



**NATIONAL ETHNIC  
DISABILITY ALLIANCE**



# Submission

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Department of Social Services (DSS)

Submission in response to the Department of Social Service's August 2023 'Developing the National Housing and Homelessness Plan Issues Paper'.

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October 2023

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Written by:

[Redacted]  
[Redacted]  
[Redacted]

Contributors:

[Redacted]  
[Redacted]

Contact for this Submission:

[Redacted]  
[Redacted]  
[Redacted]

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## About us

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The National Ethnic Disability Alliance (NEDA) is a national Disabled People's Organisation (DPOs) governed by and constituted of Culturally and Linguistically Diverse (CaLD) people with disability<sup>1</sup>. The key purpose of NEDA is to promote, protect and advance the human rights and freedoms of all people with disability from CaLD, migrant, refugee, and asylum seeker backgrounds.

NEDA's membership is made up of CaLD people with disability; our state/territory member organisations are either CaLD DPOs, CaLD disability advocacy organisations or community-led disability advocacy organisations with a demonstrated history of working in partnership with CaLD people with disability and their communities.<sup>2</sup>

NEDA is a founding member of Disabled People's Organisations Australia (DPO Australia), an alliance of four national DPOs. NEDA/DPO Australia receives systemic advocacy funding from the Department of Social Services as a Disability Representative Organisation.

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<sup>1</sup> Information pertaining to NEDA's Governance/Board can be found here: <http://www.neda.org.au/about-us/council-board>

<sup>2</sup> For more information about NEDA's membership visit: <https://neda.org.au/membership-organisations/>

## Introduction

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The current housing crisis is closely linked to rising socioeconomic inequality, lack of affordable and accessible housing, systemic gaps and a skewed perspective on housing. In existing government plans, agreements and strategies, housing is perceived merely as a target rather than a fundamental rights obligation that should apply at all government levels when addressing this crisis. To ensure the success of the National Housing and Homelessness Plan (the Plan), and generate positive outcomes, it is crucial that the right to adequate housing is upheld and implemented without any qualifiers, in an effective manner.

The United Nations Committee on Economic, Social and Cultural Rights has stressed that the right to adequate housing should be broadly understood and interpreted in relation to a person's inherent dignity<sup>3</sup>. Nevertheless, the existing policies and programs within the housing system present significant barriers for people with disability from Culturally and Linguistically Diverse backgrounds. They often, fail to acknowledge and recognise intersectional experiences, leaving people with disability from CaLD backgrounds falling through the cracks of the housing system without suitable options that cater to their needs and contribute to their well-being.

NEDA welcomes the Australian Government's commitment to developing a National Housing and Homelessness Plan (the Plan). Having a shared national vision that unites all parties is quintessential to achieving better housing and homelessness outcomes across the country. In this submission, NEDA aims to shed light on a rights-based approach and the barriers faced by people with disability from CaLD backgrounds in accessing homelessness services and social housing. Additionally, it will provide key information on the experiences of homelessness among CaLD people with disability and offer recommendations to enhance housing outcomes for this population.

In this document, 'Adequate housing' refers to housing meeting minimum criteria encompassing security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy<sup>4</sup>.

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<sup>3</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions*, 20 May 1997, E/1998/22, available at: <https://www.escr-net.org/resources/general-comment-7> [accessed 18 October 2023]

<sup>4</sup> UN Office of the High Commissioner for Human Rights (OHCHR), *Fact Sheet No. 21, The Human Right to Adequate Housing*, November 2009, Fact Sheet No. 21/Rev.1, p 3-4, available at: <https://www.refworld.org/docid/479477400.html> [accessed 18 October 2023]

## Recommendations

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### Human Rights-Based Approach

- **Recommendation 1:** The Plan should adopt a human rights-based approach, incorporating a set of guiding principles that uphold international obligations related to the right to adequate housing.
- **Recommendation 2:** Recognise that the right to adequate housing in the Plan includes security of tenure, affordability, availability of services, accessibility, appropriate location and cultural adequacy.
- **Recommendation 3:** Ensure meaningful participation of people with disability from CaLD backgrounds in all stages of the Plan, including design, implementation and monitoring of housing policies, program designs and decisions that affect them.

