

**INQUIRY INTO HOMELESSNESS AND LOW-COST  
RENTAL ACCOMMODATION**

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**Submission**

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**Standing Committee on Social Issues  
Inquiry into Homelessness and  
Low-cost Rental Accommodation**

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**People with Disability Australia Incorporated**



# 1 About People with Disability Australia Incorporated

- 1.1 People with Disability Australia Incorporated (PWD) is a national disability rights and advocacy organisation. Its primary membership is made up of people with disability and organisations mainly constituted by people with disability. PWD also has a large associate membership of other individuals and organisations committed to the disability rights movement. PWD was founded in 1981, the International Year of Disabled Persons, to provide people with disability with a voice of our own. We have a cross-disability focus - we represent the interests of people with all kinds of disability. PWD is a non-profit, non-government organisation.
- 1.2 We have a vision of a socially just, accessible, and inclusive community, in which the human rights, citizenship, contribution, potential and diversity of all people with disability are recognised, respected and celebrated.
- 1.3 We believe that people with disability, irrespective of our age, gender, cultural or linguistic background, religious beliefs, geographic location, sexuality, or the nature, origin, or degree of our disability
- have a right to life, and to bodily integrity
  - are entitled to a decent standard of living, an adequate income, and to lead active and satisfying lives
  - are people first, with human, legal, and service user rights that must be recognised and respected
  - are entitled to the full enjoyment of our citizenship rights and responsibilities
  - are entitled to live free from prejudice, discrimination and vilification
  - are entitled to social support and adjustments as a right, and not as the result of pity, charity or the exercise of social control
  - contribute substantially to the intellectual, cultural, economic and social diversity and well-being of our community
  - possess many skills and abilities, and have enormous potential for life-long growth and development
  - are entitled to live in, and be a part of, the diversity of the community
  - have the right to participate in the formulation of those policies and programs that affect our lives
  - must be empowered to exercise our rights and responsibilities, without fear of retribution.

## 2 Primary Contact

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## 3 Context of this Submission

- 3.1 This submission is based on the key issues that PWD consistently addresses in our work with people with disability. We have made some general points related to the current international and domestic context and responded to a number of the Terms of Reference that these key issues fall within.
- 3.2 Our work with people with disability includes:
- 3.2.1 **Individual and Group Advocacy:** PWD provides extensive assistance to people with disability and their associates through its Individual and Group Advocacy service, which operates throughout NSW. PWD also provides independent individual and group advocacy assistance to residents of boarding houses licensed under the Youth and Community Services Act, 1973. Individual Advocates from this service deal on a daily basis with individuals with disability and their families and carers. They assist by providing information, advice, referral and short-term, issue based, individual advocacy on a broad range of subject matters. Individual Advocates provide assistance across a wide range of issues, including abuse and neglect, discrimination, vilification, harassment, service quality, maladministration, unmet need, service development and reform.
- 3.2.2 **Systemic Advocacy:** PWD is also extensively involved on an ongoing basis in systemic advocacy. Our systemic advocacy role covers local, national and international issues. It includes issues that relate to the rights of people with disability, specialist disability and mainstream accommodation systems and unmet need for a range of generic and specialist social assistance. Our systemic advocacy role also encompasses representation on government and non-government committees dealing with issues affecting people with disability.
- 3.2.3 **National Disability Services Abuse and Neglect Hotline (the Hotline):** PWD operates the National Disability Services Abuse and Neglect Hotline. The Australian Government Department of Family, Housing, Community Services and Indigenous Affairs (FaHCSIA) funds this service. It is an Australia-wide hotline for reporting abuse

and neglect of people with disability using Commonwealth, State or Territory funded disability services. Cases of abuse and neglect can include physical, sexual, psychological, legal and civil abuse, restraint and restrictive practices, systemic or financial abuse. It can also include the withholding of care and support that exposes an individual to harm. Allegations have been received from accommodation services, community and respite care services, immigration detention centres, hospital and mental health facilities and juvenile justice facilities. These allegations are referred to the appropriate authority for investigation. The Hotline provides statistical information to FaHCSIA for analysis.

- 3.2.4 **National Disability Complaints Resolution and Referral Service (CRRS):** PWD operates the National Disability Complaints Resolution and Referral Service. The Australian Government Department of Family, Housing, Community Services and Indigenous Affairs (FaHCSIA) funds this service. The CRRS assists with the resolution of complaints from users of disability employment and advocacy services funded by FaHCSIA and the Department of Education, Employment and Workplace Relations (DEEWR). It is a neutral party that investigates complaints and assists people with disability to find a resolution. CRRS provides statistical information to FaHCSIA for analysis.

