



Action for More Independence & Dignity in Accommodation

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*Advocacy, Self Advocacy, Rights, Accessibility, & Community Living for People with a
Disability*

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NDS Beyond 2020

Shaping the Future of Disability Policy for 2020 and Beyond

Department of Social Services

Via email – disabilityreform@dss.gov.au

To the Department of Social Services

AMIDA wishes to contribute to the second stage National consultation to shape the future of disability policy for 2020 and beyond. AMIDA (Action for More Independence & Dignity in Accommodation) is an independent advocacy organisation which advocates for good housing for people with disability. Further, people with disability have a right to good quality housing which is accessible, affordable and non-institutional. We provide advocacy to individuals, with priority given to people with an intellectual disability, and advocate for change in systems which prevent people from achieving good housing.

- AMIDA strongly suggests indicators for Accessible and Affordable Housing under the upcoming National Disability Agreement (NDS) and NDS to be monitored and recorded for ongoing data assessment.
- AMIDA repeats the suggestion we have made on many occasions for an increase in housing stock in Australia that is accessible and is adequate for people with disability that can cater for the shortfall of the Specialist Disability Accommodation (SDA) National Disability Insurance Scheme (NDIS) properties that are out of reach to many people living with disability who simply cannot access any other kind of housing. This housing would need to be realistically, financially viable to recipients of the Disability Support Pension (DSP). For this to be recognized as a necessity for the implementation of the upcoming NDA and National Disability Strategy (NDS), in order to fulfil Australia's obligations under

the United Nations Convention on the Rights of Persons with Disability (UN CRPD).

In summary of our previous submission we raised the following:-

AMIDA strongly supports the **United Nations Convention on the Rights of Persons with a Disability (CRPD)** Specifically relating to housing under the **CRPD:-**

The NDS 2010 – 2020 states “Australia ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2008. The Strategy will play an important role in protecting, promoting and fulfilling the human rights of people with disability. It will help ensure that the principles underpinning the Convention are incorporated into policies and programs affecting people with disability, their families and carers. It will contribute to Australia’s reporting responsibilities under the Convention”.

Article 9: Accessibility

Article 28: Adequate standard of living and social protection

*Firstly discussing **Economic Security the NDS 2010 – 2020 stated Policy Direction 3 – Improve access to housing options that are affordable and provide security of tenure.***

“A secure and affordable place to live is the basis of economic and social participation in the community. For many people with disability there are additional dimensions around the capacity to visit friends and family and to choose where and with whom they wish to live. People with disability require a range of housing options, including public and social rental, and private rental and purchase. States and Territories make substantial contributions to the financial wellbeing of people with disability through a range of concessions for costs in areas such as transport, housing, utilities, health, education and communication. A \$5.6 billion Social Housing Initiative, involving all States and Territories, provides affordable and accessible housing that has access to transport, services, and education and training opportunities. The Commonwealth, States and Territories are working together to develop a National Quality Framework to achieve better outcomes for people who are homeless or at risk of homelessness, including people with disability, by improving the quality and integration of the services they receive.”

The draft tend indicator for Economic Security in the NDS for housing is listed as the Proportion of people with disability experiencing housing stress. There appears to be no performance indicator or benchmark related specifically to Affordable Housing in the NDA.

Discussing Accessibility, AMIDA included in a submission to the Australian Building Codes Board in response to their Accessible Housing Options Paper in 2018, the comments - "In relation to housing, the **NDS in 2010 included the following commitments:**

"Improved accessibility in social housing is being achieved through the incorporation of universal design elements in more than 15,000 new public and community housing dwellings which are being built under the social housing component of the Nation Building – Economic Stimulus Plan. Funding provided through the Social Housing Initiative will support the inclusion of six specified universal design features in these dwellings that will provide improved access to people who have limited mobility. Of these, more than 5,000 dwellings will also achieve an even higher level of adaptability through compliance with the Australian Standard for Adaptable Housing Class C.

The Australian Government is working with representatives from all levels of government, key stakeholders from the disability, ageing and community support sectors and the residential building and property industry on the National Dialogue on Universal Housing Design to ensure that housing is designed and developed to be more accessible and adaptable. An aspirational target that all new homes will be of agreed universal design standards by 2020 has been set, with interim targets and earlier completion dates to be determined."

