

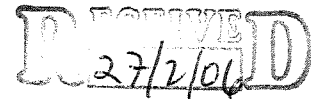


**Multicultural Disability Advocacy
Association of NSW**

PO Box 9381, HARRIS PARK NSW 2150
40 Albion Street, Harris Park
Telephone: (02) 9891 6400
Toll Free: 1800 629 072
TTY: (02) 9687 6325
Facsimile: (02) 9635 5355
E-mail: mdaa@mdaa.org.au
ABN: 60 737 946 674

24 February 2006

Public Bodies Review Committee
NSW Parliament
Parliament House
Macquarie Street
Sydney NSW 2000



Dear Committee Members

Re: Inquiry into the Allocation of Social Housing

Please find attached a submission to the Inquiry from the Multicultural Disability Advocacy Association of NSW (MDAA). MDAA is a non-profit, community based peak body for people from a non-English speaking background (NESB) with disability and their families and carers in NSW. Our mission is to promote, protect and secure the rights and interests of people from a NESB with disability and their families and carers in NSW.

MDAA has provided advocacy assistance to people from a NESB with disability and their families since 1997. For the past six years 'accommodation' has headed the list of the top five issues for which people needed advocacy assistance.

We have attached copies of MDAA's two research reports most relevant to the Inquiry. The first is *Hitting the Roof: public housing experiences of people from a non-English speaking background with disability*, published in February 2003. The second is 'Everybody needs a home', concerning research we conducted in 2005 in response to a discussion paper on supported accommodation published in 2004 by the Department of Ageing, Disability and Home Care. 'Everybody needs a home' attempts to bring to light the voices of people from a NESB who have previously been excluded.

I would be happy to discuss our submission or provide further details if you wish.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Barbel Winter'.

for Barbel Winter
Executive Director

**MDAA submission to the
Public Bodies Review
Committee of the NSW
Parliament**

**Inquiry into the Allocation of
Social Housing in NSW**



Multicultural Disability Advocacy Association of NSW

February 2006

Background

About MDAA

The Multicultural Disability Advocacy Association of NSW (MDAA) is a non-profit, community based peak body for people from a non-English speaking background (NESB) with disability and their families and carers in NSW. MDAA's mission is to promote, protect and secure the rights and interests of people from a NESB with disability and their families and carers in NSW. We do this through activities such as individual advocacy for people from a NESB with disability and their families and carers; advocacy development; systemic advocacy; research; industry development; and training in cultural and disability awareness. MDAA is also a registered training organisation.

MDAA has provided advocacy assistance to people from a NESB with disability and their families since 1997. For the past six years accommodation has headed the list of the top five issues for which people needed MDAA's advocacy assistance. This led to our report *Hitting the Roof* in 2003, which described the experiences of people from a NESB with disability with public housing. Two years later, when we searched for references, that report was still the only publication we found which specifically addresses accommodation issues for people from a NESB with disability living in NSW.

In the past four years MDAA has conducted or commissioned research on various systemic issues including the impact of ageing on the lives of people from a NESB with disability and their families; the experiences of students from a NESB with disability and their families in the school education system; ways to improve access and equity for people from ethnic minorities; and ways to enhance the cultural competence¹ of disability support services. That research reveals the need to build community resource networks and systems, including social housing, which support people with disability to live in the community as valued, contributing members of the community².

This submission

Our comments to the Public Bodies Review Committee's Inquiry into the Allocation of Social Housing (the Inquiry) are based on our work with people from a NESB with disability and their families and carers. In 2004-5 'accommodation' again headed the list of issues requiring MDAA's advocacy assistance, by a very large margin. Of the top six issues,

¹ By 'cultural competence' we mean that the service provider is able to respond effectively to anyone who is eligible for the service, regardless of their cultural, linguistic or religious background.

² Our research reports can be downloaded from MDAA's website www.mdaa.org.au or obtained from our office.

accommodation was the main issue for 233 of the 703 consumers (33%) we assisted, followed by health (84 consumers or 12%), immigration (82 consumers or 12%), subsidies/ entitlements (60 consumers or 9%), finances/ compensation (50 consumers or 7%) and education (49 consumers or 7%)³. While some of these accommodation problems related to supported accommodation, including group homes and boarding houses, most related to public housing, particularly the lack of access to it. That is why we decided to make a submission to the Inquiry.

