

24 August 2023

National Disability Insurance Scheme Review Secretariat
Via - online submission portal

To Whom It May Concern,

NDIS REVIEW SUBMISSION

Q Shelter welcomes the opportunity to provide feedback into the National Disability Insurance Scheme (NDIS) and provides this submission on behalf of the housing and homelessness sector in Queensland.

We acknowledge that the cost of the NDIS is affected by the same cost pressures that every aspect of the Australian economy is facing, and that the NDIS provides 500,000 Australians with disability the opportunity to live a life with more choice and personal autonomy. We reiterate and support the Australian Government's obligations under Australia's Disability Strategy, particularly the following priority areas:

- People with disability have choice and control about where they live, who they live with and who comes into their home
- Housing is accessible
- Housing is affordable.¹

This is reiterated in Priority Area 9 of the *What we have heard* report and our submission is structured around these priority areas.²

1.0 BACKGROUND

Q Shelter is the peak body for housing and homelessness services in Queensland. Housing and living arrangements have a significant influence on quality of life. The overlap between housing precarity, including homelessness, and disability is considerable. At the centre of this submission is the view that people with disability must be provided the support to do the basics of life – to cook, shower, leave their homes, participate in work and community activities, and access medical support.

A well-designed and well-located home can provide the opportunity for more independent living, as well as reducing other costs such as transport, heating and cooling and in-home support. Q Shelter and the Queensland Disability Network (QDN) recently hosted a joint forum on housing and the NDIS, attended by stakeholders including people with disability, and informed by lived experience. Q Shelter supports the recommendations made by the QDN. Q Shelter has also actively sought feedback and expert opinion from Rights & Inclusion Australia (R&IA), Summer Foundation and a range of other disability advocacy and support bodies in preparing its submission.

2.0 PEOPLE WITH DISABILITY HAVE CHOICE AND CONTROL IN RESPECT TO HOUSING

Q Shelter believes that all people should have genuine choice in where they live. Homes should foster independence and guarantee dignity and privacy. A review of the NDIS is incomplete without addressing the significant undersupply of housing in Australia, which is particularly acute for those that require accessible housing or have fixed incomes. This undersupply means that many people are forced into inappropriate, undesirable, or insecure accommodation.

¹ Australian Government (2021). The Strategy and supporting documents.
<https://www.disabilitygateway.gov.au/ads/strategy>

² NDIS Review (2023). What we have heard.
<https://www.ndisreview.gov.au/sites/default/files/resource/download/what-we-have-heard-report.pdf>, p. 22.

The vast majority of NDIS participants are housed in the private market and the market failure to provide sufficient housing in Australia has been well documented. People with disability are at risk of being discriminated against in the private rental market and are faced with compounding issues of accessibility and affordability. For the small minority of NDIS participants that qualify for Specialist Disability Accommodation (SDA), there is an undersupply of both SDA and private homes that meet the Disability (Access to Premises-Buildings) Standards. These are discussed in detail below.

2.1 SPECIALIST DISABILITY ACCOMMODATION

The NDIS estimates that 6% of participants are eligible for SDA funding under the NDIS.³ SDA funding is intended for participants who require a specialist dwelling and is only provided to those that meet the eligibility criteria, which is an extreme functional impairment and/or very high support needs.

Q Shelter supports the SDA program and acknowledges its ability to provide genuine choice to NDIS participants. We also acknowledge and support both the increased investment by the Queensland Government in building its supply of accessible social housing stock, and the potential of the Housing Australia Future Fund to further contribute to housing supply.

WORK WITH STATES AND TERRITORIES TO INCREASE HOUSING SUPPLY

As of July 2023, 1,382 NDIS participants need SDA and are waiting for an appropriate dwelling. Almost four thousand people (3,848) are in SDA and are seeking a more appropriate dwelling.

Q Shelter acknowledges that residential aged care facilities are not appropriate for young people who want to live independently or with their family or peers.

Unfortunately, due to the lack of housing options and coordinated support, many people that qualify for SDA continue to stay in public hospitals or residential aged care facilities.

While Q Shelter acknowledges the national action plan to halve the number of people under 65 residing in aged care by 2025, barriers to reaching this goal are affected by decades of underfunding of social and affordable housing at both a state and federal level, a National Construction Code (NCC) that does not meet basic accessibility standards and NDIS implementation issues that do not meet the complex needs of those already inappropriately homed in residential age care.