The voluntary approach didn't achieve the targets or goal to any extent at all. In fact, by any measure, the voluntary approach has failed conclusively to increase the supply of accessible housing. This failure clearly demonstrates the need for a mandated code. Over 10 years has been spent waiting for the voluntary approach to achieve desperately needed outcomes. This is a lost 10 years of development of accessible stock, the loss of which is keenly felt by people; people who are being disabled by a lack of regulation. This failure shows housing developers and the housing construction industry count accessibility for people as a very low priority. If Australia does have a commitment to fairness and accessibility for people to the built environment including residential properties, it will have to mandate meaningful accessibility standards. And if it does not, it is responsible for disabling people."

Furthermore AMIDA reported to be in support of the agreed Universal Design Standard now known as the Livable Housing Design (LHD) at Gold Level (option 3) to create:

- A step-free entrance to the home
- Wider internal corridor and doors
- An accessible toilet or bathroom on the ground floor or entrance level

- A bathroom and shower that is easier to access
- Grabrails installed in bathroom and toilet (or capacity to do so)
- A ramp of safe pathway to the front door or other entrance
- Safer internal stairways and paths
- More space in and around the kitchen, capable of being adapted
- Ground (or entry) level bedroom
- Easy to reach light switches
- Doors that are easier to open and close

The draft tend indicator in the NDS for Accessibility is listed as the Proportion of people with disability reporting difficulties with public transport. An indicator for Accessible Housing appears to be completely absent. There is also a lack of reference to Accessible Housing in the NDA performance indicator or performance benchmark.

From our submission regarding Universal Design standard – A meaningful level of accessibility is required as it will meet current needs and greatly reduce the need for further modification, and avoid the greater cost that modification brings. Gold level will better meet current and future demand. Current demand for accessible housing from people with a disability is significant. If the level mandated in the code is too low it will not meet this current demand let alone future needs.

STAGE 2 CONSULTATION QUESTIONS

What should we carry forward from the current Strategy into the new Strategy?

Outcome areas

- 1. Economic security**
- 2. Inclusive and accessible communities**
- 3. Rights protection, justice and legislation**
- 4. Personal and community support**
- 5. Learning and skills**
- 6. Health and wellbeing**

Question 1 - During the first stage of consultations we heard that the vision and the six outcome areas under the current strategy are still the right ones. Do you have any comments on the vision and outcome areas being proposed for the new strategy?

As mentioned in AMIDA's previous submission, priorities include in particular

1. Economic security and

Feedback received from the UN report on Australia's Review on the CRPD¹, 24 Sep 2019 **states - Adequate standard of living and social protection (art. 28)**

51. The Committee is concerned about:

- a) A significant proportion of persons with disabilities living either near or below the poverty line;
- b) The eligibility restrictions for the Disability Support Pension and the inadequate income support payments to persons with disabilities, such as the Newstart unemployment payment;
- c) The limited consideration of persons with disabilities, particularly Indigenous persons with disabilities, in poverty and homelessness reduction strategies including the National Affordable Housing Agreement and National Partnership Agreement on Homelessness.

52. The Committee recommends that the State party:

- a) Develop a national poverty reduction plan that is inclusive and accessible to all persons with disabilities and prioritize the realisation of the right to an adequate standard of living and social protection for Indigenous persons with disabilities;
- b) End the eligibility restrictions for the Disability Support Pension, increase the rate of Newstart unemployment payment and other income support payments to ensure persons with disabilities have access to an adequate standard of living;

Ensure that persons with disabilities are included as a priority cohort in the implementation of poverty and homelessness reduction programmes, including the National Affordable Housing Agreement and the National Partnership Agreement on Homelessness.

¹ United Nations, Report on Australia's Review of the Convention on the Rights of Person's with Disability, Concluding Observations, 24 September 2019.

