

**Parliamentary Joint Standing Committee on the National Disability Insurance Scheme
Joint Committee ACT hearing
Friday 12 May 2017, Parliament House Canberra**

**Additional Material Supplementary to Evidence
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31 May 2017**

Having attended the Parliamentary Joint Standing Committee on the National Disability Insurance Scheme ACT Hearing on 12 May 2017, in accordance with Department of Parliamentary Services' Procedures, I hereby put before the committee the additional material below.

For emphasis, I have bolded, italicised and underlined some wording in some quotes.

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On 9 May 2017 Scott Morrison MP, Treasurer of the Commonwealth of Australia, stated:

'If a family has a roof over their head they can rely on, all of life's other challenges become more manageable'.¹

The next day he stated:

'It's not flash being disabled. But if there's anything good about it, it's that you're disabled in Australia'.²

The Australian Bureau of Statistics considers a person to be homeless if their current living arrangement is in a dwelling that is inadequate.³

In its *Disability Care and Support Inquiry Report* of 2011 the Productivity Commission stated:

'The insurance scheme would take a long-term view and have a strong incentive to fund cost effective **early interventions**'.⁴

The Department of Social Services' *National Disability Strategy 2010–2020* states:

All governments are committed to a national approach to supporting people with disability to maximise their potential and participate as equal citizens in Australian society.

Finding suitable accommodation is important to all Australians.

People with disability experience substantial barriers in finding a place to live, especially in the private market.

Barriers are often presented by designs which do not allow the building structure of the home to change without significant expense, to meet the needs of a person who has a disability.

A secure and affordable place to live is **the basis of economic and social participation in the community**.

At the review points of the National Affordable Housing Agreement and related National Partnership agreements, parties agree to consider including strategies consistent with the Strategy, to *ensure they address the housing needs of people with disability*.⁵

¹ <http://www.budget.gov.au/2017-18/content/speech/html/speech.htm>

² <http://www.news.com.au/national/breaking-news/the-personal-tale-behind-morrison-s-budget/news-story/b87bd141fa27b7c72d2d6d0a7550a006>

³

<http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4922.0Main%20Features22012?opendocument&tabn>

⁴ <http://www.pc.gov.au/inquiries/completed/disability-support/report>

⁵ <https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020>

The Department of Social Services' *National Disability Strategy 2010–2020 Second Implementation Plan* states:

For the NDIS to be successful, and to provide a seamless experience for participants, there must be clear and transparent lines of responsibility between the scheme and mainstream service systems such as housing.⁶

Principle 1 of the Council of Australian Governments *High-level Principles for a National Disability Insurance Scheme* states:

A National Disability Insurance Scheme should recognise existing best practice and build on this through foundation reforms to 'support access to mainstream services such as housing'.⁷

The Council of Australian Governments *Principles to Determine the Responsibilities of the NDIS and Other Service Systems* states:

All governments have agreed that our vision is for an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens.

To achieve this vision, all Australian governments have a role to play.

The interactions of the NDIS with other service systems will reinforce the obligations of other service delivery systems to improve the lives of people with disability, in line with the National Disability Strategy.

The interactions of people with disability with the NDIS and other service systems should be *as seamless as possible* ... supported by a *no wrong door approach*.

Social housing providers will be responsible for providing accessible accommodation for people in need of housing assistance ... including appropriate and accessible housing for people with disability.⁸

On 6 April 2017, Chris Steel MLA, Chair of the ACT Legislative Assembly Standing Committee on Health, Ageing & Community Services, stated:

'Part of living in an egalitarian city means ensuring that our most vulnerable people are supported. It is the measure of our community, and what makes Canberra such a great place to live'.⁹

With regard to Social Housing and Homelessness, the ACT Government's website states:

Early intervention support will be provided when problems first arise, to prevent them getting to crisis point.

Where people already find themselves at risk of losing their accommodation support will be provided to assist them in sustaining that housing.

