



Submission to the 2022-23 ACT Government Budget Consultation

31 May 2022 (v2)

Prepared by Rights & Inclusion Australia

Background to this submission

This submission brings particular focus to the unmet housing needs of people with disability, of all ages, in the ACT. It has been prepared with the development of the next 10-year ACT Disability Strategy as a backdrop. We are also conscious of the prospect of considerable housing funding reforms over this new federal parliamentary term, with the election of the Labor Party to government on Saturday 21 May 2022.

The submission has been prepared by Rights & Inclusion Australia (R&IA), with input and guidance from a range of organisations and individuals with lived experience of disability, to bring particular focus to housing issues for people with disability. All have been active participants in regular meetings of the ACT Housing Solutions Innovation Group (HSIG). The HSIG's mission is to promote the housing rights of people with disability of all ages in the ACT, through both direct action and advocacy. The recommendations detailed below result from a review of discussion at HSIG meetings and the associated *Housing for People with Disability in the ACT: Gaps & Opportunities* document (prepared 2020), further consultation with participants, and also feedback provided at consumer-focused forums facilitated by R&IA in December 2020.

Recognising that the ACT Government is due to deliver its 2022-2023 budget in August, along with the headline recommendation to increase investment in social and affordable housing to address the current and projected shortfall, in partnership with the Australian Government, the submission has identified three tiers of requests:

- Headline recommendations
- Items for which we request a business case can be determined for 2022-23
- Items that will require further investigation, possibly in concert with the development of the ACT Disability Strategy.

We have identified relevant domains and indicators from the *ACT Government Wellbeing Framework* to all recommendations. We also note more broadly that people's access to safe, secure, affordable and appropriate housing is a key determinant of Personal Wellbeing.

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The ACT housing system needs to allow for the diversity of people with disability and housing needs. This is a critical period for the ACT to properly address the right to adequate housing, aligning with the ACT's status as a human rights jurisdiction.

In this time of housing crisis it is particularly important that the ACT Government ameliorate the impact of rising land and housing construction prices on households that are more at-risk or living in inappropriate housing, including people with disability. While working for only part of the ACT's population with disability, we are particularly concerned that the National Disability Insurance Agency (NDIA) not shirk from its responsibility to enable NDIS participants to exercise 'choice and control' with their housing choices, as is currently happening.

The ACT housing system needs to allow for the diversity of people with disability and housing needs. The recommendations below address part of a broader objective that people with disability have choice and control in meeting their housing needs – for those with greater support needs who are in group homes for lack of available alternatives, through to those who are on waged incomes but who cannot get access to land or appropriate housing.

About Rights & Inclusion Australia

[Rights & Inclusion Australia](#) (R&IA) is a national disabled persons organisation (DPO), whose purpose is to promote the rights of all people to appropriate, accessible environments.

From late 2019 to 2020 we were funded by the ACT Government for the ACT Accessible Housing Innovation Project. This was intended to support ACT residents with disability to better access appropriate, safe and secure housing.

R&IA's work in the ACT continues, including through the Opening the Door project that R&IA is undertaking with project partners, and convening of regular meetings of the ACT Housing Solutions Innovation Group since its formation in March 2020.

R&IA acknowledges Canberra has been built on the land of the Ngunnawal people. We pay respects to their Elders and recognise the strength and resilience of Aboriginal and/or Torres Strait Islander peoples more broadly – peoples who never ceded sovereignty of this land.

Budget Recommendations

Headline Recommendations

Recommendation 1: Increase investment in social and affordable housing to address the current and projected shortfall, in partnership with the Australian Government.

People with disability are disproportionately represented in the ACT's lower income quintiles and impacted by increased costs of living and increasingly poor access to social and affordable housing. These are detailed to the ACT Council of Social Service (ACTCOSS)'s '2022 ACT Cost of Living'¹, and also the 'Counting the Costs' report² prepared by the University of NSW for ACTCOSS.