We have attached copies of MDAA's two research reports most relevant to the Inquiry. The first is *Hitting the Roof: public housing experiences of people from a non-English speaking background with disability*, published in February 2003. That report provides information about the difficulties people from a NESB with disability experience in dealing with the NSW Department of Housing (the Department). What we hoped to achieve by publishing the report was fairer access to the allocation of public housing for people from a NESB with disability and their families and fairer treatment as tenants. We acknowledged that the Department was constrained by not having enough resources to accommodate everyone who is eligible for public housing. We did not argue for any 'special rights' for people from a NESB with disability, just an equal opportunity to compete for the limited public housing available. We outlined the barriers people from a NESB with disability face in getting access to public housing and in maintaining their tenancy and we also proposed some concrete, workable strategies for overcoming them, at little or no cost to the Department. The main conclusions we drew from our research were that people from a NESB with disability and their families did not understand the housing system in NSW and that the Department did not understand the effects of disability and culture on a person's housing needs.

The second report attached, *Everybody needs a home*, concerns research we conducted in 2005 in response to a discussion paper on supported accommodation published in 2004 by the Department of Ageing, Disability and Home Care (DADHC). That report attempts to bring to light the voices of people from a NESB who have previously been excluded⁴. We considered that people from a NESB with disability and family members needed to be able to express their needs and wishes from their own individual points of view. We therefore interviewed a diverse range of people from a NESB with disability and families and carers of people from a NESB with disability. The report discusses their hopes and concerns about their accommodation and more broadly the circumstances in which they live. We undertook that project because there is a lack of information about the experiences of people from a NESB with disability living in the community. We have not found any research or any systematic attempt to identify what people from a NESB with disability and their families want or need by way of support and we wanted to have a firm foundation for our contribution to the current debate about supported accommodation for people with disability in NSW. The

³ see MDAA's *Annual Report 2004-5*, which is available in the NSW Parliamentary library, obtainable from MDAA or can be downloaded from www.mdaa.org.au.

⁴ An MDAA commissioned research and literature review revealed that so far there is very little information on access to services and utilisation rates in the disability sector by people from a NESB. See: Procter, N.G. (2004) *Moving forward together: An international comparison of successful strategies to improve access and equity for people from ethnic minorities*, University of South Australia, Adelaide.

report seeks to identify how the disability sector overall and supported accommodation systems in particular can best support people from a NESB with disability, the majority of whom wish to live and participate actively in communities.

The case studies in the attached reports show what people from a NESB with disability want and need from social housing and supported accommodation systems and the reports discuss the public policy challenges and opportunities arising from their experiences. The issues outlined are typical of current issues we are dealing with⁵. We believe these issues are highly relevant to the Public Bodies Review Committee's deliberations during the Inquiry.

Hitting the Roof and *'Everybody needs a home'* are therefore integral parts of our submission to the Inquiry and should be read as part of it. Hence in this document, rather than repeat what we said in those reports, we comment on two of the Inquiry's terms of reference, focusing on the accommodation needs of people from a NESB with disability and the implications of those needs for the allocation of social housing.

It is important to state at the outset that the accommodation needs of people from a NESB with disability change over time, just like anyone else's. A person from a NESB with disability may, for example, move from a government owned large residential institution to a small group home run by a disability service, or to their family home with appropriate support, and later to public housing or some other form of accommodation with appropriate support. For this to happen we need a more flexible housing and support system for people with disability and their families than has been available to date.

People from a NESB with disability

Definitions of NESB and disability

MDAA defines a person from a NESB as a person who is:

- born overseas and whose language is not English or culture is not Anglo-Australian;
- born in Australia and who has at least one parent whose first language is not English or culture is not Anglo-Australian; or
- born in Australia with a linguistic background other than English or cultural background other than Anglo-Australian, who wishes to be identified as such.

