

First Peoples Disability Network:

National Housing and Homelessness Plan Bill 2024 (No. 2)
Submission to the Senate Economics Legislation Committee

August 2024





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First Peoples Disability Network: Response to First Nations Recommendations in the Disability Royal Commission

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About First Nations Disability Network

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 across Australia's Disability Strategy, the NDIS and related 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.

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 centered 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 Peoples¹.

Our work is underpinned by the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#) and the [Convention on the Rights of Persons with Disability \(CRPD\)](#).

Any questions regarding this document should be directed to Tahlia-Rose Vanissum, Head of Policy via email, policy@fpdn.org.au.

Other correspondence can be directed to:

Phone: (02) 9267 4195 **Email:** enquiries@fpdn.org.au

Mailing Address: PO Box 3655, Rouse Hill NSW 2155

Address: Canberra Office, Level 2, 33 Allara St, Canberra ACT 2601

¹ S Avery, 'Culture is Inclusion,' 2018, First Peoples Disability Network.



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09 August 2024

Committee Secretary
Senate Economics Legislation Committee
Department of the Senate, Parliament House
Canberra ACT 2600

Dear Secretary,

National Housing and Homelessness Plan Bill 2024 (No. 2)

This submission reflects the position of the First Peoples Disability Network ('FPDN') on the National Housing and Homelessness Plan Bill 2024 (No. 2).

FPDN is supportive of the bill in its intention to legislate the creation of a Housing and Homelessness plan, as well as establishing consultation and reporting mechanisms, and an independent advocate's office. FPDN strongly agrees with the mandate for First Nations and Disability representation on the Consumer Council, and Clause 8 paragraphs (i) and (j) of the Act which speak to the Convention on the Rights of Persons with Disabilities (CRPD) and First Nations self-determination. We also support the commitment to the United Nations Declaration on the Rights of Indigenous People (UNDRIP) and a human rights-based approach in Section 3 of the Act.

However, FPDN believes that the bill can go further to embed accountability and meet the needs of one of Australia's most marginalised groups.

Recommendations

1. The National Housing Consumer Council to include a First Nations person with lived experience of disability, housing need and/or homelessness.
2. The National Housing and Homelessness Plan monitoring and reporting mechanisms must include measures of significance for First Nations people with a disability, at a minimum this would include monitoring the implementation of the housing recommendations of the Disability Royal Commission, reporting relevant to inform progress of relevant sections of Australia's Disability Strategy, and First Nations disability and housing accessibility data (see *Supporting Document 3 of the CTG Disability Sector Strengthening Plan*).
3. There must be dedicated First Nations disability representation on any and all consultation mechanisms created under the Plan.
4. There must be due consideration given to the interface of 'mainstream', Supported Independent Living (SIL) and NDIS Housing related supports.



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Impact

First Nations people and those with a disability are disproportionately affected by inadequate housing and lived experiences of homelessness, compounded by a lack of adequate data that would allow target programs to address these needs.

- First Nations people are twice as likely to experience disability than the rest of the Australian population²
- It is estimated that over 60,000 Aboriginal and Torres Strait Islander people live with severe or profound disability in Australia today³

From the data we do have, we know that housing is a huge area of concern for First nations people with a disability:

- In regards to social housing, “Of households that have at least one person with disability (where disability status is known)...1 in 10 (10% or 12,000) are Indigenous (12% or 22,500 without disability) (where Indigenous status is known). A household is considered to be Indigenous if any member of the household identifies as Aboriginal and/or Torres Strait Islander⁴,” a high proportion, especially noting that around 68,000+ households did not confirm their status
- As FPDN notes in its 2021 Home and Living Consultation submission to the NDIS, “the Australian Housing and Urban Research Institute (AHURI) 2017 report Housing and Indigenous disability...found that the ‘majority of houses examined for this study did not meet accessibility and visitability requirements for residents and guests’ and that had a significant impact on the wellbeing, health and disability of Aboriginal and Torres Strait Islander people with disability⁵”
- Chapter 9 of the Wiyi Yani U Thangani (Women’s Voices) Report⁶ provides direct evidence identifying at least seven barriers to realising the right to housing⁷
- Accurate, targeted and up to date data concerning the housing conditions of Aboriginal and Torres Strait Islander people living with a disability is unfortunately still not adequate to inform nuanced policy discussions. The data collection, monitoring and evaluation framework of the National Housing and Homelessness Plan must also address this inadequacy

Within the bill, the 'Content of the National Housing and Homelessness Plan' includes a subclause with a direction on "involving Aboriginal and Torres Strait Islander Peoples in developing, determining and

² Australian Bureau of Statistics (ABS) (2016) National Aboriginal and Torres Strait Islander Social Survey, (NATSISS) 2014-15 (Release 4714.0).

