



**Australian Federation of
Disability Organisations**

Help to Buy Bill 2023

Submission to the Senate Economics Legislation Committee
by the Australian Federation of Disability Organisations

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About AFDO

Since 2003, the Australian Federation of Disability Organisations (AFDO), a Disabled Peoples Organisation (DPO), has been the recognised national peak organisation in the disability sector, along with its disability led member organisations, representing people with disability. AFDO's mission is to champion the rights of people with disability in Australia and support them to participate fully in Australian life.

Our thirty-six (36) member organisations represent disability specific communities and cross-disability communities with a total reach of over 4 million Australians.

AFDO continues to provide a strong, trusted, independent voice for the disability sector on national policy, inquiries, submissions, systemic advocacy and advisory on government initiatives with the Federal and State/Territory governments.

We work to develop a community where people with disability can participate in all aspects of social, economic, political, and cultural life. This includes genuine participation in mainstream community life, the development of respectful and valued relationships, social and economic participation, and the opportunity to contribute as valued citizens.

Our vision

That all people with disabilities must be involved equally in all aspects of social, economic, political, and cultural life.

Our mission

Using the strength of our membership-based organisations to harness the collective power of uniting people with disability to change society into a community where everyone is equal.

Our strategic objectives

To represent the interests and united voice of our members and people with disability at a national and international level in all relevant forums.

To build the capacity, profile, reputation, and sustainability of AFDO through the strength of our member organisations.

To enhance the connection and influence in international disability initiatives by policy, advocacy and engagement, focused on the Asia Pacific region.

Our members

Full members:

- Advocacy for Inclusion Inc.
- Arts Access Australia
- Autism Aspergers Advocacy Australia
- Blind Citizens Australia
- Brain Injury Australia
- Deaf Australia
- Deafblind Australia
- Deafness Forum Australia
- Disability Advocacy Network Australia
- Disability Justice Australia
- Disability Resources Centre
- Down Syndrome Australia
- Enhanced Lifestyles
- National Mental Health Consumer & Carer Forum
- People With Disabilities WA
- Polio Australia
- Physical Disability Australia
- South West Autism Network - WA
- Women With Disabilities ACT - ACT
- Women with Disabilities Victoria - Vic

Associate members:

- Advocacy WA
- All Means All
- AED Legal Centre
- Amaze - Vic
- Aspergers Victoria
- Disability Voices Tasmania
- Disability Advocacy and Complaints Service of South Australia
- Explorability Inc
- Leadership Plus
- Multiple Sclerosis Australia
- National Organisation for Fetal Alcohol Spectrum Disorder
- National Union of Students - Disabilities Department
- Star Victoria Inc
- TASC National Limited
- Tourette Syndrome Association of Australia
- Youth Disability Advocacy Service

Acknowledgements

AFDO acknowledges Aboriginal and Torres Strait Islander people as the traditional custodians of the land on which we stand, recognising their continuing connection to land, waters, and community. From our offices in Melbourne, Canberra, Sydney, and Brisbane, we pay our respects to the peoples of the lands on which these operate and to their respective Elders past and present. We also pay our respects to the traditional owners of all lands on which we operate or meet around the country.

AFDO acknowledges people with disability, particularly those individuals that have experienced or are continuing to experience violence, abuse, neglect, and exploitation. We also acknowledge their families, supporters, and representative organisations and express our thanks for the continuing work we all do in their support.

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1. Introductory comments

The Australian Federation of Disability Organisations (AFDO) welcomes the opportunity to provide comment on the *Help to Buy Bill 2023* and the *Help to Buy Bill (Consequential Provisions) Bill 2023 [Provisions]* (the Bill) currently before the House of Representatives, and thanks the Senate Economics Legislation Committee for their consideration of this submission.

