



# Action for More Independence & Dignity in Accommodation

1<sup>st</sup> Floor, Ross House, 247 Flinders Lane, Melbourne Vic 3000  
Phone: 9650 2722 Fax: 9654 8575  
Email: [amida@amida.org.au](mailto:amida@amida.org.au) Website: [www.amida.org.au](http://www.amida.org.au)  
Inc No: A001608SV ABN: 32 993 870 380

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

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## **Safe Places Emergency Accommodation Program (Inclusion Round)**

Action for More Independence and Dignity in Accommodation (AMIDA) supports people with disability as valued members of our community. AMIDA recognises that people with disability contribute to and develop our community.

AMIDA acknowledges that people with disability have a right to a choice of who they live with and where they live. Further, people with disability have a right to good quality housing which is accessible, affordable and non-institutional. People with disability have a right to live in the community with access to support to participate and have a good quality of life.

AMIDA is an independent advocacy organisation which advocates for good housing for people with disability. We provide advocacy to individuals and advocate for change in systems which prevent people from achieving good housing.

AMIDA agrees there is profound market failure in providing suitable and affordable housing for low-income and vulnerable cohorts in the community. In particular, for people with disability, accessible, safe, affordable and often single occupancy housing.

There appeared to be an assumption within the housing and disability communities that the NDIS Specialist Disability Accommodation (SDA) would house people with disability. This has proven to be true for only 6% of participants on the scheme. This has created a large service gap for people in the community with disability who were excluded from the NDIS or those who were receiving a package but not eligible for housing and at the same time a lot of state based funding for disability services had ceased. The already apparent lack of accessible housing stock in Australia became even more obvious.

The previous National Housing and Homelessness Agreement (NHHA) has not met its objective as is clearly shown by the housing crisis we are in now.

AMIDA notes the priority homelessness cohorts and homelessness priority policy reform areas of the NHHA do not include people with disability. This is a service gap which is widely known in the disability sector, the need for emergency, accessible, temporary and permanent housing for people with disability, who can at any time require homelessness services, particularly at times involving family or personal violence threats.

This has left whole families homeless and in need of new housing at a time when accessible and affordable housing is extremely limited and we have a general social housing wait list of around 80,000 just for Victoria alone. Most Community housing services have a particular number of properties and several which are temporary/emergency housing, (once they have long term tenants who apply to stay in the property in order to have modifications done to make the residence accessible, the housing provider lose that property from their books which often means they are unable to provide temporary/emergency support to many in need of housing).

AMIDA endorses the Everybody's Home budget position paper "A Plan to Fix Australia's Housing Crisis" which states "A recent calculation by the National Housing Finance Investment Corporation (NHVIC) identifies the need for an additional 890,000 social and

affordable homes over the next 20 years, requiring a building program of 45,000 homes per year.

AMIDA strongly supports the United Nations (UN) Convention on the Rights of Persons with a Disability (CRPD) and works to assert these rights and community inclusion for people with a disability. The following was given to Australia from the UN after the last reporting period. Australia needs to incorporate these recommendations into action in order to meet our obligations, having ratified the CRPD in 2008.

Concluding observations: UN Report on Australia's review of the CRPD, 24 Sep 2019.

### *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;
- c) 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.

*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.

The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities, the private sector and the media, using modern social communication strategies.

## **Questions:**

### **1. Are the proposed funding amounts of between \$500,000 and \$8 million per project appropriate for Inclusion Round grants?**

With the above paragraph in mind, it's unrealistic to expect that this amount will be enough when looking at the waitlists across Australia for accessible, affordable housing.

Any amount will help, it's certainly a beginning however investment into affordable and accessible housing has been neglected by previous governments for too long. AMIDA is also aware that in Victoria there are public housing properties are sitting vacant waiting for maintenance and repairs to be carried out. This is even worse in the community housing sector where funding is not readily available for maintenance or modifications. Especially for people with disability with access needs.

