



people with disability

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NGO in Special Consultative Status with the  
Economic and Social Council of the United Nations

## **People with Disability Australia (PWDA)**

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### ***Independent Pricing and Regulatory Tribunal Review of rent models for social and affordable housing***

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## **About People with Disability Australia**

**People with Disability Australia (PWDA)** is a leading disability rights, advocacy and representative organisation of and for all people with disability. We are the only national, cross-disability organisation - we represent the interests of people with all kinds of disability. We are a non-profit, non-government organisation.

PWDA's primary membership is made up of people with disability and organisations primarily constituted by people with disability. PWDA also has a large associate membership of other individuals and organisations committed to the disability rights movement.

We have a vision of a socially just, accessible, and inclusive community, in which the human rights, citizenship, contribution, potential and diversity of all people with disability are recognised, respected and celebrated. PWDA was founded in 1981, the International Year of Disabled Persons, to provide people with disability with a voice of our own.

PWDA is also a founding member of Disabled People's Organisations Australia ([DPO Australia](#)) along with Women With Disabilities Australia, First Peoples Disability Network Australia, and National Ethnic Disability Alliance. DPO's are organisations that are led by, and constituted of, people with disability.

The key purpose of DPO Australia is to promote, protect and advance the human rights and freedoms of people with disability in Australia by working collaboratively on areas of shared interests, purposes, strategic priorities and opportunities. DPO Australia has been funded by the Australian Government to be the recognised coordinating point between Government/s and other stakeholders, for consultation and engagement with people with disability in Australia.

## **PWDA's expertise on the issue**

PWDA has extensive expertise in housing issues across both our systemic and individual advocacy work. In individual advocacy, accommodation issues represent the largest single issue that is presented to us by clients. In NSW our individual

advocacy team works with people with disability living in a variety of housing situations, including those in, or trying to get into, social housing.

As a peak body funded to represent the interests of people with disability in NSW, our work includes systemic advocacy towards increased accessibility and social inclusion for people with disability within our communities, and the closure of institutions for people with disability. We define an institution as anywhere a person with disability is required to live in order to access the support they need. We advocate that all people with disability should live in the community with access to the support they need to live the lives they choose.

## **Policy Context**

The Convention on the Rights of Persons with Disabilities (CRPD) recognises the human right of people with disability “to live in the community, with choices equal to others, and... 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...; [with] access to a range of in-home, residential and other community support services...”<sup>1</sup>

Living in the community is a key human right, but it is also bound up with a range of other positive outcomes for people with disability. It increases quality of life and social and economic participation, and decreases poverty and the occurrence of mental health issues associated with loneliness. Institutional living is also a key accelerator or facilitator of abuse, neglect and exploitation of persons with disability.

Historically, people with disability have frequently had their housing choices constrained not only by income, but by the tying of specialist disability support to accommodation facilities. The NDIS will introduce choice and control over where and how disability supports are provided. Many people with disability who were once compelled to live in institutional settings (of various kinds, including large residential institutions and group homes) will now be seeking to live in accommodation in the community, with people that they choose. Therefore, it must be noted that the transition to the NDIS will increase the expectations that people with disability have of the housing system in NSW, particularly in relation to affordable housing.

The National Disability Strategy 2010-2020 (NDS) is currently the key national disability policy that the Australian, state and territory governments have all committed to take coordinated action to ensure that people with disability are included in all aspects of life. Housing is addressed throughout the NDS, and the section on Economic Security contains a policy direction to “Improve access to housing options that are affordable and provide security of tenure.”

The barriers that people with disability face when it comes to housing options is also a key priority identified by the Disability Discrimination Commissioner, as part of his consultation on the future of disability rights. The Commissioner has identified

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<sup>1</sup> Article 19, Convention on the Rights of Persons with Disabilities, ratified by Australia in 2008  
<http://www.un.org/disabilities/convention/>

affordable housing as being a key area of action required for the successful implementation of the NDIS.