### People with Disability as a Priority Group

- **Recommendation 4:** Include people with disability as a priority group and recognise intersectional experiences in the National Housing and Homelessness Plan

### Homelessness and Homelessness Service

- **Recommendation 5:** Ensure equitable treatment of people with disability from CaLD backgrounds within housing policies, programs and homelessness services without any qualifying criteria in the Plan, so they can access adequate housing on an equal basis with others.
- **Recommendation 6:** Incorporate equity frameworks tailored to CaLD communities within the Plan's Targeted Action Plans to actively address and eliminate barriers faced by CaLD people with disability when trying to access adequate housing. Furthermore, establish mechanisms to monitor social impact measures and progress.
- **Recommendation 7:** Adopt the 'Housing First' approach recommended by the DRC in addressing housing and homelessness issues.
- **Recommendation 8:** Provide adequate resourcing for homelessness services and support services to address current backlogs, secure long-term housing options, and provide integrated support systems to people with disability.
- **Recommendation 9:** Prioritise simplifying access to homelessness services, increasing service coordination and streamlining processes to facilitate easier navigation of the homelessness system.
- **Recommendation 10:** Ensure that services and the National Disability Insurance Agency (NDIA) take responsibility for developing, ensuring and implementing a full exit plan for people with disability when they leave that service or agency.

### Social Housing

- **Recommendation 11:** Increase investment in adequate social housing to address supply-demand gaps and enhance private market safeguards. Implement rigorous monitoring and reporting for accountability.

- **Recommendation 12:** Ensure new social housing is located in preferred areas with great access to essential services, transportation, and cultural adequacy.
- **Recommendation 13:** Ensure unconditional access to adequate social housing for people with disability from CaLD background, promoting choice.
- **Recommendation 14:** Implement a 'choice-based letting' model to support people with disability in selecting housing that meets their needs and preferences, promoting autonomy and inclusion.
- **Recommendation 15:** Implement DRC recommendation 7.34 by moving away from the 'supported accommodation' model and promoting autonomy, flexibility and choice in housing for people with disability from CaLD background.
- **Recommendation 16:** Stipulate the responsibilities of federal agencies like the NDIA and social housing providers regarding adequate home modifications.
- **Recommendation 17:** Provide adequate funding for independent legal advice and advocacy services to access adequate social housing and prevent homelessness among people with disability from CaLD background.
- **Recommendation 18:** Enforce ABCB Liveable Housing Design Standard for all renovations and new social and community housing (DRC recommendation 7.35).
- **Recommendation 19:** Enhance tenancy protections for people with disability, establish minimum service standards in various housing types, and fund legal and advocacy services to prevent homelessness (DRC recommendations 7.37 and 7.38)
- **Recommendation 20:** Implement a support system like the rental and home support navigator to guide individuals through the housing system, emphasising services being trauma-informed, culturally safe and collaborating with multicultural organisations.
- **Recommendation 21:** Use the Washington Group Methodology on Disability Statistics to collect and analyse disaggregated data on housing and homelessness.

## Human Rights-based Approach

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**Recommendation 1:** The Plan should adopt a human rights-based approach, incorporating a set of guiding principles that uphold international obligations related to the right to adequate housing.

**Recommendation 2:** Recognise that the right to adequate housing in the Plan includes security of tenure, affordability, availability of services, accessibility, appropriate location and cultural adequacy.

**Recommendation 3:** Ensure meaningful participation of people with disability from CaLD backgrounds in all stages of the Plan, including design, implementation and monitoring of housing policies, program designs and decisions that affect them.

NEDA supports the objectives and scope outlined in the issues paper and recognises the extensive range of housing and homelessness-related policies that the Plan intends to address. We emphasise that adequate housing does not only have significant benefits as outlined in the issues paper, but it also represents an intrinsic human right that ensures safe, secure, and accessible housing for people with disability from CaLD backgrounds. Consequently, the Plan should adopt a rights-based approach and incorporate guiding principles to fully protect the right to adequate housing during its development, implementation, and monitoring.

