



Submission to Department of Social Services re: National Housing and Homelessness Plan

20 October 2023

Introduction

Inclusion Australia is the national Disability Representative Organisation representing the rights and interests of Australians with an intellectual disability and their families. Founded in 1954, our mission is to work to make sure people with an intellectual disability have the same opportunities as people without disability. Inclusion Australia's strength comes from our state members who use their combined experience and expertise to promote the inclusion of people with an intellectual disability.

Our state members are:

- Developmental Disability Western Australia (DDWA) – Western Australia
- NSW Council for Intellectual Disability (CID) – New South Wales
- Parent to Parent (P2P) – Queensland
- South Australian Council on Intellectual Disability (SACID) – South Australia
- Speak Out Advocacy – Tasmania
- Victorian Advocacy League for Individuals with Disability (VALID) – Victoria.

Since September 2021 we have had a Northern Territory team based in Darwin. Our work in the Northern Territory is informed by a Local Steering Group that includes representatives from advocacy and other territory-based organisations.

Access to safe, accessible and affordable housing is a significant issue for our community. People with an intellectual disability face entrenched attitudinal, economic, and social barriers to accessing safe and affordable housing. As a result, people with an intellectual disability largely do not have any choice about their housing options, including where and with whom they live.

Currently, Australia is not meeting its international obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), particularly in relation to Article 19—Living independently and being included in the community.¹

¹ <https://disability.royalcommission.gov.au/publications/united-nations-convention-rights-persons-disabilities-assessment-australias-level-compliance>

People with an intellectual disability across Australia often:

- Do not have genuine choice about where they live and who they live with on an equal basis with others
- Experience an increased risk of housing insecurity and homelessness
- Experience discrimination when trying to access the private housing market
- Are shut out from affordable and social housing options
- Disproportionately experience segregated and congregated living environments.

For far too many people with an intellectual disability, the limited choices around housing further encourage exclusion and reinforce group living models where choice and control is even further removed.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission), as well as the NDIS Quality and Safeguards Commission, have heard many stories of abuse, violence, neglect and exploitation in such settings.² Further, as the Disability Royal Commission's recently released final report has unequivocally shown, those segregated and congregate living environments are overwhelmingly associated with poorer outcomes, including violence and a range of other severe breaches of human rights.³

We strongly urge the Department to implement the recommendations and feedback in this submission to ensure the Plan is inclusive of people with an intellectual disability and provides a better guarantee that Australia meets its international human rights obligations under the UNCRPD. We believe our recommendations also relate to and will have positive impacts for the many groups identified in the report as experiencing increased housing insecurity and homelessness, given the intersecting barriers many of those cohorts experience.

² For example:

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2020). Report—Public hearing 3—The experience of living in a group home for people with disability. Retrieved from:

<https://disability.royalcommission.gov.au/publications/report-public-hearing-3-experience-living-group-home-people-disability>

NDIS Quality and Safeguards Commission (2021). Own Motion Inquiry into Aspects of Supported Accommodation in the NDIS. Retrieved from: <https://www.ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-and-reviews/own-motion-inquiry-aspects>

³ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023). Final Report—Volume 7, Inclusive education, employment and housing. Retrieved from:

<https://disability.royalcommission.gov.au/publications/final-report-volume-7-inclusive-education-employment-and-housing>

Recommendations and feedback

1. Ensure the Plan reflects and sets a mandate to fulfill Australia’s obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), particularly Article 12, in relation to supported decision-making, and Article 19, in relation to the right to access housing on an equal basis with others.

Article 19 of the UNCRPD stipulates that all State Parties must ensure:

‘The equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

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.’⁴

Article 12 of the UNCRPD guarantees every person’s right to legal capacity—to make one’s own decisions and have those decisions legally recognised—and specifically requires governments to provide people with an intellectual disability the supports they may need to exercise legal capacity, i.e., **Supported decision-making**.

To actualise Article 12 of the UNCRPD, the Plan must also contain a significant investment in sustainably funded supports to ensure people have access to supported decision making when navigating the housing system.

As we have argued in previous submissions,⁵ a significant investment in targeted programs which increase the understanding and skills of decision makers and their

⁴ Article 19 – Living independently and being included in the community. *United Nations Convention on the Rights of People with Disabilities*. Retrieved from: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-19-living-independently-and-being-included-in-the-community.html>

⁵ Inclusion Australia. (2021). Submission to the NDIA on Support for Decision Making. Retrieved from: <https://www.inclusionaustralia.org.au/submission/submission-to-the-ndia-on-support-for-decision-making/>

trusted, informal supporters is paramount to meeting Australia’s international human rights obligations.