¹ ACT Council of Social Service Incorporated, [2022 ACT Cost of Living Report](#) [pdf], ACTCOSS, Canberra, May 2022, accessed 20 May 2022

² UNSW Social Policy Research Centre, [Counting the Costs: Sustainable funding for the ACT community services sector](#) [pdf], UNSW, Sydney, December 2021, accessed 20 May 2022

Further to this, essential workers in the disability and community service sectors are also struggling to access affordable housing.

Notably, Canberra's private rental vacancy rate is just 0.5%, with heightened demand for the dearth of properties for all income levels and abilities to access. There is a clear role for increased investment in public housing, and also to support community housing growth providers to access funding and affordable land to undertake larger scale housing development programs that provide households with long-term tenure such as through build-to-rent initiatives. Ideally, this needs to include allowance for smaller density developments, including standalone houses. As part of provisions for people with disability, we also recommend that there be comprehensive adoption of the National Construction Code's 'Gold Level' standard as a minimum accessibility standard for all new social housing and government funded affordable housing.

In addition to investment in affordable and social housing, the ACT Government needs to investigate and implement planning and building measures that it can leverage to increase the quantum of accessible housing for all income quintiles. Such investigation should also extend to a review of the *Residential Tenancies Act 1997* to identify opportunities for increased inclusion.

For lower income households with disability, the need for this investment in social and affordable housing is reflected in rental affordability data. Anglicare Australia's *2022 Rental Affordability Snapshot*³ found that none of the 1,354 private rentals advertised for rent in the ACT and Queanbeyan on 18 March 2022 were affordable and appropriate for a single person aged 21 years on Disability Support Pension. For the highest performing low-income household type, just 23 of these rental properties were affordable and appropriate for a single person on a minimum wage.

For those reliant on a disability support pension, currently the maximum pension payable will vary between \$666.90 per fortnight for an independent, single person aged 20 years or younger, increasing to \$987.60 per fortnight for a person aged 21 years or older, with these amounts adjusted dependent on household configuration. If eligible for Commonwealth Rent Assistance, the maximum fortnightly payment for a single person is \$145.80 per fortnight living on their own^{4,5}. For the March 2022 quarter, the median weekly rent was \$700 for a house, a +3.7% quarter on quarter increase; and \$540 for a unit, a 1.9% quarter on quarter increase⁶.

Cost to budget: to be determined

Positive outcomes include in relation to:

- Access and connectivity: liveable city
- Health: overall health; mental health

³ Anglicare Australia, [Rental Affordability Snapshot: Regional Reports](#) pp. 32-35, Anglicare Australia, Canberra, April 2022, accessed 20 May 2022

⁴ Services Australia, [Payment Rates for Disability Support Pension](#) [webpage], Australian Government, Canberra, accessed 20 May 2022

⁵ Services Australia, [How much rent assistance can you get?](#) [webpage], Australian Government, Canberra, accessed 20 May 2022

⁶ Domain, [March 2022 Rental Report: ACT](#) [webpage], Domain Group, accessed 20 May 2022

- Housing and home: homelessness; rental stress; housing availability and affordability; housing suitability
 - Living standards: cost of living
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Recommendation 2: Amendment of Housing ACT operational policy to allow households with disability to access social and affordable housing, paying full or part market rent.

People with disability on waged incomes, in particular people with physical disability, are inadequately serviced by the private housing market, which has a recognised shortage of appropriate, accessible housing. This often leads to people with disability needing to live in inappropriate housing that is ill-suited to their daily living activities – in some instances hastening the deterioration of their health, and/or putting them at more risk of injury. Specific attention to this cohort is critical, as part of the broader intentions of Recommendation 1.

Housing ACT's operational policy does not make allowance for people with disability on waged incomes over its income threshold as an eligible cohort, regardless of the private housing market's failures to meet demand. Yet the state main objects of the *Housing Assistance Act 2007* clearly identify a role for the ACT Government 'to facilitate the provision of housing assistance for those most in need' – a failure of the housing system as a whole.

We seek the Commissioner for Social Housing for the ACT waiving of income eligibility thresholds for housing assistance programs, including access to Housing ACT's public rental housing, for people with disability on waged incomes whose housing needs are not met by the private housing sector. Importantly this measure, allowing people who are able to pay full market rent to live in public housing, should enable more housing to be built - a budget positive proposition.

