

# Australians with disability need action to remove barriers to secure, safe and accessible housing

Joint statement from

- [People with Disability Australia](#) (PWDA)
- [Disability Advocacy Network Australia](#) (DANA)
- [Inclusion Australia](#)



26 August 2022

## Background

Disability Royal Commission public hearing 26, beginning 29 August 2022, will focus on the experiences of people with disability who have experienced homelessness, including living in boarding houses and other forms of insecure or inadequate housing.

There is no single definition of homelessness. The [Australian Bureau of Statistics \(2012\)](#) says:

'... when a person does not have suitable accommodation alternatives they are considered homeless if their current living arrangement:

- is in a dwelling that is inadequate;
- has no tenure, or if their initial tenure is short and not extendable; or
- does not allow them to have control of, and access to space for social relations.'

As Disability Representative Organisations, we believe the Royal Commission must consider homelessness in its broadest sense. Many people with disability experience one or more of these elements.

As individual and systemic advocacy organisations, we find a significant amount of our support is directly or indirectly related to housing. Over the years we have heard from thousands of people with disability who live in unsuitable, insecure and / or inappropriate housing. This neither meets their immediate needs nor allows for choice and control over their lives and futures. Many have also experienced more direct forms of homelessness such as couch surfing and even street sleeping.

Furthermore, years after governments around Australia underwent deinstitutionalisation, many people with disability continue to live in congregate settings, with little genuine choice about their homes and who they live with.

In this statement we have outlined a range of concerns and recommendations around housing for people with disability. We ask the Royal Commission to consider these in its hearing and subsequent work towards a final report.

## Safe and secure housing is critical to exercising our human rights and accessing supports and services

As well as being a basic human right in itself, safe and secure housing is fundamental to exercising full and equal enjoyment of all other **human rights and freedoms**, as promoted and protected under the [UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#).

Many people with disability live in inadequate accommodation that doesn't provide the necessary security from which to access other rights and freedoms, services and supports. This includes crucial support to find employment or stay out of prison. For example, one in three adults entering prison were homeless in the 30 days prior to being incarcerated ([AIHW 2019](#)).

Individual advocates often hear from people for whom home modifications, including NDIS funded modifications, can't be approved or implemented while living in insecure accommodation. This means people continue to live indefinitely without adequate supports.

In DANA's June 2022 online discussion 'Advocates Discuss: homelessness', a Victorian advocate said "...[a] lot of people stay at different people's places, all that kind of thing, but the most difficulty that we come across is then accessing services for them. So NDIS... they certainly will say, 'they're not in a home, we can't actually put those support services in place for them.'"

Lack of available alternatives and fear of becoming homeless also keep many people living in violent, abusive, neglectful and exploitative living environments, as the Royal Commission has already heard in Public hearing 17, which focused on the experience of women and girls with disability with a particular focus on family, domestic and sexual violence.

## Choice and control over where and with whom we live

[Article 19](#) of the UN CRPD is clear that people with disability should 'have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement'.

However, people with disability face many barriers to exercising choice and control over where they live and who they live with, including:

- lack of genuine choice and limited or no access to supports for decision-making
- assumptions and stigma
- a lack of accessible and affordable housing options to choose from
- a service system which still leans towards congregate settings
- 'service capture' with the same provider responsible for their day-to-day support and their housing. This often results in conflicts of interest and limited access to independent advocacy or other help to make complaints or report violence or neglect
- some NDIS supports only being approved for congregated settings like group homes.

One member of our community who previously worked in a service provider told us about 'provider ownership': "Clients are possessions. [They say] 'how dare you refer external?' even though it's part of your job description to offer choice and control."

## Structural barriers to safe and secure housing must be addressed

Structural barriers and intersectional issues contribute to people with disability being at **increased risk of homelessness**. The Royal Commission has heard that people with disability experience higher levels of poverty and financial stress and higher levels of domestic and family violence. The Commission has also heard people talk about the trauma and flow-on impacts of growing up in institutions.

In a survey conducted by Disabled People's Organisations Australia for the 2019 Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities, a 36-year-old man from Tasmania wrote "I am homeless due to trying to meet costs of healthcare...the stress exacerbates my condition."

**Barriers to gaining and maintaining** quality, secure housing, that should be examined by the Royal Commission, include:

- significant shortage of accessible housing stock, including social housing;

- shortage of appropriate accommodation options for people with high or complex support needs, leading to young people living in residential aged care and people of all ages unable to be discharged for long periods after a hospital stay;
- lack of transitional accommodation for people exiting prison and hospital;
- supply and demand barriers around housing affordability, including tight and competitive private rental markets;
- barriers to employment and inadequate income support that limit choice;
- service integration challenges, such as:
  - limited appropriate, wraparound support for people to maintain tenancies;
  - inaccessible domestic and family violence supports, like refuges;
  - difficulty securing housing modifications under the NDIS;
- intersectional discrimination in the housing application process, with general ableism exacerbated by things like racism, prejudice against formerly imprisoned people and stigma about people with facial differences; and
- undiagnosed chronic illness or psychosocial disability leaving people without supports.

These structural and intersectional issues require **in-depth examination** and recommendations by the Royal Commission.

'... providers seem to be able to pick and choose who they want to provide services to and they look at the potential risk profile of the client and potentially make decisions based on that... It often seems easier just to say no rather than look at how can we support the person. So I've certainly worked with many clients who have been on this roundabout of even trying to find a place.'

*Victorian Advocate, from DANA's February 2021 Zoom workshop with the Disability Royal Commission*

## Recommendations

We need practical solutions. Some of these have long been advocated for by people with disability, disability advocates, Disabled People's Organisations and Disability Representative Organisations, including in past submissions to the Royal Commission.

Other groups not specifically focused on disability have also made report after report calling for similar changes.

In a recent example, Homelessness Australia's [A plan to end homelessness](#) (2022, p. 4) calls for "enough support for people to gain and sustain housing". This includes providing adequate support to gain access to housing, and to navigate access to income support, legal services, and any required health or disability supports.

A [joint paper on First Nations housing](#) from Change the Record and Everybody's Home highlights the need for immediate investment in co-designed and culturally appropriate housing options for Aboriginal and Torres Strait Islander peoples (2022, p 4).

A non-exhaustive list of priority policy changes must include:

- ensuring people with disability [are able to choose](#) where, and with whom, they live;
- commitment to [closing residential institutional environments](#) and developing genuine, community-based housing and support choices for people with disability;
- increasing access to high quality, accessible social housing, including delivery of housing stock to a level that would substantially reduce wait-lists in the near term and aim to eradicate the waitlist entirely in the medium term;
- ensuring that formal decision support and support coordination is available independent of service provision;
- prohibiting a single service from providing both housing and living supports for the same individual;
- commitment from all Australian governments to providing enough support, (including but not limited to Tier 1 NDIS supports) for people to gain and maintain housing and avoid cycling back into homelessness;

- commitment from all Australian governments to implement the Liveable Housing Provisions of the National Construction Code 2022 to ensure all new homes better meet the needs of people with physical disability;
- inclusion of people with disability who have experienced homelessness in setting research agendas and informing housing policy at all levels including state, territory and federal governments;
- commitment to funding independent advocacy and support for decision making to ensure people can make informed choices about where they live (and with whom), and don't feel compelled to stay in certain living arrangements to receive the disability supports they need.

The housing crisis and its impact on people with disability isn't going away – not without significant and effective government action.

As Disability Representative Organisations we ask the Royal Commission to use the weight of its recommendations to help surmount the policy inertia that has allowed these unacceptable conditions to continue for too long.