing needs to access high quality Specialist Disability Accommodation (SDA).

Recommendation 14:

Reform housing policy beyond current entry and exit paradigms to reconceptualise social housing as a valid long-term housing option, in line with *Recommendation 7.36* of the Disability Royal Commission.

Recommendation 15:

Prioritise offering a variety of fit-for-purpose dwellings and locations that include consideration of accessibility, amenities, and community so that different needs and cohorts can be catered for through the social housing system.

Recommendation 16:

Require urban planning bodies and authorities to consider relevant factors for accessible environments when planning new urban areas and undertaking redevelopment of existing areas.

Recommendation 17:

Implement measures to better match tenants with locations and dwellings which best fit their access and other needs. This will likely reduce transfers needing to be undertaken later in tenancies which are time consuming and inefficient.

Recommendation 18:

State and Territory Governments should conduct an audit of all government-owned social housing stock, including old disability housing and Specialist Disability Accommodation, to determine whether it meets the needs of current and future residents. If not, a clear plan for updating and redesigning the properties should be developed. This would be co-designed by people with disability, to ensure the models meet their housing and accessibility needs.ⁱⁱ

Recommendation 19:

Ensure new social housing construction incorporates the Gold Standard of the Liveable Housing Guidelines to;

- Address the needs of the high proportion of PwD who will live in social housing.
- Relieve pressure on the NDIS Specialist Disability Accommodation funds which were only ever designed to cater to a small proportion (approximately 6%) of NDIS participants.
- Allow for better community access for people with higher disability support needs.

Recommendation 20:

Introduce regulations to ensure adequate provision by Community Housing Providers of accessible housing. This could include a quota of housing stock provided by the community sector or specific housing providers which must meet certain standards of accessibility

Recommendation 21:

To ensure the regulation is effective, and in tandem with audits of where it does not, a clear plan for updating and redesigning the properties must be developed. This would be co-designed by people with disability to ensure the developed models meet their housing and accessibility needs.

Recommendation 22:

Introduce regulations to ensure funding for community housing is only awarded to providers that are willing and adhere to Housing First principles.

Recommendation 23:

Governments should incorporate findings from the current research project *Specialist Disability Accommodation in the social housing sector: policy and practice* being undertaken by the Australian Housing and Urban Research Institute and its findings regarding:

- What is the nature of the interactions between social housing and SDA or SIL funding, and associated barriers and opportunities to accommodation delivery (including inclusion of smart assistive technology in these homes)?
- What is the experience of accessing and living in social housing designed for NDIS participants and to what extent are smart assistive technologies supported in practice?
- What policies and practice could be changed to improve both the delivery of, and client access to, SDA housing supported by assistive technology in the context of the NDIS?

Recommendation 24:

Implement appropriate restrictions on short-term rental providers tailored to the areas where the demand is strongest and to a level that will incentivise landlords to return properties to the long-term rental market, thereby increasing rental stock and reducing competition and prices for tenants.

Recommendation 25:

Introduce bans on no-fault evictions from private rentals.

Recommendation 26:

Introduce vacancy taxes for houses not currently in the private rental market that remain unoccupied for a designated length of time

Recommendation 27:

Tax concessions such as negative gearing and discounts on the capital gains tax be abolished, capped, or limited to new build housing.

Recommendation 28:

Government to pass the Tranche 2 Anti-money laundering and counter terrorism finance laws to combat the use of Australian property for money laundering as a matter of urgency

Recommendation 29:

Commission research into how accessibility, universal design principles, and adaptability can be retrofitted at a mass scale into the existing housing stock that makes up the bulk of housing available to people with disability.

Recommendation 30:

The National Disability Data Asset must have the capacity to effectively capture data on the experiences of the following cohorts, disaggregated by a range of demographic indicators;

- Participants of the NDIS (65 and under).
- Older participants of the NDIS (those over 65 who are ageing in the scheme).
- People with disability (under 65) who are not on the NDIS.
- Older people with disability (over 65) who are not on the NDIS.

3. Housing as a human right

Australia is a signatory to both *the International Covenant on Economic, Social and Cultural Rights (ICESCR)* and the *Convention on the Rights of Persons with Disabilities (CRPD)*. This means we have made a legal commitment to uphold the rights set out under each of these treaties. Under articles 11 and articles 19 and 28 of these instruments respectively, the Australian government is obliged to ensure that all people with disability have access to social security, social protection, and an adequate standard of living.

