

PRODUCTIVITY COMMISSION INQUIRY
into the workings of the
AUSTRALIAN DISABILITY DISCRIMINATION ACT 1992

DISABILITY ACCOMMODATION SUBMISSION

Ronald J.SORENG
Victoria

17th March 2003

Following is a list in chronological order of events experienced over a nine(9) year period by a homeless impaired tenant with a whole person impairment of 32% after a motor vehicle accident (MVA) as a pedestrian whilst waiting for a transport lift to work from central Melbourne, Victoria in 1994 and seeking disability accommodation assistance from various organisations:-

- 1/ Verbal denial for accommodation assistance on the grounds of non-liability by the area rehabilitation supervisor of the Victorian Transport Accident Commission(TAC) for the central northeast Victorian township of Alexandra.
- 2/ Homeless victim of MVA obtains private rental in Alexandra for a period of three and a half(3 1/2) years bedridden convalescence.
- 3/ Tenant is verbally evicted from private rental on grounds of outstanding rent arrears brought about by extreme financial hardship due to denial by TAC of sustainable income allowance and non-liability.
- 4/ Wheelchair accessibility application and granting of public housing disabled accommodation in the form of a self-contained moveable unit for rear yard of property of carer in Alexandra, Victoria from the public housing sector of the Victorian government department of Human Services in Melbourne.
- 5/ Supply and construction of moveable unit in absence of and without consultation with disabled applicant.
- 6/ Cohersion into occupancy of unit by managerial staff of moveable units branch(MUB) to applicant without inspection of constructed unit by applicant.
- 7/ Applicant discovers unit is inaccessible by wheelchair.

- 8/ Six(.6) month transfer of ownership of unit from MUB to Office of Housing putting unit into insurance "limbo".
- 9/ Verbal agreement with local office of housing and disabled tenant to recompense costs of constructing wheelchair access to unit in the form of concrete path, weather protection roofing and night-time security lighting.
- 10/ Recompense of costs to disabled tenant of Point 9 not considered further or forthcoming from local office of housing.
- 11/ Wheelchair access within unit inappropriate for use.
- 12/ Tenant consultation with Shepparton, Victoria advocate for the Council for the Disabled.
- 13/ Local Health and Community Services occupational therapist report to office of housing recommending unit internal modifications to reduce barriers to hardship of use by disabled occupant.
- 14/ Several inspections of unit by various representatives of office of housing.
- 15/ No works modifications forthcoming by office of housing.
- 16/ Complaint of accommodation hardship lodged with Victorian Equal Opportunity Commission Melbourne.
- 17/ Internal investigation by Victorian Equal Opportunity Commission and passing-on of complaint to the Australian Human Rights Commission in Sydney, New South Wales.
- 18/ Advice and verbal assistance to occupant from president of Human Rights Commission.

- 19/ Application for order to remove barriers of accommodation hardship made to Australian Federal Court in Melbourne under Section 25 of the Australian Disability Discrimination Act of 1992.
- 20/ Denial of legal assistance to applicant by the Victorian Disability Discrimination Legal Advocacy Service Melbourne.
- 21/ Federal Court directions to mediate settlement out of court between occupant/applicant and landlord/respondent.
- 22/ Mediation modifications agreement reached based on local occupational therapist report.
- 23/ Partial modifications to unit attempted by representatives of local office of housing resulting in direct discrimination to occupants impairment; ie, wheelchair heights.
- 24/ Second application made to Federal Court by occupant under Victorian Equal Opportunity Act 1995 for order of hardship compensation from inability to use modified unit and direct discrimination against occupants impairment.
- 251 Federal Court Melbourne directs hearing to Federal Magistrates Court in Melbourne.
- 26/ First application to Federal Court under Disability Discrimination discontinued without finding by Federal Court Justice Merkel.
- 27/ Application by landlord/respondent legal representative to Federal Magistrates Court to strike-out equal opportunity application on the ground that it was vexatious to the Federal Magistrates Court under Rule 13.
- 28/ Federal Magistrate Hartnett struck-out tenants application under Rule 13 on the grounds that it showed no legal merit to the court and that the Victorian director of public housing has shown the intent to accommodate disabled persons needs in the past...-/4.

- 29/ Local office of housing outlays excessive monies to partially modify and accommodate units disability needs.
- 30/ Occupant and landlord dispute recompense of outlaid monies to initially access unit together with units high leakage of heat.
- 31/ Occupant and landlord dispute occupants high costs of electricity to maintain thermal amenity of unit during excess ambient conditions.
- 32/ Occupant consults with past advocate from the Shepparton Victoria Council for the Disabled over thermal amenity.
- 33/ Occupant consults Wangaratta, Victoria office of the Victorian Consumer Affairs Tenancy Advice Service.
- 34/ An application is made by the occupant to the Victorian Civil and Administrative Tribunal(VCAT) residential listing to resolve this dispute.
- 35/ VCAT Senior Tribunal member opens a residential dispute hearing at Seymour, Victoria courthouse requesting from both parties of the dispute as to what "LEGAL OBLIGATION" does the respondent have towards the applicants accommodation.
- 36/ The Australian Disability Discrimination Act of 1992 is not accepted as is unknown to VCAT. Hearing is adjourned.
- 37/ The occupant/applicant telephones the Victorian Equal Opportunity Commission regarding the legalities of Section 4 of the Victorian Equal Opportunity Act of 1995 DEFINITION "impairment" & "discrimination" in accommodation.

- 38/ Occupant/applicant approaches the group Action for More Independence and Dignity in Accommodation in Melbourne for what they believe to be the "legal obligation" that a landlord has towards a disabled tenant.
- 39/ The Victorian Disability Rights organisation is approached.
- 40/ The Tenants Union of Victoria is approached.
- 41/ To date of this submission, it is unknown as to what legal obligation a landlord has towards a disabled tenant in the state of Victoria.
- I Ronald J. Soreng..... Victoria does hereby swear and affirm that the contents of this submission are true and correct at this date before

JEREMY L. Z WOINARSKI
VICTORIA
CURRENT PRACTITIONER UNDER
LEGAL PRACTICE ACT 1996.