- 2. Ensure the Plan is meaningfully connected with the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) and, when the federal government’s response is released, ensure the Plan sets a mandate to implement the actions related to inclusive housing.**

The Disability Royal Commission has now released its final report, with a suite of recommendations related to inclusive housing,⁶ two of which specifically apply to the Plan:

- **Recommendation 7.33: Prioritise people with disability in key national housing and homelessness approaches**
- **Recommendation 7.40: Address homelessness for people with disability in the National Housing and Homelessness Plan.** This recommendation also gives specific emphasis to people with an intellectual disability who should be identified “as a discrete cohort ... for intensive homelessness support, recognising their needs, circumstances and diversity”.

The following recommendations are also particularly relevant to the Plan and should be included in its design and outcomes.

- Recommendation 7.35: Increase the availability and supply of accessible and adaptive housing for people with disability through the National Construction Code
- Recommendation 7.36: Improve social housing operational policy and processes
- Recommendation 7.37: Increase tenancy and occupancy protections for people with disability

Inclusion Australia (2023). Submission to the Disability Royal Commission on Guardianship and Substituted Decision Making. Retrieved from: <https://www.inclusionaustralia.org.au/submission/submission-to-the-disability-royal-commission-on-guardianship-and-substituted-decision-making/>

⁶ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023). Final Report—Volume 7, Inclusive education, employment and housing. Retrieved from: <https://disability.royalcommission.gov.au/publications/final-report-volume-7-inclusive-education-employment-and-housing>

- Recommendation 7.42: Improve access to alternative housing options through a proactive market enablement strategy.⁷

It is imperative the Plan is meaningfully connected and responsive to these recommendations, and once the federal government has released its response and its intended actions are known, the Plan should ensure it sets a mandate to implement those actions in a targeted and ambitious way.

3. New funding must be allocated to the Plan, as well as a range of specific targets.

It is not clear from our reading of the Issues Paper that there is new funding allocated to the Plan. We are concerned that the current \$1.6 billion provided per annum to the states under the National Housing and Homelessness Agreement (NHHA) is not sufficient, and there needs to be much more ambitious, new funding allocations to ensure the Plan is effective.

Specific, ambitious targets must also be put forward in the Plan. We support [ACOSS' submission to the Inquiry into the worsening rental crisis](#), which outlines specific measures and targets that must also be included in the forthcoming Plan, including:

- Ongoing, substantial investment in social housing to deliver a minimum of 25,000 additional social housing dwellings per annum with a longer-term target of 10% of housing stock being social or affordable
- Boosting and indexing Rent Assistance payments to reflect actual rents paid, and substantially increasing income support payments and indexing to wage movements as well as price movements (ACOSS reference Jobseeker and Youth Allowance specifically, and to this we would vehemently add the Disability Support Pension (DSP))
- Setting national minimum standards to improve security and conditions for tenants (including energy efficiency) and constrain rent increases
- Developing a new First Nations national housing strategy and intergovernmental remote housing funding agreement

⁷ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023). *Inclusive education, employment and housing: Summary and recommendations*. Pp 36-46. Retrieved from: <https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%207%2C%20Inclusive%20education%2C%20employment%20and%20housing%20-%20Summary%20and%20recommendations.pdf>

- Property tax reform, to reduce speculative investment and redirect incentives to encourage growth in social and affordable housing supply.⁸

Additionally, as we discuss in Recommendation 1 above, funding should also be committed to an investment in a range of sustainably funded supports to ensure people have access to supported decision making when navigating the housing system. This should be implemented in conjunction with the NDIS supported decision-making policy.⁹

4. The Plan must strongly align with and commit to the policy priorities of *Australia's Disability Strategy 2021-2023*, plus the National Disability Data Asset (NDDA) and recommendations arising from the forthcoming NDIS Review report.

We are concerned that the Issues Paper does not connect in any meaningful way with existing and forthcoming policy advancements in the disability sector. To ensure the Plan is effective, it must meaningfully and collaboratively intersect with and build on the work of other relevant national Plans and Strategies, including but not limited to those listed above.

The Issues Paper mentions ways in which the specific housing needs of people with disability are covered in *Australia's Disability Strategy 2021-2023*, and notes that the plan will consider the policy priorities highlighted within it.

However, we do not believe this goes far enough in providing a guarantee that these important policy landscapes will be mutually aligned and effective.

The Issues Paper mentions the lack of data on the experiences of people with disability in the housing market. That lack is even more acute for people with an intellectual disability. While there is an abundance of anecdotal evidence to suggest that people with an intellectual disability disproportionately experience housing insecurity, homelessness, segregated living environments, discrimination in the housing market, and a lack of genuine choice about housing options, there is a paucity of quantitative and qualitative data to substantiate those experiences, and to shape policy and service design effectively.