Article 11 of the *ICESCR* states:

“1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”ⁱⁱⁱ

Regarding people with disability specifically, article 19 of the *CRPD (Living independently and being included in the community)* requires governments to ensure:

“a) Persons with disabilities have the opportunity to 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.

b) Persons with disabilities have access to a range of in-home, residential, and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.

c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.”^{iv}

Article 28 of the *CRPD (Adequate standard of living and social protection)* further states:

“1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including ...housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability”

d) To ensure access by persons with disabilities to public housing programmes.”^v

Australia’s Disability Strategy 2021-31 (the Strategy) is Australia’s domestic blueprint for the progressive realisation of the rights set out in the *CRPD*. All Australian governments have endorsed the Strategy as a means of improving outcomes for people with disability in Australia. The Strategy

comprises seven key outcome areas, including 'Inclusive homes and communities'. The following two policy priorities are listed underneath this outcome area:

"Housing affordability/stress: The availability of affordable housing is increased.

Housing accessibility: Housing is accessible and people with disability have choice and control about where and who they live with and who comes into their home."^{vi}

The Department of Social Services recently approached AFDO to provide feedback on the second annual report under the Strategy. For the six policy priorities underneath the outcome area of 'Inclusive homes and communities', data was available for three system measures and six population measures. All measures showed that outcomes for people with disability had worsened since the previous reporting period.

The Disability Royal Commission also investigated issues relating to housing and the extent to which they impacted upon the rights of people with disability. Based on their findings and recommendations, which will be referred to extensively throughout this submission, it is the position of AFDO that Australia is failing to effectively uphold its human rights obligations to people with disability or deliver on its own outcomes under Australia's Disability Strategy 2021 - 2031.

4. Homelessness and people with disability

Lack of affordable and accessible housing is a major driver of homelessness among people with disability. In their report *People with Disability in Australia 2022*, the Australian Institute of Health and Welfare (AIHW) provides detailed statistics regarding people with disability and their use of specialist homelessness services (SHS). The report states that:

- 8.6% (or 22,800) of clients of SHS identified as having a disability.
- Clients with disability are more likely to repeatedly access homelessness services than those without disability (5.8% compared with 2.8% for clients without disability).
- Clients with disability are more likely to be homeless at the time of accessing support than those without disability (46% or 9,500 compared with 41% or 82,900).
- The most common type of support requested by people with disability was access to accommodation. 41.7% of clients with disability needed support to access accommodation in 2019/20, compared with 33.5% of people without disability.
- People with disability accessing homelessness services also seek help with mental health at a much higher rate – 64% (or 13,300) compared with 36% without disability.^{vii}

Research also shows that:

- 24% of people with disability accessing homelessness services needed support with living skills or personal development, compared with 17% of the general population.
- 18% of people with disability accessing homelessness services needed support with health and medical services, compared with 9% of the general population.
- 16% of people with disability accessing homelessness services needed support for trauma, compared with 12% of the general population.^{viii}

This data demonstrates that people with disability typically have a higher need for wrap-around supports to enable them to maintain adequate housing. However, current service gaps often prevent people from having these critical needs met. This is further demonstrated by data from the AIHW, which revealed that 31% of clients with disability exited the service without either provision of the service or referral.^{ix}

Furthermore, in its *Final Report*, the Disability Royal Commission states:

“Throughout our inquiry, we have heard the personal accounts of people with disability who have experienced homelessness. A common theme was the failure of services to help them avoid falling into homelessness. In particular, people with disability can leave mainstream services or systems, such as health or places of detention, and enter homelessness because of the lack of coordination between or integration of different services.”^x

Some of these existing service gaps can be partially attributed to the fact that people with disability are largely absent from key national housing and homelessness policy frameworks.

As part of its obligations as a signatory, Australia is required to periodically report to an international committee of independent experts known as the Committee on the Rights of Persons with Disabilities (CRPD Committee) on the steps it has taken to implement the *CRPD*.

Australia was last reported to the Committee in 2019, after which the Committee handed down a set of concluding observations outlining the steps it expected Australia to take in order to better promote, protect, and uphold the rights of people with disability. The Committee made a number of recommendations pertaining to housing and homelessness. Most pertinently, the Committee recommended Australia:

“Ensure that persons with disabilities are included as a priority cohort in the implementation of poverty reduction and public housing programmes, including the National Affordable Housing Agreement and the National Partnership Agreement on Homelessness.”^{xi}

This siloed approach by the Australian Government to disability policy seems to operate in both directions, with the Disability Royal Commission similarly noting that the issue of homelessness is still not adequately captured under the Strategy.^{xii} This lack of integration between disability policy and housing policy continues to result in many people with disability failing to be recognised and falling through the cracks.

