

HUMAN RIGHTS COMMISSION

Discussion Paper No.15

Alternative accommodation
for intellectually
disadvantaged persons: a
study in human rights and
discrimination

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Foreword

The Discussion Paper which follows arose out of a request to the Commission from Alternative Accommodation for the Intellectually Disadvantaged Inc. (A.A.I.D.) that it consider proposing legislation relating to the incitement of hatred against persons or groups of people with an intellectual disability. A.A.I.D. had experienced serious problems in the course of its efforts to establish group accommodation in the community for people with an intellectual disability.

Recognising the seriousness of the problems presented to it, and the direct relevance to those problems of the rights defined in the International Covenant on Civil and Political Rights (ICCPR), the Declaration on the Rights of Disabled Persons and the Declaration on the Rights of Mentally Retarded Persons, the Commission proposed that further research and community consultation be undertaken. In the event it contracted with A.A.I.D. for the study which follows.

A.A.I.D. itself is a South Australian organisation which was established when a group of parents, concerned about the long-term welfare of adults with an intellectual disability, began to seek funding to establish a group home. Although based in South Australia, A.A.I.D. felt that the hostility which it had encountered while organising community-based long-term accommodation was likely to be found also in other areas. Its study therefore extends to include a brief account of attitudes and legislative barriers to group homes in all the States.

The Discussion Paper gives, by way of background, historical accounts of A.A.I.D.'s own experiences in setting up four group homes in suburban communities. Its core is the presentation of the results of a survey of attitudes of residents in the areas where A.A.I.D.'s group homes have been established and in other areas within the same council boundaries as the group homes. The historical accounts are very successful in conveying the frustration suffered by people concerned about the rights of mentally retarded persons

to live as normal a life as possible. Happily, they are equally successful in conveying the rewards for organisers and residents alike once a group house has been established:

It is extremely heartening to hear how these individuals have developed in a group home situation. One resident aged 39, who hardly spoke at all when she arrived from the country, lived in a group home for a year and then moved into a Housing Trust flat and is living there independently except for casual support from A.A.I.D. Now she adequately expresses her needs and travels by public transport to and from work. Another woman aged 30 was completely non-verbal when she moved into a group home. She now expresses herself, travels by public transport and is involved in the domestic work of the home. A woman aged 30 has started to complain about her mother's choosing her clothes.

The results of A.A.I.D.'s survey of community attitudes to group houses contain elements that are both encouraging and discouraging. They are encouraging in that so relatively few people reported themselves as objecting to the presence or establishment of a group home in their local communities. They are discouraging in that so many people, when asked to categorise 'intellectual handicap', responded with 'mentally ill'. Behind the survey, is the encouraging evidence of increasing, and perceptive, action not only by the friends and families of persons with intellectual disabilities but also by those persons themselves.

It is the Commission's hope that this paper will help to stimulate community discussion and awareness of the hopes and needs of people with an intellectual disability who want to live in group homes in the community.

November 1986

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CHAPTER 1. THE RESEARCH PROJECT

1.1 Introduction

Research in Australia and overseas has found that about 80% of persons with an intellectual disability live in the family home or in their own accommodation in the community.¹ The majority of adult persons with an intellectual disability have grown up in the family home in the community. Through no fault of their own they may not have been a part of mainstream community, but nonetheless, they have been in the community. Others less fortunate have been in institutions during their formative years and have thus been completely segregated from community life.

For a whole variety of reasons a person with an intellectual disability may leave either the family home or the institution and move to an alternative form of accommodation which is more appropriate to his or her individual needs. Group homes spread throughout the community provide one such alternative form of accommodation where persons with an intellectual disability receive a level of support appropriate to their needs while retaining a maximum degree of freedom.

The policies of the Australian Federal and State Governments towards people with disabilities are attuned to the principles of 'normalisation' and the 'least restrictive alternative', whereby persons with disabilities have the basic human right to live as normal a life as possible with the fewest possible restrictions. Unfortunately this philosophy does not flow down to all sections of the community. Both government and non-government organisations encounter statutory constraints and need to overcome negative community attitudes in order to implement their objectives for intellectually disabled persons. Statutory constraints and negative community attitudes are interwoven and constitute forms of direct and indirect discrimination against persons with an intellectual disability.

Article 12 of the International Covenant on Civil and Political Rights (ICCPR) states that:

Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.²

While this provision applies equally to all persons lawfully within a State, its particular relevance to people with disabilities is reinforced by Paragraphs 3, 5, 9 and 10 of the Declaration on the Rights of Disabled Persons, which stipulate that

(3) Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible.

(5) Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible.

(9) Disabled persons have the right to live with their families or with foster parents and to participate in all social, creative or recreational activities. No disabled person shall be subjected, as far as his or her residence is concerned, to differential treatment other than that required by his or her condition or by the improvement which he or she may derive therefrom. If the stay of a disabled person in a specialized establishment is indispensable, the environment and living conditions therein shall be as close as possible to those of the normal life of a person of his or her age.

(10) Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.³

Paragraph 4 of the Declaration on the Rights of Mentally Retarded Persons restates these rights in the specific context of persons with intellectual disabilities:

(4) Whenever possible, the mentally retarded person should live with his own family or with foster parents and participate in different forms of community life. The family with which he lives should receive assistance. If care in an institution becomes necessary, it should be provided

in surroundings and other circumstances as close as possible to those of normal life.⁴

The aim of this study is to highlight some of the impediments in the social system which restrict a person with an intellectual disability from enacting the right to 'choose his residence', and which thwart the present humane policy of integration into the community, as opposed to segregation from the community.

1.2 Background

In February 1985, Alternative Accommodation for the Intellectually Disabled Incorporated (A.A.I.D. Inc.) approached the Human Rights Commission (HRC) regarding discrimination faced by persons with an intellectual disability when seeking accommodation within the community. A.A.I.D. Inc. requested that the Commission's proposal for amendments to the Racial Discrimination Act to cover incitement to racial hatred and racial defamation be extended to cover people with an intellectual disadvantage whereby:

it should be unlawful for a person to utter, publish or engage in conduct likely to result in hatred, contempt or violence against an individual or group of people distinguished by race or *intellectual disability*.⁵

As the HRC's recommendations concerning incitement to racial hatred and racial discrimination related specifically to the Racial Discrimination Act, which covers discrimination on the grounds of race, colour, descent and national or ethnic origin, it was not deemed appropriate to include intellectual disability in the recommendations.