From the UN again -

Living independently and being included in the community (art. 19)

37. The Committee is concerned about:

- a) The fact that the specialist disability accommodation (SDA) framework facilitates and encourages the establishment of residential institutions and will result in persons with disabilities having to live in particular living arrangements to access NDIS supports;
- b) The lack of appropriate, affordable, and accessible social housing, which severely limits the capacity of persons with disabilities to choose their place of residence;
- c) The Younger People in Residential Aged Care—Action Plan only outlines plans to reduce the number of persons, including persons with disabilities, under the age of 65 years living in aged care facilities, but does not end the practice.

38. The Committee recommends that the State party:

- a) Develop a national framework for the closure of all disability-specific residential institutions, and the prevention of trans-institutionalisation including addressing how persons with disabilities not eligible for the NDIS can be supported to transition to live independently in the community;
- b) Increase the range, affordability and accessibility of public and social housing for persons with disabilities, including by implementing a quota for accessible social housing and by developing regulations and standards to guarantee the progressive application of universal design principles in accessible housing;
- c) Revise the Younger People in Residential Aged Care—Action Plan to ensure that no person aged under 65 years should enter or live in residential aged care by 2025.

2. Inclusive and accessible communities.

Further feedback from the UN - **Accessibility (art. 9)**

17. The Committee is concerned about:

- a) The lack of a national framework for reporting compliance with the Disability Standards for Accessible Public Transport; the Disability (Access to Premises-Buildings) Standards; and the National Standards for Disability Services;
- b) The significant proportion of existing inaccessible built environment and the lack of mandated national access requirements for housing in the National Construction Code;

The lack of comprehensive and effective measures to implement the full range of accessibility obligations under the Convention, including of information and communication technology and systems.

18. In the light of article 9 of the Convention and its general comment No. 2 (2014), the Committee recommends that the State party, taking into account goal 9 and targets 11.2 and 11.7 of the Sustainable Development Goals:

- a) Establish and enact a national framework for mandatory compliance reporting of the Disability Standards for Accessible Public Transport; the Disability (Access to Premises-Buildings) Standards; and the National Standards for Disability Services;
- b) Amend the Federal law with mandatory rules on access for all new and extensively modified housing;
- c) Take the necessary legislative and policy measures, such as public procurement criteria, to implement the full range of accessibility obligations under the Convention, including regarding information and communication technology and systems, and ensuring effective sanction measures for non-compliance.

AMIDA's case work has indicated an enormous shortage of accessible and affordable housing for people with disability in Australia. At times people with disability have been allowed to dwell in inaccessible housing which puts them at risk of serious injury or death because there has been no alternative housing to move to. This has also led to some people having to be admitted to hospital for extended periods of time with injuries, unable to return home to unsafe housing. Another common theme seen in the individual advocacy work at AMIDA is people with disability having little or no choice about where they can live due to lack of accessible and affordable housing.

This is also mentioned in the Social Policy Research Centre review²
“Implementation gaps and future priorities - Housing, affordable and accessible housing in the community, including supported housing options, were identified as a missing aspect of the NDIS and the Strategy” and “People living in institutional settings, some stakeholders argued that the strategy should increase its focus on people with disability in prisons, hospitals and other institutional settings. Although the NDIS may provide specialised support to these groups if they are eligible for the Scheme, the Strategy could address the continuity of service provision.”

The Senate Community Affairs Reference Committee report³ states:-

1.8 “This inquiry provides an opportunity to examine if and how the Disability Strategy is driving change to improve those life indicators. This inquiry has focused on one aspect of the Disability Strategy, the accessibility and inclusiveness of the Australian community for people with disability. The evidence received during the inquiry underscores that accessibility is a threshold issue - accessibility is a necessary first step to achieve progress in other reform areas, most significantly in the implementation of the NDIS. Thus, a lack of progress in achieving accessible and inclusive communities has significant negative flow-on effects to achieving progress across the whole of the Disability Strategy.”

Furthermore the report states “Inclusive and accessible communities: policy directions

1.12 The six Disability Strategy outcome areas are further broken down into policy directions. For inclusive and accessible communities, the policy directions are:

1. Increased participation of people with disability, their families and carers in the social, cultural, religious, recreational and sporting life of the community.
2. Improved accessibility of the built and natural environment through planning and regulatory systems, maximising the participation and inclusion of every member of the community.
3. Improved provision of accessible and well-designed housing with choice for people with disability about where they live.
4. A public, private and community transport system that is accessible for the whole community.