Recommendation 1:

Implement *Recommendation 7.33* from the Disability Royal Commission as follows:

- c. *The Australian Government should, in collaboration with state and territory governments, expressly identify people with disability in key housing-related agreements and planning including the:*
 - *National Housing and Homelessness Agreement (NHHA), which should include people with disability as a priority group of housing and homelessness reforms.*
 - *proposed National Housing and Homelessness Plan, which should include people with disability as a priority group, and include the measurement and evaluation of outcomes for people with disability.*
 - *National Housing Supply and Affordability Council, which should include people with disability as a priority group in the development of housing supply and affordability policy advice, data collection and reporting.*
- d. *All state and territory governments should include people with disability in housing and homelessness strategies, policies and action plans developed under the NHHA. This should include people with disability as a priority group, and the monitoring and evaluation of implementation and outcomes for people with disability.^{xiii}*

Recommendation 2:

Implement *Recommendation 7.34* from the Disability Royal Commission as follows:

The Australian Government should increase the focus on homelessness in Australia's Disability Strategy by:

- c. ensuring consultations concerning, and reviews of, Australia's Disability Strategy include people with disability at risk of experiencing homelessness and their representative organisations*
- d. expressly including homelessness as a policy priority within the 'Inclusive Homes and Communities' key outcomes^{xiv}*

Recommendation 3:

Implement *Recommendation 7.34* from the Disability Royal Commission, with particular emphasis on the following:

- d. identify people with disability, particularly people with intellectual disability or cognitive impairment, as a discrete cohort or cohorts for intensive homelessness support, recognising their needs, circumstances and diversity*
- e. review the adequacy of funding for homelessness, with particular regard to the cost of providing more intensive homelessness support for people with disability and complex needs, and current levels of unmet demand*
- f. expand pathways and support for people with disability out of homelessness, including through Housing First programs^{xv}*

Recommendation 4: Implement the following recommendations from the 2017 Council to Homeless Persons' submission to the *Joint Parliamentary Inquiry into and report on the provision of services under the NDIS for people with psychosocial disabilities related to a mental health condition*:

- Further discussion with the homelessness sector to better define roles and responsibilities, including developing best practice examples of how the NDIS may be able to offer support (in conjunction with homelessness services) to create pathways for people out of homelessness.
- Creating links and pathways between homelessness service system entry points and the NDIA.
- Recognition within the assessment and planning process that relationships are important – with allocations of appropriate time, flexibility, and personnel resources.
- Practical assistance to support making an access request, including financial support for medical assessments, and making and attending medical appointments to gain relevant documentation.
- Information about the NDIS utilising language and examples which are relevant for people who are experiencing homelessness.^{xvi}

5. The interface between justice and housing

One area of persistent concern is the intersection between the justice system and housing. In their 2018 report, the Australian Institute of Criminology found that:

- Nearly one quarter of police detainees were homeless or experienced housing stress in the month before their arrest.
- Former prisoners who have access to stable housing are significantly less likely to reoffend than those experiencing homelessness or housing stress.
- The costs of providing housing – even when accounting for more resource-intensive housing support – are substantially less than the costs of imprisonment and the harm that result from recidivism.^{xvii}

We direct the Department's attention to the research report published by the Disability Royal Commission, entitled *People with disability transitioning from prison and their pathways into homelessness*, for further information on this topic. This report includes a number of considerations as to how the current situation could be improved, such as:

- Nationally consistent policies and guidelines be developed to support people with disability leaving correctional facilities.
- Consistent identification of people with disability, including intellectual disability, within corrective services.
- Improved coordination and integration between sectors, i.e., corrective services, disability services and the NDIS, housing, and health services.
- Increased availability of supported housing for people with disability involved in the justice system.
- The need for the invisibility of disability in homelessness research and program evaluation to be urgently addressed.
- Improved rights and protections for non-tenant occupants, for example, through the development of stronger and broader occupancy principles for boarders and lodgers or integration of these forms of housing into residential tenancies acts.^{xviii}

In March of this year, AFDO provided feedback on the Department's draft Safety Targeted Action Plan; noting that this was one of the targeted action plans that was intended to sit underneath the Strategy.

The draft plan referred to several projects aimed at exploring the housing/justice interface. In some cases, however, these projects focused exclusively on the needs of participants of the NDIS.

Noting that the vast majority of Australians with disability are not eligible for or cannot otherwise access the NDIS, we would remind the Department of the need to:

- Ensure the projects outlined in the Safety Targeted Action Plan are implemented in close consultation with people with disability and their representative organisations; and
 - Address the experiences of all people with disability exiting the justice system, including those who are not eligible for the NDIS.
-

Recommendation 5:

The Department of Social Services address the issues raised in the Disability Royal Commission's research report, *People with disability transitioning from prison and their pathways into homelessness*, by undertaking further consultation on lived experience with the following parties to determine a future pathway for people with disability who have been incarcerated:

- People with disability who have had previous interactions with the criminal justice system on their experiences with homelessness or housing stress.
- The Justice Reform Initiative.
- The First Peoples Disability Network.