The right to adequate housing is not merely a commitment to have housing initiatives but an important socioeconomic policy promoting human rights value, dignity and access to justice<sup>5</sup>. For people with disability from CaLD backgrounds, it means having the choice of where and with whom they live, ensuring access to adequate and accessible housing, participating in their community and deciding who can enter their homes. The right to adequate housing should be broadly interpreted, recognising its interdependence with other fundamental human rights that are central to leading a life of respect, equality, autonomy, participation, inclusion and dignity.

For the Plan to succeed and deliver positive outcomes for people with disability from CaLD backgrounds, it should adopt a right-based approach and integrate the right to adequate housing into the guiding principles, policies, programs and program designs. Additionally, the

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<sup>5</sup> United Nations, 12 July 2017, A/72/128: Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context - Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context - Note by the Secretary-General, <https://www.ohchr.org/en/documents/thematic-reports/a72128-adequate-housing-component-right-adequate-standard-living-and> [accessed 18 October 2023]

Plan should align with international obligations under *Articles 1, 9, 12, 19 and 28 of the CRPD*<sup>6</sup> and general comments made by the Committee on Economic, Social and Cultural Rights reaffirming that the right to adequate housing includes security of tenure, affordability, availability of services, accessibility, appropriate location and cultural adequacy<sup>7</sup>.

To ensure the comprehensive protection of the right to adequate housing, the Plan should facilitate robust platforms and opportunities for meaningful engagement and contributions from people with disability from CaLD backgrounds in shaping an inclusive housing policy, program design and initiatives. This participation must be rights-based and supported at all levels of government and within the housing system. It should involve providing sufficient consultation time, access to pertinent information, and influence over monitoring and decision-making processes in housing policy, legislation, and program designs.

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<sup>6</sup> United Nations, 12 December 2006, Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> [accessed 18 October 2023]

<sup>7</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, 13 December 1991, E/1992/23, available at: <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-21-rev-1-human-right-adequate-housing> [accessed 22 October 2023]



## People with Disability as a Priority Group

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**Recommendation 4:** Include people with disability as a priority group and recognise intersectional experiences in the National Housing and Homelessness Plan

NEDA endorses the Disability Royal Commission's recommendations 7.33 and 7.4, advocating for the identification of people with disability as a priority cohort<sup>8</sup>. This includes directing funding, designing policies and expanding pathways to address homelessness and housing-related issues that affect people with disability, and aligning with the objectives outlined in Australia's Disability Strategy 2021-31. It also reflects the positive obligations imposed on Australia as a signatory to the Convention on the Rights of Persons with Disabilities, which protects the rights of people with disability and rejects a medical or charitable approach.

The Convention sheds light on the disability rights paradigm and promotes the social model of disability, recognising discrimination, inequality and systemic barriers in legislation, policy, programs<sup>9</sup> and practice as socially constructed responses to disability and intersectional experiences. To address this, the Convention encourages countries '*to take positive action to reduce structural disadvantage....in order to achieve the objectives of full participation and equality within society for all persons with disabilities.*<sup>10</sup>'. This includes the right to adequate housing, the right to choose, the right to reasonable accommodation and the right to support services for living in the community.

The positive obligation is reinforced in Australia's Disability Strategy 2021-31, emphasising that '*people with disability live in inclusive, accessible and well-designed homes and communities*<sup>11</sup>'. The Strategy also outlines policy priorities directly linked to the right to adequate housing, including increasing the availability of affordable housing; ensuring housing is accessible and that people with disability have choice and control about where they live, who they live with, and who comes into their home; Built and natural environment is accessible<sup>12</sup>.

To fulfil its obligations under the Convention and commitments within Australia's Disability Strategy, it is imperative for the Plan to prioritise people with disability and acknowledge their intersectional experiences in the National Housing and Homelessness Plan.

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<sup>8</sup> Commonwealth of Australia, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (n.d.). (rep.). *Final Report - Volume 7, Inclusive education, employment and housing* (C, Vol. 7).