NEED FOR CLEAR PROCESSES FOR SDA THAT PRIORITISE PARTICIPANT PREFERENCE

The data collected by the NDIS therefore highlights that even where people are considered to be housed appropriately, they are often in ageing group homes that do not represent best practice or

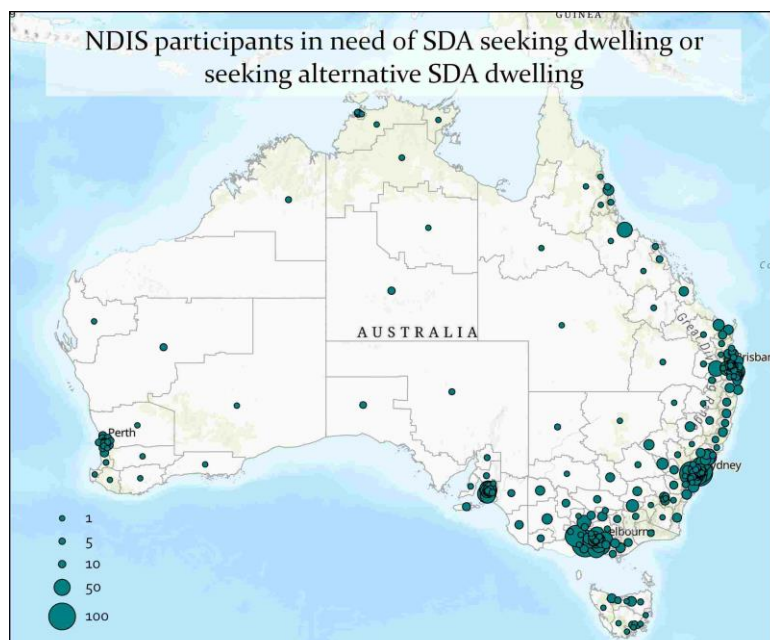


Figure 1 NDIS participants eligible for SDA who are seeking a dwelling or seeking an alternative SDA dwelling (Source: SDA demand data).

³ NDIS (2018). Specialist Disability Accommodation Provider and Investor Brief. <https://www.ndis.gov.au/media/1137/download>

provide a genuine housing choice.⁴ Group homes remain one of the most common (30% nationally) building type for SDA.⁵

Many residents in group homes have the capacity to move into more individualised and inclusive living arrangements – if such dwellings exist and NDIS participants have independent support to explore alternatives and make informed decisions.

For NDIS participants at risk of being placed in residential aged care, hospitals, general practitioners, and other health professionals need clear processes for collaborating with SDA providers to ensure that discharge from a health service is coordinated with entry to the NDIS, or, where the person is already a scheme participant, re-engagement with NDIS-funded services. There must be clear demarcation between what is the responsibility of the state and territory departments (e.g., acute care hospital admissions, social housing) and what is the responsibility of the NDIS (e.g., long-term supports including person to person care and SDA).

LACK OF SEPARATION BETWEEN SDA AND IN LIVING SUPPORTS

NDIS participants requiring 24 hour care are among the most vulnerable members of our community. Research from the NDIS Commission in the *Own Motion Inquiry into Aspects of Supported Accommodation in the NDIS* shows a continued power imbalance between participants and providers.⁶ Numerous reports and inquiries have highlighted issues with this form of accommodation, with people living in group homes often unable to report abuse and the current framework providing little protection.⁷

Often people are in arrangements where they have little to no choice about where they live and who provides personal and other supports.⁸ While there is a theoretical separation between SDA and other living supports, in practice, providers will create different arms of the same organisation – one for SDA and the other for providing living supports, or the organisation will have a contractual relationship with another provider. This requires NDIS participants to use a specific provider for their living supports if they are to reside in that SDA. As a result, NDIS participants have little to no choice on who provides their living supports, and relocating is not an option due to the undersupply of SDA.

UNDERSUPPLY IN REGIONAL AND REMOTE AREAS

The undersupply of SDA is particularly acute in regional and remote areas. The private sector is generally unable to meet this need, and therefore, this undersupply must be addressed through targeted government measures. Limited SDA properties exist in regional areas and a lack of guidance means that some properties intended for SDA use are not appropriate and remain vacant.

One example provided to Q Shelter is an aged care facility in regional Queensland, who housed many NDIS participants, made the decision to not go through with the NDIS compliance framework after 1 January 2022. As a result, NDIS participants were given Notice to Leave. This had profound flow on effects in the local region, with the community housing provider leasing private rentals for some customers. This is not financially sustainable for the provider due to the cost of private rentals.

