



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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AMIDA's response to the Australia's Disability Strategy consultation.

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 and advocate for change in systems which prevent people from achieving good housing. We also provide advocacy to people around the NDIS and we support self-advocacy groups across Victoria.

The purpose of the Strategy is to:

- *provide national leadership towards greater inclusion of people with disability*
- *guide activity across all areas of public policy to be inclusive and responsive to people with disability*
- *drive mainstream services and systems to improve outcomes for people with disability*
- *engage, inform and involve the whole community in achieving a more inclusive society.*

AMIDA finds the purpose of the new strategy to be in alignment with our values however, is very general and does not specifically look at all aspects of a person's life. The Strategy could set benchmarks that relate to a number of key aspects of people's lives. For example, accessible and

affordable housing and promoting the new National Construction Code (NCC) which is coming into effect in May 2023, could be built into the Strategy to ensure the outcome of this change is measured against benchmarks.

AMIDA is concerned driving mainstream services to improve outcomes hasn't worked in conjunction with the NDIS legislation and strategy which has caused a divide and service gaps for people with disability, particularly around housing.

AMIDA endorses the Australian Network for Universal Housing Design (ANUHD) position 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 advocates a renewed ADS with mechanisms for accountability which 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.

Recommendation: The ADS include specific Benchmarks related to key aspects of life in line with the UNCRPD and with a Plan for achieving these benchmarks and an implementation timetable. AMIDA further recommends annual reporting on measurable outcomes where there is an opportunity for disabled people, self-advocates, advocacy organisations and stakeholders to provide feedback where there are gaps in service and areas requiring improvement.

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 19: Living independently and being included in the community and Article 28: Adequate standard of living and social protection.

Bearing in mind the feedback to Australia in 2019 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.

Recommendation: The concerns and suggestions from the UN in 2019 must be addressed in this new strategy. If they are not, then the ADS is simply a hollow wish list with no hope of delivering desperately needed reforms.

Recommendation: 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.

Policy Priority 1:

Increase the availability of affordable housing

Previously 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.

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.

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 homeless, in poverty and in institutional settings such as Private boarding house or stuck in hospital beds and entering aged care as young people.

AMIDA repeats the urgent plea we have made on many occasions, over more than 2 decades, for an increase in social housing stock in Australia that is accessible and is affordable for people with disability. Specialist Disability Accommodation (SDA) via National Disability Insurance Scheme (NDIS) doesn't meet this demand and many disabled people are assessed as not eligible for SDA but are on long wait lists for social housing.

A huge investment in Social Housing is a necessity for the implementation of the upcoming National Disability Agreement and the ADS in order to fulfil Australia's obligations under the United Nations Convention on the Rights of Persons with Disability (UN CRPD).

Access to affordable, safe and long-term housing underpins a person's sense of home and their ability to participate in their communities. For people with disability to have choice about where to live and with whom, a range of housing options are required, including public and community housing, private rental and home-ownership.

Australia wide there is a massive shortage of accessible, affordable housing.

In the previous National Disability Strategy, the draft tend indicator for Economic Security 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 at all.

Recommendation: The ADS to include targets for needed increase in Accessible and Affordable Housing across Australia with a plan and timeline for meeting these targets to be monitored and recorded for ongoing accountability.

Recommendation: There is a need for a National Disability Housing Agreement as this area is desperate for coordination between the States, Commonwealth and the NDIA.

Policy Priority 2:

Housing is accessible and people with disability have choice and control about where they live, who they live with, and who comes into their home

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. We believe the ADS must address this area including;

1. 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 Livable 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 and the NDIS forces most people eligible for SDA to share housing and supports.

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 16 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.

Policy Priority 4:

The built and natural environment is accessible

Adopting universal design principles enables everyone, regardless of age or ability, to use buildings, transport, parks, and playgrounds without the need for specialised or adapted features. Buildings and outdoor spaces that are not accessible exclude people with disability from participation in work, education, and social and cultural life.ⁱ

AMIDA's case work has indicated an enormous shortage of accessible and affordable housing for people with disability in Australia. Often 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.