The HRC did, however, recognise the seriousness of the concerns raised by A.A.I.D. Inc. and the relation between these concerns and the work being carried out by the HRC in preparation for drawing up a Bill of Rights for residents of institutions. Clearly amongst those rights would need to be provision for a resident of an institution to seek alternative accommodation within the community where his or her condition made this feasible.

As the problems experienced by A.A.I.D. Inc. in establishing group homes were relevant nationally, the HRC considered it appropriate to fund a small research project on the topic. The project would take a particular case and document community reaction, both positive and negative, in order to point to factors which should be taken into consideration in preparing proposals for group homes. Consequently in May 1985, the HRC contracted with A.A.I.D. Inc. to carry out a research project on 'Human Rights and Discrimination Faced by Persons with an Intellectual Disadvantage when Seeking Accommodation within the Community'. A.A.I.D. Inc. appointed a Research Officer in May 1985, and work commenced immediately. The project was completed in August 1985.

1.3 Terms of reference

The terms of reference of the project were:

1. to identify both the infringements of human rights and the discrimination faced by intellectually disadvantaged persons when seeking accommodation within the community;
2. to collect information relating to instances of infringements of rights or discrimination against intellectually disabled adults who have applied for group housing, looking specifically at the experience of A.A.I.D. Inc;
3. to randomly survey neighbours and other service providers in the local community to ascertain their current attitude towards residents in existing A.A.I.D. Inc. group homes and homes which have been established by Barkuma Activity Therapy Centre;
4. to document the development of a new group home from the time of funding to the actual establishment of the home; and
5. to analyse the information collected in the study and suggest mechanisms or strategies which may be used to promote or protect the rights of intellectually

disadvantaged people when seeking accommodation within the community.

1.4 Scope of project

The HRC has responsibility for promoting and protecting human rights within the limits of Commonwealth power. The fundamental rights of persons with intellectual disabilities to be able to live where they want and, in doing so, not to be subjected to discriminatory practices (See 1.1 above) are of universal importance and should be guaranteed on a national basis. For this reason the report deals with the observance of these rights on a national level. However, as the main body of this report focuses on a situation in South Australia, obviously some aspects of the report point to specific State responsibilities. This has been unavoidable given the nature of the problems encountered by A.A.I.D. Inc.

The project is primarily concerned with accommodation facilities for adults with mild to moderate intellectual disabilities, although the findings could well be applicable to other groups. Needless to say, there are many important issues which need to be addressed in the area of accommodation for persons with an intellectual disability, particularly those which focus on the individual and his or her rights and obligations within a community. However, it was beyond the scope of this report to address matters outside the actual establishment of a group home.

1.5 The rights of persons with an intellectual disability

The mentally retarded person has, to the maximum degree of feasibility, the same rights as other human beings.⁶

At a national level persons with an intellectual disability, in common with all other persons, are entitled to all the rights set forth in the International Covenant on Civil and Political Rights (ICCPR) which Australia has ratified and which is incorporated as a schedule to the Human Rights Commission Act 1981.

Persons with an intellectual disability are given further protection under the United Nations Declaration on the Rights of Disabled Persons and the Declaration on the Rights of Mentally Retarded Persons which have also been appended to the Human Rights Commission Act 1981 as schedules. These schedules lay down a number of rights based on principles aimed at ensuring that persons with disabilities have the same fundamental opportunities as others to enjoy a normal life.

Of particular relevance to this study are the rights contained in Articles 12, 17 and 26 of the ICCPR.⁷ Also pertinent to the study is paragraph 4 in the Declaration on the Rights of Mentally Retarded Persons, and paragraphs 3, 5, 9 and 10 of the Declaration on the Rights of Disabled Persons.⁸ The two latter instruments in particular require that, to the maximum degree of feasibility, there be no discrimination against persons with an intellectual disability. There is, however, no specific Commonwealth legislation proscribing discrimination on the basis of intellectual disability.

The States throughout Australia have attempted to grapple with the problem of discrimination against persons with an intellectual disability to varying degrees within the framework of State legislation.

The South Australian Equal Opportunity Act 1984 was passed by both Houses in December 1984. It repeals the Sex Discrimination Act, the Handicapped Persons Act, and the Racial Discrimination Act, and consolidates controls over discrimination on the basis of sex, race and physical impairment in one Act.⁹ The Equal Opportunity Act does not prohibit discrimination on the basis of intellectual disability, but it does assume that the Commissioner for Equal Opportunity will have an educative advocacy role within the community. Although there would seem to be a consensus amongst interested parties in South Australia that the intellectually disabled should be protected from discrimination by legislation, there does not appear to be agreement on the ideal solution as to the legislative means to provide this protection.¹⁰

In 1982, the Victorian Government amended the Victorian Equal Opportunity Act to include discrimination on the grounds of impairment. 'Impairment' is defined under that Act and the Equal Opportunity Act 1984 which replaced it, to include the malfunction of a part of the body which in turn includes those who suffer from a mental or psychological disease or disorder and those who suffer from a condition or malfunction resulting in a slower learning capacity than those who do not have that impairment.¹¹

The N.S.W. Government in 1982 amended its Anti-Discrimination Act to prohibit discrimination on the basis of intellectual as well as physical impairment.¹² An unsuccessful attempt was made in Tasmania in 1978 to enact anti-discrimination legislation outlawing discrimination on the basis of intellectual and physical disability. The Western Australian Government has passed an Authority for Intellectually Handicapped Persons Act which established an Authority to develop and carry out policies for the provision of appropriate services for intellectually handicapped persons. Queensland has passed an Intellectually Handicapped Citizens Act, whereby a lawyer is empowered to act as an advocate to an intellectually disabled person.¹³