<sup>9</sup> United Nations, 12 December 2006, Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> [accessed 18 October 2023]

<sup>10</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 5: Persons with Disabilities*, 9 December 1994, E/1995/22, available at: <https://www.refworld.org/docid/4538838f0.html> [accessed 18 October 2023]

<sup>11</sup> Commonwealth of Australia, Department of Social Services. (2021). Australia's Disability Strategy 2021-2031

<sup>12</sup> *ibid*

## Homelessness and Homelessness Services

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**Recommendation 5:** Ensure equitable treatment of people with disability from CaLD backgrounds within housing policies, programs and homelessness services without any qualifying criteria in the Plan, so they can access adequate housing on an equal basis with others.

**Recommendation 6:** Incorporate equity frameworks tailored to CaLD communities within the Plan's Targeted Action Plans to actively address and eliminate barriers faced by CaLD people with disability when trying to access adequate housing. Furthermore, establish mechanisms to monitor social impact measures and progress.

**Recommendation 7:** Adopt the 'Housing First' approach recommended by the DRC in addressing housing and homelessness issues.

**Recommendation 8:** Provide adequate resourcing for homelessness services and support services to address current backlogs, secure long-term housing options, and provide integrated support systems to people with disability.

**Recommendation 9:** Prioritise simplifying access to homelessness services, increasing service coordination and streamlining processes to facilitate easier navigation of the homelessness system.

**Recommendation 10:** Ensure that services and the National Disability Insurance Agency (NDIA) take responsibility for developing, ensuring and implementing a full exit plan for people with disability when they leave that service or agency.

According to Homelessness Australia, a significant one-quarter of those seeking homeless services are people with disability<sup>13</sup>. People with disability, already experiencing challenges in securing adequate housing and sufficient support services, are disproportionately affected by homelessness due to both structural, institutional, personal and societal discrimination. For people with disability from CaLD backgrounds, these challenges are exacerbated by barriers arising from intersections of language, culture, racism, ableism, visa type and systemic gaps. As reported in the Productivity Commission's report *'In need of repair: The National Housing and Homelessness Agreement'*<sup>14</sup> and the current issues paper, households in the lowest

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<sup>13</sup> Homelessness Australia, 'Housing First Principles for Australia' (Homelessness Australia), <https://homelessnessaustralia.org.au/wp-content/uploads/2022/07/Housing-First-Principles.pdf> [accessed 18 October 2023]

<sup>14</sup> Commonwealth of Australia, Productivity Commission, *In need of repair: The National Housing and Homelessness Agreement Study Report* (Productivity Commission), <https://www.pc.gov.au/inquiries/completed/housing-homelessness/report/housing-homelessness.pdf> [accessed 18 October 2023]

income quintile allocate a substantial portion of their earnings on housing, rendering them more susceptible to experiencing homelessness<sup>15</sup>. A large portion of these low-income households are more likely to comprise people with disability and people born overseas, who contribute to the population of people with disability from CaLD backgrounds.

Despite their heightened risk of homelessness, people with disability from CaLD backgrounds are often faced with policies, programs, and services that directly or indirectly discriminate against them. Such discrimination arises from residency requirements, visa conditions, prolonged service delivery delays due to set waiting periods, insufficient short-term and long-term housing options, limited availability of adequate housing, and a lack of culturally safe and trauma-informed homelessness services. The National Housing and Homelessness Plan, in compliance with Australia's obligations under the Convention on the Rights of Persons with Disabilities (CRPD), must make specific provisions to address these gaps in homelessness services that exclude people with disability from CaLD backgrounds based on eligibility criteria. It should also implement changes to existing legislation, policies, programs, and strategies that recognise intersectional experiences and meet the needs of people with disabilities from CaLD backgrounds in accessing their right to adequate housing.

*Article 43, subsection 1 (e) of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families* guarantees equal treatment for both citizens and non-citizens when accessing housing, including social housing schemes and safeguards against rent-related exploitation<sup>16</sup>. While Australia is not a signatory to this Convention, the government's response for failing to ratify the UN Convention was that *'the rights of migrants and temporary entrants, which includes people with disability are protected under international law, including the human rights treaties to which Australia is a party.'*<sup>17</sup> Consequently, the right to adequate housing under the CRPD (Australia is a signatory), specifically, *articles 1, 9, 12, 18, 19 and 28* interpreted broadly as recommended by the United Nations Committee on Economic, Social and Cultural Rights<sup>18</sup>, should extend homelessness services and the preventive and early intervention services to people with disability from CaLD backgrounds, free from any qualifying criteria.