This review is being undertaken in the context of the Future Directions policy. This policy sets out three strategic priorities, namely more social housing; more opportunities, support and incentives to avoid and/or leave social housing; and a better social housing experience. The paper identifies two broad groups of social housing tenants, the safety net group and the opportunity group.

This review is also being undertaken at the same time as the consultation 'Foundations for Change – Homelessness in NSW' discussion paper. While there is not yet a draft strategy to come from this process, many respondents to the discussion paper have noted that we have a strong foundation in response to homelessness in NSW through social housing.

## **Introduction**

People with disability face numerous barriers to accessing appropriate housing. Often this is due to poverty or being priced out of the private market. Some people with disability are also affected by the lack of housing that is accessible. Universal housing design or housing built in compliance with adaptable building standards is still very rare across the state.

This year's report, *Poverty in Australia 2016*, reported that of the people in Australia living in poverty, 11.4% of them were renting publicly. The risk of poverty for publicly renting tenants was much higher, at 48.4% of public housing tenants living in poverty, compared to just 21.9% for those who are privately renting.<sup>2</sup> This indicates that while public housing is highly targeted, it still isn't guaranteed protection from poverty. It also indicates that public housing tenants don't have the capacity to pay higher rents than are currently being charged.

People with disability make up approximately 36% of all Housing NSW tenants, and form a significant proportion of the clients supported by other social and community housing organisations in NSW. Many of the issues that people with disability face are very similar to those faced by all people living in poverty or on low income, but are exasperated by the social barriers and discrimination they experience as people with disability.

The reality is that the NSW housing sector is in desperate need of more funds and more housing stock. Around 5% of Australia's housing stock is public and community housing, compared with 20% of the UK's housing stock.<sup>3</sup> Housing stock should not be sold off or redeveloped in ways which decrease rather than increase the number of affordable houses. We also strongly believe that social and affordable housing must be available across all areas of the state, including across all areas of inner city Sydney, and not be sold off and forcing people to relocate to other areas.

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<sup>2</sup> ACOSS, *Poverty in Australia 2016*, Australian Council of Social Service and the Social Policy Research Centre <http://www.acoss.org.au/poverty/>

<sup>3</sup> J Flood and E Baker, "Australia's Changing Pattern of Home Ownership", Australian Housing and Urban Research Institute, Issue 133, December 2010.

For people with disability who do not wish to move, they often have very good – and efficient – reasons not to. They may have positive connections with local service providers which they do not wish to sever, or which would cost dramatically more if they were forced to travel to access the service. They may have connections with the local community, with family and friends, which enables them to access informal support, reducing their formal support costs. They may sometimes have support workers who stay overnight in a spare room. In other words, a global approach should be taken in understanding ‘efficiency’ in relation to housing stock: efficiency in housing may not reflect efficiency across the board.

Whilst the NSW Auditor-General’s Report, “Making the best use of public housing,” offers some good recommendations regarding efficiency, the reality is that the demand (44,000 people on the current waiting list) far outstrips current housing stock.<sup>4</sup> The only real solution is an increase in government funding leading to an increase in housing stock.

**Recommendation:** That the NSW Government develop a social housing investment plan that delivers a substantial increase in the availability of social housing dwellings in the state and reduce the waiting list to virtually zero.

### **Safety Net and Opportunity Groups**

While the Future Directions policy identifies two broad groups of social housing tenants, the safety net group and the opportunity group, we do not believe that rent models should discriminate between these two groups. We strongly believe that no group should be punished because of their opportunities. Equally everyone should be given appropriate support to experience opportunities that reflect their individual circumstances and desires. We are particularly concerned that the outcome of this review does not punish the safety net group due to punitive treatment, often expressed as encouragement, of the opportunity group.

Yet there cannot be a presumption that a person with disability automatically falls into one group or another, nor that a person cannot change from one group to the other.

There is a group of people with disability who cannot work and many of this group live in social housing. This group will likely be dependent on social security payments, such as the disability support pension, for the rest of their lives. Incentives to improve workforce participation are irrelevant to this group. It’s also worth noting that housing should not be framed just in terms of economic participation, but should focus on a broader social inclusion agenda, increasing participation in a person’s local community through social, civil and economic participation.

