



23 February 2023

C/o- Senate Standing Committees
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Dear Chair,

Re: Senate Standing Economics Legislation Committee inquiry into the Housing Legislation Package: Housing Australia Future Fund Bill 2023 [Provisions], National Housing Supply and Affordability Council Bill 2023 [Provisions], and Treasury Laws Amendment (Housing Measures No. 1) Bill 2023 [Provisions]

Thank you for the opportunity to provide input into this inquiry regarding the package of significant new federal housing legislation. We acknowledge the Federal Government's commitment to an increased role in addressing Australia's ongoing housing crisis, including through both direct grants and via grants to the states and territories. This is timely, given many Australians have been facing significant housing stress recently resulting from issues including long waiting lists for social housing, a shortage of affordable rentals, frequent interest rate rises, and increasing levels of homelessness. For Australians living with disability and older people, these problems are exacerbated by the severe lack of accessible housing across the country.

The Housing Legislative Package comprises three bills. We understand that the main purpose of the Housing Australia Future Fund Bill 2023 is to provide the mechanism through which the Commonwealth will fund financial assistance grants directly to "persons or bodies" in relation to "acute housing needs", and fund financial assistance grants to the States and Territories in relation to "acute housing needs", "social housing", and "affordable housing". Grants made in relation to "acute housing needs" may be used for housing improvements or housing services, not just new dwellings.

We further understand that the purpose of the National Housing Supply and Affordability Council Bill 2023 is to establish an independent advisory body to the Federal Government and intergovernmental forums regarding housing supply and affordability. It may also conduct research. Finally, the Treasury Laws Amendment (Housing Measures No. 1) Bill 2023 changes the name of the body corporate known as the National Housing Finance and Investment Corporation (NHFIC) to Housing Australia. Similarly, the Board of the NHFIC becomes the Board of Housing Australia.

We are extremely concerned about the lack of attention given in each of these bills to the need for houses and apartments to be accessible, as well as affordable. Equally, we

are disappointed that the acute housing needs of Australians living with disability have been overlooked. Both these elements should be addressed in this Housing Legislation Package and not treated as separate or segregated from mainstream housing policy. Below, we set out our concerns in more detail and make recommendations that can assist in strengthening these bills for the benefit of the whole community.

The need for accessible housing

Australia urgently needs more accessible housing. The Australian Bureau of Statistics (ABS) Survey of Disability, Ageing, and Carers (SADC) in 2018 found that 4.4 million Australians – or 17.7 per cent of the population – live with disability. Just under 550,000 of these people have a personal NDIS plan, according to the National Disability Insurance Agency’s (NDIA) quarterly report for July to September 2022. Of these, less than 20,000 participants live in Specialist Disability Accommodation (SDA). This leaves more than 96 per cent of NDIS participants – and millions more Australians living with disability – to navigate the mainstream housing market where the supply of accessible affordable dwellings is well below current demand. It is essential that the housing market and social housing options cater to the needs of all Australians, including those living with disability, without discrimination or segregation.

Additionally, our population is rapidly ageing, with many Australians increasingly looking for housing options that allow them to ‘age in place’ and remain connected to their local communities. Institutional settings like nursing homes no longer meet the expectations of most Australians for their retirement and older years. ABS data indicates that the portion of Australians aged 65 and older in 2020 was about 12 per cent. By 2066, the ABS predicts that figure to be almost a quarter of Australia’s population, including about 4.4 per cent likely to be aged over 85. To accommodate this significant change, houses and apartments will need to be much more accessible than most of Australia’s existing stock. Houses and apartments built now are highly likely to still be in use well beyond 2066. Hence, there is an urgent need to adopt accessible design standards across the housing sector in order to begin to future proof residential dwellings. Otherwise, governments and individuals will face the exponentially higher costs of retrofitting accessibility features to these dwellings in the future.

Getting by in unsuitable inaccessible housing has significant impacts on the lives of people with access needs. The 2020 study ‘Lived experience and social, health and economic impacts of accessible housing’, conducted by the University of Melbourne’s Dr Ilan Wiesel, highlighted the broad range of consequences of inaccessible housing. Almost one third of respondents to the study’s questionnaire indicated it had led to the loss of a job, a missed work opportunity, reduced work hours, or reduced productivity, while more than 80 per cent agreed or strongly agreed that they cannot visit family or friends’ homes due to inaccessibility.