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<sup>15</sup> Commonwealth of Australia, Department of Social Services, National Housing and Homelessness Plan Issues Paper [Department of Social Services] [https://engage.dss.gov.au/wp-content/uploads/2023/08/national-housing-and-homelessness-plan-issues-paper\\_2.pdf](https://engage.dss.gov.au/wp-content/uploads/2023/08/national-housing-and-homelessness-plan-issues-paper_2.pdf) [accessed 18 October 2023]

<sup>16</sup> United Nations, 18 December 1990, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers> [accessed 18 October 2023]

<sup>17</sup> Human Rights Council of Australia, Australian Ratification of the Migrant Worker Conventions – Responses to Concerns Raised by the Australian Government. Retrieved from <https://www.hrca.org.au> [accessed 18 October 2023]

<sup>18</sup> United Nations, 12 December 2006, Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> [accessed 18 October 2023]

The final report of the Disability Royal Commission highlights the importance of adopting a 'Housing First' approach to address housing and homelessness issues<sup>19</sup>. This approach represents a notable shift from traditional models of addressing homelessness. It prioritises providing stable, permanent housing to people with disability without preconditions. The fundamental principle behind the Housing First approach is that the right to adequate housing is a basic human right, and stable, secure housing is the foundation upon which individuals can address other challenges they may face, including employment, vocational pursuits and social participation. By providing safe and secure housing as a starting point, people with disability can gain greater autonomy, dignity, and the opportunity for improved overall well-being. The 'Housing First' approach, recommended by the Disability Royal Commission, should take center stage in the National Housing and Homelessness Plan, ensuring Australia meets its obligation under international human rights conventions.

The Plan should also focus on increasing funding for homelessness services and support services so they can respond to existing backlogs and secure long-term adequate housing options for those on waiting lists. Furthermore, the Plan must prioritise simplifying access to homelessness services and streamlining navigation within the intricate homelessness system, which spans multiple government levels and community sectors. As highlighted during DRC Public Hearing 26<sup>20</sup>, people with disability often navigate multiple services, systems, mainstream support structures, eligibility criteria, and procedural complexities when seeking adequate housing and homelessness services. There is an evident need for the Plan to simplify access to homelessness services, improve service coordination, and streamline the homelessness system for the benefit of people with disability from CaLD backgrounds.

The Plan should ensure that homelessness services and systems build trust and rapport within the community and embrace person-centered, trauma-informed and culturally safe models with an assertive outreach approach for effective homelessness intervention. It's not uncommon for information about these services to lack clarity, making it challenging for individuals to find information about these services, comprehend their purpose, eligibility criteria, potential overlaps with other services, and how to access homelessness support. To alleviate these challenges, the Plan should guarantee that information about these services is co-designed with people with disability from CaLD backgrounds, easily accessible, provided in multiple languages and accessible formats, and clearly indicates responsible service providers, simplifying the system's navigation. Additionally, the Plan should establish a streamlined referral system, enhance service coordination, and improve information sharing among mainstream services to ensure more effective support for people with disability, who are experiencing homelessness.

NEDA endorses the DRC's recommendation 7.39<sup>21</sup>, **underscoring** the importance of preventing homelessness when people with disability transition from service or institutional settings, including the National Disability Insurance Agency (NDIA). This recommendation shifts the

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<sup>19</sup> Commonwealth of Australia, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (n.d.). (rep.). *Final Report - Volume 7, Inclusive education, employment and housing* (C, Vol. 7).