As the Committee is undoubtedly aware, Australia is currently in the midst of an unprecedented housing affordability and availability crisis. Many Australians live in housing that is precarious, uncomfortable, unaffordable, and inaccessible; and for people with disability, many are denied any real degree of choice over where or with whom they must live. We know that lack of affordable housing is a major cause of poverty for all demographics. Individuals who cannot access affordable, secure, and appropriate housing are at risk of serious adverse consequences including homelessness, poorer health outcomes, and lower rates of education and employment. These negative outcomes ultimately result in significant governments expenditure that could have otherwise been avoided through proactive policy action.

AFDO has already written extensively on these issues in our previous submissions to the National Housing and Homelessness Strategy and the Inquiry into the extent and nature of poverty in Australia, both of which have been submitted as companion pieces alongside this document. For the sake of brevity, this submission will focus on the Bill in question and remain as concise as possible to avoid duplication. Greater context to the issues discussed may be found in the accompanying submissions.

In previous generations, owning one's own home was considered an important and expected milestone, symbolic of entering adulthood, and largely taken for granted. Unfortunately, this is well documented to be no longer the case, as rates of home ownership continues to drop at a precipitous rate. Instead, the privilege of home ownership is increasingly reserved for those with significant wealth or resource backing, while remaining out of reach for more and more Australians.

AFDO welcomes the proposed Bill as a positive and progressive development in housing policy reform, representing one very small step towards alleviating Australia's dire housing situation. However, it cannot be overstated that, in the absence of more radical reforms – most critically, the disincentivising of property as a vehicle for investment and means of generating income among those holding multiple property assets – the Bill will do little to address the current crisis, and on its own appears as so much virtue signalling; aiding a lucky few while ultimately maintaining the status quo.

2. Housing as a human right

In the Australia, property ownership has essentially become synonymous with investment and wealth generation. If we are to have any hope of addressing the current crisis, it is critical that housing policy recognise what housing is at its root – a basic human need necessary to survival, and one that has been enshrined as a human right under international law. For people with disability, this right is protected under multiple legal instruments.

Australia is a signatory to both *the International Covenant on Economic, Social and Cultural Rights (ICESCR)* and the *Convention on the Rights of Persons with Disabilities (CRPD)*. Meaning, we have made a legal commitment to uphold the rights set out under each of these treaties. Under articles 11 and under articles 19 and 28 of these instruments respectively, the Australian government is obliged to ensure that all people with disability have access to social security, social protection, and **an adequate standard of living**.

Article 11 of the *ICESCR* states:

“1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”ⁱ

Regarding people with disability specifically, article 19 of the *CRPD (Living independently and being included in the community)* requires governments to ensure:

“a) 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.

b) Persons with disabilities have access to a range of in-home, residential, and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.

c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.”ⁱⁱ

Article 28 of the *CRPD (Adequate standard of living and social protection)* further states:

“1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including ...housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability”

d) To ensure access by persons with disabilities to public housing programmes.”ⁱⁱⁱ

Australia’s Disability Strategy 2021-31 (the Strategy) is Australia’s domestic blueprint for the progressive realisation of the rights set out in the *CRPD*. All Australian governments have endorsed the Strategy as a means of improving outcomes Australians with disability. The Strategy comprises seven key outcome areas, including ‘Inclusive homes and communities’. The following two policy priorities are listed underneath this outcome area:

“Housing affordability/stress: The availability of affordable housing is increased.

Housing accessibility: Housing is accessible and people with disability have choice and control about where and who they live with and who comes into their home.”^{iv}

As the data presented in both the following sections and our supplementary submissions make clear, Australia is currently failing to uphold its human rights commitments in regard to housing.

In order for this to change, and for the housing crisis to be truly addressed, one critical precondition is a fundamental philosophical shift in our nation’s dominant cultural attitude towards housing and home ownership.

Government must challenge the current hegemonic conceptualisation of property as a means of wealth generation, replacing it instead with an understanding of **housing as a basic human right**, an inherent requirement to basic human dignity, supported by policy that reflects and reinforces this across all jurisdictions.

3. Housing and home ownership in Australia

3.1. Housing and people with disability

People with disability are disproportionately affected by the national housing crisis, as is made readily apparent by the available data.^v AFDO refers the Committee to our previous submission to the National Housing and Homelessness Strategy for additional statistics and a more in-depth discussion of this issue.

