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3 October 2023

Committee Secretary
Senate Standing Committees on Community Affairs
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Parliament House
Canberra ACT 2600
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To whom it may concern,

Re: SDA Alliance Submission to *Disability Services and Inclusion Bill 2023* and *Disability Services and Inclusion (Consequential Amendments and Transitional Provisions) Bill 2023*

The Specialist Disability Accommodation (SDA) Alliance would like to thank the Senate Standing Committees on Community Affairs for the opportunity to share our views on both Bills.

The SDA Alliance represents sixty-seven SDA providers and investors across the country (our member-base represents over 25% of the total SDA sector). As the peak body representing the good practice New Build SDA sector, we provide a unified voice to better support the development of a diverse and sustainable SDA market. By engaging with governments and other key stakeholders, we seek to enable the provision of excellence in SDA. Ensuring people with disability can exercise housing choice and control lies at the heart of our work.

We appreciate the consultations which have been held on this matter, to date. We apologise that due to unforeseen circumstances, the SDA Alliance was unable to participate in these opportunities. It should be noted that as a peak body, we were very keen to participate in consultations and engagement with the government on the development of critical legislation impacting people with disabilities.

Our responses to both Bills are outlined below. Note, in line with our expertise, our submission responds only to matters relating to SDA and related housing and living supports for people with disabilities.

Disability Services and Inclusion Bill 2023

The key messages we wish to highlight are as follows:

- In general, the SDA Alliance welcomes the Bill and applauds the government for taking steps to significantly improve upon the *Disability Services Act 1986*. We support the Objects and general principles as outlined in the Bill. We particularly appreciate the Bill's acknowledgement of the social model of disability, and the broad understanding of disability countenanced by the Bill.
- We appreciate the Bill's focus on improving the quality and safeguarding of disability services outside of the NDIS, and its engagement with the United Nations Convention on the Rights of Persons with Disability (CRPD). Given the importance of housing quality and safeguarding, and therefore the critical nature of Article 19 of the Convention (*Living independently and being included in the community*¹), the SDA Alliance sees an opportunity for the rights enshrined in Article 19 to be further

¹ United Nations Convention on the Rights of Persons with Disability: [Article 19 – Living independently and being included in the community | United Nations Enable](#)



integrated into the Objects and principles of this Bill. For example, including specific reference to persons with disabilities having the opportunity to choose their place of residence, where and with whom they live on an equal basis with others, not being obliged to live in a particular living arrangement, and to preventing isolation or segregation from the community.

- The SDA Alliance supports the introduction of mandatory requirements regarding incident management systems, complaints reporting, and a Code of Conduct for non-NDIS disability service providers. However, we are concerned that this legislation may not apply, and therefore offer no protection to, people with disability who are not eligible for SDA and are living in Boarding Houses/Supported Independent Living Homes/Supported Residential Services. As these individuals do not have SDA funding nor do their Providers receive government disability service accommodation funding, their accommodation expenses are usually privately covered by their Disability Support Pension, Pension Supplements and Commonwealth Rent Assistance. The private nature of these payment flows may mean that Boarding Houses/Supported Independent Living Homes/Supported Residential Services are not covered by this Bill. This sector is currently very poorly regulated, resulting in serious, widespread quality and safeguarding concerns. Residents are afforded limited (if any) choice and control regarding where they live, with whom they live and the conditions of their home life. Housing affordability and accessibility are the push factors that result in many of these individuals ending up in Boarding Houses/Supported Independent Living Homes/Supported Residential Services in the long term. In the event the Bill does not currently apply to Boarding Houses/Supported Independent Living Homes/Supported Residential Services Providers, the SDA Alliance recommends that this Bill be amended to expressly provide protection to persons with disabilities residing in Boarding Houses/Supported Independent Living Homes/Supported Residential Services.
- The Bill outlines quality and safeguarding arrangements to keep people with disabilities safe when receiving disability supports and services outside the NDIS. The SDA Alliance supports this move. However, it is unclear whether this addresses the critical housing quality and safeguarding issue - namely of a Provider delivering both housing and care support services to a single Participant (and essentially controlling the entire home life of the Participant). The SDA Alliance echoes the recommendation of the Disability Royal Commission to urgently mandate full separation of those who provide housing and care support services for the same Participants, with discrete carve-outs (i.e., for remote/very remote locations, SDA Self Providers that choose to self-manage their in-home care supports, Aboriginal and Torres Strait Islander community designed models). Under the current arrangements, these multi-service Providers have significant conflicts of interest that are undermining the National Disability Insurance Scheme (Scheme) sustainability and outcomes of people with disability. Further, these arrangements do not ensure quality, safety and security for people with disability.
- The SDA Alliance appreciates the Bill's focus on the delivery of *accommodation supports or services* to persons with disability. In our experience, we know that some people with disability can experience significant challenges with both finding and subsequently maintaining accommodation. While supports to find accommodation is briefly referenced in the Bill, there is an opportunity to go further in the Bill and/or Explanatory Memorandum and specifically address activities to support people to maintain their accommodation in line with relevant UNCRPD Articles. For example, in cities where the cost of renting is higher, persons with disabilities may need to share accommodation; in these instances, assisting people to have the resources and develop the skills to find suitable flat mates and successfully share a home with others is critical. With rent across Australia rising at the fastest rate in 15 years², we anticipate that an increasing number of people will require this type of

² [Australian rents are rising at the fastest rate since the GFC – and from a higher base | Housing | The Guardian](#), 1 September 2023



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support.

- The SDA Alliance supports the *independent living supports or services* cited in the Bill. However, we note a lack of reference to the provision of personal and domestic care supports to assist people with daily activities, including assistance with, or supervision of, regular tasks (e.g., personal hygiene, eating and drinking, grocery shopping, housecleaning etc.). The inclusion of personal and domestic care supports is essential particularly for those Participants who require high-level support on an ongoing basis, and which cannot be addressed (or altered) via capacity building supports. Clarification as to whether the Bill takes personal and domestic care supports into consideration (above and beyond capacity building relating to these tasks) would be appreciated.

Disability Services and Inclusion (Consequential Amendments and Transitional Provisions) Bill 2023

The key messages we wish to highlight are as follows:

- Section 10 (page 6) of the Explanatory Memorandum relating to this Bill states:

Replacing the DS Act also ensures that the Government is better able to respond to recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and the Review of the NDIS. If the recommendations call for further legislative change, the DSI Bill will form a solid foundation. If the recommendations require new measures, the DSI Bill will provide a single source of legislative authority with consistent statutory requirements for funded providers.

- Further, while delivering a speech in Geelong in September 2023³, NDIS Review co-chair, Professor Bruce Bonyhady, referenced the need for community-wide foundational supports to be made available to all people with disability including those not in the NDIS. In Australia, approximately one in five people live with disability, but only one in fifty Australians receive an individualised support package from the NDIS⁴. Professor Bonyhady also commented on quality and safeguards stating:

We need proportionate regulation and we need a better quality and safeguards framework – and those regulations and that framework need to be updated and expanded to include foundational supports as well as the NDIS⁵.

- In light of Section 10 of the Bill's Explanatory Memorandum and Professor Bonyhady's remarks (as stated above), should we infer the Australian Government is moving away from separate regulators for each care sector? Further, should we infer from these messages a move towards the establishment of a single, national independent regulator overseeing the care industry beyond the NDIS and potentially beyond the broader disability sector (e.g., encompassing NDIS, non-NDIS disability services, aged care and veteran services)? Clarification on this matter is an essential precursor for the SDA Alliance to provide further input into the finalisation of the Bill. If such a move were to be considered, it must first be clearly signaled in advance to the whole disability sector in order to enable the co-design needed by representatives of people with disability and industry.

³ Professor Bruce Bonyhady speech: Geelong Community Meeting, 6 September 2023. Available [here](#).

⁴ *ibid*.

⁵ *ibid*.



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The SDA Alliance would greatly welcome any further engagement, collaboration and discussion with representatives of the Senate Standing Committees on Community Affairs about the matters highlighted in our submission. As such, please do not hesitate to contact me directly.

Yours faithfully,

Melanie Southwell
Chief Executive Officer