Further, MDAA believes that any narrow definition of 'disability' leads to the use of labels and classifications. While this may be necessary for bureaucratic, statistical or budgetary purposes, these classifications do not hold true across cultures, as definitions of disability

⁵ Housing Appeals Committee (HAC) statistics support our experience that little has changed in the three years since we published *Hitting the Roof*. Page 52 of *Hitting the Roof* cites the HAC *Annual Overview 2000/2001* which stated that 43% of appeals required the use of an interpreter. The HAC's *Annual Overview 2003-4* states 'The Committee continues to receive a large number of appeals from appellants of a non-English speaking background with an interpreter required in almost 40% of cases considered by the Committee.'

are predetermined by a person's cultural background and hence do not reflect the variety of culturally determined beliefs and attitudes.

Statistics

People from a NESB with disability make up about 25% of all people with disability in NSW (314,335 people)⁶.

Available research on the numbers of people from a NESB with disability living in supported accommodation⁷ shows that no more than 2.23% of people with disability living in supported accommodation are from a NESB. The *Steering Committee for the Review of Government Service Provision* identified that about 25% (1 in 4) of the eligible population receives only 0.2% (1 in 50) of the places made available by accommodation support services⁸. We are unaware of any data about the numbers of people from a NESB with disability living in public housing.

Inquiry's Terms of Reference

Current levels of funding for the development of new housing stock

In 2002 when we researched MDAA consumers' experiences of public housing there were approximately 100,000 people on the public housing waiting list. By June 2004 this had dropped to 77,984⁹ but there were also 17,160¹⁰ people waiting for community housing. While some people may be on both lists, it is reasonable to estimate that in June 2004 over 80,000 people were waiting for social housing. According to Shelter NSW¹¹ there are over 10,000 public housing allocations (new tenancies created) each year, because existing tenants die, move into private rental, home ownership or go interstate, are evicted, etc.

The majority of people from a NESB with disability and families who approach MDAA for advocacy assistance about accommodation are private renters who want public housing because they cannot afford private rental, especially in areas of high demand, close to

⁶ This estimate is derived from a combination of information from the Community Relations Commission's publication, *The People of NSW - Statistics from the 2001 Census* and the Australian Bureau of Statistics publication, *Disability, Ageing and Carers: Summary of Findings, Australia, 1998*. For further details see <http://www.mdaa.org.au/publications/faqs/figures.html>.

⁷ Mullane speaking at a CDDS Health Promotion Forum, April 2002.

⁸ Steering Committee for the Review of Government Service Provision: *'Steering Committee Report: Report on Government Services 2004'*.

⁹ Shelter NSW, *Training Course in housing issues and policy: Participants Resource*, version 2, first published February 2004, p. 25.

¹⁰ *ibid.* p. 26.

¹¹ *ibid.* p. 25

services and community supports¹². Many have their names on the waiting list for public housing and come to MDAA for assistance after their applications for priority housing have been rejected.

In our view the current levels of Commonwealth and NSW government funding for the development of new housing stock in NSW are grossly inadequate. This is obvious, with almost 80,000 people on the public housing waiting list and fewer than 400 new (but not necessarily additional) dwellings constructed each year.

This situation coincides with the closure of many boarding houses in NSW which puts additional pressure on public housing. As significant numbers of people with disability are marginalised on the fringes of society, living on low incomes and with access to very limited accommodation options and supports, boarding houses are one of the few existing accommodation options available to them. Boarders, particularly those from a NESB with disability, are among the most vulnerable members of the community, isolated from families and other forms of support¹³. In our view boarding house accommodation is not appropriate for people with disability, especially those with high support needs and people who require 24 hour support, including people with dementia. Government responsibilities to people with disability should be met through accommodation and support services appropriate to people's needs.

The NSW government is also committed to closing large residential institutions which currently accommodate approximately 1,800 people with disability¹⁴. We support the closure of those institutions as soon as possible, so people with disability can live fulfilling lives in the community. People from a NESB with disability face specific challenges in the de-institutionalisation process and the supported accommodation system. *'Everybody needs a home'* outlines these challenges and the range of supports people from a NESB with disability and their families identified to assist people with disability to live in the community. Most of the people who participated in that research favoured either in-home or family support options, including public housing.

In the past when DADHC has closed an institution it has purchased other properties to accommodate the people concerned, usually group homes located in communities. It is not

¹² A smaller number of MDAA consumers live in government funded or operated group homes, boarding houses and other supported accommodation.