DELAYS IN APPROVAL FOR SDA

⁴ Ibid n 2.

⁵ NDIS (2023) SDA Data. <https://data.ndis.gov.au/media/3202/download?attachment>

⁶ NDIS Commission (2023). *Own Motion Inquiry into Aspects of Supported Accommodation*. <https://www.ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-and-reviews/own-motion-inquiry-aspects>

⁷ Stephanie Dalzell (2023). Watchdog reveals thousands of reports of sexual misconduct, injury, abuse and neglect in disability group homes. *ABC News*. <https://www.abc.net.au/news/2023-01-16/ndis-quality-assurance-report-group-homes/101857778>

⁸ Summer Foundation (2023). *What we have heard report response*. <https://assets.summerfoundation.org.au/app/uploads/2023/08/15225557/NDIS-Review-What-We-Have-Heard-Report-response-August-2023.pdf>

The redevelopment of existing disability housing stock to meet contemporary standards, and the construction of new housing, has the potential to reduce the cost of support paid under the NDIS.⁹ Housing providers are facing challenges being approved for SDA with lengthy delays and, at times, multiple knockbacks without advice on changes necessary to meet the required standards. Confusion, unnecessary complexity, and inconsistent decision making means that many housing providers opt not to provide SDA and that NDIS participants and providers have seen people receive decisions that do not align with their housing needs or preferences.¹⁰

EDUCATION AND AWARENESS OF EXISTING SUPPORTS

Q Shelter is also advised of NDIS participants being streamlined out of the hospital by the Complex Care Social Worker with recommendations of Supported Independent Living providers without family consultation, with no regard to a patient's choice and control. This prioritises bed clearing over choice in a person's long term housing options.

The Office of the Public Guardian investigations team and Community Visitor Program (CVP) can be referred to anonymously and by any member of the community. There should be training on these programs so that housing staff with reasonable suspicion, can report.

Providers have highlighted an inability at times to flag clients with Office of Public Guardian's CVP as most Support Independent Living (SIL) properties are not registered as visitable locations. This means that clients who may be experiencing neglect, exploitation or abuse cannot be reached or supported to access Advocates, with providers avoiding consequence.

3.0 HOUSING IS ACCESSIBLE

Only a small number of NDIS participants have access to SDA. This means that the remainder of NDIS participants (approximately 94% of NDIS participants) are required to source accommodation elsewhere, usually on the private market by owning or renting, or through social housing.

3.1 ACCESSIBLE HOMES IN THE RIGHT LOCATION

Q Shelter supports the nation-wide implementation of changes to the NCC to require new homes to provide energy efficiency and accessibility standards. This will reduce the cost to the NDIS to retrofit inaccessible homes and will build the supply of accessible homes.

However, new builds compliant with the NCC are most likely to be likely to be on the fringe of Australia's major cities, as this where most new dwelling supply occurs. These are generally not desirable locations due to the lack of proximity to existing social networks, lack of reliable public transport and the high costs associated with low density development due to factors such as car dependence¹¹, and the heating and cooling of new homes.¹² Government should take an active role in remedying situations where the market fails to provide adequate accessible housing options in areas in proximity to existing infrastructure, transport, and community ties.

⁹ Thoresen, SH., O'Brien, P., O'Donovan, MA., Walter, B., Mueller, A., Westermann, G., Whittle, E. and Buchanan, A. (2022) Accommodating adults with intellectual disabilities and high support needs in Individual Supported Living arrangements, AHURI Final Report No. 380, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/finalreports/380>, doi: 10.18408/ahuri8124101

¹⁰ Skipsey, M., Winkler, D., Cohen, M., Mulherin, P., Rathbone, A., Efstathiou, M. (2022). Housing Delayed and Denied: NDIA Decision-Making on Specialist Disability Accommodation. Public Interest Advocacy Centre and Housing Hub.

¹¹ Hulya Gilbert and Ian Woodcock. (2023). Urban sprawl is 'not a dirty word'? If the priority is to meet all kids' needs, it should be. *The Conversation*. <https://theconversation.com/urban-sprawl-is-not-a-dirty-word-if-the-priority-is-to-meet-all-kids-needs-it-should-be-208670>

¹² Jason Byrne and Tony Matthews. (2016). Out in the heat: why poorer suburbs are more at risk in warming cities. *The Conversation*. <https://theconversation.com/out-in-the-heat-why-poorer-suburbs-are-more-at-risk-in-warming-cities-66213>

3.2 LACK OF SOCIAL HOUSING

Of the 27,437 people on Queensland's social housing register, 44.92% (or 12,326 people) identified as having a disability.¹³ On the Queensland Social Housing Register, 7,645 people require modified housing due to disability. This includes people living in major centres as well as remote areas of Cape York.