## 4 General Issues

4.1 The Standing Committee on Social Issues and other Committees of the NSW Parliament have conducted a number of inquiries over the past decade which have addressed the many issues relating to low cost rental accommodation and the accommodation needs of people with disability. In particular, we draw attention to the following:

- Standing Committee on Social Issues, *The Group Homes Proposal - First Report on Residential and Support Services for people with Disability Services*, 1999
- Standing Committee on Social Issues, *A Matter of Priority - Second Report on Disability Services*, 2000
- Standing Committee on Social Issues, *Making It Happen - Final Report on Disability Services*, 2002.
- Select Committee on Mental Health, *Final Report on Mental Health Services in New South Wales*, 2003.
- Standing Committee on Social Issues, *Report on Community Housing*, 2003.
- Standing Committee on Social Issues, *Final Report of the Inquiry into Issues Relating to Redfern and Waterloo*, 2004.
- Standing Committee on Social Issues, *Public Disturbances at Macquarie Fields*, 2006.
- Standing Committee on Social Issues, *Overcoming Indigenous Disadvantage in New South Wales – Final Report*, 2008

Over the ten-year timeframe that these reports cover, PWD observes that similar issues and themes are constantly identified in report findings. These findings provide consistent evidence that the aims and objectives of the Disability Services Act (DSA) 1993(NSW) have not been achieved. The findings also show that there are significant shortfalls in the social housing sector in NSW for people with disability.

PWD argues that there is an urgent need for the NSW Government to revitalise its commitment to progressing the human rights of people with disability by promoting the inclusion of people with disability in low cost, community based accommodation initiatives.

4.2 There are a number of key issues that PWD argues are essential to providing adequate low cost rental accommodation and avoiding homelessness for people with disability. They include:

4.2.1 Adherence to the most current international and national benchmarks for recognising the rights of people with disability and the provision of accommodation. In particular, we draw your attention to:

- the United Nations Convention on the Rights of Persons with Disabilities ratified by Australia in July 2008;
- the Disability Services Act, 1993 (NSW);
- the Disability Discrimination Act 1992 (Cth);
- the Disability Services Act 1986 (Cth).

PWD believes that these laws provide the human rights and anti-discrimination framework that not only provide people with disability their rights, but also allows government to meet their domestic and international obligations.

4.2.2 Adherence to the most current national agreements relating to low cost rental accommodation. In particular, we draw your attention to:

- the National Affordable Housing Agreement;
- the National Rental Affordability Scheme;
- the Nation Building and Jobs Plan;
- the Remote Indigenous Housing National Partnership.

PWD observes that the delivery of a number of these programs has progressed slowly in NSW in comparison to other States and Territories.

PWD urges the NSW Government to prioritise these programs, not only to match other States and Territories, but also with a view to becoming the leading State in the provision of new affordable housing. An improvement in social housing in NSW, which is inclusive of the needs of people with disability will significantly reduce current disadvantage and homelessness experience by many people with disability.

4.3 In 2006, the United Nations Special Rapporteur on adequate housing, Mr Miloon Kothari conducted a review of the living situations of people within Australia, including the living situations of people with disability. The report and recommendations from this review are extremely relevant for addressing the issues arising from the Inquiry into Homelessness and Low-Cost Rental Accommodation. In particular, the Report highlights the need for “an overarching human rights approach” to housing “with the primary task of meeting the needs of the most vulnerable groups” (paragraph 127). We urge the Standing Committee members to include the findings and recommendations from this report within the context of their current Inquiry. The report is available on the UN website at:

<http://www2.ohchr.org/english/issues/housing/visits.htm>

## 5 Response to the Inquiry's terms of reference

*a. Models of Low-cost rental housing outside of mainstream public housing, including but not limited to co-operative housing and community housing*

5.1 Western Australia's Disability Services Commission (DSC) has been successful in achieving positive accommodation outcomes for people with disability through its Local Area Coordination (LAC) model. The LAC model allows the DSC to achieve local outcomes by working closely with the Department of Housing and Works. The Standing Committee on Social Issues Making it Happen - Final Report into Disability Services provided this support to the Western Australian Model:

Considerable support has been expressed for the Local Area Coordination (LAC) model that operates in Western Australia. LAC was initially developed to meet the challenges of supporting people in rural and remote areas but now operates across Western Australia. It focuses on individualised and flexible coordination of support strategies for individuals with an emphasis on family support and community building. Coordinators work locally with people with disability, families and community groups to develop support options and also to build the capacity of local organisations to support people with disability. LAC also provides a point of entry to the specialist disability service system. Evaluation has shown that, in addition to meeting the needs of individuals more effectively than conventional services, LAC is extremely cost effective.