³ S Avery, 'Culture is Inclusion,' 2018, First Peoples Disability Network

⁴ The Australian Institute of Health and Welfare, 2024, People with disability in Australia 2024, <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/housing/housing-assistance>

⁵ First Peoples Disability Network, 2021, Home and Living Consultation for the NDIS, <https://www.ndis.gov.au/media/4942/download>

⁶ Wiyi Yani U Thangani (Women’s Voices) Report

https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf

⁷ Those factors were: Availability, The types of houses needed, Overcrowding, The Indigenous housing sector, Discriminatory housing access, Maintenance of housing, and Affordability



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administering housing programs affecting them" and "improving the ability of people with disability to live in the community, with choices equal to others."

Given the fact that these issues disproportionately affect First Nations people with a disability, we suggest that the bill mandates that the First Nations representative has lived experience of housing need, homelessness and/or disability. There is a critical need for that unique perspective to act as an accountability mechanism for housing and homelessness supports, this cohort is often overlooked as their needs fall between existing disability, NDIS and housing accountability and policy structures.

The importance of this representation is also in line with outcome 9 of Closing the Gap, which states that "Aboriginal and Torres Strait Islander People secure appropriate, affordable housing that is aligned with their priorities and need⁸." This target includes increasing the percentage of First Nations people who live in housing that is not overcrowded, and also have housing that receives essential services.

Applying the Closing the Gap approach to disability as a cross-cutting outcome through the Priority Reforms offers 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 affordable and safe housing, 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.

⁸ Closing the Gap, '7B Table B: Outcome 9,' www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/7-difference/b-targets/b9



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Existing Knowledge Bases

There have been numerous reviews, policies and research which have already formed a significant knowledge base from which to draw when it comes to how government can best address housing needs for First Nations people and those with a disability. Below we wish to highlight some of that work and call on changes to the bill which will ensure that the expertise and time of those who shared their lived experiences will see accountability in the highest levels of government policy to ensure the best outcomes.

Disability Royal Commission Recommendations

The Final DRC Report is spilt into 12 volumes, with [Volume 7: Inclusive education, employment and housing](#) and [Volume 9: First Nations people with disability](#) being most relevant to housing and homelessness for First Nations people with a Disability⁹. Despite the unique needs of First Nations people with disability and well-established government commitments under the Closing the Gap Agreement, the key recommendations are concentrated in Volume 7 of the report:

- Recommendation 7.33 Prioritise people with disability in key national housing and homelessness approaches
- Recommendation 7.34 Include homelessness in Australia's Disability Strategy.
- Recommendation 7.35 Increase the availability and supply of accessible and adaptive housing for people with disability through the National Construction Code.
- Recommendation 7.36 Improve social housing operational policy and processes.
- Recommendation 7.37 Increase tenancy and occupancy protections for people with disability
- Recommendation 7.39 Preventing homelessness when people with disability transition from service or institutional settings
- Recommendation 7.40 Address homelessness for people with disability in the National Housing and Homelessness Plan

Australia's Disability Strategy 2021-2031

Australia's Disability Strategy (2021-2030) is Australia's national disability policy framework and plays a role in protecting, promoting and realising the human rights of people with disability, in line with Australia's commitments under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

All levels of government developed and committed to the Strategy, which sets out priorities and plans for governments to work with the community, businesses, and peoples with disability to deliver the

⁹ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 2023, <https://disability.royalcommission.gov.au/publications/final-report>





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needed changes identified by the sector. The Strategy recognises the importance of making sure actions taken to deliver on its policy priorities are implemented with an intersectional and diversity lens.

We expect all jurisdiction to apply the Closing the Gap National Agreement, specifically the Priority Reforms, to any work that sits within Australia's Disability Strategy.

Inclusive Homes and Communities is one of the seven key outcomes under Australia's Disability Strategy.

- **Inclusive Homes and Communities Outcome: People with disability live in inclusive, accessible and well-designed homes and communities.**
 - Policy Priority 1 states the need to increase the availability of affordable housing
 - Policy Priority 2 states that people with disability are to have choice and control about where they live, who they live with, and who comes into their home¹⁰.
- This outcome includes a commitment for all governments in all jurisdictions to prioritise:
 - *“Having appropriate housing, and a community that is accessible and inclusive, is central to how people with disability live, work and socialise.*

Accessible housing, transport, communication and the built environment are key factors supporting the participation of people with disability. Accessible public buildings, facilities, parks and events all support the inclusion of people with disability in community life.”