Crisis accommodation is so crucial to the safety of the population, people escaping domestic violence, whether they are male or female (traditional domestic violence service funding rarely, if ever take on male participants who are also victims of abuse and violence). AMIDA's casework shows evidence of this fact.

### **2. Should applications for mixed-use type proposals secure funding (e.g. loans, state funding, philanthropy) for the long-term housing aspects of their proposal prior to seeking Inclusion Round funding? No comment.**

### **3. Is the proposed milestone schedule the best model for delivering capital grants under the Inclusion Round? Page 7 of 13 No comment.**

### **4. Will Development Periods encourage community-based FDV service organisations to apply for funding? a. Is 6 months an appropriate timeframe for the Development Period?**

6 months appears to be a reasonable amount of time given the delays of planning permits and other unforeseen obstacles. It would depend on the kind of properties being proposed.

### **5. Are there other ways to support applicants to develop high quality proposals?**

AMIDA endorses the intention to consider the extent to which the application provides certainty that the emergency accommodation meets at least silver standard of the Livable

Housing Australia design guidelines in the National Construction Code. In particular projects that meet gold or platinum standards in order to accommodate women and children with disability, being considered favourably.

Alongside a significant proportion of Australian households include people with disability, with the aging population, people's needs change and accessibility is essential and makes good business sense to build a property rather than retrofit a building later which is costlier and can be wrought with issues.

**6. Are the proposed eligibility and assessment criteria appropriate and able to be demonstrated?**

It is extremely important that all eligibility and assessment criteria be flexible and innovative, without resulting in a new form of mini institutions. Also from the point of view of people escaping domestic violence, CALD and Indigenous communities, there needs to be an emphasis on culturally sensitive and intelligent providers of supports.

AMIDA agrees organisations and project partners must join or signify their intent to join the National Redress Scheme and be compliant with Workplace Gender Equality best practice. Services also should be right's-based, client-centred, trauma-informed, culturally appropriate and accessible, age appropriate and have gender expertise.

**7. Are there additional criteria that should be considered?**

There is also a failure of the system to adequately train staff members working with people in crisis or with disability and variety of different needs. This training preferably carried out by people with disability in order to be informed appropriately of different types of disabilities and the effects on people, with different communication needs and ways of comprehending information.

AMIDA further recommends applicants that follow the UN Convention on the Rights of Persons with Disabilities and other relevant international law and local Human Rights Charters be considered more favourably.

**8. What are the best measures to determine an applicant’s suitability to meet the needs of First Nations women and children?**

The absolute best measure is to ensure access is provided by a First Nations organisation with contacts within the proposed area of build. Ensuring First Nations community have a say in housing needed, to be provided. The housing needs to match the needs of the First Nations community.

**9. What are the best measures to determine an applicant’s suitability to meet the needs of women and children from CALD backgrounds?**

Consult with CALD background from various cultures and make sure their wishes are respected in service delivery. Ensure where CALD people are located matches up with services of the same culture (eg, a local mosque or school of the same background).

**10. What are the best measures to determine an applicant’s suitability to meet the needs of women and children with disability?**

Whether the applicant is consulting with people with disabilities on their boards and committees to properly grasp the requirement and co-design the housing types best suited to different communities in Victoria.

The applicant is informed by people with lived experience of disability and their families.

Whether the applicant is offering silver or better still, gold or platinum level accessibility as per the Livable Housing Australia design guidelines in the National Construction Code

For examples of organisations that capture the voice of people with disability, see reference – Voice at The Table (VATT) <http://voiceatthetable.com.au>

**11. What standard of the Livable Housing Australia design guidelines should emergency accommodation for First Nations women and children, women and children from a CALD background and women and children with disability meet?**

**12. Is the proposed designated use period of 15 years appropriate?**

With a view to review periodically to check for consistent best practice being carried out in service delivery.