The committee went on to note the difference between LAC, or 'support coordination' and the current Department of Ageing, Disability and Home Care (DADHC) case management model:

Support coordination encompasses the existing role of case managers within DADHC but differs significantly in that the role involves actual authority to make decisions about service access and funding allocations. Support coordination also has a broader focus than traditional case management. Whereas traditional case management concentrates on access to formal disability services, support coordination focuses on enhancing both informal and formal supports and requires a more flexible approach and a more diverse range of skills. Effectively used, support coordination facilitates the skills and independence of people with disability and moves away from a support model based on the perceived deficits of people with disability and their need for 'care'.

PWD views the LAC model used in WA as a successful model that should be replicated within NSW to address housing issues for people with disability.



5.2 The Housing and Accommodation Support Initiative (HASI) is a partnership model in NSW that is successful in maintaining tenancies and reducing homelessness for people experiencing mental illness or psychosocial disability. HASI allows each partner to focus on their area of expertise and deliver outcomes in a coordinated way. The partnership involves a housing provider, mental health providers and accommodation support providers.

PWD has observed that there are consistent barriers experienced by people with mental illness and psychosocial disability in being able to move between service systems, such as health and housing and disability and health, with jurisdictional divides creating barriers to obtaining services. This results in many people 'falling through' the significant gaps in services. The HASI program has been more successful at overcoming these barriers than other programs.

The HASI model could be easily replicated for different target groups by changing the partners involved in the program. The Disability Housing and Support Initiative (DHASI) is one example of the HASI model being implemented in an innovative way. DHASI is targeted to people with intellectual disability and acquired brain injury. It replaces the mental health support component with disability support catering to people with intellectual disability or acquired brain injury. DHASI is currently being rolled out by DADHC in collaboration with Housing NSW and non-government partners.

PWD supports the allocation of additional funding to allow the extension of this model.

*c. Strategies to attract private sector investment in the provision of low cost rental accommodation*

5.3 The Youth and Community Services Act 1973 (YACS Act) provides the government scope to licence boarding houses that provide accommodation to people with disability. However, due to limitations in the enforceability of this legislation and policy decisions made by DADHC, who are responsible for regulating this sector, the monitoring and compliance expectations of this sector often only focuses on ensuring that physical aspects of the accommodation meet the required standards. DADHC's licensing and monitoring of licensed boarding houses more often than not do not adequately address the quality and appropriateness of the support services provided by the Boarding House Operator/staff to residents. The consequence of this is that people with disability residing in licensed boarding houses are often provided with inadequate support from untrained staff. This often results in abuse, neglect and in some instances, death.

Residents of boarding houses in NSW also do not enjoy the same tenancy rights as residents in other forms of low cost accommodation. Residents in community housing, public housing or in the private rental market have, for example, minimum notice periods which are required when the landlord terminates a tenancy. If these, or other conditions, are not met then an

application can be made to the Consumer, Trader and Tenancy Tribunal (CTTT) for a small fee. Boarders and lodgers within NSW have no such protection and their tenancy can be terminated without notice. Residents would need to take private action in the courts to seek a remedy. This is an option beyond the reach of most people with disability who live in licensed and unlicensed boarding houses.

The NSW Government has had the YACS Act under review for the past 10 years and has been considering tenancy issues for this sector for an unreasonably lengthy time without resolution. The state of this sector, its inability to keep abreast of contemporary disability service standards and best practice approaches and the subsequent human rights abuses inflicted on people with disability is an outrage.

PWD strongly believes boarding houses are not an appropriate model for private sector investment in low cost rental accommodation for people with disability.

*e. Strategies to avoid concentrations of disadvantage and grow cohesive communities*

- 5.4 People with disability must be involved as fully as possible in decision making processes that affect their lives, including those that affect the communities they live in. People with disability themselves are best placed to describe any problems and decide the solutions that are best for them. This participation will result in the development of appropriate responses to issues that arise in the local communities in which they live.

The Legislative Council's Standing Committee on Social Issues Report into Overcoming Indigenous disadvantage in New South Wales contained this recommendation (number 7):

That NSW Government agencies engage Aboriginal communities to identify local problems and solutions, and tailor programs delivered in a community accordingly.

PWD believes that a similar engagement approach should apply to people with disability and be implemented with communities generally in relation to accommodation and housing issues. Specific groups, such as people with disability within communities will also need to be targeted for participation in this process.