The ACT Government is committed to supporting Community Housing.¹⁰

Social Housing incorporates Public Housing, Community Housing and Affordable Housing, offering low cost housing for people on low and moderate incomes, **and/or** for groups whose housing needs are not adequately met in other forms of housing.¹¹

Social Housing is provided by the government through Housing ACT to people who are unable to find appropriate accommodation in the private rental market, such as people with a disability.¹²

⁶ <https://www.dss.gov.au/disability-and-carers/programs-services/government-international/national-disability-strategy-second-implementation-plan>

⁷ https://www.coag.gov.au/sites/default/files/communique/NDIS_high_level_principles.pdf

⁸ <https://www.coag.gov.au/sites/default/files/communique/NDIS-Principles-to-Determine-Responsibilities-NDIS-and-Other-Service.pdf>

⁹ <https://the-riotact.com/in-defence-of-new-public-housing/199938>

¹⁰

http://www.communityservices.act.gov.au/hcs/services/social_housing/social_housing_and_homelessness_services#homeless

¹¹ http://www.communityservices.act.gov.au/hcs/services/social_housing

The Disability ACT *Housing and Tenancy Guidelines* state:

Future Directions is the ACT Government's policy framework to improve outcomes and opportunities for Canberrans who have a disability.

This framework is unpinned by the vision that 'All people with disabilities achieve what they want to achieve, live how they choose to live and are valued as full and equal members of the ACT community' and that 'All people with disabilities enjoy equal rights, responsibilities and opportunities with the rest of society'.¹³

The ACT Government's 2010 *From House to Home* report states:

At the core of providing effective and sustainable accommodation is ensuring it is a 'home'.

The significance of a home is highly individual, although there are universal indicators that contribute to a sense of home:

Contributors to a sense of home	Contributors to environments not considered to be homes
Suitable physical environment	Poor physical environments
Sense of security	Lack of permanence
Sense of continuity	Lack of ownership

Location is a critical factor in the success of providing quality outcomes.

People with disability should not be forced because of their disability to live in arrangements that don't suit them.¹⁴

The ACT Government's 2014 *Sustainable Incomes Policy* states:

The Sustainable Incomes Policy is aimed at ensuring the provision of public housing assistance remains focused on those people who have the most need for assistance.

Personal circumstances such as disability ... and ability to borrow or rent in the private market will be taken into consideration.

The policy aims to ensure the housing system remains *as flexible as possible* and that housing assistance is targeted to those people in the community who are most in need.

Tenants ... will be encouraged to purchase their current home...¹⁵

Article 19 and 28 of the *United Nations Convention on the Rights of Persons with Disability* state:

Parties ... recognise the right of persons with disabilities to live in the community, with **choices equal to others**, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

Persons with disabilities have the opportunity to 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.¹⁶

¹²

http://www.communityservices.act.gov.au/_data/assets/pdf_file/0006/354750/Housing_Options_Framework_2011.pdf

¹³

http://www.communityservices.act.gov.au/_data/assets/pdf_file/0010/354736/Disability_ACT_Housing_and_Tenancy_Outcome_Principals.pdf

¹⁴ http://www.communityservices.act.gov.au/_data/assets/pdf_file/0009/172593/From-House-to-Home.pdf

¹⁵ [http://www.communityservices.act.gov.au/hcs/policies/tenants-with-sustainable-incomes-over-\\$94,855.70-per-annum-policy](http://www.communityservices.act.gov.au/hcs/policies/tenants-with-sustainable-incomes-over-$94,855.70-per-annum-policy)

¹⁶ <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-19-living-independently-and-being-included-in-the-community.html>

Parties recognise the right of persons with disabilities to an adequate standard of living for themselves and their families, **including adequate housing**.

Parties recognise the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realisation of this right, including measures 'to ensure access by persons with disabilities to public housing'.¹⁷

The National Disability Insurance Agency's *Operational Guidelines* state:

The NDIS is a social insurance scheme, not a welfare system.

The NDIS takes a lifetime approach (i.e. seeks to minimise support costs over a participant's lifetime) by **investing in people early** to build their capacity to help them pursue their goals and aspirations resulting in greater outcomes later in life.¹⁸

In its *Specialist Disability Accommodation Decision Paper on Pricing and Payments* the National Disability Insurance Agency has published advice, including the following:

The provision of Specialist Disability Accommodation reflects the following objectives:

- a) **Supporting the independence and social and economic participation of people with disability.**
- b) Providing reasonable and **necessary** supports, including **early intervention supports**.

The provision of Specialist Disability Accommodation is consistent with principles set out in the *National Disability Insurance Scheme Act 2013*:

- I. People with disability have the same right ... to realise their potential for physical, social, emotional and intellectual development.
- II. **People with disability should be supported to participate in and contribute to social and economic life to the extent of their ability.**
- III. People with disability and their families and carers should have certainty that people with disability will receive the care and support they need over their lifetime.
- IV. People with disability should be supported to receive reasonable and necessary supports, including **early intervention supports**.

The Agency developed specific principles.