Cost to budget: Assume cost positive over time, with associated costs to be amortised by household rental payments.

Performance against Wellbeing Framework: Positive outcomes include in relation to:

- Health: overall health; life expectancy; mental health; healthy lifestyle
 - Housing and home: housing availability and affordability; rental stress; housing suitability
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Recommendation 3: Fund a housing advisory service for people with disability and their families, as a one stop shop for all housing options in the ACT.

People with disability and their families, service providers, and advocacy organisations have identified the critical need for a service that supports people with disability with their housing circumstance, across all income quintiles. A similar service was previously funded by the ACT Government. We envisage that this service should be located adjacent to Housing ACT operations, but with employees from the disability sector with subject matter expertise.

The following have been identified as some of the components of a service:

- The development of comprehensive information to assist people with disability with housing and support options and to address a breadth of housing issues; this should include through brokerage of information on items such as housing finance, and legal instruments to allow the transfer of property to trusts for adult children with disability.

- The development of comprehensive information for service providers, so that they can assist people with disability with housing issues.

Cost to budget: to be determined

Positive outcomes include in relation to:

- Access and connectivity: liveable city
- Health: overall health; mental health
- Housing and home: homelessness; rental stress; housing availability and affordability; housing suitability
- Living standards: cost of living

Items for which R&IA requests a business case be determined for 2022-23

Recommendation 4: Amendment of EPSDD and ACT Suburban Land Agency guidelines, to support eligible households with disability to:

(i) Purchase residential dwelling lots outside of the SLA residential estate ballot process

(ii) Purchase accessible affordable dwellings with the waiving of income eligibility thresholds

There are limited opportunities for households with people with disability to purchase established accessible housing that suits their specific disability and enables them to undertake their daily living activities in a barrier-free environment.

Currently, there are no specific provisions for the ACT Government and the ACT Suburban Land Agency (statutory authority) to make concessions for a household with disability to purchase residential land for development, or accessible affordable dwellings. We propose the following affirmative measures to address the undersupply of established, appropriate and affordable homes for people with disability:

- For people with disability who need to develop purpose-built housing, waive the need to apply through the Suburban Land Agency's residential estate ballots and provide their households first option on land coming to market. This will ensure that those households can best access suitable land at a fair market rate.
- For people with disability whose housing needs would be met by house designs through the Affordable Home Purchase Scheme⁷, but whose household income would deem them ineligible, waive the Scheme's income eligibility thresholds. Furthermore, in implementing the Scheme, we recommend that there be allowance for the additional costs of both the requisite larger lot size and housing construction that may be required for people with disability.

Cost to budget: Other than minimal administration costs, there should be no associated costs with purchasers paying market price through both these programs.

⁷ Suburban Land Agency, [ACT Government's Affordable Home Purchase Scheme](#) [webpage], ACT Government, Canberra, accessed 20 May 2022

Performance against Wellbeing Framework:

Positive outcomes include in relation to:

- Health: overall health; life expectancy; mental health; healthy lifestyle
 - Housing and home: housing availability and affordability; housing suitability
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Recommendation 5: Implement an accessibility audit of Housing ACT-owned housing stock, including homes used for supported independent living settings, to ascertain current and projected accessibility provisions for people with disability. From this, develop a capital works program to be instigated from 2022-23 on.

Recommendation 6: Provide adequate annual funding for Housing ACT's capital works program, to ensure that works are undertaken in a timely manner to address the changing needs of people with disability.

Recommendation 7: Provide adequate annual funding for Housing ACT's planned maintenance, and reactive maintenance programs, to ensure that maintenance is undertaken in a timely manner.

We acknowledge the work underway with the ACT Government's Growing and Renewing Public Housing Program, which incorporates auditing of existing housing stock. We are concerned that current and future tenants' needs are fully considered across the housing asset portfolio in relation to the spectrum of disabilities. This would include but not be limited to physical disability; for example, with allowance for sensory needs, robustness and provision of outdoor activity space.