Recommendation 6:

Ensure the Safety Targeted Action Plan, that sits underneath Australia's Disability Strategy 2021-31, addresses the experiences of all people with disability exiting the justice system, including those who are not eligible for the NDIS.

6. Early intervention to prevent homelessness

6.1 An effective income support system

Income support payments play an integral role in ensuring income security and enabling realisation of the rights to social security and social protection. They serve as a critical mechanism through which poverty can be directly alleviated, allowing the promotion of social and economic wellbeing, inclusion, and participation. This is especially true for people with disability, who face greater barriers to meaningful and accessible employment and incur additional disability-related expenses.

Research has demonstrated that:

- A person receiving the Disability Support Pension (DSP) as of 2021 can afford just 0.1% of private rentals, down from 0.8% in 2012. Given the ongoing and steadily worsening cost of living and rental shortage crises occurring across most of Australia, it can be assumed that this situation has not improved.^{xix}
- Only 0.3% of 74,300 rental properties, equating to 240 properties total, advertised in Australia on a selected weekend in March 2021 were affordable and appropriate for single people aged 21 and over receiving the DSP, compared with 1.2% (or 860 properties total) for a single person receiving minimum wage.^{xx} This extreme degree of unaffordability in the private rental market leaves many in danger of homelessness.
- 32% of income units receiving Commonwealth Rent Assistance (CRA) at 30 June 2020 who had at least one member receiving the DSP were in rental stress after receipt of CRA (that is, paid more than 30% of their gross household income on rent); without CRA, 72% of these income units would be in rental stress. This compares with 29% in rental stress after receipt of CRA and 55% in rental stress without CRA for all income units receiving CRA.^{xxi}

Considering these statistics, any changes in housing policy must be accompanied by necessary enhancements to Australia's income support system, which at present condemns recipients, many of whom are people with disability, to a life of desperate and grinding poverty.

Recommendation 7:

The rate of Commonwealth Rent Assistance be reviewed and increased as required every 12 months so that it better meets the needs of low-income renters and remains in line and keeps pace with any increased cost of living expenses.

Recommendation 8:

The Commonwealth Government introduce nationally consistent rent regulation legislation that ties the national rent price index with the median wage index and limits rent increases to no more than once every 12 months.

Recommendation 9:

The Commonwealth Government commit to increasing the rates of the Disability Support Pension and JobSeeker Payment to ensure these are maintained at appropriate levels and above the minimum wage level and for people with disability that they allow for the additional cost of living this entails, as a matter of urgency.

Recommendation 10:

The Department of Social Services consult, through a genuine process of co-design, with people with disability and their representative organisations to develop a priority road map for the implementation of recommendations from:

- The Senate Inquiry into the *Purpose, Intent and Adequacy of the Disability Support Pension*
- The Commonwealth Ombudsman's 2016 report on the *Accessibility of Disability Support Pension for remote Indigenous Australians*

6.2 Increasing supply of social housing

The single most effective early intervention approach is to provide individuals with affordable, accessible, and secure long-term housing. This is also more cost-effective long-term supporting chronic homelessness.^{xxii} Regrettably, due to decades of underinvestment by successive governments, there now exists a chronically low supply of social housing, and long waiting lists prevent people from being able to access social housing in a timely manner.

For people with disability, who are more likely to be low or no income, dependant on government assistance, and unable to afford the increasingly expensive private rental market, accessing social housing is a long and uncertain process, with no guarantee of success. As of June 2022, the national social housing waitlist numbered 174,600.^{xxiii}

Expanding access to supportive social housing and crisis accommodation, through both increasing supply with new builds and retrofitting what is already available to be more accessible, remains the best approach to preventing homelessness. In addition, it would also allow Government to fulfil their obligations to people with disability under the *CRPD* and save money on funding to homelessness services.

6.3 Increasing availability of accessible housing

For people with disability, lack of *accessible* housing is also a critical issue, and one that is further exacerbated by inconsistent adoption of the minimum mandatory access standards in the National Construction Code among the states and territories. Currently, all states and territories excluding Western Australia and New South Wales have agreed to a timeline for the adoption of the standards. Lack of accessible housing means people with disability are either be unable to find suitable accommodation, are be forced to make modifications at their own cost or forced to live in more expensive housing that is accessible - all further adding to their financial burden.