Rent models should encourage opportunities for education, employment and higher personal incomes. The rent model must not punish people for taking these opportunities, and the model must not punish who cannot take these opportunities.

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<sup>4</sup> NSW Auditor-General’s Report to Parliament, *Making the best use of public housing: Housing NSW and NSW Land and Housing Corporation*, Audit Office of New South Wales, 2013

The rent model must also ensure that someone who fails at these opportunities are not punished through loss of affordable accommodation and being made homeless.

There is a focus, both in this issues paper and more broadly in the Future Directions paper, about the role of housing and accommodation providers in improving employment outcomes for people in social housing. We agree that tenants should be encouraged and supported to achieve their potential, but tenants must have nothing to lose from achieving their vocation goals or working.

The issues paper seems to be focused on the idea that one size does not fit all. While we agree that an individual's need should be responded to on an individual basis. We believe that the current rent system, based on income, provides the flexibility to respond to an individual's situation. Flexibility is important but fundamental structures, including a rent setting policy that meet the needs of the social housing population, should be the building block for the individual responses and any wrap around services.

Recommendation: That a single rent model for the safety net and opportunity groups is maintained.

## **Eligibility**

Social housing in NSW has been continually rationed and eligibility regularly tightened. This has limited the number of people who are eligible for social housing, and arguably diminished the group of people who could be on the eligibility or waiting list. This process has changed the social housing system from a system that provides housing support to a range of people who have barriers to affordable housing to one that is heavily targeted towards key populations with additional housing need.

This has left many people whose only barrier is a financial barrier without adequate access to affordable housing and has distorted the market in a way that means that there are fewer graduations of housing options, jumping largely from social housing to the often unaffordable or sub-standard sections of the private rental market.

At some point government needs to realise that they are not going to be able to administer their way out of the need for social housing and instead they are going to have to make a decent level of investment in affordable housing. This will have to be coupled with actions to address other factors that limit the availability of affordable housing, including planning restrictions and taxes that promote short term capital gains, to ensure that there are affordable and appropriate options for people to move into from social housing.

Recommendation: That eligibility for social housing is not tightened any further.

## **Rental income**

The detailed discussion contained in the Issues Paper provides a timely reminder of the actions that successive governments have undertaken to shrink the eligible pool of people who can access social housing. This has broadly meant that the population who reside in social housing has shifted from working families on low incomes to people who are very poor and have other barriers to private rental.

We strongly believe that the answer to the shortage of social housing is not further tightening of the eligibility criteria for social housing. As discussed above, and in further detail in the issues paper, we already have a highly targeted social housing system. This places pressure on the sustainability of the system and further targeting will only place even more pressure on this sustainability, by even further limiting social housing to those who can least afford to pay anywhere close to 'market rent'.

**Recommendation:** That rent in social housing continues to be based on the capacity of tenants to pay rent.

## **Homelessness**

It is especially important for people with disability that this flexibility and responsiveness is maintained, because many social services are reliant upon a home address, and thus homelessness can exacerbate already trying circumstances.

The risk of homelessness is a key issue particularly for people with psychosocial disability, so ensuring a flexible and responsive system should be a priority here. It would be a valuable development for Housing NSW to consider the report by the Public Interest Advocacy Centre (PIAC) *Skating on Thin Ice*, and implement the recommendations to ensure that support is provided to people with psychosocial disability who are at risk of homelessness.<sup>5</sup>

**Recommendation:** That the recommendations contained in the Public Interest Advocacy Centre report *Skating on Thin Ice* be implemented

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<sup>5</sup> Lauren Costello, Melanie Thomson and Katie Jones, *Mental Health and Homelessness: Final Report*, Mental Health Commission of NSW, June 2013. Please also see Sam Sowerwine and Louis Schetzer, *Skating on Thin Ice: Difficulties faces by people living with mental illness accessing and maintaining social housing*, Public Interest Advocacy Centre Ltd, October 2013.