¹³ This view is supported by the NSW Ombudsman's *Report of reviewable deaths in 2004* (tabled in Parliament on 7 December 2005). Reviewable deaths are deaths of people with disability who were living in residential care authorised or funded by DADHC at the time of their death. Reviewable deaths in 2004 included 93 people living in residential care or licensed boarding houses, of whom 24 (or 25%) were living in licensed boarding houses. The most commonly recorded disability for people living in licensed boarding houses was psychiatric (50% of the 24 people - mainly schizophrenia), followed by acquired brain injury (33.3% - all alcohol related brain damage). More than half of the boarding house residents had some form of cognitive disability, including intellectual disability and dementia. Five of the boarding house residents were from a non-English speaking background.

¹⁴ By the end of 2004, about 1,800 people remained in large residential facilities in NSW. Council of Social Service of New South Wales (December 2004): *'Submission to the New South Wales Government'*, p. 30, see: <http://www.ncoss.org.au/bookshelf/pbs/submissions/2005-06pbs.pdf>

clear to us why DADHC is in the business of owning property and managing accommodation for people with disability. DADHC's responsibility is to support people with disability, not to manage public and social housing. We believe strongly that social housing should be provided (owned or head-leased) by the housing specialists (the Department, community housing and housing cooperatives) and that any support services required should be provided by the support specialists (DADHC; NSW Health; Department of Community Services; etc). This would free DADHC from having to make decisions and find solutions that are asset and liability driven. Currently it appears that DADHC's assets or lack of assets drive the delivery of support to people with disability.

We therefore believe that the ownership of all DADHC's housing stock should be transferred to the Department. In our view, when DADHC closes any large residential institution, the sale proceeds should go to the Department for investment in social housing, including social housing for people with disability. DADHC could then focus on funding appropriate support services for the people who have moved out of those institutions, who may be living in a range of housing in the community, e.g. with their families; in shared accommodation; in public or community housing.

The Department would then own or lease all publicly owned housing and would no longer be tempted to offer stock it does not want to other government departments for some of their clients, e.g. forensic clients.

In our view both the Commonwealth and NSW governments need to allocate more funding urgently to increase the social housing stock available.

Effectiveness and appropriateness of housing allocations

Shelter NSW states that the housing tenure circumstances (home ownership/ rental) of immigrants tend to converge with those of Australian-born Australians over time¹⁵. Most immigrants (90%) stay with Australian residents on arrival; many then move into the private rental market; with owner-occupation becoming more important typically within four years after arrival. Significant proportions of migrants from western and northern Europe, northern and central America, and northeast Asia achieve home ownership earlier. Home ownership is highest for business skills and employer nominated visa holders and lowest for humanitarian visa holders and refugees. Public housing is most important for immigrants arriving under the Australian government program for refugees and others in humanitarian need¹⁶. In our experience new migrants without the support of established communities here

¹⁵ Shelter, op. cit. p. 7, citing Graeme Hugo, *Australia's most recent immigrants 2001*, Australian Bureau of Statistics, ABS cat. no. 2053.0, 2004, pp.152-153.

¹⁶ *ibid.* p. 7, citing Andrew Beer and Sarah Morphett, *The housing and other service needs of recently arrived migrants*, final report, Australian Housing and Urban Research Institute, June 2002.

and refugees with a 'temporary protection visa'¹⁷ are particularly disadvantaged in finding housing they can afford in NSW.

Ethnicity and disability should not be barriers to accessing public housing. *Hitting the Roof* is about the barriers faced by people from a NESB with disability in getting fair access to public housing and includes some strategies for redressing the current unfairness. The basic principle underpinning the report is that mainstream service agencies should provide services fairly, with all eligible members of the NSW community having an equal opportunity to compete for the limited public housing available. One positive result of publishing *Hitting the Roof* is that we have recently started working with the Department on a program of staff training in cultural awareness. We hope that this work will have positive results for people from a NESB with disability and their families. It will be great if accommodation does *not* head our top six issues list in 2005-6.