As noted by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission):

“Some people with disability face multiple barriers to securing housing that is accessible, secure, appropriate, and safe. People with higher support needs currently have fewer options in relation to fully inclusive homes and living. They may be denied autonomy and choice over aspects of their daily life and have limited opportunities for meaningful participation in the community. Some people with disability may have little choice but to remain long term in substandard accommodation such as boarding houses, with limited occupancy rights and oversight. Some may experience chronic homelessness. People can be exposed to violence, abuse, neglect, and exploitation in these institutionalised, unregulated, or high-risk settings.”^{vi}

Given these myriad issues and the precarious position of many people with disability, it is even more critical that policy levers are put in place enabling them to enter the property market and able to own their own homes.

3.2. Declining rates of home ownership in Australia

The former ‘great Australian dream’ of a family home on a quarter-acre block is now, for many, little more than a pipe dream. Instead, individuals find themselves at the mercy of a seemingly growing predatory private rental market or an entirely inadequate and woefully underfunded public housing system with large amounts of public housing stock unavailable, in need of significant repair or upgrading.

Rates of home ownership continue to drop precipitously, particularly among young people and those living in poverty, including the elderly. Per the Grattan Institute:

- Between 1981 and 2016, home ownership rates among 25-34 year-olds fell from 60% to 45%, and among the poorest 40% of that age group, they more than halved, from 57% to 28%.
- Among the poorest 40% of 45-54 year-olds, just 55% own their homes, down from 71% four decades ago.^{vii}

More recent data from the Australian Institute of Health and Welfare (AIHW) confirms these continuing downward trends, stating that:

- Among 30–34 year-olds, rates of home ownership have decreased from 64% in 1971 to 50% in 2021. Similarly, for 25–29 year-olds, they decreased from 50% in 1971 to 36% in 2021.
- Home ownership rates have also gradually decreased among those nearing retirement. Since 1996, home ownership rates 50–54 year-olds has decreased from 80% to 72%.^{viii}

The AIHW also examines home ownership rates by birth cohort, which further confirms this downward trend:

- For Australians born during 1947–1951, rates of home ownership increased from 54% in 1976 (when they were aged 25–29) to 82% 45 years later in 2021 (when they were aged 70–74).
- By contrast, the rate of home ownership for those born during 1992–1996 was 36% in 2021 (when they were aged 25–29), a full 18 percentage points lower than the 1947–1951 cohort at the same age.^{ix}

3.3. Home ownership among people with disability

While the most recent available data shows that people with disability are actually slightly more likely to own their own home (64%) than those without (60%),^x this varies considerably by age and degree of disability, with rates of home ownership being highest in people aged 65 and over.^{xi} Given that prevalence of disability increases with age, this increased rate of home ownership can likely be attributed to older individuals purchasing property prior to the onset of their disability.

Regarding people with disability who do not own their own home:

- 29% (or 1.2 million) are renting, and a further 5.9% (or 248,000) live rent-free, most commonly in the family home.^{xii}

Regarding people with severe or profound disability, they are:

- Less likely to own their own home (56%) compared with people with less severe disability (67%).
- More likely to rent (32% vs 27%).
- More likely to live rent free (9.2% vs 4.6%).^{xiii}

Home ownership is particularly important for people with disability as it enables them to make any necessary modifications required to make their home accessible and suited to their needs, which can be far more difficult to achieve in both private rentals and public housing.