CHAPTER 1 ENDNOTES

1. South Australia, Committee on the Rights of Persons with Handicaps (C. H. Bright, Chairman), *The law and persons with handicaps, Vol. 2, Intellectual handicaps*, S.A. Govt Pr., Adelaide, 1981, p.29. (All further reference will be to Bright Report.)
2. International Covenant on Civil and Political Rights, Article 12, Para. 1. See Appendix I.
3. Declaration on the Rights of Disabled Persons. See Appendix II.
4. Declaration on the Rights of Mentally Retarded Persons. See Appendix III.
5. Human Rights Commission, *Proposal for amendments to the Racial Discrimination Act to cover incitement to racial hatred and racial defamation* (Report No. 7), AGPS, Canberra, 1984.
6. Declaration on the Rights of Mentally Retarded Persons, Para. 1. See Appendix III.
7. Relevant Articles of the International Covenant on Civil and Political Rights are set out in Appendix I.
8. Relevant paragraphs of the Declaration on the Rights of Mentally Retarded Persons and the Declaration on the Rights of Disabled Persons are set out in Appendix III and Appendix II respectively.
9. South Australian Working Party on Equal Opportunities Legislation and Intellectual Disability, *Discussion paper*, Adelaide, 1985, p.2. (All further reference will be to E.O.L.I.D. *Discussion paper*.)
10. See E.O.L.I.D. *Discussion paper, passim*, and South Australia, Health Commission, *A new pattern of services for intellectually handicapped people in South Australia*, Adelaide, 1981, p.5. (All further reference will be to McCoy Report.)
11. E.O.L.I.D. *Discussion paper*, p.10.
12. *ibid.*, p.11.
13. *ibid.*, p.36.

CHAPTER 2. INTELLECTUAL DISABILITY

2.1 Intellectual disability and changing attitudes

As this report is concerned with specific rights for persons with an intellectual disability *vis a vis* the right to choose where they live (Article 12 of the ICCPR), it is necessary to define 'intellectual disability' and briefly to discuss the principles of normalisation and the least restrictive alternative.

The 1985 Commonwealth Handicapped Programs Review pointed out that there is very little statistical data concerning disabled people in Australia¹; consequently it is not possible to give accurate statistics on persons with an intellectual disability. Hopefully the Federal Government will take up the recommendation of the Review to broaden and update statistical data. Undoubtedly one of the problems with getting statistical data is the difficulty in defining 'intellectual disability'. The term 'applies to a markedly heterogeneous population with a wide range of abilities and disabilities'², as is pointed out in the 1981 McCoy Report:

At one end of the spectrum it [intellectual handicap] covers the gross physical and mental handicap of a profoundly intellectually handicapped individual, and at the other end the subtle but complex adjustment problems of a mildly intellectually handicapped person.³

There is no clear cut line at either end of this spectrum because of the difficulty in actually determining a measure of impairment. For instance, an individual with behavioural disorders neither fits into the norms of society nor is necessarily classified as intellectually disabled.⁴ The 1981 Bright Report succinctly described the phrase 'intellectually handicapped':

We understand the phrase intellectual handicap to denote an attribute of those persons who are substantially limited in one or more major life activity by reason of disabilities resulting from an intellectual impairment originating before or during childhood. Common terms used to describe this group

of disabilities are 'subnormality', 'retardation' and 'developmental delay'. Intellectual handicap is not a disease, a mental illness, or a moral or a criminal degeneracy. Intellectually handicapped persons are not sub-human, or a social menace or eternal children.⁵

The definitions of this particular group within society have altered radically over the years. It is interesting to look at the history of society's attitudes towards persons with an intellectual disability and observe how perceptions have dramatically affected the status of these individuals.

There was a time when persons with an intellectual disability were allowed to live as members of their own community. During this period when they were the sole responsibility of their immediate families, society's attitude towards them could be described as complete indifference, and they were virtually non-citizens with no enforceable rights. Then, as society 'progressed', the status of persons who were thought to suffer from an incurable medical condition, whom we now refer to as people with intellectual disabilities, declined even further. During the nineteenth century they were perceived as objects of pity, burdens of charity, or dependent and eternal children. Society's answer during this period was to segregate them both physically and socially from the community by placing them in institutions, in order to protect them from cruelty.

About the turn of the century the genetic argument reinforced the policy and practice of isolation and segregation. Sociologists during this period presented the argument that in almost all instances 'feeble-mindedness' was an inherited characteristic which was transmitted from generation to generation, but they also provided a form of protection to society insofar as they prevented the 'feeble-minded' from breeding.

Fortunately, in recent years service providers and policy makers have become more enlightened in their attitudes towards the intellectually disabled. A turning point occurred in 1959 when sweeping reforms were made in Denmark to allow persons with an intellectual disability to obtain an existence as

close to normal as possible.⁶ Other Scandinavian countries and the U.S.A. were influenced by these reforms and moved towards a refinement of this principle of normalisation. An American, Wolf Wolfensberger proposed a technical definition of the principle:

Utilisation of means which are as culturally normative as possible in order to establish and/or maintain personal behaviour and characteristics which are as culturally normative as possible.⁷

The principles of normalisation and the least restrictive alternative have since been adopted in Australia and provide the philosophical framework for practice and policy regarding the intellectually disabled. Service providers and governments now accept and understand that a person with an intellectual disability is a fellow human being with the same rights as anyone else. The denial of these rights occurs when individuals are prevented from having normal experiences of family and community life - rights which most of us take for granted.

The principle of normalisation does not argue for the normalisation of the individual; it argues for normalised environments which will allow persons with an intellectual disability to develop and grow throughout their lifespan according to their individual capacities. As the Bright Report points out:

Encouragement, example and exposure to the normal problems and risks to everyday life are fundamental to the establishment of self-confidence, self-respect and self-fulfillment.⁸

Obviously a person cannot lead a normal life if he or she is segregated from mainstream community life. Therefore the principle of normalisation has been extended to include the idea of providing appropriate services in the least restrictive environment, thus encouraging persons with an intellectual disability to maximise their capabilities and take advantage of opportunities to lead lives that are as near normal and as unrestricted as possible.⁹

2.2 Government policy towards persons with an intellectual disability

The nature and quality of residential care depends on the policies of the providers, upon the resources at their disposal and upon statutory rules and regulations which bear upon them.¹⁰

In recent years, parents and service providers have begun to speak out on behalf of persons with an intellectual disability. Voluntary organisations, particularly parent-oriented groups, play a vital role in Australia in the provision of services for persons with an intellectual disability, especially in the area of accommodation. The Federal Government, while accepting the ultimate responsibility for the provision and funding of services for persons with an intellectual disability, has the legislative power to delegate the development of services to voluntary organisations.