The new National Construction Code (NCC) 2022 Livable Housing Design Standard is an important first step toward addressing the need for more accessible housing. Adapted from the ‘Silver’ level requirements of the Livable Housing Design Guidelines of Livable Housing Australia (LHA), the NCC Standard will ensure that residential properties are easier to enter and navigate in and around, as well as allowing further adaptations to be made later to suit a resident. Examples of these basic requirements are at least one

entrance without a step, a ground level toilet, a hobless shower recess, and reinforced walls so grabrails can be added later if needed. Building in line with the 'Gold' level requirements of the Livable Housing Design Guidelines remains voluntary, but would deliver significant additional accessibility particularly in kitchens, living areas, and bedrooms.

Another key benefit of the NCC Standard is to create the basis for a nationally consistent approach, which will greatly assist the residential housing sector and its supply chains to transition. Yet, despite many years of development and consultation about the new Standard, some states are wavering on implementation of the new NCC Livable Housing Design Standard. Federal leadership in adopting and implementing the Standard through strict conditions attached to all Federal Government funding is extremely important not just to increase the supply of accessible dwellings, but to send a clear signal about the future direction of demand in the housing construction market.

We make the following recommendations to strengthen the bills through an additional focus on accessibility alongside the important element of affordability:

Recommendation 1: The Committee should recommend that the Federal Government gives equal attention to the need to increase the supply of accessible dwellings as to the need for more affordable housing in all three bills.

Recommendation 2: The Committee should recommend that the terms and conditions of all Housing Australia Future Fund grants for new builds, whether made to persons or bodies or to states and territories, must only be used in relation to housing that fully complies with the National Construction Code (NCC) Livable Housing Design Standard. These terms and conditions should apply irrespective of whether the Standard has been implemented in the relevant state or territory, and also ensure that, to the greatest extent possible, sites for funded new builds are selected to minimise the application of exemptions from the Standard.

Recommendation 3: The Committee should recommend that at least 20 per cent of Housing Australia Future Fund grants for new builds be made for housing projects that comply with the 'Gold' level requirements of the Livable Housing Design Guidelines by Livable Housing Australia (LHA) in addition to the National Construction Code (NCC) Livable Housing Design Standard.

Recommendation 4: The Committee should recommend that the National Housing Supply and Affordability Council be renamed the National Housing Supply, Affordability, and Accessibility Council.

Recommendation 5: The Committee should recommend that the Object, Functions, Annual report, and "Minister may request reports and advice" sections of the National Housing Supply and Affordability Council Bill 2023 be amended to include the accessibility of housing and the supply, demand, and affordability of accessible housing.

The acute housing needs of Australians living with disability

Across the three bills in the Housing Legislative Package, a number of priority cohorts are identified including women and children leaving or experiencing domestic and family violence, older women on low incomes who are at risk of homelessness, Aboriginal and Torres Strait Islander people, and veterans experiencing homelessness or at risk of homelessness. We endorse the urgency of investing in addressing the acute housing needs of all these groups. However, Australians living with disability also have acute housing needs and should not be excluded or treated as a separate segregated group. As noted above, the lack of accessible dwellings for Australians with access needs is exacerbating the ongoing housing crisis for these people.

Australia's Disability Strategy 2021-2031 commits the Federal Government to “drive mainstream services and systems to improve outcomes for people with disability” (p.5) and this includes in housing outcomes. The Strategy also sets as a priority that “housing is accessible and people with disability have choice and control about where they live, who they live with, and who comes into their home” (p.10). Australia's obligations under the United Nations Convention on the Rights of Persons with Disabilities also include ensuring that housing is accessible and available to people living with disability. These outcomes will not be achieved without Federal Government leadership on increasing the supply of accessible affordable housing and ensuring that the acute housing needs of Australians living with disability are included across these bills.

Frontline workers, such as police, nurses, and cleaners, who kept us safe during the pandemic are recognised as deserving special assistance regarding affordable housing. The Australian disability community is extremely appreciative of the contributions of frontline workers. However, with just 10,000 places in the program it will only assist a small portion of this cohort. It is unclear in the bills how the Federal Government intends to choose the beneficiaries of this scheme. As a matter of principle, we believe that government housing assistance programs should target those demonstrably in greatest need and treat all people in like circumstances alike, without creating ‘winners’ and ‘losers’ through highly restrictive caps on the number of people with the same circumstances who can access the support provided. In recent focus groups we held to develop our submission to the Senate Community Affairs References Committee regarding the extent and nature of poverty in Australia, there was already a strong prevailing sentiment that ‘luck’ and ‘good fortune’ plays a significant part in determining a person's housing situation and in what government support they may receive. This erodes trust in government and public institutions, and we believe that the programs set up under these bills should avoid contributing further to this public sentiment.

We make the following recommendations to strengthen the content of the bills through an additional focus on the acute housing needs of Australians living with disability alongside the important needs of other cohorts including women and children, Aboriginal and Torres Strait Islander people, veterans, and people experiencing homelessness:

Recommendation 6: The Committee should recommend that the Object of the Housing Australia Future Fund Bill 2023 be amended to add the acute housing needs of “persons with disability”.