Accessible and well-designed housing supports independence and social and economic participation. Increasing the availability of accessible housing provides choices on where to live, who to live with, and enables people with disability to visit, socialise and connect with neighbours, family, and friends. Improved takeup of universal design principles will support people regardless of age or disability to live in their home through all stages of their lives.

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 4
- 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 2010 - 2020 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.

Recommendation: AMIDA endorses the ANUHD submission which in regard to Strengthening accountability states that all levels of government (Commonwealth, state and territory and local governments) have a key role in driving change. We support 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. 13**

AMIDA supports the new National Construction Code accessibility improvements. However, even if all new buildings, both private and commercial are built to silver or gold standard accessibility from May 2023, with the introduction of the new NCC, there will still remain people with disability who require modifications over and above the silver and gold changes.

In some cases, people who have been able to gain secure housing in the Community Housing sector have then found the Community Housing provider will not pay for needed modifications. An NDIS package can potentially fund modification but accessibility to the NDIS is difficult to gain and even with access, funding for modifications is a battle to achieve. This often means no funding is available at all for disability modifications in Community Housing.

State managed, Public Housing fully funds disability modifications. AMIDA suggests that Community Housing tenants will continue to suffer less favorable conditions regarding disability modifications.

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. Up until now people with disability have been left out of the cohorts receiving specialist housing support. Given the NDIS only offers a fraction of SDA to NDIS participants, approximately 6%, the gap of 94% is not being catered for. We have heard statistics showing the NDIS only provides for 10% of people with disability in Australia. Another enormous service gap remains for the 90% not receiving any supports for their disability needs in housing.

Recommendation: Community Housing has not matched public housing in regard to the needs of disabled people and should not be the preferred funding model. Public housing should be the

priority with any new Housing Agreements and appropriate targets be set to fill the gap as soon as possible.

Policy Priority 6:

Information and communication systems are accessible, reliable and responsive

Being able to access information and communicate is vitally important in all aspects of life. It is central to people's safety and health, to involvement in their communities, employment and education, and to using transport, banking and shopping. Provision of communication in accessible formats (e.g. Braille, Auslan, Easy Read formats) can have a positive impact on the health of and opportunities for people with disability. With technology becoming a key means to participation across all elements of individual and community life, it is important that technology is inclusive of all Australians.ⁱⁱ

Governments should first lead by example in demonstrating improved information access and attitudes to people with disability and providing legislation and incentives for others to do the same. Then community and business sectors will follow.

Recommendation: All documents produced by government for the public need to be accessible. This means they must be in all current types of accessible formats as a benchmark. The range of accessible formats needed must be reviewable over time as new technologies emerge. Unless all accessible formats are provided, documents produced will not be accessible to everyone, (exclusive practice).

Training and support on how to make information accessible should be provided or funded by the government to enable non-government sectors to build capacity in this area.

Safety, Rights and Justice

Outcome: The rights of people with disability are promoted, upheld and protected, and people with disability feel safe and enjoy equality before the law

People with disability are experts in their own lives and have the same rights as people without disability. Community acceptance of these rights and experiences will maximise individual power

and autonomy, and support economic participation, social inclusion, safety and equality.

Australia's Disability Discrimination Act 1992 (DDA) makes discrimination on the basis of disability unlawful in areas including employment, education, and access to premises, goods, services and facilities. Disability advocacy can enable and support people with disability in ways which protect and uphold their rights. Despite this, rights protection, safety and discrimination of people with disability continue to be areas requiring improvement.ⁱⁱⁱ

Recommendation: AMIDA endorses the above mentioned outcomes listed in this paper and would like to see benchmarks, accountability and evaluation incorporated into the policy and strategy.

Policy Priority 1:

People with disability are safe and feel safe from violence, abuse, neglect and exploitation

People with disability are more likely to experience violence, abuse, neglect and exploitation, and fare worse in institutional contexts such as group homes and boarding houses where violence may be more common. People with disability are also more likely to be victims of crime.

AMIDA's casework shows evidently in particular people with disability are more vulnerable to violence, abuse, neglect and exploitation in congregate living arrangements.