The situation has improved markedly over the past few decades. In 1955 the Aged Persons Homes Act was passed. This Act provided Federal funding for voluntary organisations thus setting a precedent for the establishment of Commonwealth policies and funding support for disadvantaged groups within society.¹¹ Funding to voluntary organisations assisting handicapped people was introduced in 1963; and finally, in 1974, the Handicapped Persons Assistance Act was passed.

In mid-1985 the Federal Government tabled the report of the Handicapped Programs Review¹² which identifies several areas of past inadequacy, poor co-ordination between State and Federal programs and a general lack of direction in their programs for the disabled. In the area of accommodation the report points to several inadequacies within the system, such as lack of community-based accommodation for people with intellectual disabilities, lack of co-ordination between State and Federal governments in this area and a bias towards funding for institutions rather than for community facilities. The report called for a rationalisation of all existing Commonwealth funding sources for accommodation for the disabled.

Undoubtedly the Australian Government is moving in the right direction in formally recognising the problems of the disabled within our community, particularly those persons with an intellectual disability who rarely have a voice in determining their fate and who traditionally have had a low status in the area of funding. The litmus test of government, however, is how it implements policies to resolve the problems it acknowledges, and how quickly it changes outdated legislation which creates barriers even for the implementation of existing policies.

It must be pointed out that the principles of normalisation and the least restrictive alternative currently promoted by the Australian Government serve pragmatic as well as humane ends. It is less costly in the long term for persons with an intellectual disability to be a part of the mainstream community using generic services rather than living in institutions and using specialised services. With the growing welfare budget, it is in the interest of the state to encourage independence wherever possible.

Although the status of persons with an intellectual disability has risen in government circles over the past few decades, their position within society is rather fragile. Their future and the position they hold in society hinges not, as it should, on the fact that they are individuals with the same rights as anyone else, but on government funding and community acceptance. Unfortunately the community lags very much behind the state in its attitude towards those persons with an intellectual disability. Prejudice and discrimination exists within the community and at times inhibits the efforts of voluntary organisations and government departments in their endeavours to integrate the intellectually disabled into the community.

2.3 Group homes

One of the saddest things about the issue of accommodation is that it has taken so long to discover, or is to admit, that people with a disability need and have a right to that same range of accommodation alternatives available to the rest of the community.¹³

John V. Le Breton

In Australia and overseas institutions are being phased out and alternative forms of accommodation which are more in keeping with the principles of normalisation and the least restrictive alternative, are being provided for persons with an intellectual disability.

In Victoria the St Nicholas Project involved the relocation of 101 severely disabled people from the St Nicholas Hospital to small group accommodation in suburban Melbourne. The project has taken four years to complete and in 1985 the hospital was closed with all 101 residents located in the community.

As a result of the Richmond Report issued in 1983, the New South Wales Government has been moving towards the policy of relocation of persons with an intellectual disability from psychiatric hospitals to community-based residential units.

Thus the policy of normalisation has spread as a result of these commitments by service providers and governments to the integration of persons with an intellectual disability into the community, where they can exercise their basic rights to live a normal life to the maximum feasible level. The basic right involved is acceptance by the community to which the disabled person belongs.

Up until recent years there have been two options for accommodation for persons with an intellectual disability: the family home or an institution. In some cases a person with an intellectual disability cannot be accommodated with his or her own family. There may be an illness or a death in the family; there may be social or financial difficulties; the individual may prove too difficult for the family to manage; or the

parents could be approaching old age and may be concerned about the long-term welfare of their son or daughter.

There are a variety of reasons why the family home is not necessarily the most appropriate form of accommodation for persons with an intellectual disability. For instance when individuals reach adulthood they should be able to live away from their parents if they so wish. Moreover, parents should be able to expect freedom from full-time responsibilities at some stage of their life, particularly as they approach old age. Parents should be able to consider a range of options for the placement of their son or daughter, some of which may be more appropriate to individual needs. Until recently institutional care was the only available option.

Group homes provide an alternative option not only for those persons who presently live in institutions or hostels, but for those who live with their families in the community. These homes are operated by a variety of different organisations with different approaches to the fundamental principles of normalisation and the least restrictive alternative. Upholding these principles involves not only the re-location of persons with an intellectual disability, but also the re-training of these people to improve their skills so that each individual can reach his or her maximum potential level of independence.

Joy Packer in her study of four organisations in Australia found that a 'group home' had no consistent interpretation from one place to another.¹⁴ A group home could be a family style home with two to six semi-independent residents or it could be a residence housing as many as twenty totally dependent residents. Packer defined a group home for the purpose of her study a self-contained residential facility for two to twenty residents with staff support of at least eight hours per day, five days per week.¹⁵

This would seem to be an extremely broad definition, and in all fairness to the community, service providers throughout Australia need to narrow down and perhaps categorise residential units in the community. A group home with up to

six residents is quite different from a 'group home' with twenty residents.

For the purpose of this study a group home will be defined according to A.A.I.D. Inc. criteria as:

A fully self-contained residence with two to five unrelated persons living together with staff support or voluntary or advocacy support according to the direct needs of residents.