Recommendation 11

Implement *Recommendation 7.35* from the Disability Royal Commission as follows:

State and territory governments should commit to increasing the availability and supply of accessible and adaptive housing for people with disability by:

- d. immediately adopting the mandatory Australian Building Codes Board (ABCB) Liveable Housing Design Standard for all new dwellings if they have not done so already, and developing a plan for the full implementation of the standard, including timeframes and outcomes measures*
- e. adopting the voluntary ABCB Liveable Housing Design Standard for all new social housing construction*
- f. auditing the demand for, and accessibility of, current crisis housing (including domestic family violence shelters and refuges, and natural disaster crisis accommodation) to –*
 - determine the appropriate amount, location and cost of crisis housing required to meet the needs of people with disability*
 - set appropriate targets for new crisis housing construction and refurbishment that meet the voluntary ABCB Liveable Housing Design Standard.^{xxiv}*

Recommendation 12

Medium-term actions to prevent homelessness and support people who may be at risk of becoming homeless should include:

- Increase funding for homelessness and mental health services, especially non-NDIS funded services.
- Increase mental health supports for vulnerable populations, such as people with psychosocial disability or people with disability on low incomes.
- Increase funding for tenancy advocacy in line with *Recommendation 7.36* of the Disability Royal Commission.^{xxv}
- Invest in transitional housing that provides an immediate solution to those aged under 65 at risk of aged care entry.^{xxvi}

Recommendation 13:

Long-term actions to prevent homelessness and support people who may be at risk of becoming homeless should include:

- Governments commit to building social housing to the level needed to address both listed and projected needs of people who are unsuitable or unable to live in the private rental market without undue hardship.
 - Address deficiencies in tenancy rights, including prevention of sharp rent increases, in line with *Recommendation 7.37* of the Disability Royal Commission.^{xxvii}
 - Support people with high and complex disability support and housing needs to access high quality Specialist Disability Accommodation (SDA).^{xxviii}
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7. The role of social housing

7.1 Social housing and people with disability

‘Social housing’ is an umbrella term that includes three main components: state and territory government owned public housing, State Owned and Managed Indigenous Housing (SOMIH), and community housing operated by not-for-profit organisations. This discussion will focus primarily on public housing and community housing.

People with disability are overrepresented among social housing tenants, as the following statistics demonstrate:

- As of June 2020, approximately 141,000 social housing households included at least one person with disability, equating to 39% of all social housing households. Public housing has the highest proportion of households that have at least one person with disability.
- More than 1 in 3 (36% or 5300) newly allocated public housing households have at least one person with disability. These households make up over half (51%) of newly allocated households with special needs in public housing.
- More than 4 in 5 (82% or 4300) newly allocated public housing households that have at least one person with disability are defined as households in greatest need. Common reasons include:
 - homelessness (48%)
 - health condition aggravated by housing (19%)
 - life or safety at risk in accommodation (16%)^{xxxix}

7.2 Reconceptualising social housing

Government policy often approaches social housing as a transitional step for tenants on their journey to ultimately re-entering the private housing market, or nursing homes if elderly.^{xxx} While it may be beneficial for some tenants to regain their capacity to engage with the private housing market, this is not always viable, and especially not for those with complex needs. The role of social housing for people with disability on low incomes should be both long-term and based on servicing those in greatest need. In this sense, social housing is not only a part of our national infrastructure, but a necessary component of the caring economy.

Social housing tenants usually have little choice about where they live.^{xxxi} While they can indicate preferences for the location and features of a home based on their needs and may be given the option to transfer after obtaining occupancy, in practice, they are often told to “take it or leave it.” Rejecting two offers of a residence – and in some jurisdictions, even a single offer – can result in an individual being made to start over at the end of queue.^{xxxii}

One fundamental change that could begin to improve the current situation is the reconceptualization of social housing as a valid, long-term housing option, as can be seen in many European nations, such as the Netherlands. This would entail moving beyond our existing entry, transfer, and exit paradigms, and instead considering multiple pathways for different people under various circumstances, and accepting different start and end points, including social housing as an acceptable – and in some cases, ideal – final destination.^{xxxiii}

Recommendation 14:

Reform housing policy beyond current entry and exit paradigms to reconceptualise social housing as a valid long-term housing option, in line with *Recommendation 7.36* of the Disability Royal Commission.

Recommendation 15:

Prioritise offering a variety of fit-for-purpose dwellings and locations that include consideration of accessibility, amenities, and community so that different needs and cohorts can be catered for through the social housing system.

Recommendation 16:

Require urban planning bodies and authorities to consider relevant factors for accessible environments when planning new urban areas and undertaking redevelopment of existing areas.

7.3 Social and economic issues in social housing

A key contributor to homelessness among people with disability, both in the short-term and the long-term, is the dearth of fit-for-purpose social housing. The proportion of social housing households in Australia is small and has only further decreased over the last decade.^{xxxiv} As previously mentioned, the long waitlist and unaffordability of the private rent market leaves many people with disability at risk of homelessness, while also denying them the benefits of the increased security and affordability that social housing can bring.