<sup>20</sup> *ibid*

<sup>21</sup> *ibid*

responsibility onto these services and institutional settings, placing significant emphasis on the need for well-structured exit plans to secure adequate housing and reduce the risk of homelessness for people with disability on exit. The Plan should specifically address the issue of designing, ensuring and implementing an exit plan and clearly who is responsible for this when people with disability leave service or institutional settings, including the NDIA. Lastly, the Plan should increase the availability of adequate social and public housing and ensure it offers stronger regulatory and safeguarding measures in the private rental and housing market so people with disability can access adequate housing on an equal basis with others.

## Social Housing

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**Recommendation 11:** Increase investment in adequate social housing to address supply-demand gaps and enhance private market safeguards. Implement rigorous monitoring and reporting for accountability.

**Recommendation 12:** Ensure new social housing is located in preferred areas with great access to essential services, transportation, and cultural adequacy.

**Recommendation 13:** Ensure unconditional access to adequate social housing for people with disability from CaLD background, promoting choice.

**Recommendation 14:** Implement a 'choice-based letting' model to support people with disability in selecting housing that meets their needs and preferences, promoting autonomy and inclusion

**Recommendation 15:** Implement DRC recommendation 7.34 by moving away from the 'supported accommodation' model and promoting autonomy, flexibility and choice in housing for people with disability from CaLD background.

**Recommendation 16:** Stipulate the responsibilities of federal agencies like the NDIA and social housing providers regarding adequate home modifications.

**Recommendation 17:** Provide adequate funding for independent legal advice and advocacy services to access adequate social housing and prevent homelessness among people with disability from CaLD background.

**Recommendation 18:** Enforce ABCB Liveable Housing Design Standard for all renovations and new social and community housing (DRC recommendation 7.35)

**Recommendation 19:** Enhance tenancy protections for people with disability, establish minimum service standards in various housing types, and fund legal and advocacy services to prevent homelessness (DRC 7.37 & 7.38)

**Recommendation 20:** Implement a support system like the rental and home support navigator to guide individuals through the housing system, emphasising services being trauma-informed, culturally safe and collaborating with multicultural organisations.

**Recommendation 21:** Use the Washington Group Methodology on Disability Statistics to collect and analyse disaggregated data on housing and homelessness.

The current funding level in the National Housing and Homelessness Agreement is insufficient to address the demand for public and community housing, therefore, intensifying the strain on Australia's housing system and homelessness services<sup>22</sup>. Factors such as birth rates, immigration, etc. are significant drivers of population growth and increasing demand for social housing that the Plan should acknowledge. To identify and address the gap in supply and demand in social housing, the Plan must adopt a forward-looking approach in collaboration with relevant agencies. This approach must entail a gradual, sustained investment in expanding public and community housing to cater to growing needs. Simultaneously, the Plan should enhance safeguards within the private housing market to ensure access to adequate and affordable housing. It should also incentivise key stakeholders in the private housing sector to be more responsive to the evolving housing needs.

According to estimates from the Australian Institute of Health and Welfare (AIHW) regarding the 'social housing waitlist,' approximately 176,000 households were awaiting social housing in 2021<sup>23</sup>. Furthermore, projections indicate that Australia will require an additional 727,400 social housing units over the next two decades to meet current and anticipated growth<sup>24</sup>. Failing to address this issue will compel individuals facing homelessness, those at risk of homelessness, those enduring family violence, or those dealing with health issues to remain in these unfavourable living conditions. To address this challenge, the Plan should increase its investment in social housing while implementing stricter regulations within the private sector. By pacing social housing capacity with the demographic changes and population growth in the country, the Plan can foster a more inclusive and sustainable housing environment for all Australians. Moreover, the Plan should mandate state and territory governments to establish clear targets, timeframes, growth indicators, outcomes, and reporting mechanisms to facilitate an annual evaluation of social housing stock and the evolving needs of the population.

Social housing is a crucial safety net for people with disability from Culturally and Linguistically Diverse people with disability, particularly recent migrants and refugees who do not have sufficient rental history and guarantors to secure adequate housing in the private market. However, substantial disparities exist in eligibility requirements, waiting list segments, application process and wait times across different states and territories, creating a complex housing system. People with disability from CaLD background often face social housing denials due to stringent eligibility criteria, typically restricted to Permanent Residents and Australian Citizens. When offered social housing, it may not be suitable and may have limited choices regarding whom they live with, well-located housing, suitable house design, access to services, cultural adequacy, and the property type.