Recommendation 7: The Committee should recommend that the Functions of the National Housing Supply and Affordability Council Bill 2023 at Section 9(2)(c) be amended to add as considerations Australia’s human rights obligations including, but not limited to, those under the United Nations Convention on the Rights of Persons with Disabilities.

Recommendation 8: The Committee should recommend that the Functions of the National Housing Supply and Affordability Council Bill 2023 at Section 9(2) be amended to add “the need to improve equality in housing outcomes for persons with disability” in line with the commitment to improve gender equality.

Recommendation 9: The Committee should recommend that the Financing and Capacity building functions in Schedule 2, Item 5, of the Treasury Laws Amendment (Housing Measures No. 1) Bill 2023 both be amended to add “for people with disability”.

The need for diverse representation on the Council and Housing Australia Board

It is essential that appointed members of the National Housing Supply and Affordability Council and the membership of the Housing Australia Board include a diverse representation of experiences and interests relevant to the supply, affordability, and accessibility of housing in Australia. This should include expertise in relation to accessible housing and the provision of appropriate housing for residents with access needs, among others.

Section 8 of the National Housing Supply and Affordability Council Bill 2023 outlines the membership composition of the new Council. It will comprise an appointed Chair, appointed Deputy Chair, the Deputy Secretary of the Department primarily responsible for housing, and at least four, but no more than seven, other appointed members. In other words, between six and nine people will serve as appointed members of the Council. In order for the Council to deliver the best possible outcomes for the cohorts identified as having acute housing needs, it is essential that the Council includes the relevant expertise, even if achieving this requires additional positions on the Council.

The Housing Australia Board will comprise a Chair and between four and six other members. In other words, between five and seven people will serve on the Board. The *National Housing Finance and Investment Corporation Act 2018* subsection 18(3)(b) already ensures that at least one board member of what will be renamed the Housing Australia Board “has appropriate qualifications, skills or experience in social or affordable housing”. It is also appropriate that the Board include expertise in accessible housing and in the housing needs of Aboriginal and Torres Strait Islander people.

We make the following recommendations to increase the diversity of representation on the Council and the Housing Australia Board:

Recommendation 10: The Committee should recommend that the Appointment subsection 22(2) of the National Housing Supply and Affordability Council Bill 2023 be amended to include the following additional fields of expertise:
“accessible housing”

“the housing needs of persons with disability”

“the housing needs of older persons and the enablement of ageing in place”

Recommendation 11: The Committee should recommend that the Appointment of Members subsection 22(3) of the National Housing Supply and Affordability Council Bill 2023 be amended to state:

“(3) In appointing members, the Minister must ensure that:

- (a) the appointed members collectively have an appropriate balance of qualifications, skills or experience in the fields mentioned in subsection (2); and**
- (b) at least one Council member has appropriate qualifications, skills or experience in social housing; and**
- (c) at least one Council member has appropriate qualifications, skills or experience in accessible housing; and**
- (d) at least one Council member has appropriate qualifications, skills or experience in housing for Aboriginal or Torres Strait Islander people.”**

Recommendation 12: The Committee should recommend that Schedule 1, Item 39 (relating to the Appointment of Board Members) of the Treasury Laws Amendment (Housing Measures No. 1) Bill 2023 be amended to add “housing for people with disability”.

Recommendation 13: The Committee should recommend that an additional Item be added to Treasury Laws Amendment (Housing Measures No. 1) Bill 2023 Schedule 1 as follows:

“39A After paragraph 18(3)(b)

Insert:

- (c) at least one Board member has appropriate qualifications, skills or experience in accessible housing; and**
- (d) at least one Board member has appropriate qualifications, skills or experience in housing for Aboriginal or Torres Strait Islander people.”**

The National Housing and Homelessness Plan should be co-designed

We understand the Department of Social Services (DSS) is about to begin consultations on the development of the new National Housing and Homelessness Plan. The DSS Engage website indicates that this process is “opening soon” and suggests that the DSS intends to use a broadly traditional consultation process lead by departmental officials.

We strongly believe that the DSS should adopt a genuine co-design approach whereby stakeholders are directly involved in shaping and making decisions about the Plan. Indeed, governments and government departments should proactively consider how

genuine co-design processes can enhance policy development across all areas of their work. We are concerned that many of the processes that governments are currently referring to as co-design fall well short of best practice and do not include active involvement in decision-making. We encourage the Committee to access our Guide to Co-Design with People Living with Disability, which was itself co-designed, via our [website](#). We urge the Committee to recognise the importance of the Plan and the value that would result from the implementation of a genuine co-design process to develop it.