These principles include:

- **Inclusion:** To assist participants to have **the same housing opportunities, choices and responsibilities as the broader community**.
- **Independence:** **Maximise independence and social and economic participation.**
- **Choice and control:** To allow participants their choice of providers of housing and of support services, and the way in which they will be provided.

The Agency recognises it is important for many people with disability to be close to transport options, services and other amenities.¹⁹

In its *Specialist Disability Accommodation Position Paper on Pricing and Payments* the National Disability Insurance Agency published the following:

Specialist Disability Accommodation refers only to specialist accommodation and is not intended to reflect the accommodation needs of people with disability for whom mainstream housing would be appropriate.

The Specialist Disability Accommodation payments approach seeks to bring greater choice and control for people with disabilities in relation to their need for **reasonable and necessary housing** supports.

¹⁷ <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-28-adequate-standard-of-living-and-social-protection.html>

¹⁸ <https://www.ndis.gov.au/operational-guideline/overview.html>

¹⁹ <https://www.ndis.gov.au/html/sites/default/files/files/SDA/SDA%20Decision%20Paper.pdf>

Funding to support participants who require specialist disability accommodation will be available, if it is reasonable and necessary, for:

- participants **not currently in specialist disability accommodation**, but for whom specialist disability housing would be **reasonable and necessary**, including participants **whose circumstances change**.

Nothing in this Framework prevents the Agency from making other payments in respect of housing or accommodation arrangements.²⁰

The National Disability Insurance Agency, in a Media Release titled *Housing and human rights – NDIS to deliver for people with disability*, has stated:

The NDIS will transform access to **affordable, stable and accessible housing** by giving people with disability real choice and control around where they live and who they live with – **a basic human right** for all.²¹

On 8 August 2016 Bruce Bonyhady, Chairman, National Disability Insurance Agency, stated:

We are keen to support new innovative approaches to housing as well as the expansion of contemporary models of housing for people with disability.

Today, far too few people with disability in Australia have the opportunity to be part of the great Australian aspiration to own your own home.

They do not have access to finance or shared equity models to which they or their families could contribute.

This can and must change.

Many people with disability today remain confronted with daily challenges that can be resolved with better, more accessible design, either through home modifications or, **preferably, by building accessible homes**.²²

In an email addressed to me on 17 May 2016 John Shevlin, Senior Manager Policy & Participation, Housing & Community Services, within the ACT Government, stated:

'Housing ACT will continue to provide housing assistance for NDIS clients who may not qualify for SDA'.

In her Media Release of 2 December 2016 Rachel Stephen-Smith MLA, Minister for Community Services & Social Inclusion, stated:

'The ACT Government is staying in the business of supporting people with disability and making sure they are included and engaged in every facet of life in our great city'.²³

How does all this square with the way Housing ACT effectively evicted my paraplegic wife and I from the housing system 6 years ago as she dared to become pregnant, despite the fact that we were paying market rent?

Our 2-bedroom cottage in Ainslie was too small for our growing family but we were refused a move to a larger house as my wife's income was deemed to make her ineligible for a transfer, despite the fact that she was originally assigned Housing ACT wheelchair accessible accommodation because of her disability.

My wife was removed from close proximity to her community, doctor, shops and work, and we've lived for 6 years now, with no security of tenure, in dangerously inaccessible private rental

²⁰ <https://www.ndis.gov.au/html/sites/default/files/documents/Housing/NDIS-SDA-Position-Paper-on-Draft-Pricing-and-Payments.pdf>

²¹ <https://www.ndis.gov.au/housing-human-rights-ndis-deliver.html>

²² <https://www.ndis.gov.au/news/media/speeches/Bruce-Bonyhady-Speech-What-will-inclusion-look-like-for-people-with-disability-in-10-years>

²³ http://www.cmd.act.gov.au/open_government/inform/act_government_media_releases/rachel-stephen-smith-mla-media-releases/2016/new-act-government-office-for-disability-officially-launched

accommodation that every day does damage that would be preventable if Housing ACT's guidelines were rewritten appropriately.

I am worried any day now my wife may suffer a serious accident just trying to take a shower, and I'm worried every day that if our landlord sells the house we're in we will be forced to move somewhere worse – we looked every day for 4 months for the place we live in now and inspected countless houses that just weren't wheelchair accessible.

How can it be that in this wealthy city in this wealth country she can be treated so disgracefully as a second class citizen, as if she doesn't deserve to live life in safety in her own home, all because she wants to work instead of receive a pension, and has the temerity to want to have a child despite her disability?