² UNSW, Social Policy Research Centre, Review of Implementation of the National Disability Strategy 2010 – 2020, August 2018.

³ The Senate, Community Affairs References Committee, Delivery of outcomes under the National Disability Strategy 2010 - 2020 to build inclusive and accessible communities, November 2017

Guiding Principles

- Involve and engage
- Design universally
- Engage the broader community
- Address barriers faced by priority populations
- Support carers and supporters

Question 2 - What do you think about the guiding principles proposed here?

AMIDA strongly supports the first two guiding principles :-

Involve and engage -

From the UN report - Awareness-raising (art. 8)

15. The Committee is concerned about the lack of concerted efforts at all levels, and the low level of participation of persons with disabilities, particularly women, Aboriginal and Torres Strait Islander, CALD, LGBTIQ+ persons with disabilities, through their representative organizations to promote awareness-raising efforts, including campaigns, promoting a positive image and awareness of the contribution of persons with disabilities in line with the Convention.

16. The Committee recommends that the State party develop a national government strategy to promote a positive image and awareness of the human rights of all persons with disabilities, and ensure the participation of all persons with disabilities, particularly women, Aboriginal and Torres Strait Islander, CALD, LGBTIQ+ persons with disabilities, in the development and delivery of all awareness raising activities.

AMIDA's case work has also indicated the need for feedback from people with disability to inform services and infrastructures of what is needed. As the well-used turn of phrase "**Nothing about Us Without Us**" that self-advocates often use refers to collaboration with people with disability ensures services are fit for purpose and more effective.

Design universally -

AMIDA has advocated for Gold Level accessibility in the previous submission, as listed above. Many other stakeholders have also made this recommendation or higher such as Platinum Level.

The Senate Community Affairs Reference Committee report on the National Disability Strategy 2010-2020 extensively discussed Accessibility and Universal Design in the feedback given in 2017.

Yet in 2020 the Australian Building Codes Board proposed again to make accessible building in all new properties, both private and commercial as voluntary. It is evident (as mentioned in AMIDA's previous submission) that without regulation for accessible housing there will be further failure to provide for the most vulnerable members of the community. Universal Design does not need to present like a hospital or institution environment. It can be built in a stylish and tasteful way to suit any member of the community.

Question 3 - What is your view on the proposal for the new Strategy to have a stronger emphasis on improving community attitudes across all outcome areas?

AMIDA is of the opinion that a renewed NDS with mechanisms for accountability will attract greater awareness in the wider community when it is seen in action. Expectations that are set out for services Nationally can assist in creating social change.

AMIDA has observed the assumption of services and stakeholders since the NDIS commenced, that the NDIS will provide solutions to housing and modification needs for people who have disability. This has been misleading and has resulted in a lack of preparedness by services when people with disability have become homeless, escaped family violence or had to relocate urgently due to a variety of other reasons. Many people with disabilities have applied for the NDIS and not gained access due to the quality or depth of medical evidence they were relying on. Those that have gained access have not necessarily been issued with Specialist Disability Accommodation in their NDIS Plan. AMIDA has noted a lack of Specialised Homelessness services for people with disability, possibly also due to this assumption. At the same time the state government services have been phasing out. For people in crisis, safe and affordable housing has been difficult to get. In some cases at AMIDA people who have been able to gain secure housing in the Community Housing sector have then found the Community Housing provider does not have funding to pay for modifications recommended by occupational therapist. Without an NDIS package this has meant no other funding was available at all for disability modifications needed.

We believe that nationally we need to promote positive outcomes for people with a disability, best practice to assist in fully inclusive communities within Australia.

