



17 July 2024

Att: Senate Economics Legislation Committee

Subject: **Submission to Inquiry into a National Housing and Homelessness Plan Bill 2024**

Dear Committee members,

I'm writing to express my support for the proposed National Housing and Homelessness Plan Bill 2024, from the perspective of a researcher who has studied housing for people with disabilities in Australia over the last two decades.

By recognising and protecting every Australian's right to adequate housing, the proposed Bill aligns with Australia's obligations under the United Nations (2006) Convention on the Rights of Persons with Disabilities (CRPD), on which it is a signatory. The CRPD states that people with disability have the right to an adequate standard of living with adequate food, clothing and housing and to the continuous improvement of living conditions (Article 28). The CRPD specified that people with disability should have the opportunity to choose their place of residence; to choose where and with whom they live on an equal basis with others (Article 19); and to have access to public housing programs (Article 28). In the CRPD, the right to housing is interconnected with the right to independent living and full inclusion and participation in the community (Article 19).

Despite these obligations, evidence collected over the last few decades by housing and disability researchers, and more recently by the Royal Commission into Abuse, Exploitation and Violence Against People with Disabilities, demonstrates that our housing system is failing Australians with disabilities. Multiple barriers are preventing many thousands of Australians with disabilities from accessing adequate housing, and from being able to choose where they live, with whom they live, and how they live. The recent Final Report prepared by the Disability Royal Commission (CoA, 2023; Volume 7, Part C) presents striking evidence of the housing disadvantage experienced by people with disabilities, including tenancy insecurity, difficulties accessing social housing, difficulty finding physically accessible homes, high rates of homelessness, and substandard housing and living conditions in supported boarding houses. The scale and complexity of the problem demonstrates the need for national leadership, and for fundamental changes to the housing system. The National Housing and Homelessness Plan Bill 2024 could play a transformational role by legislating the right to adequate housing and establishing national leadership and planning to direct and monitor its implementation.

Unmet need for affordable housing is at the heart of the housing disadvantage experienced by people with disability. Before the establishment of the National Disability Insurance Scheme (NDIS), many people with disabilities had very limited options about their housing and living arrangements because the supports they needed to live independently were not available other than group homes and institutions. Since the introduction of the NDIS, for the first time many more people with disabilities have access to individualised funding for supports which





they could potentially access wherever they live. However, people with disabilities' housing choices are now restricted by lack of affordable housing. Housing affordability stress is prevalent among people with disability because of lower rates of participation in paid employment and lower incomes relative to others. In Australia, only around 25% of people with a profound or severe disability aged between 15 and 64 years old are in the labour force compared with 83% of the non-disabled population. A decade ago, the National Disability Insurance Scheme (NDIS) estimated unmet need for affordable housing for 83,000 to 122,000 NDIS participants at full scheme rollout. A similar figure (110,000) was suggested by the Disability Housing Futures Working Group (2016), using a different methodology. The National Housing and Homelessness Plan Bill (2024) will help address the shortfall in affordable housing for all Australians, including those with disabilities, by mandating the preparation of a national housing plan, by articulating a comprehensive process of consultation in the preparation of the plan, and by creating mechanisms of oversight on the implementation of the plan.

An important element of the Bill is its explicit recognition of people with disabilities as a priority group, in sections 8(i), 18(viii) and 20(2)d. This aligns with one of the Disability Royal Commission's recommendations. The Commission reviewed Australia's key housing and homelessness policies and strategies and found that there is no recognition of people with disabilities as a priority group in these policies, despite their significant housing disadvantage. To address this, the Commission recommended that key national housing and homelessness approaches explicitly recognise people with disabilities as a priority group for housing and homelessness reforms, including naming specific outcomes for people with disabilities that are to be monitored and evaluated (CoA, 2023, Sept. 29, p. 552). The proposed Bill will help ensure this Disability Royal Commission recommendation is fulfilled.

Another important element of the Bill is its emphasis on the quality of housing. This is encapsulated in the notion of a right to 'adequate' housing, with a commitment to improving the housing quality of both existing and newly constructed homes. For people with disabilities, different factors impact the quality, and adequacy or inadequacy of homes.

Physical accessibility standards are one aspect of housing quality and adequacy. Until recently, in the absence of mandatory standards, only a very small proportion of new homes built in Australia were accessible for people with mobility restrictions. In 2021, Minimum accessibility standards have been incorporated into the National Construction Code. All jurisdictions except New South Wales and Western Australia have committed to adopting the new standards, and the Disability Royal Commission recommended that New South Wales and Western Australia should do so too. The proposed Bill will add significant support to ensure the accessibility standards of the National Construction Code are implemented nationwide consistently. Over time, this will deliver hundreds of thousands of new accessible homes, significantly improving housing choice for people with mobility restrictions. Inconsistency across states in adopting the new housing standards illustrates the importance of national leadership in housing policy matters.

Another aspect of housing quality for people with disability concerns the lack of safety in supported boarding house accommodation (in Victoria these are called Supported Residential Services; in New South Wales, assisted boarding houses; in South Australia, supported residential facilities; In Queensland, Level 3 Accredited Residential Services). Residents include people with varied and complex support needs due to a disability, mental ill health, or age-related conditions. The Disability Royal Commission found evidence that the needs of residents with disabilities are not being adequately met in such facilities. It also points to substandard housing conditions, including safety hazards, restricted choice and control for residents, lack of personal space or privacy, and "appalling conditions" in many (CoA, 2023, Sept. 29, p. 581). The Disability Royal Commission recommended





minimum standards should be reviewed and strengthened in each jurisdiction, and the national body that will be created by the proposed National Housing and Homelessness Plan Bill 2024 can help achieve this goal.

One other crucial element of the National Housing and Homelessness Plan Bill 2024 is the incorporation of consumer voice mechanisms. A fundamental principle in disability rights is the idea of 'Nothing about us without us'. Under the CRPD, Australia is obliged to closely consult with and actively involve people with disabilities, through their representative organisations, in the development and implementation of legislation and policies affecting people with disabilities. The initiation of a Consumer Council in the Bill, and the inclusion of a person with disability in the Consumer Council (section 18(2)d) will help Australia fulfil this obligation. However, to better align with the CRPD's careful wording, I would recommend specifying that the person representing people with disability on the Consumer Council is nominated by Australia's disabled people's organisations as their representative.

In conclusion, I believe the National Housing and Homelessness Plan Bill 2024 will play an important role in promoting the right to adequate housing for all Australians, and for Australians with disabilities in particular.

Yours sincerely



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### **References**

Disability Housing Futures Working Group (2016), *Disability Housing Futures Working Group Final Report* .  
[https://nahc.org.au/documents/DHF\\_Final\\_Report\\_February\\_2016.pdf](https://nahc.org.au/documents/DHF_Final_Report_February_2016.pdf)

United Nations (2006) *Convention on the Rights of Persons with Disabilities* <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

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