



First Peoples
Disability Network
Australia

29 August 2023

Parliament of Australia

Re: Housing Australia Future Fund Bill 2023 (No.2)

FPDN welcomes the opportunity to make a submission to the Housing Australia Future Fund Bill 2023 (No. 2). This submission provides five key points for the Parliament of Australia to consider when implementing the Housing Australia Future Fund.

About FPDN

The First Peoples Disability Network (FPDN) is the national peak organisation of and for Australia's First Peoples with disability, their families and communities. We actively engage with communities around Australia and represent Aboriginal and Torres Strait Islander people with disability in Australia and internationally. Our goal is to influence public policy within a human rights framework established by the United Nations Convention on the Rights of Persons with Disability and the United Nations Declaration on the Rights of Indigenous Peoples. Consistent with our principle of community control, our organisation is governed by First Peoples with lived experience of disability.

FPDN is the community-controlled disability peak and a member of the Coalition of Peaks, a partner to all Australian governments to the Closing the Gap National Agreement. We are also the First Nations Disability Representative Organisation actively representing the voices of First Nations peoples within Australia's Disability Strategy governance structures. For millennia, First Nations peoples, communities, and cultures have practiced models of inclusion. However, despite this, since colonisation, First Peoples with disability and their

families have been and continue to be amongst the most seriously disadvantaged and disempowered members of the Australian community. FPDN gives voice to their aspirations, needs and concerns and shares their narratives of lived experience. Our purpose is to promote recognition, respect, protection, and fulfilment of human rights, secure social justice, and empower First Peoples with disability to participate in Australian society on an equal basis with others. To do this, we proactively engage with communities around the country, influence public policy and advocate for the interests of First Peoples with disability in Australia and internationally.

Our extensive national work includes community engagement, capacity building and rights education; systemic advocacy, policy, research, evaluation and data; the development and delivery of evidence-informed training and resources with community for community and to a range of sectors including the Community Controlled sector and mainstream disability sector, Commonwealth and state/territory government policy and service delivery agencies and departments. FPDN also has an international presence and networks, including with the United Nations, and provides consultancy and support to international regions.

We follow the human rights framework established by the United Nations Convention on the Rights of Persons with Disabilities (CRPD), to which Australia is a signatory, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

We are also guided by both the social and cultural models of disability. The social model views 'disability' to be the result of barriers to equal participation in the social and physical environment. These barriers can and must be dismantled. However, FPDN recognises the critical need to move beyond a social model to ensure the cultural determinants of what keeps First Nations people with disability strong is centred when working with and in designing policies and programs to improve outcomes for First Nations people. We call this a cultural model of inclusion.

A cultural model of inclusion recognises the diversity of cultures, languages, knowledge systems and beliefs of First Nations people and the importance of valuing and enabling

participation in society in ways that are meaningful to First Peoples.¹ A First Nations cultural model of inclusion includes the human rights framework and the social model of disability to ensure that enablers, approaches, services and supports are culturally safe and inclusive, and disability rights informed. It is the only disability model that seeks to improve the human condition through focussing on what keeps people strong, as distinct to merely negating the adverse impact of difference.

Our community has to operate in multiple worlds – First Nations, disability, and mainstream society. The disability sector reflects this and is a complex and interconnected web of approaches to enable First Nations people with disabilities to realise their rights to participate in all aspects of their life, including safe, affordable, accessible and inclusive housing. These enablers, approaches, services and supports need to exist across the entire life-course, including the Aboriginal and Torres Strait Islander Community Controlled Sector and mainstream disability sector, as well as mainstream organisations and services.

The policy context

FPDN recognises the unique opportunity both Closing the Gap and Australia's Disability Strategy to ensure the legislation, policies, programs and service delivery are accessible, inclusive and equitable for First Nations people with disability.

FPDN expects our following recommendations to be implemented in line with the Closing the Gap National Agreement Priority Reforms and the Disability Sector Strengthening Plan and its Guiding Principles. The Priority Reforms focus on changing the way governments work with Aboriginal and Torres Strait Islander peoples and the Disability Sector Strengthening Plan outlines high-level priorities and actions at a national level to strengthen and build a Community Controlled Disability Sector. The Commonwealth government, all State and Territory Governments and the Local Government Authority are signatories and partners to the National Agreement and also the Disability Sector Strengthening Plan. The Priority Reforms are:

¹ S Avery, '[Culture is Inclusion](#),' 2018, First Peoples Disability Network.

1. Formal partnerships and shared decision-making
2. Building the community-controlled sector
3. Transforming government organisations
4. Shared access to data and information at a regional level

Applying the Closing the Gap approach to disability as a cross-cutting outcome through the Priority Reforms; they offer structure to government to ensure First Nations peoples with disability have:

- a greater say in how policies and programs are designed and delivered;
- have access to community controlled services and sectors that delivers culturally safe, accessible and inclusive, and disability right informed services;
- have access to mainstream organisations and services, such as NDIS services, hospitals, schools and government agencies, that are culturally safe, accessible and inclusive, and disability right informed;
- and have access to, and the capability to use, locally-relevant, First Nations disability informed, data and information.

First Nations people with disability and Housing

For millenia, First Nations peoples, communities, and cultures have practiced models of inclusion. This embracing of diversity and inclusion “is derived from a belief system and worldview of humanity in which biological, physical and intellectual differences are accepted as part of the fabric of society.”² Drawing on nation-wide available data, First Nations people with disability are included in their own communities across social, cultural and community events on average more than other Australians with disability.

However, despite this strength, since colonisation First Nations people with disability experience significant levels of inequality across all other life areas compared to other Australians, including in areas of health, education and social inequality.³ Whilst population prevalence data is limited, First Nations people are twice as likely to experience disability

² S Avery, ‘[Culture is Inclusion](#),’ 2018, First Peoples Disability Network.

³ S Avery, ‘[Culture is Inclusion](#),’ 2018, First Peoples Disability Network: Australian Bureau of Statistics (ABS) (2016) *National Aboriginal and Torres Strait Islander Social Survey*, (NATSISS) 2014-15 (Release 4714.0).

than the rest of the Australian population.⁴ Using the statistical definitions of ‘severe and profound disability’ in the Australian Bureau of Statistics (ABS) datasets, including the *ABS Survey of Disability, Ageing and Carers (SDAC)*, 2018,⁵ it is estimated that over 60,000 Aboriginal and Torres Strait Islander people live with severe or profound disability in Australia today.⁶

First Nations people with disability experience many intersectional forms of discrimination, including discrimination based on age, gender, sexuality and geographic location. These intersecting forms of discrimination are institutionalised and embedded in how policies and programs have been designed, including the NDIS.

Consistent with the social and cultural models of disability within which FPDN works, we recognise that Aboriginal and Torres Strait Islander people are disproportionately affected by poor housing outcomes. This impact is widespread and has social, emotional, physical, economic and cultural impacts. Finding affordable and stable housing has become increasingly difficult as rental prices are increasing with low vacancy rates on rental properties.⁷ ABS statistics from the 2016 census showed that for First Nations people 56% of dwellings were rented, 26% of dwellings were owned with a mortgage and 12% of dwellings were owned outright.⁸ The current housing crisis, alongside the rising cost of living contribute to the lack of housing options for people on low incomes and statistics show that First Nations Australians are four times more likely to be living in social housing and experience overcrowding in the dwelling.⁹

First Nations Disability Housing Data Gap

As noted in the Disability Sector Strengthening Plan, First Nations people with disability sit on the periphery of both national disability policies, frameworks, data infrastructure or

⁴ Australian Bureau of Statistics (ABS) (2016) *National Aboriginal and Torres Strait Islander Social Survey*, (NATSISS) 2014-15 (Release 4714.0).

⁵ ABS, [‘Disability, Ageing and Carers, Australia: Summary of Findings’](#), 2018, accessed 29 August 2023.

⁶ S Avery, [‘Culture is Inclusion’](#), 2018, First Peoples Disability Network.

⁷ Treasury.gov.au, [‘Improving housing supply and affordability’](#), n.d., accessed 16 June 2023.

⁸ ABS, [‘Census of population and housing: Characteristics of Aboriginal and Torres Strait Islander Australians’](#), 2018, accessed 3 April, 2023.

⁹ M Andersen, A Williamson, P Fernando, S Eades and S Redman, ‘They took the land, now we’re fighting for a house,’ *Housing Studies*, 2018, 33:4, 635-660.

research agendas. In effect, this means data about and evidence by First Nations people with disability are often not captured in its own right. This has key implications for how data and evidence is captured in relation to First Nations people with disability and their unique experiences of interaction with the service systems and all other aspects of life, including what living well looks like for a First Nation person with disability. Existing data and research is often limited in scope, and often does not provide sufficient focus to all experiences of disability in regional, remote or urban contexts. FPDN is in the process of developing a broad First Nations disability data strategy, however, there is a need for dedicated First Nations Disability Housing data project.

1. The importance of social housing

When disability and poverty intersect, First Nations people are likely to have unmet housing needs.¹⁰ The impact of intersectionality, where disability and poverty combine, affect even the ability to search for housing as appropriate and affordable transport is required to view available houses, and access to digital technology is required to apply for housing.¹¹

Likewise, there is a lack of housing data around the intersection between being a First Nations person and having a disability¹² which means that the true extent of lived experience is unknown. However, what is known that in urban areas, First Nations households experience considerable disadvantage around housing affordability where home ownership is financially unattainable, and the private rental market was priced high combined with competition for tenancy.¹³

2. Stable and safe housing is to be available for all

¹⁰ R van den Nouwelant, L Troy and B Soundararaj, '[Quantifying Australia's unmet housing need: A national snapshot](#),' 2022, accessed 27 March 2023.

¹¹ M Andersen, A Williamson, P Fernando, S Eades and S Redman, 'They took the land, now we're fighting for a house: Aboriginal perspectives about urban housing disadvantage,' *Housing Studies*, 2018, 33:4, 635-660.

¹² E Grant, G Zillante, A Srivastava, S Tually and A Chong, '[Housing and Indigenous disability: lived experience of housing and community infrastructure](#),' 2017, accessed 27 March 2023.

¹³ M Andersen, A Williamson, P Fernando, S Redman and F Vincent, 'There's a housing crisis going on in Sydney for Aboriginal people: focus group accounts of housing and perceived associations with health,' *BMC Public Health*, 2016, 16: 429.

Having safe and affordable housing, without overcrowding, contributes to the Closing the Gap outcomes in health, education and employment. Without appropriate housing, individuals experience poorer health outcomes and lower levels of education, leading to lower rates of employment.¹⁴ Likewise, insecure or inadequate housing led to poor social and emotional wellbeing.¹⁵ Vallesi et al writes:

“With so many Aboriginal Australians experiencing homelessness, it is no wonder that five of the seven [Closing the Gap] targets relating to school attendance, life expectancy, educational achievement, and employment are not on track. Without a safe and secure place to call home, school attendance, employment, and health become inconsequential in the hierarchy of needs.”¹⁶

Housing in remote communities has additional challenges such as the distance from building suppliers, access to electricity and access to food security. One report found that in remote communities there is poor quality of housing and availability.¹⁷ Likewise, housing in remote communities may have issues with ongoing maintenance due to the distance from resources.

The lack of affordability around home ownership and private rental pushes First Nations people, and particularly those with disability, into social housing. Yet social housing has issues with long wait times and limited supply of social housing. With a high demand for social housing, some housing was not suitable for the householders as it fell short of basic standards and accessibility for people with disability.¹⁸

¹⁴ AIHW, ‘[People with disability in Australia: Housing](#),’ accessed 27 March 2023.

¹⁵ M Andersen, A Williamson, P Fernando, S Redman and F Vincent, ‘There’s a housing crisis going on in Sydney for Aboriginal people: focus group accounts of housing and perceived associations with health,’ *BMC Public Health*, 2016, 16: 429.

¹⁶ S Vallesi, E Tighe, H Bropho, M Potangaroa and L Watkins, ‘Wongee Mia: An innovative family-centred approach to addressing Aboriginal housing needs and preventing eviction in Australia,’ *International Journal of Environmental Research and Public Health*, 2020, 17, 5501, p 10.

¹⁷ M Andersen, A Williamson, P Fernando, S Redman and F Vincent, ‘There’s a housing crisis going on in Sydney for Aboriginal people: focus group accounts of housing and perceived associations with health,’ *BMC Public Health*, 2016, 16:429.

¹⁸ M Andersen, A Williamson, P Fernando, S Redman and F Vincent, ‘There’s a housing crisis going on in Sydney for Aboriginal people: focus group accounts of housing and perceived associations with health,’ *BMC Public Health*, 2016, 16: 429.

3. Housing needs to be accessible

Housing needs to be accessible for people with disability. Housing accessibility can include ramps for wheelchairs, bathrooms with accessible showers and railings, and adequate number of bedrooms for household members. A lack of accessible housing can also mean that available housing is in disrepair. In the Northern Territory, failures to carry out repairs in public housing had been documented, and the question was raised whether compensation should be provided to householders who experienced mental distress because of the failure to carry out repairs to make a house habitable.¹⁹ Inhabitable housing also includes issues such as mould, leaking in the building, vermin, and substandard plumbing and electrical wiring.²⁰

The Disability (Access to Premises – Buildings) Standards 2010²¹ aligns with the Disability Discrimination Act 1992 to ensure that public buildings are accessible for people with disability and their family members. Additionally, the National Construction Code²² comes into effect in 2023 and mandates for basic accessibility in new homes. Basic accessibility includes a step-free entrance and a toilet accessible from the entry.²³ However, some states are not quick on the uptake of these principles, and the guidelines do not yet apply to existing dwellings. For people with disability from low incomes, obtaining accessible housing can be challenging.

4. Housing is to be free from discrimination

Direct and indirect discrimination affects First Nations people with disability when it comes to obtaining and maintaining housing. Examples of racism are prevalent for First Nations people applying for rental properties within the private rental system where those who were

¹⁹ E Byrne, '[High Court to decide if Santa Teresa public housing tenants can sue Northern Territory government for disappointment and distress](#),' accessed 16 March, 2023.

²⁰ M Andersen, A Williamson, P Fernando, S Redman and F Vincent, 'There's a housing crisis going on in Sydney for Aboriginal people: focus group accounts of housing and perceived associations with health,' *BMC Public Health*, 2016, 16: 429.

²¹ Department of Industry, Science and Resources, '[Premises Standards](#),' accessed 20 June, 2023.

²² Disability Support Guide, '[Understanding the National Construction Code's accessible housing standards](#),' accessed 20 June, 2023.

²³ S Convery, '[NSW's rejection of basic accessible home standards 'salt in the wound'](#),' for disabled people,' accessed 20 June, 2023.

more identifiable as Aboriginal were less likely to be accepted as rental tenants.²⁴ Likewise, if First Nations people had access to housing, research showed that they were likely to be subject to racism from non-Indigenous neighbours.²⁵

5. Housing is to be on Country

To receive adequate support for disability, First Nations people in rural and remote communities are likely to need to move off Country. The impact of dispossession of place, culture and community is profound. Researchers at the University of Adelaide explained:

“At the remote location we found that Indigenous people with disability often had to move to access housing, health services or supported living arrangements. When people were required to move, they were greatly affected by their dislocation. Communities wanted to keep people with disability living within the community whenever they could. People with disability in Yalata saw family as responsible for their care. Remarkably, at the rural location, we found that some people with disability had moved back to the community to access housing and health services. The rural community had become a place of refuge. In the urban setting, there were indications that people had access to a full range of requisite services however discussions with study participants in Geelong found that some were faring very poorly in terms of accessing housing appropriate to their physical, social and cultural needs.”²⁶

This is in contrast to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) which advocates for people with disability to be able to choose where they live and with whom they live.²⁷ Likewise, in the United Nations Declaration on the Rights of Indigenous People (UNDRIP), article 10 states that “Indigenous peoples shall not be forcibly removed from their lands...no relocation shall take place without the free, prior and

²⁴ M Andersen, A Williamson, P Fernando, S Eades and S Redman, “‘They took the land, now we’re fighting for a house’: Aboriginal perspectives about urban housing disadvantage,” *Housing Studies*, 2018, 33:4, 635-660

²⁵ M Andersen, A Williamson, P Fernando, S Eades and S Redman, “‘They took the land, now we’re fighting for a house’: Aboriginal perspectives about urban housing disadvantage,” *Housing Studies*, 2018, 33:4, 635-660

²⁶ E Grant, G Zillante, A Srivastava, S Tually and A Chong, ‘[Housing and Indigenous disability: lived experience of housing and community infrastructure](#),’ 2017, p 15, accessed 27 March 2023.

²⁷ I Wiesel and D Habibis, ‘NDIS, housing assistance and choice and control for people with disability,’ 2015. AHURI Final Report 258.

informed consent of the indigenous peoples concerned”²⁸ Whilst this article is not specific to First Nations people with disability, the principle applies. For when First Nations people with disability are removed from their land due to lack of disability support and services, this relocation is in opposition to the CRPD which Australia is a signatory to. Without adequate services and support for disability on Country, First Nations people with disability are required to choose between support and Country. Wiesel and Habibis note that individuals often choose to remain on Country,²⁹ whereas the findings from the Royal Disability Commission noted that “many Anangu with disability are living off the NPY Lands, away from family, culture and Country because of the lack of services and support options in remote communities.”³⁰ The neglect and disregard of First Nations people with disability in remote and rural communities needs to stop and services and support need to be provided so that the cycle of dispossession of Country and culture do not continue.

FPDN thank the Parliament of Australia for the opportunity to participate in this inquiry and FPDN would be happy to discuss any of these points further with you.

²⁸ United Nations, ‘[Declaration on the Rights of Indigenous Peoples](#),’ 2007, accessed 22 June, 2023.

²⁹ I Wiesel and D Habibis, ‘NDIS, housing assistance and choice and control for people with disability,’ 2015, AHURI Final Report 258, accessed 3 April, 2023.

³⁰ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, ‘[Seventh Progress Report](#),’ 2022, accessed 3 April, 2023.