Given that Housing Australia, the Future Fund, and the Council will all be key drivers of the implementation of the Plan, we believe it is appropriate that the legislation ultimately passed by parliament through this Housing Legislation Package be reviewed as soon as possible after the completion of the Plan. This will ensure the agency, Fund, and Council are fit-for-purpose to implement the Plan and to effectively and efficiently deliver the outcomes set out within. Regular reviews should occur thereafter.

We make two recommendations in relation to the development of the National Housing and Homelessness Plan:

Recommendation 14: The Committee should recommend that the National Housing and Homelessness Plan be developed through a genuine co-design process in which a diversity of relevant stakeholders are represented and involved in decision-making about the Plan.

Recommendation 15: The Committee should recommend that Housing Australia, the Housing Australia Future Fund, and the National Housing Supply and Affordability Council be reviewed after the completion of the National Housing and Homelessness Plan and regularly thereafter.

The need for higher quality data on housing

More research is required to fully understand the experiences of Australians living with disability in relation to housing. Additionally, the quality of data about housing in Australia needs to be improved to support higher quality policymaking. In particular, data needs to be more specific and reflect greater nuance in circumstances. For example, the ABS acknowledges that disability group homes can be easily misclassified as “private dwellings”. Similarly, classifying a house as privately owned, with or without a mortgage, and not rented, does not clearly identify if the resident/s owns the property; it may be owned by, for example, a family member or relative. Further, in relation to Census data, if a form was not returned, the house is deemed unoccupied even though there may be many other reasons to explain why a household did not participate. Improved data would support the future implementation of the National Housing and Homelessness Plan to address the ongoing challenges of the shortage of housing stock, lack of accessible dwellings, and inflated costs that are rendering housing increasingly unaffordable for many Australians.

We make the following recommendation to highlight the need for improved data to underpin policymaking:

Recommendation 16: The Committee should recommend that the Federal Government makes a significant new investment in the collection of high-quality data about the housing circumstances and experiences of all Australian and, in particular, of Australians living with disability.

The need for genuine consultation processes

It is extremely important that public consultations conducted by governments and parliaments are fully accessible and inclusive of all members of the community and allow adequate time for people to lodge submissions. This ensures that the greatest possible benefit can be derived from these processes rather than treating public consultation as a tick-a-box exercise. Unfortunately, genuine accessible consultation has not occurred for the Housing Legislation Package during either the draft bills stage or this Committee process.

This inquiry was referred to this Committee on Thursday, 9 February 2023, with the closing date for submissions set a mere 10 working days later on Thursday, 23 February 2023. Similarly, as the Committee is no doubt aware, the Treasury opened public consultation on the draft bills on Monday, 19 December 2022, when many people had already begun their Christmas holidays, and closed it just 15 (possible) working days later on Wednesday, 11 January 2023, before many had returned. It is also extremely difficult for stakeholders to organise any opportunities to discuss the content of a consultation with those they represent over the Christmas holiday period. This is made even more challenging when critical information pertaining to the proposals is not provided in accessible formats, as has been the case for both these consultations.

For JFA Purple Orange to facilitate the participation in a consultation of, for example, people living with intellectual disability, many of whom have a keen interest in housing issues, we would require at least six weeks in order to develop accessible materials such as Easy English; prepare, organise, and conduct meetings, focus groups and/or interviews; and then compile a submission that reflects this input. To include regional people living with intellectual disability would require even longer to allow us time to travel. Therefore, we fear that neither the Treasury nor the Committee will hear from many important voices due to the time constraints imposed by such short consultation periods. This is out of step with the promises and spirit of *Australia's Disability Strategy 2021-2031* and is extremely disappointing for the disability community.

We make two recommendations to improve the accessibility of consultations and, thereby, enhance the value of the input received:

Recommendation 17: The Committee should ensure that all its inquiries allow at least six weeks for the lodgement of submissions and take active steps to ensure that all Committee processes are accessible to all Australians, including by providing information in a range of accessible formats.

Recommendation 18: The Committee should recommend that all government departments, including Treasury, be required to allow at least six weeks for feedback on consultations and to take active steps to ensure that all consultation

processes are accessible to all Australians, including by providing consultation materials in a range of accessible formats.

Thank you again for the opportunity to provide feedback to this important inquiry. We request the opportunity to give verbal evidence at a hearing of this inquiry. To arrange this, please contact Mr Robbi Williams, CEO of JFA Purple Orange, on [REDACTED]
[REDACTED]

Yours sincerely

[REDACTED]

Robbi Williams
CEO, JFA Purple Orange