The results of this survey 'Survey of Community Attitudes toward People with Disability' – by Melbourne University on behalf of DHHS Victoria and the State Government, provide the first estimates of community attitudes to disability in Victoria. There is an awareness that harmful attitudes exist and that they limit social inclusion of people with disability. There is much work to be done to realise the vision of an Inclusive Victoria. Key areas for change and suggestions for future monitoring are highlighted below. Key areas for change

- The prevalence of neutral responses across this survey suggests that many Victorians are persuadable in their attitudes. Attitude-change efforts should aim to steer those sitting 'on the fence' in the more inclusive direction.
- Many participants felt that people are unsure how to act toward people with disability. § Victorians may need resources and training to help them interact with people with disability in appropriate ways—such as when and how to ask people with disability what supports they need (even if they are already comfortable asking).
- Participants thought that pity toward people with many different disability types was common. Disability advocates have suggested that pity is not a positive attitude, as it reinforces portrayals of disability as a tragedy. Alternative narratives should be promoted.
- The greater avoidance of people with psychosocial and intellectual disabilities may relate to stereotypes about them (e.g. that they are "crazy," incompetent or violent). Victorians may benefit from more balanced information about people with these disabilities.
- Exclusionary attitudes related to work and education should be targeted for improvement. § Messaging to the community should emphasize benefits: For example, including children with disability in mainstream education creates opportunities for all children to develop social-emotional skills.
- Greater inclusion of people with disability in schools and workplaces may help community members feel more comfortable around people with disability, navigate interactions more competently, and improve overall attitudes toward people with disability.

Question 4 - How do you think that clearly outlining what each government is responsible for could make it easier for people with disability to access the supports and services they need?

The clear outlining of each government's responsibilities will reduce to some degree the cost-shifting and strategic behaviour observed between the NDIS and State Governments⁴, which can cause months to years in delay for results for people with disability. Clarity will also cut back on the amount of confusion about who is responsible for what, AMIDA has seen in the disability sector with the roll out of the NDIS across Australia.

The senate report identifies:

3.9 "There is a chronic shortfall of well-located, affordable housing for people with disability with high and complex needs. The NDIS targets six per cent of people with disability with highly specialised housing needs under its Specialist Disability Accommodation program, but unless there is action on the other 94 per cent, then people with disability will continue to be stuck in hospital beds or entering aged care as young people. Additionally, where providers do wish to provide Specialised Disability Accommodation, there are barriers to accessing accreditation and funding.

AMIDA endorses the Australian Network for Universal Housing Design (ANUHD) submission which states:-

Strengthening accountability In this regard, ANUHD agrees that all levels of government (Commonwealth, state and territory and local governments) have a key role in driving change. ANUHD supports the proposal to enhance government accountability by:

- clearly describing the roles and responsibilities of government, including that of the NDIS
- measuring and reporting annually on outcomes
- collecting and disseminating relevant data to enable effective monitoring and reporting
- having a coordinated approach to the evaluation of policies and programs

⁴ Productivity Commission, Study Report, Review of the National Disability Agreement, January 2019.

Question 5 - How do you think the Strategy should represent the role that the non-government sector plays in improving outcomes for people with disability?

AMIDA again endorses the ANUHD position on this point where Governments should first lead by example in demonstrating improved attitudes to people with disability and providing legislation and incentives for others to do the same. Then community and business sectors will follow.

AMIDA also endorses the Senate report recommendation 5

(4.52) The committee recommends the development of best practice guidelines for detailed consultation with people with disability and their advocates under the National Disability Strategy 2010 - 2020.

Question 6 - What kind of information on the Strategy's progress should governments make available to the public and how often should this information be made available?

Again feedback from the UN

National implementation and monitoring (art. 33)

61. The Committee is concerned about:

- a) The lack of sufficient resources allocated to effectively implement the National Disability Strategy;
- b) The existing legal framework limiting the scope and power of the Australian Human Rights Commission to perform the task of effective and independent monitoring of the implementation of the Convention;
- c) The lack of effective monitoring under the NDS as an overarching policy framework;
- d) The lack of a formal mechanism and sustainable funding for full and effective participation of persons with disabilities through their representative organizations in all processes of implementation and monitoring of the Convention.

62. The Committee reiterates its previous recommendation (CRPD/C/AUS/CO/1, para 58) recommends that the State party:

- a) Ensure sufficient resources for effective implementation of the NDS;

- b) Revise existing laws or enact new laws, including a national comprehensive human rights law, which expand and strengthen the scope and power of the Australian Human Rights Commission to perform the task of independent monitoring of the implementation of the Convention, in line with article 33 (2) of the Convention and the Committee's general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention;
- c) Establish a formal monitoring mechanism under the NDS, including the Office of Disability Strategy as recommended by the Senate Standing Committee on Community Affairs in 2017, ensuring effective coordination between the federal and State level;
- d) Establish a formal mechanism and ensure sustainable and adequate funding for meaningful engagement of persons with disabilities and their representative organizations in the implementation and monitoring of the Convention.

AMIDA recommends annual reporting on measurable outcomes where there is an opportunity for self-advocates, advocacy organisations and stakeholders to provide feedback where there are gaps in service and areas requiring improvement.

Question 7 - What do you think of the proposal to have Targeted Action Plans that focus on making improvements in specific areas within a defined period of time (for example within one, two or three years)?

AMIDA supports Targeted Action Plans around public housing, inclusion of people with disability in the National Housing and Homelessness Agreement, Action Plans for local Councils based on regulatory framework.

Question 8 - How could the proposed Engagement Plan ensure people with disability and the disability community, are involved in the delivery and monitoring of the next Strategy?

AMIDA supports the idea of the responsibility for the NDS be placed with a specific office with close consultation with people with disability, self-advocates, advocates such as AMIDA and industry stakeholders. It is extremely important for people with disability to be the drivers of all things in their lives and all agencies and departments should employ people with a disability in roles that make decisions about legislation. People with a disability and their rights should underpin all things in this strategy.

ADDITIONAL COMMENTS

AMIDA has been actively involved in the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and gave evidence during at the public hearing on Group Homes in Dec 2019.

Recommendations from our evidence include:

Give people a way out of violent and abusive environments.

a) Much much, much more independent affordable accessible housing through both Public housing and SDA that is based on what we know about group homes, what people want when given an experience of the alternatives to group homes and not what developers, support providers and funding bodies want.

b) Give people independent support for exploring options and decision-making so they can learn about options and say what they want. People with disability needs to have an active say in their housing rights and their housing options the same as anyone else in the community,

c) Make it easy to get emergency extra funding from the NDIS when there is crisis and Exploring Housing Options Package funding is urgently needed.

d) The NDIS should pay for housing costs in an emergency but this can't be a substitute for long term appropriate housing growth. This is paramount. There is a need for provision of emergency housing to be available to someone in a group home who has experienced violence, abuse, discrimination and neglect which is disability specific with Universal Housing Design GOLD or PLATINUM level standards. (i.e enhanced requirements for the Core Capital Liveable housing design elements plus all remaining elements)

2. Give people the choice

a) Give people the choice of where they live and who they live with and the support they receive and who provides it. Given this choice, most people would not choose to share their entire lives in a group home.

b) Give residents more choice and control of Support Independent Living (SIL) providers so they have real choice about who works with them.

c) Many disabled people are finding they cannot secure accommodation and SIL even when there is a vacancy. Providers choose not to provide to some people. Choice is shifting to the provider rather than the service user. A high quality government provider of last resort for housing and support needs to be considered, as the States no longer see themselves as responsible for this.

d) Stop building group homes as they are not a model that is conducive to allowing quality or choice, and control for people in their lives. Stop clustering people with a disability in unit developments of up to 15 where

the support provider is locked in for all units with no individual choice of who provides support

3. Change NDIS SDA frameworks and policy

a) Change NDIS SDA frameworks and policy so that people are not forced to share Specialist Disability Accommodation in order to have needed housing and support. Change the regulations and attitude of the NDIA so that it is possible to support someone who wants or needs to live alone, with the supports they need, especially in remote areas

4. Allow the voice of disabled people to be heard

a) Increase funding for independent advocacy and allow advocates to provide people with a disability with information directly about advocacy so they can access it if needed and wanted.

b) Allow advocacy organisations like AMIDA who have developed training packages for residents to be properly resourced to provide training of residents about their rights and housing options

c) Provide funding for self-advocacy groups across Australia so that people are more empowered to live productive lives and choose their housing from all available options.

d) Make it mandatory for organisations who run or provide support in group homes to have a person or people with an intellectual disability, a brain injury or complex communication needs as a member of their management committee or group and allow these people to have access to Voice At The Table (VATT) training.

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