The concept of choice-based letting in the United Kingdom, as illustrated by the Productivity Commission in its report would offer a transformative approach, affording people with

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<sup>22</sup> Commonwealth of Australia, Productivity Commission, In need of repair: The National Housing and Homelessness Agreement Study Report (Productivity Commission), <https://www.pc.gov.au/inquiries/completed/housing-homelessness/report/housing-homelessness.pdf> [accessed 18 October 2023]

<sup>23</sup> Ibid

<sup>24</sup> Ibid

disability choice in where they live, who they live with and which housing meets their needs, instead of indicating a preference and then waiting to be allocated adequate housing. This mitigates the risk of unsuitable housing placements and upholds people with disability' right to adequate housing and choice<sup>25</sup>. Additionally, the Plan should support a fair housing system by introducing inclusive policies, legislations, programs and supports that offer adequate social housing to people with disability from CaLD backgrounds, without any conditions.

Insufficient inclusive housing options for people with disability have been addressed in previous plans and strategies through 'innovative housing' models that maintain outdated medical models of disability. This violates the right to adequate housing as defined in *Article 19 of the Convention on the Rights of Persons with Disabilities*, which emphasises the importance of providing essential social supports such as domestic assistance, personal and healthcare and living skill support in their preferred housing arrangement<sup>26</sup>. The prevailing view on housing and support for people with disability in these 'innovative housing' fail to distinguish housing needs from support needs and therefore, continue to foster segregation by taking away choice and isolating people with disability. To rectify this, the Plan should shift from the 'supported accommodation' model to promote autonomy, flexibility, and choice in housing, in line with DRC recommendation 7.34 which calls for phasing out group homes<sup>27</sup>.

Additionally, the Plan should increase the supply of adequate housing by mandating minimum standards through the National Construction Code and funding arrangements<sup>28</sup>. All funding arrangements for renovating existing social housing and for building new social housing dwellings should include a clause mandating states and territory governments to adopt the Australian Building Codes Board (ABCB) Liveable Housing Design Standard as a minimum requirement, this includes, providing details around an implementation plan of the standard, estimated timeframes and outcome measures<sup>29</sup>. These standards should extend to crisis and private rental housing, aligning with *Article 19* of the CRPD.

To enhance the allocation of social housing, the Plan should streamline the process, improving the collection and sharing of information about the person's housing preferences and accessibility requirements with integrated and mainstream services. It should also establish a comprehensive housing modification policy that ensures the policy is simple, inexpensive and timely, reducing the need for people with disability to navigate complex bureaucratic processes to make the housing suitable<sup>30</sup>. The Plan must clarify the responsibilities of the National Disability Insurance Agency (NDIA) and state and community housing providers in

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<sup>25</sup> *ibid*

<sup>26</sup> United Nations, 12 December 2006, Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> [accessed 18 October 2023]

<sup>27</sup> Commonwealth of Australia, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (n.d.). (rep.). *Final Report - Volume 7, Inclusive education, employment and housing* (C, Vol. 7).

<sup>28</sup> *Ibid*

<sup>29</sup> *Ibid*

<sup>30</sup> *Ibid*



providing adequate housing, including necessary modifications, for people with disabilities from CaLD backgrounds<sup>31</sup>.

The Plan, in line with recommendations from the Disability Royal Commission, must enhance tenancy and occupancy protections for people with disability. This entails reviewing and amending state and territory legislation and adopting best practices, including, replacing 'no-grounds' terminations with 'reasonable grounds' for tenancies, considering related factors in eviction disputes, and extending these protections to various housing types. Additionally, the Plan should adopt and strengthen minimum service standards while improving oversight for supported residential services (SRS) and their equivalents<sup>32</sup>. This should be supported by adequate funding for independent legal advice and advocacy services to access adequate social housing and to prevent homelessness among people with disability from CaLD background<sup>33</sup>.