A more negative development since 2003 is the NSW government's range of measures to 'reshape' public housing, as ways to deal with the decline in funds for public housing and stock numbers remaining relatively static. These measures include limiting the length of tenure for new tenants; increasing the rent for public housing from 25% to 30% of tenants' income for those tenants who have 'moderate incomes'; restricting eligibility for new allocations to people who can meet the income test, establish special needs, and demonstrate that they cannot access affordable housing in the private rental market or elsewhere¹⁸.

One key component in the government's reshaping plan is to develop an agreement between the various NSW government departments which provide 'human services' (housing, education and training, health, ageing, disability and home care, community services, attorney-general's, police, juvenile justice, and corrective services) about the kinds of support these departments can and will provide to assist public housing tenants to sustain their tenancies. In November 2005 the Department released a consultation paper about a draft 'NSW Housing and Human Services Accord' (the Accord) and invited non-government organisations to consultations in December 2005.

MDAA attended a consultation and responded to questions in the consultation paper¹⁹. We stated that without a substantial increase in resources to provide more public housing and more support services, the Accord may only serve to expose the gaps and tensions in the current 'system' for assisting people to sustain viable tenancies, either in public housing or the private rental market. People from a NESB with disability and their families whom the Department has accepted as eligible for priority housing are now waiting in dire circumstances for more than a year to get it. Wheelchair accessibility and other modifications to accommodate disability needs and equipment take months or years to

¹⁷ see *Hitting the Roof*, p. 24.

¹⁸ NSW Department of Housing, 'Who is eligible for public housing?' fact sheet, April 2005; and 'Changes to rent subsidy', fact sheet, April 2005 .

¹⁹ see <http://www.mdaa.org.au/service/systemic/06/accord.html>

finalise. The size and type of accommodation available also presents difficulties for large families.

We indicated that in our experience it is extremely difficult to get the various government agencies to accept their responsibilities to provide services. This is particularly obvious where a person has multiple disabilities or does not fit neatly into eligibility criteria, some of which appear designed to deny people services rather than provide them. We understand that the main reason for this is the lack of sufficient facilities: public housing stock; supported accommodation places; places in group homes; beds in hospitals; team members in the community; funded non-government, community based services or capacity building programs; etc.

We believe that if the Accord does not address the lack of facilities, resources and changing needs of people who are eligible for public housing, it is unlikely to make any positive difference to people from a NESB with disability. We do not see how the Accord can be implemented successfully without additional funds.

As Shelter NSW points out²⁰, the policy direction of the government's reshaping plan involves long-term high risk for the future of public housing, particularly because of the twin policies of targeting allocations to people with high needs and limiting the length of these tenants' tenancies to the period in which their needs are high. Shelter NSW describes the 'urban blight' (vandalism, abandonment, crime and violence) experienced in many social housing sites in the USA and Great Britain and expresses the view that the risks of perpetrating it in NSW are particularly high where public housing is concentrated in blocks of flats, groups of houses or on large housing estates, instead of being scattered through a community²¹.

We share these concerns, particularly if appropriate services and supports are not provided to assist people with high needs. As indicated in *Hitting the Roof*²² people from a NESB with disability living in large public housing estates are particularly vulnerable to abuse and harassment. Our major concern with the government's reshaping plan is that people with disability will be worse off and even more likely to be the victims of increased violence than now. We do not want to exacerbate the current difficulties which people from a NESB with disability experience.

Role of community housing in meeting the demand for social housing

We support the role of community housing in meeting the need for social housing. In our limited experience of community housing, providers have been more flexible than the

²⁰ Shelter NSW, *Submission to Department of Housing on a draft Housing and Human Services Accord*, January 2006, p. 1.

²¹ *ibid.* p. 1

²² see *Hitting the Roof*, pp. 45-47.

Department in allocating housing and accommodating the needs of people from a NESB with disability.

One of the difficulties our consumers face when considering community housing is that the housing provider often does not have the resources to provide the kinds of support the person needs. Funding is not available for modifications needed to accommodate or support disability, for example, wheelchair access and modifications to bathrooms.

Another problem is that community housing also has a long waiting list (see above) and is clearly unable to meet the current demand for social housing.

It has also not been promoted sufficiently to NESB communities, so many people are not aware of its advantages.