Closing the Gap: Disability Sector Strengthening Plan

The Disability Sector Strengthening Plan (DSSP) under objective B – ensuring that community-controlled sector's capital infrastructure, services and facilities are accessible to all First Nations people with disability – calls for a strengthening of collaboration between housing and disability through the Housing Sector Strengthening Plan¹¹ (HSSP). This is to ensure that housing is inclusive and accessible to First Nations people with disability. Housing is to be well designed to meet the needs of individuals and communities. Housing is also to be made available on Country so that First Nations people with disability can remain in their communities, connected to family, culture and language.

High level overview of the most significant challenges faced by First Nations people with disability¹²:

- Pervasive attitudinal barriers and systemic discrimination
- Limited knowledge amongst First Nations people of their rights – impacts on awareness of supports

¹⁰ Australian Governments, Australia's Disability Strategy 2021-2031, Australian Government, 2021, p. 10 (Policy priority 2).
<https://www.disabilitygateway.gov.au/ads/strategy>

¹¹ Closing the Gap, 'Disability Sector Strengthening Plan,'

¹² Disability Sector Strengthening Plan, [Disability Sector Strengthening Plan \(closingthegap.gov.au\)](https://www.closingthegap.gov.au), (pg.58-59)





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- Structural barriers (outlined in detail)
- Poverty and the need to prioritise basic needs such as housing, food security and water
- Service/ practitioner capacity, capability and cultural gaps that undermine accessibility and effectiveness

The Disability SSP under ‘*Supporting Document 3 – The DSSP and Australia’s Disability Strategy*’ outlines measures of success for achieving the objectives of the Australia’s Disability Strategy for First Nations people with disability.

Here the relevant objective from Australia’s Disability Strategy would be “First Nations people with disability live in inclusive, accessible and well-designed homes and communities”.

The measures of success are:

- Community controlled housing sector supports people with disability to live in secure housing
- Community controlled housing sector is accessible
- Cultural and community activities are inclusive
- Community controlled services / buildings are accessible
- Community controlled transport system / transport system utilised by community controlled sector is accessible
- Information and communication systems used by community controlled sector are accessible
- Specialist Disability Accommodation is accessible for eligible NDIS participants

This differs significantly to existing generalised western measurement and monitoring frameworks that associated with Australia’s Disability Strategy. This is why monitoring and measurement that reflects our communities need is essential under the National Housing and Homelessness plan.

Wiyi Yani U Thangani (Women’s Voices) Report

As the *Wiyi Yani U Thangani Report*¹³ (2020) highlights, First Nations women, children and gender diverse people with disabilities are a discrete group at the intersection of three marginalised populations. Despite enormous strength and resilience in the face of generations of colonisation, the intersection of race, gender and disability makes them one of the most disadvantaged groups in Australia. This is reflected in greater risk of experiencing poorer health and social and emotional wellbeing outcomes, violence, substance misuse, suicidal behaviour, lower life expectancy, insecure housing, insecure employment, and intergenerational disengagement with education. To date, First Nations women, children and gender diverse people with disabilities’ right to safety has not been realised. Instead, First Nations women, children and gender diverse people with disabilities continue to

¹³ Wiyi Yani U Thangani (Women’s Voices) Report,
https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf





suffer disproportionate levels of violence, harm, and trauma. This is why the cohort is an absolute priority in the movement for housing equity.

Relying on the extensive evidence based and lived experience of First Nations women, the report states that Aboriginal and Torres Strait Islander women and girls are calling for¹⁴:

- Accessible, affordable, and appropriately designed housing: All Australian governments to immediately address the chronic shortage of social and affordable housing for Aboriginal and Torres Strait Islander peoples by:
 - building new houses to meet need
 - improving affordability pathways between social housing and affordable housing
 - co-designing a national housing strategy and plan to end homelessness
 - All Australian governments to support the establishment and resourcing of an Indigenous housing peak organisation and reinvestment into the Indigenous Community Housing sector.
 - The Australian Government to immediately increase Commonwealth Rent Assistance by 30% to address high rental stress, and going forward, payments to be indexed to represent a more realistic measure of rental costs.
 - The Australian Government to immediately review Commonwealth Rent Assistance eligibility criteria to increase accessibility for vulnerable households including Aboriginal and Torres Strait Islander women.
 - The Australian Government to invest in Aboriginal and Torres Strait Islander led home ownership initiatives such as Yawuru Home Ownership Program.
 - The Australian Government to refresh their National Partnership Agreement on Remote Indigenous Housing (NPARIH).

Given the significant time, effort, and Cultural load that has been made by First Nations communities to give their expertise in informing these recommendations, FPDN strongly believes that the National Housing and Homelessness Plan bill must legislate that the plan includes strategies and reporting relating to their implementation.

We thank the Senate Economics Legislation Committee for the opportunity to make this submission and welcomes discussion on any aspects if required.

¹⁴ Part 3, Pathways Forward , Wiyi Yani U Thangani (Women's Voices) Report,
https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf