

Rights in Specialist Disability Accommodation

Frequently Asked Questions (FAQs)

HOW DO I CONTRIBUTE TO THIS CONSULTATION?

This consultation paper will be open for responses until Friday 30 June 2017 at 5 P.M.

The Government has created a few different ways for you to participate in this review. You can write a submission, use the Easy English tools and questionnaires or participate in one of our focus groups for residents, peak bodies, workers, providers and advocates.

You can find alternative formats and more information about contributing to this review on our website here: www.engage.vic.gov.au/sda

IS THIS AVAILABLE IN EASY ENGLISH?

Yes, in the document library on www.engage.vic.gov.au/sda. There you can get:

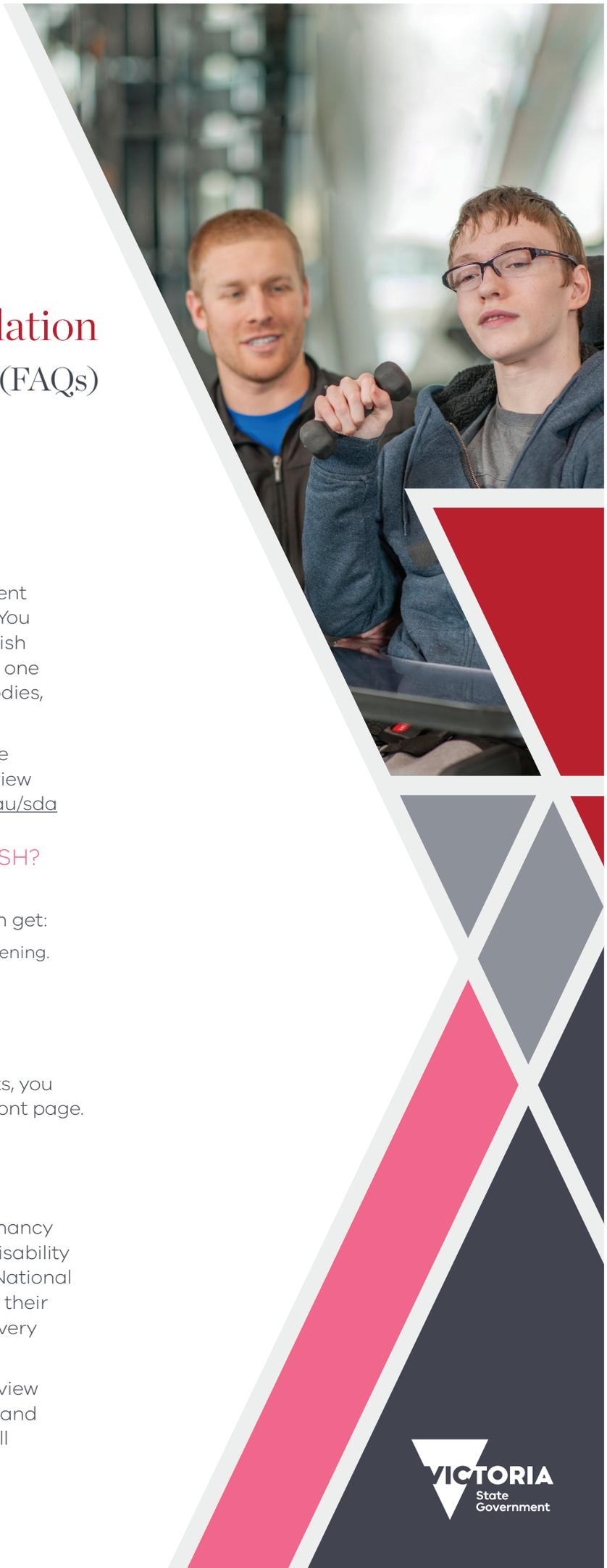
- A red booklet telling you about what is happening.
- A blue booklet of important questions.
You can write your ideas here.
- A yellow booklet of other questions.
You can write your ideas here.

Once you have written down your thoughts, you can scan and upload it on the website's front page.

WHAT IS IN THE SCOPE OF THIS CONSULTATION?

This consultation will only consider the tenancy rights of individuals receiving specialist disability accommodation (SDA) funding from the National Disability Insurance Agency (NDIA) due to their significant functional impairment and/or very high support needs.

This is because the need for legislative review is directly linked to the rollout of the NDIS and primarily impacts those who receive or will receive NDIS funding.





WHAT IS NOT IN THE SCOPE OF THIS CONSULTATION?

This consultation will not review the rights of any tenancies that do not receive SDA funding from the NDIA. Examples of groups that will not be considered in this review are people residing in aged care homes and people with disability living in mainstream housing.

WHAT IS THE NATIONAL DISABILITY INSURANCE SCHEME (NDIS)?

The NDIS is the new way of providing support for Australians with disability, their families and carers.

The NDIS will provide about 460,000 Australians under the age of 65 with a permanent and significant disability with the reasonable and necessary supports they need to live an ordinary life.

As an insurance scheme, the NDIS takes a lifetime approach, investing in people with disability early to improve their outcomes later in life.

The NDIS gives all Australians peace of mind that if their child or loved one is born with or acquires a permanent and significant disability they will get the support they need.

For more information, please visit www.ndis.gov.au.

WHERE AND WHEN IS THE NDIS AVAILABLE IN VICTORIA?

The first stage of the NDIS in Victoria began on 1 July 2013 with the trial in the Barwon region. NDIS areas then grew to include North Eastern Melbourne on 1 July 2016 and Central Highlands on 1 January 2017.

The NDIS will next rollout in:

- Loddon from 1 May 2017
- Inner Gippsland from 1 October 2017
- Ovens Murray from 1 October 2017
- Wimmera South West from 1 October 2017
- Inner Eastern Melbourne from 1 November 2017
- Outer Eastern Melbourne from 1 November 2017
- Hume Moreland from 1 March 2018
- Bayside Peninsula from 1 April 2018
- Southern Melbourne from 1 September 2018
- Western Melbourne from 1 October 2018
- Brimbank Melton from 1 October 2018
- Goulburn from 1 January 2019
- Mallee from 1 January 2019
- Outer Gippsland from 1 January 2019

For more information about the NDIS in Victoria, please visit www.vic.gov.au/ndis.

WHAT IS THE NDIA'S SPECIALIST DISABILITY ACCOMMODATION (SDA) POLICY?

To be eligible to receive SDA under the NDIS, a participant must have either an extreme functional impairment requiring an SDA response or very high support needs most appropriately met by an SDA response. In order for the NDIA to pay for your SDA, the house must first be approved as fit for purpose. SDA houses currently owned or funded by Victoria or the Commonwealth are automatically approved for SDA funding.

HOW WILL SDA CHANGE UNDER THE NDIS?

The NDIA's approach to separating accommodation from service supports will give increased choice and control to participants by allowing them to stay in the same house and choose a different service provider. Any new legislation will work to support NDIS participants to change service providers and know that their tenancy rights are secure.

CAN MY CHILD MOVE INTO SDA?

Young people under 25 years of age are not excluded from accessing SDA in their plans. However, it would be considered an exceptional case, as the NDIA considers it reasonable to expect a participant to reside in the family home until a natural life transition point where possible.

WHAT ABOUT THE RIGHTS OF SDA RESIDENTS OVER 65 YEARS OF AGE?

Current SDA residents aged 65 and older will continue to live in their home and receive their current supports. They will become part of the Commonwealth Continuity of Support program when their area transitions to the NDIS, as the NDIS does not cover people aged 65 years and older.

WHO LIVES IN SDA?

SDA residents are and will continue to be people with significant functional impairment and/or very high support needs that require specialised accommodation to enable them to receive supports.

Not all people with disability will need or want to live in SDA. SDA is a tailored housing solution for those in need of additional supports that cannot be served in mainstream housing. The Productivity Commission report estimated that only 6% of all NDIS participants would require SDA.

WHAT KINDS OF HOUSES ARE SDA?

SDA homes can be apartments, villas, duplexes, free standing houses, townhouses, or group homes.

In order for a house to apply for SDA status, it must fit the criteria detailed by the NDIA. If a house meets the criteria, the owner of the house may enrol the house as SDA with the NDIA.

For more information about the criteria for SDA, please refer to the NDIA's Guide to Suitability for SDA. For more information about enrolling SDA, please refer to the NDIA's Specialist Disability Accommodation Addendum to the Terms of Business for Registered Providers.

WILL MY SDA HOUSE BE CLASSIFIED AS SDA IN THE NEW SYSTEM?

It is a key priority for the NDIA to ensure that existing SDA houses are able to transfer to the NDIS system. What this means is that if you are currently living in SDA in Victoria, the NDIA will prioritise classifying your house in the new system to allow you to continue living there.

CAN I STAY IN MY CURRENT SDA HOME?

Yes, if you would like to stay in your current home you will not be forced to leave.

CAN I MOVE OUT OF MY CURRENT SDA HOME?

Yes, if you would like to move out of your current SDA home you will not be forced to stay.



WHO WILL PAY FOR MY SDA HOME?

If you have SDA funded in your plan, the NDIA will contribute money towards your SDA home. The Victorian Government used to do this, but will not do this anymore.

SDA is not free. You will also need to pay rent, which is capped at a maximum 25% of the Disability Support Pension combined with any Commonwealth Rent Allowance you receive. This is similar to how SDA worked in the old system as well.

WHO WILL OWN SDA PROPERTIES IN VICTORIA?

Under the NDIS, SDA can be owned and operated by anybody, providing they adhere to the regulations determined by the NDIA.

For more information about the criteria for SDA, please refer to the NDIA's Guide to Suitability for SDA. For more information about enrolling SDA, please refer to the NDIA's Specialist Disability Accommodation Addendum to the Terms of Business for Registered Providers.

HOW DO I RECEIVE MONEY FOR MY SDA PROPERTY?

Compared to the previous block funding system, invoicing and accounting will look different under the NDIS. Instead of receiving a fixed amount from the government every year to provide your SDA property, you will now need to charge the NDIA for the property you provide.

WHO WILL WORK IN MY SDA HOME?

Anyone will be able to provide services in an SDA home, should a resident consent to employ them.

Under the NDIS, disability service provision will be driven by the participants needs, as funded in their plan. Participants will be able to manage their funds for services however best suits their needs, in the same way that they manage their grocery shopping budget.

HOW IS SDA CURRENTLY REGULATED?

SDA is currently regulated in the *Disability Act 2006*. This piece of legislation currently regulates both residents' rights and responsibilities and service provider rights and responsibilities. Regulatory functions are currently performed by a few different bodies, including the Public Advocate, the Victorian Civil and Administrative Tribunal and the Disability Services Commissioner.