3.4. Why are rates of home ownership in decline?

There are a number of complex and deeply interrelated causes behind the continued decline in rates of home ownership. Briefly, and most critically, these include:

- **House prices increasing dramatically** from the 1990s onwards, particularly in urban areas.
- **Wages remaining stagnant** rather than increasing in line with inflation and the ever increasing cost of living. Consequently, the length of time required to save for a now needed 20% (previously 10%) deposit has dramatically increased – from approximately 7 years in the early 1990s to almost 12 years in 2021.^{xiv}
- Tax and welfare settings **making home ownership more attractive** than renting.
- Decades of housing policy **incentivising property investment** relative to other forms of investment,^{xv} most notably, negative gearing and capital gains tax. As a result, many investors prefer purchasing low-value properties, causing the price of low-cost housing to increase at a much higher rate and making it even more difficult for low-income earners to purchase a home.^{xvi}
- **Population growth** due to increased immigration from the mid-2000s onwards, increasing the demand for housing.
- **Foreign property investment** increasing while remaining largely unregulated, oftentimes resulting in unoccupied homes.^{xvii} Per figures from the National Australia Bank (NAB), in 2022, nearly 5% of the Australian property market was owned by overseas investors.^{xviii}
- **Failure to invest in medium-density housing** in the inner and middle ring suburbs of major cities, due in part to planning constraints and community opposition.

4. The role of national shared equity schemes in addressing Australia's housing crisis

Australia's housing affordability crisis has been created through decades of government negligence and disregard, it is not an issue that will be easily solved, nor for which there exists a quick fix. On the contrary, it demands a raft of radical policy reforms that ultimately foment an entire cultural shift in the way in which we as a nation conceive of home ownership. With that important caveat said, AFDO does believe that national shared equity schemes like the proposed Bill, as well those already in place on the State level, do have a key place in the future housing policy landscape.

4.1. The Help to Buy Bill – a national shared equity scheme

Under the terms of the proposed Bill, it would function as a national shared equity scheme, wherein the government assists eligible applicants to enter the housing market by loaning them 30-40% of the purchase price, thus reducing their bank loan by 60-70%. Subsequently, the amount of money one needs to borrow from the bank is significantly reduced, resulting in smaller mortgage repayments and the ability to purchase a home with a deposit as little as 2% of the total price. The government would then own a percentage of equity in the home, to be repaid over time or when the property is sold. The scheme includes price caps that vary by location and income-based eligibility criteria.

While AFDO recognises the proposed Bill as a positive step, it must be emphasised that the scheme is limited to only 10,000 applicants per year, for four years. Given the scale of the housing affordability crisis, and the precipitous speed at which rates of home ownership continue to drop, the proposed Bill will have minimal impact without the introduction of additional and far more radical housing policy reforms. While perhaps ungenerous, it is not difficult to understand why some have described this policy as a “housing lottery for a lucky few”.^{xix}

AFDO would propose that if the limit of 10,000 applicants is maintained (which we see as a significant restriction on providing necessary relief), there needs to be a percentage reserved for people with disability in line with the ratio they represent of the Australian population and factoring in those in greater disadvantage.

4.2. Why the Bill on its own is not enough

AFDO understands that the politics of housing reform are fraught: the government does not wish to alienate its voting public, many of whom already own a home or investment property and thus are naturally disinclined to support any change they may depreciate their assets. However, by continuing to perpetuate the illusion of quick fixes and simple solutions, government will only exacerbate the housing affordability crisis. Solving this problem will require courageous leadership from a government that is not afraid to make difficult, yet necessary, decisions. In the following section, we briefly explore a number of additional reforms that should be introduced alongside the Bill to ensure its efficacy.

5. Additional reforms required to address the housing affordability crisis

As has been established, additional – and far more radical – policy reform is required in order to truly address Australia’s housing affordability crisis. This section will briefly address some of these required reforms – for more detailed discussion, please see AFDO’s accompanying submission on the National Housing and Homelessness Strategy.

5.1. Reduce demand by disincentivising property as a vehicle for investment

The current policy landscape heavily privileges property investors purchasing multiple houses over first home buyers. If Government is to make any progress in addressing this crisis, it must first remove the existing incentives that make property such an attractive investment.

In their submission to the Morrison Government’s Inquiry into Housing Affordability and Supply in Australia, the Reserve Bank noted that the number of dwellings has in fact remained in line with population growth, despite being commonly scapegoated as the cause of soaring rents and house prices.^{xx} With an adequate supply already in place, the unaffordability of the Australian housing market cannot be solely attributed to lack of supply and will not be solely fixed by increasing supply.