Each organisation providing community-based residential services for persons with an intellectual disability in each Australian State is unique. Although it is not the purpose of this study to point out the differences in approaches by organisations to group homes, and the pros and cons of these differences, it is important to point out that there is not a set blueprint for a group home, just as there is no prescribed blueprint for a family home. Granted there are many elements in common amongst organisations, such as the underlying philosophies of normalisation and the least restrictive alternative; but, as Joy Packer found in her study, there is a tendency amongst organisations to emphasise different aspects of their philosophies, sometimes at the cost of other aspects.¹⁶ It stands to reason that organisations will differ in their approach to group homes when we take into account that:

- (a) there is a wide range of abilities and disabilities among the population they serve;
- (b) government and non-government organisations will naturally differ in their approach; non-government organisations being more autonomous;
- (c) each neighbourhood in which a group home is situated is different;
- (d) the concept of group homes in Australia is relatively new, consequently organisations are breaking new ground with each group home;
- (e) the residents of each group home are a unique group, just as each family is unique;

- (f) each State differs in some areas of legislation which would in some aspects affect the policy and practice of an organisation;
- (g) some organisations have been operating for several years and have needed to adjust their models according to changing concepts and ideas; and
- (h) the amount of funding available to an organisation has a direct bearing on the accommodation services provided by a particular organisation.

The majority of Australians live in an environment of relative freedom. After growing up in the family home we move towards an independent life, and most of us have a wide range of options available as to where and how we will live. Persons with an intellectual disability should be able to enjoy the same freedom, within feasible limits, as the average person. They should not be denied the right to live in the community.

2.4 Alternative Accommodation for the Intellectually Disabled Incorporated, South Australia

The establishment of non-institutional options for persons with an intellectual disability has been a slow process in South Australia, where services are dominated by institutional care. A national survey carried out in 1981 found that South Australia had the highest rate of institutional care of any mainland State in Australia.¹⁷ Taking into account the fact that approximately 80% of persons with an intellectual disability live at home with their families or in their own accommodation in the community, we find that the majority of these persons have, in the past, been disadvantaged because valuable resources have been tied up in institutional care facilities. Generic services have not been geared towards serving the intellectually disabled, despite the fact that these persons' needs, particularly in the area of health, are not very different from those of the rest of the community.

The South Australian Government's responsibilities and the direction of State funding lie within the framework of the Mental Health Act which provides for the Health Commission to

perform functions in relation to both mentally ill and 'mentally handicapped' persons. This legislation is outdated and quite inappropriate for persons with an intellectual disability.¹⁸

The Mental Health Act carries a legacy of past perceptions and incorporates understanding of 'intellectual disability' formed when persons with an intellectual disability were confused with those who suffered from chronic mental illness. Although the South Australian Government is extremely sympathetic in relation to the problems encountered by the intellectually disabled it must still work within the confines of State legislation. Legislation should be updated to distinguish between mental illness and intellectual disability. It was interesting to note in my survey, that of the 132 respondents asked to categorise 'intellectual handicap', thirty-six respondents categorised a person with an intellectual disability as 'mentally ill'. This confusion could well underlie much of the prejudice existing within the community. (See Chapter 5.)

In recent years the South Australian Government has adopted the policy of de-institutionalisation, and the Health Commission has been able to direct funding into community-based services. Voluntary organisations have played a vital role in the State's policy of integration.

A.A.I.D. Inc. is one of the voluntary organisations which provides community-based residential facilities for persons with an intellectual disability. It was established when a group of parents concerned about the long-term welfare of adult persons with an intellectual disability began to lobby politicians to seek funding from the Department of Social Security to set up a group home.

In 1984 they opened their first group home, and they now administer four homes in the northern region of Adelaide. Two of the properties are owned by the South Australian Health Commission and rented to A.A.I.D. Inc. The other two homes are provided by the South Australian Housing Trust on a rental basis. The houses are normal suburban dwellings, quite

indistinguishable from others in the area in which they are situated.

A.A.I.D. Inc. employs a co-ordinator, seven half-time home trainers and one full-time senior home trainer. The organisation is administered on a voluntary basis by a Board of Management comprised of parents. They engage staff and govern the spending of subsidies and running of the homes. The Department of Community Services provides the bulk of funding. The South Australian Health Commission through the Intellectually Disabled Services Council provides practical assistance and makes up any shortfall in funding.

Basically, the aims and objectives of A.A.I.D. Inc. are to provide the opportunity for mildly to marginally intellectually disabled persons to develop their potential for independent living so that they can remain members of the community.

The essential function of an A.A.I.D. group home is to help residents to develop to their fullest potential in all aspects of life including personal growth, social skills, work and daily living skills and independence and self-confidence. The responsibility for all home duties is left with the residents as far as possible, with the staff providing necessary support and training. The residents, who go to work each day, plan their free time so that they are able to prepare their meals, do their shopping and undertake all the normal household tasks. A.A.I.D. Inc. also organises a program of activities outside the home which helps to develop social skills and improve the confidence of individual residents. (See Appendix IV, A perception of 'normalisation'.)

2.5 The residents of A.A.I.D. Inc.

A.A.I.D. Inc. group homes provide accommodation for eighteen mildly to marginally intellectually disabled persons. Two of these persons live in relative independence in 'granny' flats annexed to two of the group homes. The age of the residents ranges from the early twenties to the late forties.

Residents are selected from male and female persons who are able to look after themselves in the home to an appreciable extent with some degree of supervision. A.A.I.D. Inc. does not accept residents who suffer from behaviour disorders. These persons, although by no means a homogeneous group, are generally characterised as persons whose behaviour patterns fall outside that which is generally accepted within the norms of society.¹⁹ They include persons who have suffered from head injury or stroke, those who are substance abusers, and those who have a sociopathic or psychopathic personality disorder.²⁰ A.A.I.D. does not accept persons who fall within this category simply because they do not have the funds or expertise to accommodate them.

The residents have either come from family homes or from hostel accommodation. They all work in various sheltered workshops in the northern region of Adelaide and travel to and from work by public transport.

It is extremely heartening to hear how these individuals have developed in a group home situation. One resident aged 39, who hardly spoke at all when she arrived from the country, lived in a group home for a year and then moved into a Housing Trust flat and is living there independently except for casual support from A.A.I.D. Now she adequately expresses her needs and travels by public transport to and from work. Another woman aged 30 was completely non-verbal when she moved into a group home. She now expresses herself, travels by public transport and is involved in the domestic work of the home. A woman aged 30 has started to complain about her mother's choosing her clothes.

These developments may seem rather basic when we consider the ages of the particular residents. Some are just beginning to acquire some of the most elementary skills of living because of the emphasis placed on independent living in the group home setting. It is difficult to comprehend that there are members of the community who would deny these individuals the right to develop skills to live as normal a life as possible in the community.

2.6 Barkuma Incorporated, South Australia

Barkuma is one of the many organisations in South Australia which provide community-based residential services for persons with an intellectual disability. A brief discussion on Barkuma Inc. provides us with an insight into some of the differences between organisations presently establishing group homes.

Barkuma was established in 1964 as a Branch of the Mentally Retarded Children's Society (now Orana), as a result of the inadequacy of services for children with an intellectual disability in the Elizabeth and Salisbury area. A description of Elizabeth is appropriate at this point:

In 1960 the satellite town of Elizabeth was built on the Northern edge of the metropolitan area of Adelaide in conjunction with job support provided by a General Motors Holden car factory and the Commonwealth Defence Research Establishment. Elizabeth was intended to be a substantially self-contained, balanced town with a mixture of rented and owner-occupied dwellings. The town quickly developed a very British identity because of the large number of migrants. The city has recently been characterised by a high percentage of single parent families, unemployed people, particularly unemployed youth and other low-income groups. ²¹

Barkuma is based in Elizabeth; it is a private non-profit organisation which provides residential, vocational and support services to persons with an intellectual disability. In 1966 Barkuma established a special school at Elizabeth for children with an intellectual disability. In 1970 a sheltered workshop and a day training centre for younger children were established. A bus was purchased to bring clients to the centre in 1971 and in 1975 Barkuma initiated a residential care program for eight persons in accommodation rented from the Housing Trust. Over the next five years an additional five homes were rented.

From 1975 to 1979 Barkuma experienced financial difficulties. After 1979 the organisation rationalised its policy to adjust to existing needs and to the current philosophy of normalisation. In the words of Barkuma Executive Director:

...Barkuma in the past has grown as a response to a need rather than a carefully planned program.²²

At the time of this study Barkuma operates a sheltered workshop and provides accommodation for adult persons with an intellectual disability. It has ninety-one clients and a staff of forty-five who manage six group homes and one flat all provided by the Housing Trust. These facilities provide accommodation for twenty-eight to thirty residents.

I surveyed the area around two of Barkuma's group homes and obtained the following results:

Home 1: This group home has been established for approximately six years. Eleven residents responded to the questionnaire. Six were aware of the group home, five were not aware. There were no objections to the group home or a hypothetical group home.

Home 2: This home was established in 1984. Only the immediate neighbours were aware of the group home. Twelve residents responded to the questionnaire, nine were not aware of the group home, three were aware of it. There were no objections to the group home or a hypothetical group home.

I interviewed a member of the Barkuma staff and enquired whether the organisation had encountered problems in establishing its group homes. I was advised that Barkuma had not experienced any significant barriers to the integration of its clients into the community. Although isolated complaints have been received from local residents, overall community attitudes did not seem to be a significant problem.

The following factors could well have influenced the fact that Barkuma has not experienced negative community reaction to the establishment of group homes in the Elizabeth area.

1. The establishment of Barkuma group homes is not subject to Council approval for a 'multiple dwelling'.²³ It would seem that they are not required by the Housing Trust to advise the local council of the proposed group

home. This in effect eliminates a significant barrier to the establishment of group homes in South Australia.

2. Elizabeth has recently been characterised as a low income area, with many of the residents living on social security and housed in Housing Trust homes. It is doubtful whether residents living in low rental housing would object to other socially disadvantaged persons living in the vicinity of their homes. It is even unlikely that they would consider that they had the right to object.
3. Apart from the above, the City of Elizabeth is a separate community from Adelaide and, despite the welfare character of the city, there are elements of a community ethos in Elizabeth.
4. While Barkuma receives government funding, it nevertheless is obliged to rely on charitable functions to raise funds to maintain its facilities and services. The Barkuma bus which transports group home residents to and from the sheltered workshop is well known in Elizabeth. This would affect community attitudes causing members of the community to feel benevolent towards the residents of the group homes.

These points aim to highlight some of the many subtle and structural differences between organisations which provide community-based accommodation facilities for persons with an intellectual disability, differences which would undoubtedly affect community reaction to group homes.

CHAPTER 2 ENDNOTES

1. Department of Community Services, *New directions: report of the Handicapped Programs Review*, AGPS, Canberra, 1985, p.8.
2. McCoy Report, p.9.
3. *ibid.*, p.9.
4. Review of Services for Behaviourally Disordered Persons in South Australia, Report (Roma Flinders Mitchell, Chairman), Adelaide, 1985. (All further reference will be to the Mitchell Report.)
5. Bright Report, p.2.
6. N. Bank-Mikkelsen, in R. Kugel (ed.), *Changing patterns in residential services for the mentally retarded*, Presidents Committee on Mental Retardation, Washington D.C., 1976.
7. W. Wolfensberger, *The principle of normalisation in human services*, Toronto, National Institute on Mental Retardation, 1972, quoted in N.S.W. Anti-Discrimination Board, *Discrimination and intellectual handicap*, Sydney, 1980, p.25.
8. Bright Report, p.7.
9. R. Perske, *New life in the neighbourhood*, Allingdon Press, Nashville, 1980, p.22.
10. N.S.W. Anti-Discrimination Board, *op. cit.*, p.169.
11. See David Scott, What it means to be a voluntary organisation, paper presented at the workshop series Residential Services for Disabled People, Sydney, 1983.
12. Department of Community Services, *op. cit.*
13. J.V. Le Breton, *Residential services and people with a disability*, prepared for the Department of Community Services, AGPS, Canberra, 1985, p.1.
14. Joy Packer & J. Wright, *I like where I live: an evaluation of models of group home style living*, Department of Rehabilitation Planning, Department of Social Security, 1983.
15. *ibid.*, p.2.
16. *ibid.*, p.3.
17. *Handicapped persons Australia 1981*, Australian Bureau of Statistics, Canberra, Catalogue No.4343.0.

18. See McCoy Report, *passim* and E.O.L.I.D. discussion paper, p.29.
19. Mitchell Report, *op. cit.*, p.7.
20. *ibid.*
21. 'Adelaide social atlas', in *Atlas of population and housing*, Division of National Mapping and the Australian Bureau of Statistics, in association with the Institute of Australian Geographers, Canberra, 1984.
22. Barkuma Incorporated, *A statement of policy*, August 1984, Preface.
23. An explanation of 'multiple-dwelling' follows in Chapter 3.

CHAPTER 3. COMMUNITY ATTITUDES AND LEGISLATIVE BARRIERS TO GROUP HOMES

Not a great deal has been written on the problems encountered by organisations throughout Australia in their endeavours to establish group homes for persons with an intellectual disability. What has been written, however, indicates that deep-rooted prejudice, and its translation into policy, has been a barrier to development of a policy of the integration of persons with an intellectual disability into the community.¹ This barrier manifests itself in forms of direct and indirect discrimination.²

John Le Breton pointed out in his recent study *Residential services and people with a disability* that:

Many organisations hesitate to locate residences in ordinary streets and neighbourhoods for fear of a hostile reaction from the community. Some organisations have residential projects stopped altogether because of such hostility, while others were forced to locate the residences elsewhere. It is not uncommon for the various parties to air their views in local newspapers, and very often local councils and state planning authorities become involved.³

3.1 New South Wales

A typical example of hostile reaction from some members of the community was illustrated in a segment of the television program *60 Minutes* in February 1984, entitled 'Not on our Street'.

A resident of Caringbah in Sydney, strongly objected to a group of twelve intellectually disabled persons living in a home fifty yards from his residence, because it distressed him to see the residents of the group home. He explained:

When I come home every night, I'm going to have to walk past it, [the group home] and I find this unacceptable in the area I live. It concerns me that they are different! You wouldn't normally be asked in a normal residential, exclusive, quiet, executive style area, you wouldn't normally be asked

to have twelve handicapped people living next to you.

When asked by the interviewer what makes intellectually handicapped persons different the respondent replied 'I don't know, and I don't think I should have to find out'. His main argument was that he lived in a private, exclusive suburb and the group home affected the 'peace and tranquility' of the area.

The wife of the irate resident was asked where intellectually handicapped persons should live. She replied:

in a suitable area where they are close to facilities with a definite buffer zone, not in a high density area where they are going to be close to neighbours.

The resident and his wife were most vocal with their opinions. They petitioned the area around the group home, and called a meeting of local residents. Fortunately their objection to the group home was overruled by other local residents.

The above incident is characteristic of how some members of the community react to the establishment of group homes near their homes. Although in the minority, these people have a very high profile and are usually most articulate with their views.⁴ They are usually eager to voice them to the media, and often the media take advantage of the situation. The statements made by these persons epitomise all the lingering prejudices which exist within society to this day.

Local government laws and regulations have in the past been decisive in hindering the development of group homes for persons with an intellectual disability. The N.S.W. Anti-Discrimination Board published in 1982 a report called *Discrimination and intellectual handicap* which highlighted the fact that one of the major barriers to the development of group homes in New South Wales for persons with an intellectual disability, was difficulty in obtaining council approval.⁵ The Board received many submissions regarding problems created for organisations by local councils. While recognising that the problems had a statutory base, the Board considered that the outcome of proposals for group homes

depended very much on the definitions which the councils applied to the proposed residence. Community attitudes also had a decisive effect if the proposal was advertised. As a result, 'Community needs become subservient to the unjustified fears of atypical people.'⁶

It was also pointed out in an earlier report by the New South Wales Anti-Discrimination Board, that not only individuals or community groups had their proposals rejected by local councils. A New South Wales Statutory Authority's application was rejected by a local council in Sydney:

The N.S.W. Health Commission applied to the Kuring-gai Shire Council to establish a home for 18 intellectually and physically handicapped children. The application was not approved 'because the residents would not like its establishment, there were no intellectually handicapped people in the Shire, and the area already had an oversupply of public services', these public services included a public school and a reservoir.⁷

The rejection was eventually overruled by the N.S.W. Minister of Health and the Minister for Planning and Environment.⁸

In October 1983, the N.S.W. Department of Planning and Environment modified council control over certain types of group homes. The policy cited as the 'State Environmental Planning Policy No. 9 - Group Homes', defines two types of group homes, 'permanent group home', and a 'transitional group home'. A 'permanent group home' is defined as a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons whether those persons are related or not; and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and with or without payment for board and lodging being required,

but does not include a building to which State Environment Planning Policy No. 5 - Housing for Aged or Disabled Persons applies, or a transitional group home. (9)

A 'transitional group home' is defined as a dwelling:

- (a) used to provide temporary accommodation, for disabled persons or socially disadvantaged persons, whether those persons are related or not; and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and with or without payment for board and lodging being required,

but does not include a building to which State Environmental Planning Policy No. 5 - Housing for Aged or Disabled Persons applies. (10)

As a result of this policy 'permanent group homes' are defined as 'dwelling houses', not as boarding houses, hostels, hospitals or institutions. Consequently organisations establishing a group home for persons with an intellectual disability are relieved of the requirement of council consent. (It is worth noting in this context that the Redfern Legal Centre has established an Intellectual Disability Rights Centre which might be able to assist those interested in setting up group homes.)

Although the changes in legislation have not overcome all the barriers to the establishment of group homes in New South Wales (as is highlighted by the television program *60 Minutes* referred to above) at least N.S.W. legislation is attuned to the concept of group housing. (It is worth noting in this context that the Redfern Legal Centre has established an Intellectual Disability Rights Centre which might also be able to give valuable assistance to those interested in setting up group homes.)

3.2 Victoria

In 1984 the Victorian Metropolitan Planning Scheme moved to amend Victorian legislation to reflect changes in community expectations by amending the Town and Country Planning Act 1981 (Vic.). In the context of accommodation for disabled persons a 'community residential unit' means a residence:

- (a) for disabled persons including those intellectually handicapped or physically or

psychiatrically disabled of whom none or all are related by blood or marriage, or

- (b) for persons under the control or supervision of the Department of Community Welfare Services or an agency funded by such Department; and such persons may receive care or assistance from any person residing in or attending the residence

but does not include a general hospital, an institutional home, a retired persons residential community, or a residential building.¹¹

A 'community residential unit' does not require council consent in the various residential zones in Victoria. As in New South Wales, the appropriate authorities recognised the concept of group housing and legislated accordingly.