Recommendations 6 and 7 reflect concerns raised in regard to individual household tenancies, as well as properties head-leased by disability service providers, and extend to the timely provision of home modifications and fixed equipment. For service providers, delays in the undertaking of maintenance works can add to their administrative burden and in some instances mean that the housing is unsafe and not fit for purpose. Further to these we propose that Housing ACT report against capital works and maintenance response benchmarks.

Cost to budget: To Recommendation 4 initial phase, consultancy and associated administration costs. All other costs to be determined

Performance against Wellbeing Framework:

Positive outcomes include in relation to:

- Health: overall health; mental health; healthy lifestyle
 - Housing and home: housing suitability
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Recommendation 8: Implement data collection of the disability-related needs of people seeking accommodation assistance from specialist homelessness services

Recommendation 9: Implement an accessibility audit of existing specialist homelessness service accommodation, and emergency/ crisis accommodation facilities to ascertain provisions for people with disability. From this, develop a capital works program to be instigated from 2022-23 on

It is critically important that services are universally accessible for people of all abilities. The prevalence of disability for people experiencing homelessness is well documented, across all forms of disability including mental health and complex needs. Provisions for disability should be incorporated into all specialist homelessness service accommodation, and also emergency/ crisis accommodation facilities.

Currently, there is no provision for specialist homelessness services (SHS) to capture data regarding accessibility and inclusiveness of people seeking accommodation assistance – be it for people who are assisted with accommodation or turned away. The Specialist Homelessness Information Platform (SHIP) administered by the Australian Institute for Health and Welfare (AIHW) does not capture this data for people with disability - this is outside its scope. We expect this would be similar for emergency/ crisis accommodation facilities.

We understand that any such data collection may need to be at points in time, undertaken as an initiative by the ACT Government; perhaps as part of future commissioning of specialist homelessness services. We envisage that such research could be undertaken by a consultancy, such as research centres attached to the University of Canberra (UC) or the Australian National University (ANU). This will ensure that accommodation service gaps for people with disability can be identified.

Allied to this, an accessibility audit, against identified benchmarks, will identify capital works that are required to ensure that the ACT's SHS and emergency/ crisis accommodation facilities are fit for purpose.

Cost to budget: Initially, consultancy and associated administration costs. Capital works to be costed following accessibility audit.

Upon implementation of capital works, positive outcomes include in relation to:

- Health: overall health; mental health
- Housing and home: homelessness; housing suitability (for SHS)

Further to these, there are expected to be cost benefits from the provision of capital works - through better health and housing support outcomes for presenting people with disability.

Recommendation 10: Housing ACT develop and implement a *Disability Access and Inclusion Plan*, with comprehensive training for staff on best-practice service delivery to people with disability. This includes through trauma-informed, ‘recovery’-led approaches.

Through consultation, people with disability have expressed concerns with the capacity of Housing ACT staff to suitably engage with people with disability – in particular people with mental health issues. By extension, this could also be an issue with other housing-adjacent services – referral services, specialist homelessness services, etc.

We propose that Housing ACT develop and implement a Disability Access and Inclusion Plan incorporating staff training on disability awareness and responsiveness, inclusiveness and accessibility (anti-discrimination), and working with people with mental ill health.

Cost to budget: Consultancy and associated administration costs; operational costs for staff to undertake training.

Positive outcomes include in relation to:

- Health: overall health; mental health
- Housing and home: homelessness; housing suitability

Recommendation 11: Provide ongoing funding to Rights & Inclusion Australia, to provide ongoing secretariat and coordination role to the ACT Housing Solutions Innovation Group (0.5 FTE role)

The ACT Housing Solutions Innovation Group (HSIG)’s mission is to promote the housing rights of people with disability in the ACT, through both direct action and advocacy. This is important work necessary to the future wellbeing of people with disability.

R&IA has convened regular online meetings of the HSIG, providing both chair and secretariat, since the group’s formation in March 2020. These meetings, typically held every 6 weeks, place people with disability and their families at the centre of a forum with representatives from the NDIS, ACT Government agencies, peak NGOs, advocacy organisations, housing providers and disability service providers also attending. They are vital meetings that have an important role to play in the disability housing context. Further to this secretariat function, there is an ongoing role for R&IA to lead activities identified by the HSIG’s members.