The plan should establish specialised support systems to facilitate access to social housing. The proposed rental and home support navigator system by the Australian Disability Dialogue<sup>34</sup> can guide individuals through the housing system while integrating a trauma-informed and cultural safety framework to reduce barriers for people with disabilities from Culturally and Linguistically Diverse backgrounds. Collaboration with multicultural non-government organisations can create community-based entry points, ensuring that the needs of people with disabilities are met effectively.

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<sup>31</sup> Ibid

<sup>32</sup> Ibid

<sup>33</sup> Ibid

<sup>34</sup>Todd Winther, Elly Desmarchelier, and Australian Disability Dialogue, August 2023, 'Australian Disability Dialogue on Housing'

## Conclusion

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The National Housing and Homelessness Plan must recognise that housing is not merely a target but a fundamental human rights obligation that should be upheld without any qualifiers. Upholding the right to adequate housing, with its core principles of security of tenure, affordability, accessibility, and cultural adequacy, is essential. People with disability from Culturally and Linguistically Diverse (CaLD) backgrounds face unique intersectional experiences and barriers in accessing housing, including social housing and the private market. By adopting these recommendations, the Plan can contribute to a more inclusive, accessible, and human rights-oriented housing system that serves all Australians.

## Bibliography

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Commonwealth of Australia, Department of Social Services, National Housing and Homelessness Plan Issues Paper [Department of Social Services] [https://engage.dss.gov.au/wp-content/uploads/2023/08/national-housing-and-homelessness-plan-issues-paper\\_2.pdf](https://engage.dss.gov.au/wp-content/uploads/2023/08/national-housing-and-homelessness-plan-issues-paper_2.pdf) [accessed 18 October 2023]

Commonwealth of Australia, Department of Social Services. (2021). Australia's Disability Strategy 2021-2031

Commonwealth of Australia, Productivity Commission, In need of repair: The National Housing and Homelessness Agreement Study Report (Productivity Commission), <https://www.pc.gov.au/inquiries/completed/housing-homelessness/report/housing-homelessness.pdf> [accessed 18 October 2023]

Commonwealth of Australia, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (n.d.). (rep.). *Final Report - Volume 7, Inclusive education, employment and housing* (C, Vol. 7).

Council / Board. (2023). Retrieved from <http://www.neda.org.au/about-us/council-board> [accessed 18 October 2023]

Homelessness Australia, Housing First Principles for Australia (Homelessness Australia), <https://homelessnessaustralia.org.au/wp-content/uploads/2022/07/Housing-First-Principles.pdf> [accessed 18 October 2023]

Human Rights Council of Australia, Australian Ratification of the Migrant Worker Conventions – Responses to Concerns Raised by the Australian Government. Retrieved from <https://www.hrca.org.au> [accessed 18 October 2023]

Membership (2023). Retrieved from <https://neda.org.au/membership-organisations/> [accessed 18 October 2023]

Todd Winther, Elly Desmarchelier, and Australian Disability Dialogue, August 2023, 'Australian Disability Dialogue on Housing'

UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, available at: <https://www.escr-net.org/resources/general-comment-7> [accessed 18 October 2023]. (n.d.).

UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, 13 December 1991, E/1992/23, available at: <https://www.refworld.org/docid/47a7079a1.html> [accessed 18 October 2023]

UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 5: Persons with Disabilities*, 9 December 1994, E/1995/22, available at: <https://www.refworld.org/docid/4538838f0.html> [accessed 18 October 2023]

UN Office of the High Commissioner for Human Rights (OHCHR), *Fact Sheet No. 21, The Human Right to Adequate Housing*, November 2009, Fact Sheet No. 21/Rev.1, p 3-4, available at: <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-21-rev-1-human-right-adequate-housing> [accessed 18 October 2023]

United Nations, 12 December 2006, Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> [accessed 18 October 2023]

United Nations, 12 July 2017, A/72/128: Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context - Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context - Note by the Secretary-General, <https://www.ohchr.org/en/documents/thematic-reports/a72128-adequate-housing-component-right-adequate-standard-living-and> [accessed 18 October 2023]

United Nations, 18 December 1990, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers> [accessed 18 October 2023]