



Carers Victoria submission
Australian Building Code Board
Accessible Housing Options Paper

NOVEMBER 2018

AN AUSTRALIA THAT VALUES AND SUPPORTS ALL CARERS

ABOUT CARERS VICTORIA

Carers Victoria is the state-wide peak organisation representing people who provide care. We represent more than 736,600 family carers across Victoria – people caring for someone with a disability, mental illness, chronic health issue or an age-related condition.

People receiving care could be a parent, child, spouse/partner, grandparent, other relative or friend. Carers Victoria is a member of the National Network of Carers Associations, and the Victorian Carer Services Network. Carers Victoria is a non-profit association which relies on public and private sector support to fulfil its mission with and on behalf of carers.

Carers Victoria is a membership-based organisation. Our members are primarily family carers, who play an important role in informing our work, contributing to advocacy and strategic aims, and distributing information more widely to other carers.

This policy paper was prepared by Carers Victoria's Policy Team.

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Introduction

Carers Victoria welcomes the opportunity to respond to the Australian Building Codes Board's (ABCB) Accessible Housing Options Paper and contribute to broader community and industry input about potential changes to the National Construction Code.

Universal design principles should be expanded to include all new residential housing developments. Universal design principles are common-sense and would better accommodate our ageing population and people with higher support needs including mobility support needs. The Council of Australian Governments-endorsed 2010-2020 National Disability Strategy commits to the provision of an agreed "universal design standard" in all new housing by 2020.¹ These guidelines promote inclusion by making homes easier to access, navigate within and cheaper to modify if and/or when circumstances change.²

Recommendation: Carers Victoria advocates the ABCB identify minimum accessibility standard proposed in the Options Paper – **Option 2 LHDG Silver Level with all 7 elements** to all new residential dwellings in Australia will generate a net social benefit enjoyed by Australians with disability and the growing number of people with higher support needs from ageing or chronic illness.

The organisation believes **without** the introduction of a minimum accessibility standard to all new residential dwellings, the costs to the wider Australian economy will be greater. Administrative burdens will be shifted to government agencies to support people with higher support needs of all ages to retrofit existing homes. Further amendments to tenancy legislation will be required to compel landlords or residential rental providers to allow modifications to existing residential properties built without appropriate support needs in mind.

The **Victorian Carers Recognition Act 2012** formally acknowledges the important contribution people in care relationships make to our community and the unique knowledge carers hold of the person they care for.

The Act applies to State government departments; councils; and organisations funded by government which are responsible for developing or providing policies, programs or services which affect people in care relationships.

The Act includes principles which care support organisations must take into account, relating to carers; the people being cared for; and care relationships.

In general, these principles require carers and the people being cared for to be respected, recognised and supported as individuals and as a person in a care relationship, with the care relationship to also be respected and honoured.

¹ Council of Australian Governments (2011), *National Disability Strategy 2010-20*, p 34

² Liveable Housing Australia, (2013), *Liveable Housing Design Guidelines*, Sydney

Socio-economic snapshot of Victorian carers

There are 736,600 Victorian carers, representing 13% of Victoria's population:

- 55% are women and 45% are men
- 72% live in major cities, 23% live in regional areas and 5% live in rural Victoria
- 10% are young carers (<25 years), 68% are aged 25-64 years and 22% are aged 65 years and over
- 31% report living with a disability themselves
- 58% participate in the workforce.³

Primary carers in Victoria

- 56% are reliant on a government pension or allowance as their main source of income.
- The median gross income of primary carers in Victoria is \$455 per week, compared with \$719 minimum wage at July 1, 2018.
- Only 42% of primary carers participate in the workforce.
- Consequently 47% of primary carers have a gross household income in the two lowest quintile levels, compared to only 25% of non-carers.

Impact of slow market uptake of universal housing design targets

Carers Victoria is pleased the Victorian Government has committed to new publicly funded housing stock having minimum standards of accessibility. Unfortunately, Government investment in public housing has not kept up with demand over many decades and at September 2018 there is a waitlist of **46,150** people for public housing and **15,528** people for social housing.⁴ It will take many decades for the Victorian Government to provide sufficient levels of accessible housing to the growing number of people in the State for whom the only viable option is public housing built to minimum standards of accessibility.