Even without risk of homelessness, the soaring rent costs are likely to cause significant hardship. People with disability who rely on payments that already are below the poverty line, face a decline in quality of life to cover high – and ever increasing – rents, in addition to other rising living costs.

This combination of factors represents a serious failure by Australia to realise the right of people with disability to appropriate and affordable housing. It also indirectly contributes to a failure to recognise the right of people with disability to an adequate standard of living.

It is imperative that governments commit to building social housing to the level needed to address both listed and projected needs of people who are unsuited or unable to live in private rentals without enduring undue hardship.

7.4 Supporting complex needs in social housing

The lack of availability of fit-for-purpose, affordable housing is reflected in the high levels of dissatisfaction reported by people with disability in relation to access basic amenities, including:

- Public transport
- Community and support services
- Education and training
- Employment
- Shops and banking
- Parks and recreational facilities^{xxxv}

Being able to access services, such as medical centres or public transport, is essential to improving the health, social, and economic outcomes of people with disability. Compared with other social housing households, those that have at least one person with disability are less likely to live where their needs to access nominated services and facilities are met.^{xxxvi} In addition, while most households with at least one person with disability experience some benefits from living in social housing, they are less likely than households without a person with disability to have a positive experience. This includes being less likely to enjoy better health, and feeling less able to improve their employment situation, commence or continue with education and training, and generally cope with life events.^{xxxvii} As noted by Professor Alan Pert and Dr Katrina Raynor of the University of Melbourne:

“Housing doesn’t just need to exist; it needs to be good. It needs to be integrated with services and work as well as educational opportunities, it needs to care for occupants, it needs to create opportunities for connection and happiness, and it needs to be at the forefront of ethical procurement and sustainability practices.”^{xxxviii}

This inadequacy of access, much like the general view of social housing as a stop-gap measure, is a by-product of the long-term underinvestment in social housing, relative to need, by successive

governments. This is manifest both in relation to the number of dwellings, types, locations, and designs of social housing.

Recommendation 17:

Implement measures to better match tenants with locations and dwellings which best fit their access and other needs. This will likely reduce transfers needing to be undertaken later in tenancies which are time consuming and inefficient.

Recommendation 18:

State and Territory Governments should conduct an audit of all government-owned social housing stock, including old disability housing and Specialist Disability Accommodation, to determine whether it meets the needs of current and future residents. If not, a clear plan for updating and redesigning the properties should be developed. This would be co-designed by people with disability, to ensure the models meet their housing and accessibility needs.^{xxxix}

Recommendation 19:

Ensure new social housing construction incorporates the Gold Standard of the Liveable Housing Guidelines.^{xl} This addresses the high proportion of people with disability who will live in social housing. It would also serve to relieve pressure on the NDIS Specialist Disability Accommodation funds, which was only ever designed to cater to a small proportion (approximately 6%) of NDIS participants.^{xli} This would also allow for better community access for people with higher disability support needs.

7.5 The future of community housing

The community housing sector has a vital role to play in the provision and development of social housing for people with disability. In addition to provision of housing to meet their human rights, the potential of community housing for people with disability includes:

- Specialised support and provision for certain cohorts, such as young people, First Nations Australians, or people unique care needs.
- Integration with other services and wrap around supports.

- New models of housing - the scale and flexibility offered by community housing enables greater opportunity for innovation and experimentation with housing models and service provision.

While community housing is an important element of Australia’s housing ecosystem, there are a number of ways in which it could be improved. The most effective change to community housing regulation would be requirements for accessible housing, particularly for specialist disability accommodation.

In 2022, the Summer Foundation conducted a survey among community housing providers regarding the specialist disability accommodation they did or could offer. The findings included:

- The vacancy rate of properties that qualified as specialist disability accommodation averaged 10.5%, including one provider with a vacancy rate of 35.4%.
- Robust specialist disability accommodation was the least common design category, comprising on average only 2.5% of all respondents’ SDA stock.
- A relatively high percentage (38.8%) of specialist disability housing stock of the respondents were group homes.
- The majority of non-specialist dwellings (70.3%) did not meet any Livable Housing Design guidelines of Liveable Housing Australia.^{xlii}

Respondents were asked to comment on perceived opportunities for Community Housing Providers (CHPs) in the area of disability housing more generally. Four providers noted that there was a need to focus on people with disability who may not be eligible for SDA, but who nonetheless have specific housing needs. Revealingly, one respondent was quoted as saying:

“Disability housing for residents that don't attract SDA is a forgotten group.”^{xliii}

Difficulties were observed in dealing with the NDIA and finding tenants with enough money in their plans to cover the cost of community housing, which must be self-sustaining in its operations.