**13. What is the best measure for determining an applicant's ability to support clients using the emergency accommodation over the designated use period?**

Feedback from previous service users if possible. Historical success stories. Other supporting evidence of professional and compassionate service delivery.

**14. Are the definitions for 'emergency accommodation', a 'safe place', and a 'specialist service' appropriate?**

These definitions appear to be adequate and considered.

**15. Are there alternative accommodation options that should be considered as eligible or not eligible for Inclusion Round funding?**

In AMIDA's experience often people of the same cohort grouped together in congregate living arrangements can be problematic. Also in AMIDA's experience, group homes have become mini-institutions and people's rights in their housing are seen as secondary to financial costs and considerations. We know it is less expensive to build group homes however the evidence against this type of setting is clear. AMIDA provided recommendations to the Royal Commission into Violence, Abuse, Neglect and Exploitation of people with disability and the group home housing model was recommended as unsafe to house people with vulnerability such as disability. Avoid where possible providing congregate living options with the funding.

Plan to build a lot more emergency housing that is accessible to high physical support needs across Australia. There is a definite enormous shortage of accessible housing, and waitlists for this type of housing are growing continuously. People with disabilities like others in the community can be made homeless at any time. Elderly and also people with temporary injuries can also fall into this category and are amongst those seeking safe, affordable and accessible housing options, at a moment's notice.

Providing accommodation that is scattered throughout the community can assist residents to feel more part of the fabric of the community and carries less stigma around the type of accommodation, if it is not identifiable as being funded by anyone other than the residents themselves.



## Case study from AMIDA's Casework – ACCESSIBILITY IN ACCOMMODATION

A relevant case study is a case AMIDA had been working on in 2019, a gentleman named Andy (not his real name) who sustained an injury to his leg while service in the Australian Defence Force, was housed in a rooming house. Since being housed his injuries worsened and he had a diagnosis of nerve damage in his foot where he was unable to weight bear. He relied on a wheelchair for mobility however his residence had 3 flights of stairs from the entrance, there was no lift and no other way of accessing his room other than the stairs. His room was too small to allow for a wheelchair turning circle and he instead used crutches. The crutches are problematic however due to his repeatedly knocking the injury and delaying healing. He had been hospitalized for surgery on his injuries and the hospital was hesitant to discharge him home to inaccessible housing. There was no alternative and since being discharged his injuries worsened. He had reported to AMIDA that he may have to have an amputation of his foot if the condition deteriorated further. He had attempted to lower the wheelchair down flights of stairs with a rope in order to exit the building. There was a high risk of falling, incurring further injury or death. AMIDA advocated on his behalf to the Office of Housing and the MP for Housing. This has resulted in his being prioritized for Transfer to an accessible property however there was a further delay in the transfer due to lack of accessible housing in Victoria. AMIDA advocated to the Premier of Victoria and was referred back to the Office of Housing.

AMIDA provided Andy with information about his right to make a complaint to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) and assisted Andy to lodge a complaint on his behalf. AMIDA advocate worked with VEOHRC staff to make known his position under the Equal Opportunity Act. AMIDA then advocated to senior policy staff of DFFH, referred through the MP for Housing. These staff made contact with Andy and a temporary offer of an accessible, one-bedroom house was made to Andy who accepted the offer and moved into the premises as soon as possible. He was also able to maintain his position on the Priority Transfer list to move closer to his family who live some distance away in Melbourne.

Legislation - UN Convention on the Rights of Persons with Disability- **Article 9: Accessibility, Article 28: Adequate standard of living and social protection**

Accessible Housing in Victoria and Australia.

The risk of serious injury or death.

The Australian Building Codes Board (ABCB) has mandated the National Construction Code to include Silver Level Accessible features in all new buildings both private and commercial from 2023. This is a result of consultation process and Regulatory Impact Statement made by the ABCB to which many organisations in Australia responded with the arguments for the benefits of accessible housing for people with temporary and permanent disability and those aging in place.