- 5.5 PWD believes that institutional, segregated or large congregate models of care are inappropriate models for the accommodation of people with disability. We argue that these models are a breach of the NSW Disability Services Act 1993 (DSA) and do not comply with obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD)..

The objects of the NSW DSA require DADHC to ensure that accommodation services for persons with disability assist them to live in

and be a part of the community. The 'principles' and 'applications of principles' of this Act also place a major emphasis on the human right of persons with disability to live in and be part of the community. The principles state that 'persons with disabilities have the same right as other members of Australian society to receive services in a manner which results in the least restriction of their rights and opportunities.' The applications of principles also make it clear that principles such as this are to be applied in ways that will ensure that services 'focus on the achievement of positive outcomes such as integration into the community,' and on 'promoting the participation of persons with disability in the life of the community through maximum physical and social integration.'

Around the world, best practice for supporting persons with disability to live in the community is focused on individualized supports, where the person receiving the service has maximum possible control over the resources available, and the ability to shape their supports in accordance with their identity and needs.

An extensive body of international research now exists to support the fact that institutional models of supported accommodation do not provide for the maximum physical and social integration of persons with disability into the community. Institutional models of supported accommodation are therefore in clear violation of the NSW Disability Services Act.

The evidence-base in relation to segregated, congregated, institutional models of supported accommodation is overwhelmingly negative. These models are historically associated with extraordinary levels of abuse, neglect and exploitation. They have never provided a basis for persons with disability to develop or retain life skills, and are most likely to be associated with the loss of life skills, and the development of anti-social or non-adaptive behaviour that typically includes harm to self and others. They have resulted in the loss of family relationships, and in many cases, in the total social isolation of persons with disability. All NSW Government agencies are supposed to adopt evidence-based approaches to policy and program development, but PWD argues that this does not appear to be the case.

For example, DADHC recently announced a tender for a provider to establish what it refers to as an 'intentional community'. This was described as a congregate accommodation model segregated from the community and based on single and shared accommodation with common facilities. This tender closed in April 2008. The outcome of the tender has not yet been announced. PWD argues that this is an institutional model care that has been rebranded to imply that it is an appropriate model of care.

PWD is appalled by the move to redevelop institutional models of care in NSW for people with disability, despite research and evidence that links these models to negative outcomes and breaches of human rights.

- 5.6 The implementation of mandatory state wide universal housing design standards would allow a significantly larger number of dwellings to be developed that would be accessible for people with disability as well as other members of the community to live in. Universal design is the design of products, services and environments to be useable by everyone regardless of age or ability. Building housing based according to universal design principles would increase housing stock for people with disability and allow for greater social interaction and cohesion - people with disability could live within communities rather than being segregated, and could visit other people within communities, given that all houses would have universal design features.

## **6 Conclusion and Recommendations**

- 6.1 Over a ten-year timeframe there have been a range of reports that have found that the aims and objectives of the Disability Services Act (DSA) 1993(NSW) have not been achieved. The findings also show that there are significant shortfalls in the social housing sector in NSW for people with disability.
- 6.2 PWD argues that there is an urgent need for the NSW Government to revitalise its commitment to progressing the human rights of people with disability by promoting the inclusion of people with disability in low cost, community based accommodation initiatives.
- 6.3 PWD believes that a human rights approach to housing is essential to addressing homelessness and low-cost rental accommodation, including in relation to people with disability.
- 6.4 PWD urges the NSW Government to prioritise the implementation of social housing programs, which are inclusive of the needs of people with disability in NSW so that the current disadvantage and homelessness experienced by many people with disability is significantly reduced.
- 6.5 PWD views the LAC model used in WA as a successful model that should be replicated within NSW to address housing issues for people with disability.
- 6.6 PWD believes that the HASI and DHASI models should be extended and strongly supported through additional allocation of funding.
- 6.7 PWD strongly believes boarding houses are not an appropriate model for private sector investment in low cost rental accommodation for people with disability.
- 6.8 PWD believes that NSW Government agencies should engage people with disability in decision-making, in identifying local problems and solutions, and in the delivery of tailored programs.
- 6.9

- 6.10 PWD believes that institutional, segregated or large congregate models of care are inappropriate models for the accommodation of people with disability that are in breach of the NSW Disability Services Act 1993 (DSA) and the UN Convention on the Rights of Persons with Disabilities.
- 6.11 PWD supports the implementation of mandatory state wide universal housing design standards that would allow housing to be developed that would be accessible for all members of the community, including people with disability.