Overall, the survey revealed significant issues around gaining entry to community housing, as well as the lack of options in community housing stock for people with disability. The amount of cluster or group homes also presents a significant issue. This is illustrated by the type of housing stock set aside for people with high care disability needs that does not meet their rights in relation to having choice in where and who they live with, on an equal basis with others. The phasing out of group homes is one of the main recommendations of the Disability Royal Commission.^{xliiv} There is clearly significant work required in the community housing sector to achieve this recommendation.

The lack of accessibility, and underutilisation of specialist disability accommodation, represents an inefficiency and inadequacy in social housing for people with disability. People with disability have a higher-than-average utilisation and need for social housing and the social housing waitlist will stay stubbornly high if people with disability cannot gain entry to appropriate available dwellings. Without adequate changes to existing stock, and greater provision of appropriately designed and built future stock, new houses alone will not reduce community housing wait times for people with disability.

Housing First is the model that is best fulfils the right of people with disability to suitable housing. It has also been documented by the Australian Housing and Urban Research Institute as being the most successful and cost-effective model of provision to people in need of housing.^{xiv} Housing First is based on greatest need for housing, within the criteria of the provider and contingent on normal tenancy terms and conditions, rather than mandating compliance with treatment programs or other extra conditions imposed by the provider, before or during the tenancy.

Recommendation 20:

Introduce regulations to ensure adequate provision by Community Housing Providers of accessible housing. This could include a quota of housing stock provided by the community sector or specific housing providers which must meet certain standards of accessibility

Recommendation 21:

To ensure the regulation is effective, and in tandem with audits of where it does not, a clear plan for updating and redesigning the properties must be developed. This would be co-designed by people with disability to ensure the developed models meet their housing and accessibility needs.^{xlvi}

Recommendation 22:

Introduce regulations to ensure funding for community housing is only awarded to providers that are willing and adhere to Housing First principles.

Recommendation 23:

Governments should incorporate findings from the current research project *Specialist Disability Accommodation in the social housing sector: policy and practice* being undertaken by the Australian Housing and Urban Research Institute and its findings regarding:

- What is the nature of the interactions between social housing and SDA or SIL funding, and associated barriers and opportunities to accommodation delivery (including inclusion of smart assistive technology in these homes)?
 - What is the experience of accessing and living in social housing designed for NDIS participants and to what extent are smart assistive technologies supported in practice?
 - What policies and practice could be changed to improve both the delivery of, and client access to, SDA housing supported by assistive technology in the context of the NDIS?^{xlvii}
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8. Reforming the private rental market

8.1 Reforming policy

Australia is currently experiencing a rental crisis, wherein a shortage of affordable rental properties has resulted in ever increasing competition for available tenancies, causing rental rates to skyrocket. Many Australians are facing housing insecurity, and as a statistically more vulnerable population, people with disability are especially at risk.

While there is certainly a supply gap for affordable houses, any effort to effectively address Australia's housing crisis must also consider the extra demand and pressure caused by historical and current policy regarding the buying and selling of houses on the private real estate market.

In their submission to the Morrison Government's *Inquiry into Housing Affordability and Supply in Australia*, the Reserve Bank noted that the number of dwellings has in fact remained in line with population growth, despite being commonly scapegoated as the cause of soaring rents and house prices.^{xlviii} With an adequate supply already in place, the unaffordability of the Australian housing market cannot be solely attributed to lack of supply, and will not be solely fixed by increasing supply.

On the contrary, the issue is one of demand-side. Policies such as negative gearing and discount of capital gains tax have been the biggest contributors over the long-term to Australia's housing affordability crisis, which in turn affects the unaffordability of private rentals.^{xlix} These policies create incentive to use existing housing stock as an investment by both private and commercial landlords, effectively favouring the purchase of existing properties for use as private rentals or short-term letting. In turn, this cannibalises the home-ownership market, and has a flow-on effect on housing affordability, particularly for first home buyers. With fewer people able to afford their own homes, more are forced into renting, which only further increases demand and has greatly contributed to the general unaffordability of the private rental market. This disproportionately affects people with disability, causing economic hardship, increasing risk of homelessness, and also negatively impacting social housing waitlists nationally, as has been previously discussed.