In the for-profit building sector, the uptake of these standards is underpinned by an assumption that '...both the building industry and the wider community will automatically think in terms of universal and liveable design principles and how they can benefit individuals and families throughout their lives'.⁵ This assumption is further entrenched by national voluntary accreditation system which is estimated to achieve less than 5% of the 2020 target.⁶ The planning and design of universal housing design standards has been well considered and is likely to increase the pool of accessible housing options for people in care relationships, especially in the public and community housing sectors. However, for targets to become achievable, governments need to amend the requirements in the National Construction Code

³ Australian Bureau of Statistics (2015) *Survey of Disability, Ageing and Carers*, Australia, Victoria, Catalogue # 4430.0

⁴ Department of Health and Human Services (2018) *Victorian Housing Register transition report – September 2018*; <http://housing.vic.gov.au/victorian-housing-register>

⁵ Department of Social Services, (2014), *Progress Report to the Council of Australian Governments on the National Disability Strategy 2010-2020*, p 28

⁶ Australian Network for Universal Housing Design and Rights and Inclusion Australia, (2015), *Report on the progress of the national dialogue on universal housing design, 2010-2014*, p 1.

to include universal design standards for all new and extensively renovated housing, in order to ensure necessary uptake in the for-profit building sector.

Injury risk to carers

Housing which does not meet universal design standards risks injury to carers, with back injury a common complaint among carers providing care in unsuitable home environments. A study by Heywood noted, '...many carers were finding the physical strain and risk to their backs was unsustainable, and there was a common fear that without help, admission to residential care would be unavoidable [for the care recipient]'.⁷ Unsuitable housing has also been linked to interrupted sleep and increased stress for carers.⁸

Continued reliance on major home modifications

A further impact is continued reliance on major home modifications to enable accessibility for people in care relationships. Home modifications are almost always retro-fitted to the carer's home and before the introduction of the NDIS the onerous cost was covered by carers, unless they were eligible for State and Territory subsidies.⁹ As Saugeres (2011) research found, '...in addition to receiving a low income, people with disabilities and family carers also had to personally subsidise the cost of disability equipment and physical adaptations as available grants only covered partial costs'.¹⁰

However, there is no analogous funding available for people with higher support needs who are ineligible for the NDIS, either because they do not have a permanent disability or they are over the age of 65 years. This cohort is likely to be the majority of people who will benefit from housing with a minimum accessible standard for all new residential buildings in Australia.

Articulating the level of unmet demand for accessibility features in residential housing

There are many factors which could influence the future demand of accessible residential accommodation. Carers and the changing nature of caring role over the next 30 years will be a key factor in this issue. Forecasting future trends in either the demand or supply of informal carers is complex, given the number of variables which could be included or excluded, such as:

- The age and gender profile of the population
- Prevalence of chronic illness including dementia and disability
- Care needs of people in the population
- Supply of care provided through the formal care sector (both government subsidised and privately sourced)
- Adequacy and quality of care provided through the formal care sector
- Labour force participation rates
- Rates of relationship breakdown

⁷ Heywood, F. (2005), *Adaption: Altering the house to restore the home*, Housing studies, vol. 20, no. 4, pp. 531-547.

⁸ Davy, L., Adams, T. & Bridge, C., (2014), *Caring for the carer: home design and modification for carers of young people with disability*, Home modification information clearinghouse UNSW, p.7 & 17.

⁹ Australian Housing and Urban Research Institute Southern Research Centre (2007) *The housing careers of persons with a disability and family members with care responsibilities for persons with a disability*, National Research Venture 2: 21st century housing careers and Australia's housing future; Project C: Qualitative data collection report of focus groups.

¹⁰ Saugeres, L., (2011), *(Un)accommodating disabilities: housing, marginalisation and dependency in Australia*, Journal of Housing and the Built Environment, vol. 26, no.1, pp.1-15.

- Fertility rates
- Family mobility and dispersion
- The proportion of the population living in single person households, and
- An individual's propensity to care.

During its consultation processes the ABCB is likely to be informed of other sources which can be examined to provide a validated and rigorous understanding of unmet demand for accessibility features with some caveats.

In 2008 the Australian Housing and Urban Research Institute (AHURI) reported the housing careers of persons with disability and “family members with significant care responsibilities [finding overall] housing careers of persons with a disability are flatter and more restricted than the rest of the population”.¹¹

The Australian Bureau of Statistics Survey of Disability, Ageing and Carers (SDAC) shows people with disability aged 15 to 64 have lower rates of home ownership compared with the population of people without disability.¹²

The Australian Institute of Health and Welfare reporting for 2016-17 shows out of 330,984 service users, 50.4% ($n= 147,936$) lives with family; 25% live alone; 24.6% live with others. Importantly the housing situation of 37,329 service users were not counted or stated.¹³

Assumptions made in paper: the NDIS will fund home modifications

The NDIS is responsible for the reasonable and necessary costs of home modifications of eligible people with disability in private housing (owner occupier and private rental),¹⁴ which is expected to relieve cost burdens formerly shouldered by many carers.