Rather than building large high density towers of public housing which are a hazard in a situation such as a pandemic, build scattered public housing that is of good quality and cannot easily be distinguished between homes owned by individuals and those renting through social housing. This also addressed the social stigma associated with the label of public housing occupants. There needs to be 'spot purchase housing' (which was done years ago by Office of Housing) to ensure that people have choice about where they live, people with a disability should be able to continue to live in their local neighborhood's where they have support networks and they are familiar.

Again funding for more affordable and accessible housing stock to address the high number of households on the public housing waiting list and the amount of years that people have been forced to wait for

appropriate housing. The Big Housing Build will only reduce the waiting list a little, as there are currently approximately 80,000 Victorian people waiting for housing, transfer, emergency and transitional housing, while \$5.3 billion is a wonderful investment, previous governments have not seen the need to maintain existing stock or build new affordable, accessible housing. The investment being made by the Victorian State Government in the Big Housing Build needs to be repeated every year for 10 years if the current need is to be met let alone future need.

Recommendation: AMIDA additionally recommends disability specific training to the social housing sector, staffed by people with disability. Annual funding must be provided for this training as an extra budget for the government and community housing sector.

Policy Priority 4:

The rights of people with disability are promoted, upheld and protected

Promoting awareness and respect for the rights of people with disability, and building on Australia's rights-focused legislative protections for people with disability, will help to systematically uphold and safeguard these rights. It will also help realise Australia's commitments under the UN CRPD. The Australian Human Rights Commission, and state and territory human rights/anti-discrimination bodies play an important role in promoting and protecting these rights, including helping individuals and organisations understand and meet their legal responsibilities.

Disability advocacy also supports people with disability to safeguard their rights, experience equality and overcome barriers that can affect their ability to participate in the community. The demand for advocacy is not matched by the supply of government funding.

Recommendation: Adequate funding for Advocacy to be a benchmark of the ADS

All people with disability should be part of decision making at government level with true and focused **Co-Design**. Representatives from different disability groups to be making decisions in all aspects of their lives, not just housing. With regard to housing we need to look at flexible and different options that suit people with disability as each person with

disability has different needs in their lives and this needs to be represented in all decision making bodies.

Evidence from AMIDA's case work has demonstrated that true Co-Design is not generally well understood or part of decision making. This is evidenced by so many service providers and their staff having little or no training by people with disability about how to best service and show respect for people with disability. Often documents about policy and practice are not available in accessible formats. The assumption often made is that everybody has the ability to navigate technology and in actual fact this is often another barrier for people with disability in lots of areas of their lives.

Recommendation: Governments should look to genuinely listen to and be led by the experience of disabled people in the design of policy and services and incorporate the suggestions of disabled people so these policies and services are inclusive and effective. This should be a benchmark of the ADS.

Roles and Responsibilities

Australian, state, territory and local governments, along with businesses, the community and the non-government sector all play a role in supporting people with disability to enjoy their human rights on an equal basis with others.

Clarifying these roles, especially with regards to the responsibilities of governments, supports the involvement of all parties in designing and implementing inclusive policies and programs for people with disability.

The Strategy recognises that all levels of government continue to play a role in providing mainstream and targeted services, supports and infrastructure systems to people with disability. Governments have obligations to provide services to all citizens and are responsible for making reasonable adjustments to accommodate people with disability so they can access and use those systems and services.

It is a responsibility of government to promote best practice with regard to community attitudes and also speak in positive ways about people with disability and the NDIS. There has been delays and setbacks in social development due to a lack leadership which promotes positive attitudes in all aspects of people's lives.

Segregation is still prevalent across Australia and people with disability need to be included in all aspects rather than left outside inclusive options.

The Productivity Commission Report, Review of the National Disability Agreement 2019, found "Unclear service boundaries also open the door for strategic behavior as the Australian, State and Territory Governments each have an incentive to use uncertainty about who should be doing what to cost – shift from mainstream services to the NDIS and vice – versa."

Recommendation: We believe that nationally there is a need to promote positive outcomes for people with a disability, best practice to assist in fully inclusive communities within Australia. This will require all levels of government to cooperate and agree to targets and actions they are responsible, for so that benchmarks can be met. There is a shared responsibility and there must be a shared commitment and clarity of purpose.