The National Disability Data Asset (NDDA) is one development that aims to provide a more complete picture of how people with disability (including people with an intellectual disability) experience many aspects of our society, including housing. As such, it is imperative that the Plan links to the development of the NDDA and has a function to respond iteratively to housing data as it is developed and released.

⁸ ACOSS (2023). Inquiry into the worsening rental crisis in Australia. Retrieved from: <https://www.acoss.org.au/wp-content/uploads/2023/09/Submission-to-Inquiry-on-rental-crisis-September-2023.pdf>

⁹ NDIS (2023). Supported decision making policy. Retrieved from: <https://www.ndis.gov.au/about-us/policies/supported-decision-making-policy>

It is also imperative that the Plan is responsive to the outcomes of the NDIS Review, in which issues surrounding inclusive housing will feature strongly.

5. The Plan must recognise and provide a guarantee that people with disability will have genuine choice and control over where they live and who they live with, including by increasing access to high quality, accessible social housing.

In line with Article 19 of the UNCRPD, the Plan must include actions to remove the many barriers that stop people with an intellectual disability from exercising genuine choice and control over where they live and who they live with, including:

- Lack of genuine choice and limited or no access to supported decision-making
- Cultural assumptions and stigma
- Lack of accessible and affordable housing options to choose from
- A service system that still leans towards congregate settings
- ‘Service capture’ with the same provider responsible for their day-to-day support and their housing. This often results in conflicts of interest and limited access to independent advocacy or other help to make complaints or report violence or neglect
- Some disability supports only being approved for congregated settings like group homes.

We strongly urge the Department to ensure the Plan enables people with an intellectual disability choice about where they live and who they live by committing to:

- Providing funding to independent advocacy organisations to provide independent information and supported decision-making resources to ensure people can make informed choices about where they live and who they live with
- Increasing access to high quality, accessible social housing (noting Recommendation 2 above) and, as above, ensuring that people with an intellectual disability have access to supported decision-making resources to enable them to make informed choices about accessing social housing options
- Ensuring that formal decision support and support coordination is available independent of disability and/or housing service providers.

6. The Plan must recognise and commit specific actions to ameliorate cost of living pressures that exacerbate housing insecurity, limit choice and control, and put people with an intellectual disability at increased risk of homelessness, as well as violence, abuse, neglect and exploitation.

In line with Article 19 of the UNCRPD, the Plan must recognise the structural barriers and intersectional issues which contribute to people with an intellectual disability being denied access to safe, affordable and accessible housing on equal basis with others (including having genuine choice around housing options) and being at increased risk of housing insecurity and homelessness.

Australians with disability face higher cost of living pressures than people without disability, are more likely to have a lower level of personal income¹⁰ and experience higher rates of poverty.¹¹ The National Centre for Social and Economic Modelling (NATSEM) has estimated the extra costs of living for households with a member with disability compared with households with similar characteristics but with no member with disability.¹² They found that:

- Households with an adult with profound or severe disability need an extra \$173 per week on average over and above their 2015-16 net income
- Households with an adult with mild or moderate disability need an extra \$87 per week on average.

In many ways, people with an intellectual disability experience cost of living pressures even more acutely due to a range of systemic issues that mean people with an intellectual disability are forced to rely on inadequate government payments.

In 2022, the Australian Institute of Health and Welfare (AIHW) reported that while people with disability are as likely as people without disability to have an income, that income is far more likely to come primarily from a government payment than from salary or wages.¹³

¹⁰ Australian Institute of Health and Welfare. (2022). *People with disability in Australia*. Retrieved from <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia>

¹¹ According to a report published by UNSW and the Australian Council of Social Service, 1 in 6 people with disability were living in poverty, compared with just 1 in 10 Australians without disability. See: Davidson, P., Saunders, P., Bradbury, B. and Wong, M. (2018), [Poverty in Australia 2018](#). ACOSS/UNSW Poverty and Inequality Partnership Report No. 2, Sydney: ACOSS.

¹² Li, J., Brown, L., La. H.N., Miranti, R., and Vidyattama, Y. (2019). *Inequalities in Standards of Living: Evidence for Improved Income Support for People with Disability*. NATSEM, Institute for Governance and Policy Analysis, University of Canberra. Report commissioned by the Australia Federation of Disability Organisations. September 2019.