As the Options Paper notes, it is in the scope of the NDIS to fund home modifications to support participants to continue to live in the community rather than specialised accommodation; however, in reality this measure will not impact significantly on the wider Australian population.

Eligibility for the NDIS is strict and the Productivity Commission originally estimated the number of people with disability eligible for Tier 3 of the Scheme would be approximately 410,000 Australians.¹⁵ By July 2019, it is estimated approximately 105,000 people will be eligible for the Scheme in Victoria. This number represents just **10% of Victorians living with a disability**. The vast majority of people with higher support needs who can be supported by universal access will continue to fund this on a private basis, or State and Territory Governments may continue funding for home modifications.

¹¹ Beer, A. and D. Faulkner (July 2008) *The housing careers of people with a disability and carers of people with a disability*; for the Australian Housing and Urban Research Institute Southern Research Centre p. vi.

¹² Australian Bureau of Statistics (2015) *Survey of Disability, Ageing and Carers*; Table 7.1 Persons aged 15 years and over, living in households, disability status, by selected social characteristics–2015, estimate

¹³ Australian Institute of Health and Welfare (June 2018) Bulletin 144: *Disability Support services: Services provided under the National Disability Agreement 2016-17*, p. 17.

¹⁴ National Disability Insurance Scheme (2013), *Supports for participant rules*

¹⁵ Productivity Commission 2011, *Disability Care and Support*, Report no. 54, Canberra, p. 160.

Whether the NDIS will adequately fund home modifications for eligible participants remains to be seen. Since rollout commenced in July 2016, the Joint Standing Committee on the NDIS of the Federal Parliament has reported, the Scheme has been characterised by poor planning processes and outcomes for participants, their families and carers.¹⁶ Moreover, the Productivity Commission noted in its 2017 Report on NDIS Costs, ineffective market stewardship by the Agency and Governments “has led to gaps, duplication and shifting of responsibilities. This is a risk to the scheme, and to the wellbeing of participants and their families.”¹⁷

According to the NDIA's [NDIS National Public Dashboard](#) at June 2018, the Agency had included a total of annualised committed support of \$9.9b in the current plans of the 172,333 active participants; however, just 1.7% of this total figure had been committed to Capital - Home Modifications.

There are further complexities the ABCB should consider when assuming the NDIS will fund home modifications:

- Plan processes are onerous for participants, families and carers. As the Joint Standing Committee on the NDIS has noted,¹⁸ planners employed by the NDIA or Local Area Coordinators often lack understanding about the impacts of disability on a person and family's environment, social connectedness and financial situation. Applying for home modifications – especially for participants with sensory or intellectual disabilities – is likely to be very difficult in an overall climate of delivering the Scheme under budget and without reference to the impact of packages on the quality of the participant and family's life. This may be a disincentive to pursue this avenue of funding and remain in inadequate housing.
- It is also difficult to estimate the number of NDIS participants (children or adults) who are living in owned accommodation and will be able to modify their home with NDIS funds.
- Eligibility for public housing does not include people with a disability currently receiving support in the family home. This large group is neither homeless nor necessarily receiving formal support (because their families are providing it) and so do not qualify for this form of housing assistance even if they would like to live independently.
- It is notoriously difficult for people with special access needs to get the support of landlord's approval for home modifications.

While the National Disability Insurance Agency (NDIA) reports quarterly regarding the number of participants in the National Disability Insurance Scheme, the disability of participants, functional level etc, it is important for the ABCB to note the Agency does not collect future demand data or 'aspirational' data. In other words, planning meetings tend to be focused on day-to-day living situations rather than having a future-planning orientation. Therefore, it is unlikely meaningful data collection about unmet demand for accessible residential accommodation is likely to be sourced about NDIS participants until this approach changes.

¹⁶ https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Disability_Insurance_Scheme/MarketReadiness

¹⁷ Productivity Commission (2017) *National Disability Insurance Scheme (NDIS) Costs*, p. 40

¹⁸ https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Disability_Insurance_Scheme/MarketReadiness

Accessible housing for all family members

The ABCB should note what is considered reasonable and necessary for an NDIS participant, may not take into account the needs of the carer. Carers Victoria advocates the needs of the entire household should be considered, especially where the person living with the disability is not the primary user of all home facilities.¹⁹ Families are the primary source of housing (or housing assistance) for adults with a disability and yet receive minimal targeted government assistance in this regard.