In addition, money laundering through investment in Australian property, as well as the lack of regulation of foreign ownership and occupancy, is another factor inflating demand and higher prices that ultimately contribute to housing unaffordability.^l

8.2 Improving accessibility in the private rental market

Increasing the accessibility of existing properties, both social and private, is crucial to fulfilling the rights of people with disability to live independently and to have an adequate standard of living. There are several key factors that currently limit access to suitable and quality housing in the private rental market for the majority of people with disability.^{li}

One of these is the significant number of barriers that exist to making home modifications that would make properties fit-for-purpose. This is in part because the administrative pathways required to undertake home modifications differ according to housing tenure. Although the ABCB Voluntary Standard for Liveable Housing Design now incorporates the silver standard of the Liveable Housing Design guidelines, this only applies to houses under construction. In addition, the Standard is voluntary, meaning there is no compulsion to adopt or incorporate the guidelines which mitigates against any measurable effectiveness.^{lii}

Most of Australia' dwellings – both old and new – are not designed to meet the needs of people with disability. The needs of people with disability need to be considered beyond basic physical access, such as wheelchair ramps.

One useful metric is the Liveable Housing Design Guidelines, developed by Liveable Housing Australia. These include levels of accessibility and criteria related to a dwelling:

- being easy to enter;
- being easy to navigate in and around;
- being capable of easy and cost-effective adaptation; and
- being responsive to the changing needs of home occupants.^{liii}

Recommendation 24:

Implement appropriate restrictions on short-term rental providers tailored to the areas where the demand is strongest and to a level that will incentivise landlords to return properties to the long-term rental market, thereby increasing rental stock and reducing competition and prices for tenants.

Recommendation 25:

Introduce bans on no-fault evictions from private rentals.

Recommendation 26:

Introduce vacancy taxes for houses not currently in the private rental market that remain unoccupied for a designated length of time.

Recommendation 27:

Tax concessions such as negative gearing and discounts on the capital gains tax be abolished, capped, or limited to new build housing.

Recommendation 28:

Government to pass the Tranche 2 Anti-money laundering and counter terrorism finance laws to combat the use of Australian property for money laundering as a matter of urgency.

Recommendation 29:

Commission research into how accessibility, universal design principles, and adaptability can be retrofitted at a mass scale into the existing housing stock that makes up the bulk of housing available to people with disability.

9. Data collection

The experiences of people with disability in relation to housing and homelessness must be effectively built into the National Disability Data Asset.

We remained concerned, however, that the Department continues to place an overreliance on data pertaining to NDIS participants, effectively excluding the majority of Australian living with disability. We remind the Department that the NDIS was only ever intended to support around 10% of people with disability across Australia. It is therefore imperative that the National Disability Data Asset includes systems and population measures that capture disaggregated data pertaining to the experiences of the following groups;

- Younger participants of the NDIS 65 and under)
 - Older participants of the NDIS (those over 65 who are ageing in the scheme)
 - Younger people with disability (under 65) who are not on the NDIS
 - Older people with disability (over 65) who are not on the NDIS.
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Recommendation 30:

The National Disability Data Asset must have the capacity to effectively capture data on the experiences of the following cohorts, disaggregated by a range of demographic indicators;

- Participants of the NDIS (65 and under).
 - Older participants of the NDIS (those over 65 who are ageing in the scheme).
 - People with disability (under 65) who are not on the NDIS.
 - Older people with disability (over 65) who are not on the NDIS.
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10. Global innovation and examples of best practice

We believe we can always learn from our friends and colleagues overseas. As such, we have included some links below to innovative housing and homelessness-related projects aimed at improving outcomes for people with disability internationally. These examples were captured by the Zero Project.

Each year, the [Zero Project](#) conducts research into innovations contributing to the implementation of the *CRPD* worldwide. Following a call for nominations and an extensive selection process, exemplary solutions receive a Zero Project Award for their level of innovation, scalability, and impact.^{liv}

[Supported housing for people with complex disabilities \(Israel\)](#)

[Fast access to affordable homes \(Belgium\)](#)

[Supportive housing: Helping young adults to live independently \(Israel\)](#)

[Living alone with individualised support \(Croatia\)](#)

[Supported housing for women with psychosocial disabilities and sexual trauma \(Israel\)](#)

[Housing and life-skills program for adults with intellectual disabilities \(Mexico\)](#)

[Cross-sectoral effort to build accessible homes for people with disabilities in poverty \(Indonesia\)](#)

11. Concluding comments

Right now, the housing situation for many people with disability across Australia is dire.

To change this, the new Plan must ensure an integrated approach to disability and housing and homelessness policy that ensures service responses are fully inclusive of the needs of this cohort.

We look forward to continuing to work with the Department to progress relevant recommendations from the Disability Royal Commission as the new plan is being developed and implemented.

Thank you once again for providing AFDO with an opportunity to submit feedback to inform the development of the new National Housing and Homelessness Plan.

Further Information

Should you require further information about any of the issues raised throughout this submission, please do not hesitate to contact in the first instance, AFDO's Senior Systemic Advocate, Lauren Henley.

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