¹³ 43% or 780,000 people with disability aged 15-64 receive an income that comes primarily from government support rather than from salary or wages, compared with 7.9% or 999,000 people without disability. See: Australian Institute of Health and Welfare. (2022). *People with disability in Australia*. Retrieved from <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia>

Among people with disability, **people with an intellectual disability are among the least likely to receive an income from a wage or salary through employment**: the main source of income for 72% of people with an intellectual disability is a government pension or allowance.

The reasons for this are multifactorial, but chief among them is that people with an intellectual disability are systematically shut out from obtaining and sustaining equitable employment and are therefore forced to rely on government payments to support their livelihoods. This is a major barrier to accessing the housing market and having genuine choices about housing in the same way as the rest of our community.

While employment is clearly beyond the remit of the National Housing and Homelessness Plan, we believe that the lack of employment opportunities for real wages on an equal basis with others is interlinked with the barriers to safe and affordable housing. We have consulted and reported widely on this issue, and would recommend the below submissions for more detail and to view our recommendations:

- [What Works: Making Disability Employment Services \(DES\) work for people with an intellectual disability, December 2021](#)
- [DES Reform Submission, February 2022](#)

We strongly encourage the Department to ensure the Plan recognises these wider structural inequities that are the context for the housing and homelessness experiences of people with an intellectual disability. We also urge the Department to design outcomes that meaningfully connect with future policy changes in the areas of supported and open employment.

7. The Plan must commit to raising the Disability Support Pension (DSP) and recognise the need to expand employment options for people with an intellectual disability (and aligning with relevant policy changes in this context).

The most common government payment for people with an intellectual disability is the Disability Support Pension (DSP).¹⁴ The AIHW reports that 71% of people with an intellectual disability receive the DSP. Many people with an intellectual disability rely on the DSP throughout their adult lives, but there are significant issues in the DSP system that negatively impact people's lives and contribute significantly to cost of living pressures.

¹⁴ The DSP provides an income for single people with disability of \$936.80 per fortnight, with an additional pension supplement (\$75.60) and energy supplement (\$14.10) per fortnight. Department of Social Services (February 2023). *Social Security Guide*. Version 1.303. Retrieved from www.guides.dss.gov.au/social-security-guide/3/6/2/50

People with an intellectual disability report that the DSP doesn't cover the basics, such as a place to live and food on the table, let alone the additional expenses related to living with disability. In addition, any wages that people with an intellectual disability earn from employment can impact on the amount they receive from the DSP.¹⁵

This means that many people with an intellectual disability live close to the poverty line. The latest Henderson's measure¹⁶ shows that the poverty line is \$414.98 per week (excluding housing costs) for a single person. The DSP is \$468 per week.

For people with an intellectual disability—a lifelong, permanent condition—eligibility requirements to get the DSP are unnecessarily repetitive, difficult, and costly. The DSP is complex and inaccessible, and it can be emotionally stressful to navigate for people with an intellectual disability. Most depend on families or other supports to help them. Time and again, families tell us they are overburdened with the significant administrative workload these systems cause.

In its current form, the DSP discriminates against and disadvantages people who are unable to navigate the system, and presents a major disincentive to finding employment for fear of losing the DSP.

In 2021, the Senate Community Affairs Committee held an inquiry into the DSP. The Final Report was issued in February 2022 and made the following recommendations:

- The Australian Government considers reforming the income test for recipients of the DSP to better support individuals facing structural barriers to participating in the workforce, and to better recognise the fluctuating nature of a person's ability to participate in paid employment due to their impairment.
- Raise the income thresholds at which the DSP payment is reduced, and lower the rate which it is reduced once this threshold is reached.

Such improvements to the DSP—as well as those we have recommended elsewhere¹⁷—would go some way in removing the barriers people with intellectual disability face when trying to access a range of housing options on an equal basis with others.

¹⁵ When people with an intellectual disability who receive the DSP earn an income, the amount of DSP they receive changes. For income over the \$190 per fortnight threshold, the DSP is reduced by 50c for each dollar earned, known as the taper rate. If a person who receives the DSP earns over \$2,243.00 per fortnight, they will receive no DSP income for that fortnight. Both the threshold and the taper rate act as a significant disincentive to work. Services Australia (January 2023). *Income test for pensions*. Retrieved from: www.servicesaustralia.gov.au/income-test-for-pensions?context=22276

¹⁶ Melbourne Institute for Applied Economic and Social Research (2022). *Poverty Lines: Australia*. Retrieved from: Poverty-Lines-Australia-June-2022.pdf (unimelb.edu.au)

¹⁷ Inclusion Australia. (2022). *DES Reform Submission*. https://www.inclusionaustralia.org.au/wp-content/uploads/2022/03/Our-Submissions_2022_02_Submission-on-Disability-Employment-System-Reform.pdf