Home ownership – particularly in metropolitan areas – relies upon the household having a dual income or considerable assets. Caring families are less likely to be in this position. Carers aged 15–34 years are significantly less likely to own their own home (37%) than non-carers of similar age (44%), even though they prize the stability of private home ownership for themselves and their families very highly. Carers are rapidly falling out of owner occupation (own outright or purchasing). Nearly half (44%) of carer tenants had previously been owner occupants and became tenants because of relationship breakdown, the costs associated with providing care, or the loss of employment.²⁰

Further information about the socio-economic status of carers and some people with higher support needs, including those with disability and who are aged, can be found in Department of Social Services data on the number of recipients who also receive Commonwealth Rent Assistance (CRA).

Primary payment type	Total number recipients (Australia)	Number receiving CRA	Proportion of Recipients receiving CRA by Income Support Payment
Disability Support Pension	758,911	257,466	19.2
Age Pension	2,498,765	270,513	20.1
Carer Payment	263,874	60,737	4.5
Newstart Allowance*	733,088	291,683	21.7

Table Source: Department of Social Services Demographics June 2017.

***N.B.** The number of recipients of Newstart Allowance has also been included in the table above to reflect Government policies to shift people previously receiving Carer Payment or Disability Support Pension to Newstart Allowance.

¹⁹ Davy, L., Adams, T. & C. Bridge (2014) *Caring for the carer: home design and modification for carers of young people with disability*, Home modification information clearinghouse UNSW, p.26.

²⁰ Beer, A. and D. Faulkner (2009) *The housing careers of people with a disability and carers of people with a disability*, Australian Housing and Urban Research Institute, p 39.

Further issues encountered in rental situations

Few existing houses in the private rental market have been built to universal design standards and there is no incentive for landlords of rental properties to approve home modifications which may take time, be inconvenient or aesthetically unappealing. Morden found ‘...most landlords will not agree to modification, even at no cost to them, and would most likely just choose an applicant who is able and willing to move into the property without the need for modification. Discrimination is a prerogative of the landlord as they are not bound by social responsibility and social justice principles in dealing with clients’.²¹

Failure to adhere to universal design standards will inevitably shift the costs for modifications to families and carers. As the ABCB Paper states small upfront investment in new builds is more desirable than retrofitting homes which do not have inherent capabilities of easy and cost-effective adaptations. In the long term, a more accessible housing stock will also greatly reduce the cost of home modifications to the specific schemes such as the NDIS.

In late 2018 the Victorian Labor Government passed legislation intended to provide renters with more protections than they currently enjoy. While the legislation is yet to be enacted, it:

- Strengthens linkages between the Residential Tenancies Act (RTA) and the Equal Opportunity Act 2010, especially penalty provisions if a person is refused a residential rental agreement on the basis of an attribute set out in Section 6 of the Equal Opportunity Act 2010
- Prevents residential rental providers from unreasonably refusing consent to certain modifications, including disability modifications as per section 55 of the Equal Opportunity Act 2010, and
- Reduces requirements of renters to restore the rented premises to the condition the premises were in immediately before the modification is subject to Section 55 of the EOA 2010.

However, the legislation does not require a residential rental provider to **demonstrate** that retaining a modification at the end of a residential rental agreement would cause them hardship before they can request the renter remove it. Nor does it prevent a residential rental provider from delaying approval long enough before a lease expires and not providing an option to renew it in order to source a renter who will not request a home modification.

Conclusion

Accessible housing is not just a matter that relates to people with disability, it is a broader social issue impacting families and carers of all ages. The proportion of people in Australia over the age of 65 is growing substantially and will significantly change the social fabric of our society. Our current social and physical infrastructure relies on a larger tax base in proportion to those receiving income support as well as other expenditure. However, the demographic characteristic of Australian society and economy since Federation will soon be inverted. By 2047, it is projected there will be just under 3.4 million people aged 65–74, though this represents a smaller proportion of all older people (45%). People aged 75–84 will account for 35% (2.6 million) of the population and 1 in 5 older people will be aged 85 and over (20%, or 1.5 million).²²

²¹ Morden, A., (2014) *Social housing and people with a disability*, Parity, vol. 27, no. 5, p.43.

²² <https://www.aihw.gov.au/reports/older-people/older-australia-at-a-glance/contents/demographics-of-older-australians/australia-s-changing-age-and-gender-profile>

Access to appropriate and affordable housing is a key issue for caring families. In many ways, deinstitutionalisation and community living policies for people with a disability and/or mental illness, as well as ageing in place for older Australians, are predicated upon the availability of affordable housing through the private rental market and social housing. However, in recent times, housing in the private market has become increasingly unaffordable and social housing has become less available.

Families and carers can also themselves be directly affected by a lack of affordable housing because of their reduced workforce participation and increased costs due to of their caring responsibilities.²³

²³ Beer, A. and D. Faulkner (July 2008) *The housing careers of people with a disability and carers of people with a disability*; for the Australian Housing and Urban Research Institute Southern Research Centre p. vi.