On the contrary, the issue is one of the demand-side. Policies such as negative gearing and discount of capital gains tax have been the biggest contributors over the long-term to Australia’s housing affordability crisis, which in turn affects the unaffordability of private rentals. These policies create incentives to use existing housing stock as an investment by both private and commercial landlords, effectively favouring the purchase of existing properties for use as private rentals or short-term letting. In turn, this cannibalises the home-ownership market, and has a flow-on effect on housing affordability, particularly for first home buyers.

Specifically, Government should reduce demand by:

- Realign negative gearing to remove the perverse outcomes on stock availability.
- Significantly reduce capital gains tax discounts that continue to have perverse outcomes on stock availability.
- Introduce occupancy requirements on investment properties and fees for failure to comply to open up properties for longer term rental or ultimately increased stock availability for sale.
- Introduce stricter regulations on foreign property investment to open up properties for longer term rental or increased stock availability for sale.

5.2. Reform the private rental market

Australia is currently experiencing a severe rental crisis, wherein a shortage of affordable rental properties has resulted in ever increasing competition for available tenancies, causing rental rates to rapidly increase across widespread jurisdictions. While there is certainly a supply gap of

affordable houses, any effort to effectively address this crisis must also consider the extra demand and pressure caused by historical and current policy regarding the buying and selling of houses on the private real estate market.

With fewer people able to afford their own homes, more are forced into renting, which only further increases demand and has greatly contributed to the general unaffordability of the private rental market. This disproportionately affects people with disability, causing economic hardship, increasing risk of homelessness, and also negatively impacting social housing waitlists nationally, as has been previously discussed. In addition to the policies discussed above, Government should consider introducing an immediate rent freeze or other rental pricing control mechanisms.

5.3. Increase supply and reconceptualise the role of social housing

Regrettably, due to decades of underinvestment by successive governments, there now exists a chronically low supply of social housing, and long waiting lists prevent people from being able to access social housing in a timely manner. As of June 2022, the national social housing waitlist numbered 174,600.^{xxi}

Expanding access to supportive social housing and crisis accommodation, through both increasing supply with new builds and retrofitting what is already available to be more accessible, remains the best approach to preventing homelessness. In addition, it would also allow Government to fulfil their obligations to people with disability under the CRPD and save money on funding to homelessness services, health systems and other crisis supports.

Government policy often approaches social housing as a transitional step for tenants on their journey to ultimately re-entering the private housing market, or nursing homes if elderly.^{xxii} While it may be beneficial for some tenants to regain their capacity to engage with the private housing market, this is not always viable, and especially not for those with complex needs. The role of social housing for people with disability on low incomes should be both long-term and based on servicing those in greatest need. In this sense, social housing is not only a part of our national infrastructure, but a necessary component of the caring economy.

One fundamental change that could begin to improve the current situation would be to reconceptualise social housing as a valid, long-term housing option, as can be seen in many European nations, such as the Netherlands. This would entail moving beyond our existing entry, transfer, and exit paradigms, and instead considering multiple pathways for different people under various circumstances, and accepting different start and end points, including social housing as an acceptable – and in some cases, ideal – final destination.^{xxiii}

5.4. A better income support system

Income support payments play an integral role in ensuring income security and enabling realisation of the rights to social security and social protection. They serve as a critical mechanism through which poverty can be directly alleviated, allowing the promotion of social and economic wellbeing, inclusion, and participation. This is especially true for people with disability, who face greater barriers to meaningful and accessible employment and incur additional disability-related expenses.