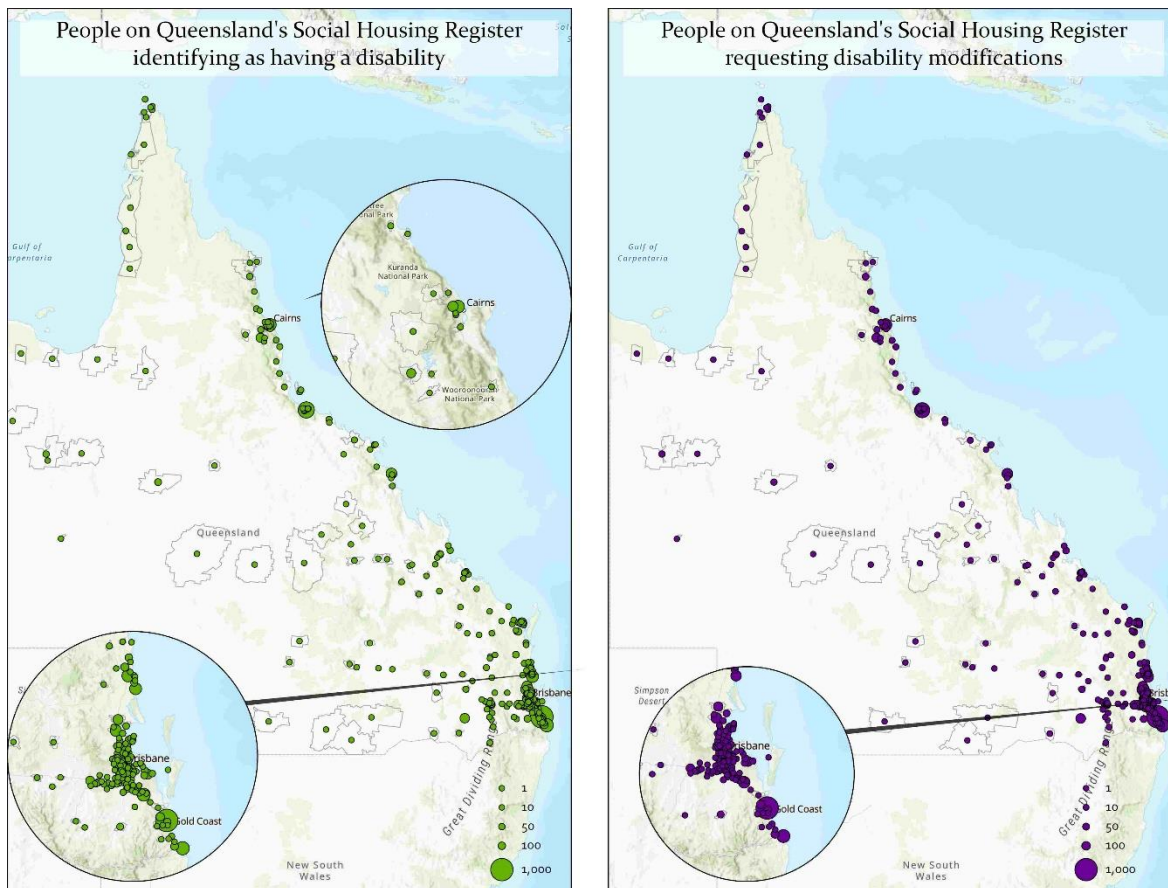


Figure 2 People that identify as having a disability on Queensland's Social Housing Register (Source: Queensland Government data).

It is highly likely that accessible housing need is underreported.¹⁴ There is a national shortage of affordable housing for those living on low incomes, with Queensland facing a dire social housing shortage. The Queensland Audit Office also found that over 8,000 government owned dwellings in Queensland have two or more spare bedrooms.¹⁵ As most households on the Social Housing Register require just one bedroom¹⁶, with adequate funding there is significant opportunity to

¹³ Queensland Government (2023). Social Housing Register. <https://www.data.qld.gov.au/dataset/social-housing-register>

¹⁴ Cameron Parsell, Ella Kuskoff and Tim Reddel (2023). Australia's housing crisis. *The University of Queensland*. <https://stories.uq.edu.au/contact-magazine/2023/australias-housing-crisis-how-did-we-get-here-where-to-now/index.html>

¹⁵ Queensland Audit Office (2022). Delivering social housing services. <https://www.qao.qld.gov.au/sites/default/files/2022-07/Delivering%20social%20%20housing%20services%20%28Report%201%20%20E2%80%93%202022%E2%80%93323%29.pdf>

¹⁶ Ibid n 13.

redevelop existing public housing stock to meet accessibility standards and demand of new household compositions.