Up to late 2020, R&IA’s role was funded by the ACT Government – originally through project funding from the *ACT Affordable Housing Innovation Fund*, and then through the ACT Office for Disability. Since December 2020, R&IA has used project funding from an Australian Government Department of Social Services grant to continue in this role. Currently, this funding is due to finish on 30 September 2022, with no certainty regarding the ongoing provision of secretariat services.

Cost to budget: 0.5 FTE staff role and operational costs, adjusted annually.

Performance against Wellbeing Framework: The ongoing work of the HSIG will address a range of indicators through ongoing advocacy, reflecting the breadth of subject matter that meetings and

ongoing actions cover – from addressing housing issues for people with psychosocial disability to town planning provisions for people with disability. Positive outcomes include in relation to:

- Access and connectivity: liveable city
- Health: overall health; mental health
- Housing and home: homelessness; rental stress; housing availability and affordability; housing suitability
- Living standards: cost of living

Items that will require further investigation, potentially in concert with the development of the ACT Disability Strategy.

(Consultations for this new 10-year strategy are due to close on 31 July 2022.)

Recommendation 12: Develop comprehensive, detailed overview of unmet housing needs for people with disability of all ages to inform supply

A survey of households' current housing circumstance and physical barriers to achieving an appropriate housing outcome is essential, in order to have a comprehensive, whole-of-community approach to addressing the housing needs of Territorians. This survey will have a critical role in shaping investment in social and affordable housing (as per Headline Recommendation 1), including bespoke housing for people with disability beyond minimum accessibility requirements. Currently, there are no detailed data capturing the unmet housing needs of the 80,000+ people with disability in the ACT, across all age cohorts. This includes for people with disability experiencing homelessness, those who are unable to exit from hospital care, and young people with disability in residential aged care facilities.

We envisage that such research could be undertaken by a consultancy with the capacity to undertake spatial mapping, such as research centres attached to the University of Canberra (UC) or the Australian National University (ANU).

We have identified the following as components of this recommendation:

- Develop survey and mapping tools to gather and disseminate comprehensive data of people with disability to ascertain specific housing and housing -related support needs; this includes their direct housing need, including with regard to housing typology, tenure type, safety and security, and location and amenity. This could include through a review of behaviour and allied health assessment reports (de-identified)
- Undertake an ACT-wide, detailed survey of people with disability to ascertain specific housing-related support needs, desire to stay in place, financial circumstance, etc. This is further to identified ABS 'assistance' needs survey data; this should reflect housing pathways (e.g., for a person with psychosocial disability, this may include pathway from acute ward to their own home with 'floating outreach'), and allow for intersectionalities (e.g., for women with disability)
- Further to this, audit people with disability's current housing to ascertain suitability for ageing in place
- Housing ACT to capture all data for both eligible and ineligible tenancy applications to provide a clear picture of unmet demand

Recommendation 13: Investigate and implement financial measures, including through tax concessions, to assist people with disability to purchase their own housing.

There is an identified need to assist people with disability to address barriers to investment and finance for home purchase. This includes for people with disability who could be self-providers of NDIS-funded specialist disability accommodation (SDA).

We envisage that research could be undertaken by a consultancy, such as research centres attached to universities.

We note the following components as part of strategy regarding financial instruments for people wanting to purchase houses:

- Investigate barriers to people with disability accessing finance for housing across all market segments
- Investigate existing and emerging financial instruments for home purchase & rental, including but not limited to following categories: (i) general private market; (ii) affordable housing; (iii) bespoke/ LHA platinum level; and (iv) SDA.
Further to this, investigate the development of new and emerging financial instruments for home purchase
- Develop and disseminate comprehensive, detailed information on financial instruments for home purchase & rental

Cost to budget: to be determined

Positive outcomes include in relation to:

- Housing and home: homelessness; rental stress; housing availability and affordability; housing suitability
- Living standards: cost of living