In its *Specialist Disability Accommodation Position Paper on Draft Pricing and Payments* of 1 April 2016 the National Disability Insurance Agency found that for a 3-bedroom house to be fully accessible it must be 35 m² larger than a standard 3-bedroom house, and that the comparative cost of building a fully accessible 3-bedroom house is \$158,900 more than building a standard 3-bedroom house – see Tables 13 and 15 below, extracted from the Specialist Disability Accommodation Position Paper on Draft Pricing and Payments.²⁴

Dwelling type	Number of bedrooms	Standard	Fully accessible	Difference
House	3	114 m ²	149 m ²	+ 35 m ²

Table 13 – Primary Accommodation Options

Dwelling type	Number of bedrooms	Standard	Fully accessible	Difference
House	3	\$529,500	\$688,400	+ \$158,900

Table 15 – Construction Cost Estimates

Indicatively, if someone with a family has to borrow this much more to build an accessible house, over the life of a 25-year mortgage at an average long-term interest rate of 7.5% they will have to pay around \$350,000 more than someone who is able to build a standard house.

Despite my wife's primary planning goal of being able to live in an accessible home, despite, acknowledgment that she had repeatedly 'fallen through the cracks' in the scheme, despite being encouraged to use the majority of her approved plan funding and masses of time gathering evidence-based documentation to prove her current accommodation is unsuitable and does not allow her to live an independent life, despite a deterioration of her body due to ongoing, inappropriate overuse in unsuitable accommodation – her recent plan review has resulted in no accommodation funding and no explanation why she is not considered worthy of support.

How does this equate to a vision where, supposedly, 'all people with disabilities are valued as full and equal members of the ACT community'?

How does this equate to statements like 'people with disability should not be forced because of their disability to live in arrangements that don't suit them'?

How does this square with Australia's obligations under the United Nations Convention on the Rights of Persons with Disability, to ensure people with disabilities have access to adequate housing?

The reality is that my wife is not being 'supported to participate in and contribute to social and economic life' to the extent of her ability, as so much of her time is wasted in fighting the insane Kafkaesque bureaucracy that the National Disability Insurance Agency has put in place, where

²⁴ <https://www.ndis.gov.au/html/sites/default/files/documents/Housing/NDIS-SDA-Position-Paper-on-Draft-Pricing-and-Payments.pdf>

people are denied natural justice and denied access to information of direct consequence to themselves.

Despite her permanent and severe physical impairment she has worked for 20 years in order to contribute to Australian society as a taxpayer, and become a mother despite the immense extra difficulties she faces in bringing up our son.

Rather than being supported by government in her greatest time of need her reward has been to be thrown out of government housing and told to go fend for herself in a hopelessly inadequate private accommodation market.

The Australian and ACT Governments between them have conspired to reduce our lives to misery – from a position of having some hope in the future and some certainty of living in accessible housing we've been reduced to living in totally inadequate accommodation, led to believe we would be appropriately assisted, then left with nothing but despair.

With regard to making accessible accommodation available to their citizens, both governments have produced between them a mass of words that carry absolutely no weight.

There is no private accessible accommodation in this city.

This is a clear case of market failure and the government must do something about it.

If the National Disability Insurance Agency is serious about supporting people with disability it will introduce workable policies that will assist people with disability in Australia have the opportunity to build and own their own home.

If the ACT Government is serious about supporting people with disability it will take its lead from the National Disability Insurance Scheme and remove any reference to income barriers from its Social Housing Guidelines where people are in need of accessible accommodation – tenants paying full market rent are not benefitting unduly from their position in social housing – they are benefitting only from the government's superior ability to make up front investments in accessible accommodation.

It is patently absurd on one hand to allow a disabled tenant to stay in the Housing ACT system if their circumstances change through a child leaving home, but not to enable a tenant to stay in the system if their circumstances change through bringing a child into the world.

The ACT Government's *Sustainable Incomes Policy* states that Public Housing tenants 'will be encouraged to purchase their current home', however when we tried to do this 10 years ago we were told by ACT Government officials that 'we couldn't afford it', then told it wouldn't be sold to us anyway, as it was a modified home – the house was sold at auction about a year after we moved out of it...

That the *Sustainable Incomes Policy* states disability will be taken into consideration when a Public Housing tenant's need for housing assistance is assessed is a direct admission that the decision made 6 years ago not to assist my family by enabling us to transfer from one house to another within the Housing ACT system was not morally justifiable, and must be redressed.