Research has demonstrated that:

- A person receiving the Disability Support Pension (DSP) as of 2021 can afford just 0.1% of private rentals, down from 0.8% in 2012. Given the ongoing and steadily worsening cost of living and rental shortage crises occurring across most of Australia, it can be assumed that this situation has not improved.^{xxiv}
- Only 0.3% of 74,300 rental properties, equating to a mere 240 properties in total, advertised in Australia on a selected weekend in March 2021 were affordable and appropriate for single people aged 21 and over receiving the DSP, compared with 1.2% (or 860 properties total) for a single person receiving minimum wage.^{xxv} This extreme degree of unaffordability in the private rental market leaves many in danger of homelessness.
- 32% of income units receiving Commonwealth Rent Assistance (CRA) at 30 June 2020 who had at least one member receiving the DSP were in rental stress after receipt of CRA (that is, paid more than 30% of their gross household income on rent); without CRA, 72% of these income units would be in rental stress. This compares with 29% in rental stress after receipt of CRA and 55% in rental stress without CRA for all income units receiving CRA.^{xxvi}

Considering these statistics, it is clear that any changes in housing policy must be accompanied by necessary enhancements to Australia's income support system, which at present condemns recipients, many of whom are people with disability, to a life of desperate and grinding poverty.

5.5. Increasing availability of accessible housing

For people with disability, lack of *accessible* housing is also a critical issue, and one that is further exacerbated by inconsistent adoption of the minimum mandatory access standards in the National Construction Code among the states and territories. Currently, all states and territories excluding Western Australia and New South Wales have agreed to a timeline for the adoption of the standards. Lack of accessible housing means people with disability are either unable to find suitable accommodation, are forced to make modifications at their own cost or forced to live in more expensive housing that is accessible - all further adding to their financial burden. As mentioned previously, home ownership is even more critical for people with disability due to their accessibility needs.

6. Concluding comments

The declining trend of home ownership is both long-standing and deeply embedded in Australia's economic and social structures. As such, reversing it will pose a considerable challenge, and will not be achieved simply or through a quick fix. While the proposed Bill is a positive development in housing policy, on its own, it will do little to address the systemic issues outlined above, leaving more and more Australians – including people with disability – locked out of the housing market.

Ultimately, Government must lead the way in fostering a cultural and philosophical change in our nation's perspective on housing and home ownership, acknowledging them as fundamental human necessities and entitlements, rather than mere tools for wealth accumulation.

Should you require further information about any of the issues raised throughout this submission, please do not hesitate to contact AFDO's Senior Systemic Advocate, Lauren Henley. Lauren can be contacted by phone on 0493 623 709, or via email at lauren.henley@afdo.org.au

ⁱ United Nations General Assembly (1966) *International Covenant on Economic, Social and Cultural Rights*, Treaty Series, vol. 993, 16 December 1966.

ⁱⁱ United Nations (2006) *Convention on the Rights of Persons with Disabilities*, Treaty Series, vol. 2515, Dec. 2006.

ⁱⁱⁱ *ibid.*

^{iv} Commonwealth of Australia (Department of Social Services) (2021) *Australia's Disability Strategy 2021-2031*, Accessed 10 October 2023. <<https://www.disabilitygateway.gov.au/document/3106>>

^v Australian Institute of Health and Welfare (2022) *People with disability in Australia*, Accessed 2 May 2023. <<https://www.aihw.gov.au/getmedia/3bf8f692-dbe7-4c98-94e0-03c6ada72749/aihw-dis-72-people-with-disability-in-australia-2022.pdf.aspx?inline=true>>

^{vi} Coates, B. (2022) *Levelling the playing field: it's time for a national shared equity scheme*, Grattan Institute, Accessed 12 February 2024. <<https://grattan.edu.au/news/levelling-the-playing-field-its-time-for-a-national-shared-equity-scheme/>>

^{vii} *ibid.*

^{viii} Australian Institute of Health and Welfare (2023) *Home ownership and housing tenure*, Accessed 8 February 2024. <<https://www.aihw.gov.au/reports/australias-welfare/home-ownership-and-housing-tenure>>

^{ix} *ibid.*

^x ABS (2019) Microdata: disability, ageing and carers, Australia, ABS cat. no. 4430.0.30.002, ABS, AIHW analysis of TableBuilder data, Accessed 21 September 2020.

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