3.3 MODIFICATIONS OF PRIVATE RENTALS

A lack of alternative accessible housing options means that many people with disability who rent on the private market require home modifications. In a prolonged rental affordability crisis, there are limited homes – especially homes with specific modification or customisation. Very few private rental properties are accessible, and it can be very difficult to secure funding or permission from property owners to undertake necessary modifications. The NDIS will only fund modifications if tenure is secure and landlords agree. Moreover, even when landlords are amenable to a tenant making modifications, obtaining support for modifications through the NDIS can be difficult.¹⁷

Lack of accessibility is compounded by a lack of social housing and the fact that renters are highly mobile, often due to tenancies that only last for a maximum of one year. This contrasts to social housing and owner-occupiers, who do not move very frequently.¹⁸

As such, there should be a consistent approach to modifications across the nation and simple and accessible funding to enable people to implement home modifications more easily in rentals. This should also include modifications that improve the energy efficiency of rental properties.

4.0 HOUSING IS AFFORDABLE

Most NDIS recipients reside in mainstream housing, including on the private rental market. Over 60% of people living on a Disability Support Pension are experiencing rental stress.¹⁹ Q Shelter is concerned about the current state of the rental market in Queensland, and Australia more broadly, and the impact prolonged housing insecurity has on people's mental health and wellbeing. People with disability face particular challenges finding rental properties that are safe and secure, and meet their needs.

People with disability are struggling to access and sustain tenancies in the private market due to escalating costs and reliance on Disability Support Pension for income. This limits the ability to absorb increased rents. Australia has some of the weakest tenancy laws in the developed world, and with no nation-wide, consistent framework to regulate increases to rent and rental conditions, there is significant risk that vulnerable tenants will be priced out of the market and be at significant risk of homelessness.

5.0 CONCLUSION

The housing crisis currently facing Australia is multifaceted. Ensuring NDIS participants have true choice in where, how and with whom they live will require a coordinated approach across multiple areas. It is crucial for the future success of the NDIS that these interrelated issues of housing supply, affordability and accessibility are addressed. In sum, we support:

- Funding expert support so a greater range of NDIS participants, especially those with limited social support, can set up and maintain high quality independent living options.
- Greater utilisation of existing statutory bodies to provide oversight over disability housing.
- Clear demarcation between state, territory, and federal government responsibilities for people with disability accessing housing. We support the Queensland Disability Network's call for a review on the Applied Principles and Tables of Support (APTOS) to improve integration of the NDIS with mainstream housing services.
- Funding for increasing accessible housing supply. This should include:

¹⁷ Ibid n 8.

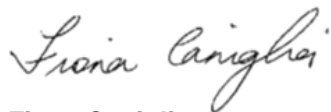
¹⁸ Ibid n 14.

¹⁹ Productivity Commission (2022), In need of repair: The National Housing and Homelessness Agreement, Study Report, Canberra. <https://www.pc.gov.au/inquiries/completed/housing-homelessness/report/housing-homelessness.pdf>

- Increased government investment in social housing, shared home ownership schemes, and redevelopment of existing housing stock to meet contemporary standards.
- The NDIA playing a more active role in SDA supply to match participant need with SDA supply and a funding model that ensures SDA keeps pace with increases to property prices.
- Support for new housing models, including single occupancy apartments within mainstream developments, so NDIS participants are not segregated and can live in proximity to family and friends.²⁰
- Short and medium-term accommodation options through NDIS, with a short-term solution (e.g., 30-90 days) intended to transition clients out of the hospital and into Supported Independent Living/Specialist Disability Accommodations.
- Incentives or guarantees for private property owners to make properties available for accommodation.

For further details about this submission, please contact the Policy & Strategic Engagement Manager at Q Shelter (07) 3831 5900 or at Jackson.Hills@gshelter.asn.au.

Yours sincerely



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²⁰ Di Winkler (2023). People with disabilities in group homes are suffering shocking abuse. New housing models could prevent harm. *The Conversation*. <https://theconversation.com/people-with-disabilities-in-group-homes-are-suffering-shocking-abuse-new-housing-models-could-prevent-harm-197989>