The 1984 definitions of a 'community residential unit' still apply in country areas in Victoria under the administration of local councils, but they have been superseded in metropolitan Melbourne, which is administered by the State Government. There, it has been determined that all group homes will be considered on the same basis regardless of their auspices or funding sources, and that definitions of the sort applying in the 1984 scheme are no longer required.

3.3 Northern Territory

In the Northern Territory the Lands Department has control over Planning Regulations. Group homes are permitted in residential areas, whereas transitional group homes require planning consent. The Lands Department defines a 'group home' as a dwelling:

- (a) occupied by handicapped or socially disadvantaged persons not necessarily related, and who live together in a single household, with or without paid supervision or care; and
- (b) managed by a local organisation, or a recognised voluntary, charitable or religious association, or Department or instrumentality of the Crown,

but does not include a group home transitional, an institutional establishment or an institutional residence.¹²

A 'group home transitional' is defined as:

a group home established for people moving from homes or an institution and living for a short time in shared, supporting or rehabilitating accommodation, but does not include an institutional establishment or institutional residence.¹³

3.4 Queensland

A Planning Consultant who has recently worked in Queensland informed me that organisations in Queensland face few barriers in establishing group homes. Apparently Queensland councils adopt a flexible approach to humane, socially oriented concepts such as group housing for persons with an intellectual disability. Queensland appears to be quite progressive and innovative in its approach towards persons with an intellectual disability.

3.5 South Australia

The States of Australia are all at differing stages of modifying legislation in order to keep pace with social change. Quite rightly governments need to be cautious in their approaches to legislation which, when translated into practice, could violate the rights of sections of society.

Such is the case in South Australia where the translation of Planning Regulations into practice indirectly discriminates against persons with an intellectual disability, thus frustrating the attempts of organisations to provide alternative accommodation for these persons.

Councils in South Australia are obliged to administer the Planning Act 1982 and the Development Control Regulations 1982 which have, as one of their major functions, control over the use of land and buildings in particular zones. Areas within a council boundary are divided into a range of Residential and Industrial Zones in which particular uses are either

permitted, prohibited, or permitted subject to council consent.

Residential Zones are determined according to local requirements and the needs of each local government area.

Residential areas are thus divided into zones. Residential 1, 2 and 3 Zones permit a 'detached dwelling' on each block.

'Dwelling' is defined in the Regulations as:

...a room, suite of rooms, or a building designed, constructed or adapted and use as a separate residence by one owner, leasee, tenant or other occupier to the exclusion of any other owner, leasee, tenant or other occupier. ¹⁴

'Detached dwelling' is defined in the Regulations as: '...a detached building comprising one dwelling on a site¹⁵'.

Residential 1 Zones prohibit the use of land for the purpose of a 'multiple-dwelling'. The Regulations define a 'multiple-dwelling' as:

...a dwelling any part of parts of which is or are either rented, leased, let or hired out to be occupied, or is or are adapted for occupation, as the residence of two or more persons or families living independently of each other, whether some of the accommodation is used, or is adapted to be used, in common or not. ¹⁶

In Residential 2 and 3 Zones a 'multiple-dwelling' is subject to council approval.

The definition applied by councils to a group home is a 'multiple-dwelling', the criteria being that the residents of the group home are unrelated and are living independently of each other. The Regulations do not include a definition of a family. Organisations must therefore formally submit a proposal to the appropriate council and await council consent before they occupy the residence.

Before making the decision to grant or refuse an application, notice of the proposal must be published in a local newspaper twice, and the landowners of adjoining land are notified in

writing of the proposal. These conditions are laid down in the Planning Act 1982.

Local residents are entitled to express their opinions in relation to the proposal, although the council has the final say in the matter. Residents do, however, have the right of appeal if they can prove that the project would be detrimental to the community. Apparently only one per cent of proposals ever goes to appeal in South Australia.

As the situation stands in South Australia, a group home for persons with an intellectual disability is not permitted at all in a Residential 1 Zone. In order to be established in either Residential 2 or 3 Zones, council consent must be obtained before the residents occupy the residence. Local Councils have the right to prosecute the owner of the property and the residents, if council approval has not been obtained.

One wonders how many homes in Adelaide are occupied by two or more unrelated persons 'living independently of each other'. Undoubtedly a large number of homes would fall into the category of a 'multiple-dwelling', and yet even though the law requires that the relevant council approve of such a dwelling, it is highly unlikely that the residents have sought consent, and it is even more unlikely that they are even aware of the fact that council consent to a residence where the inhabitants are 'living independently of each other' is a requirement by law. How does one define 'living independently of each other'? The residents of the A.A.I.D. group homes certainly do not live independently of each other; they share meals, household tasks, household budgets etc.

I discussed the 'group home problem' with an employee of the South Australian Department of Environment and Planning. In his opinion the problem does not have a legislative base, as four or five persons with an intellectual disability living as a group could well constitute a single household, and therefore the residence could be defined as 'detached dwelling'. This would mean that a group home for persons with an intellectual disability would not require council consent.

The employee I spoke with felt that the problem is that councils apply an unsuitable definition of a group home.

The councils argue that they are bound by the requirements of the Planning Act 1982, which requires council consent for a 'multiple-dwelling'. The Department of Environment and Planning argues that the problem lies with the way the councils define a 'group home'. The South Australian Housing Trust has made council consent a prerequisite to the provision of rental accommodation to organisations establishing group houses for persons with an intellectual disability.

In the meantime such organisations are left with no option but to accede to council authority and subject the prospective residents to the humiliation of asking permission to live in the community, when in most cases these persons have lived in the community all of their lives.

Organisations must also accept the delays involved, the possibility of negative community reactions, and the possible cancellation of the project altogether. If, as was pointed out in the *Report of the Handicapped Programs Review*, one of the major problems associated with the provision of accommodation for persons with disabilities is 'the lack of community based accommodation, especially for people with intellectual disabilities'¹⁷, one does not need to look very far to find one of the major causes of this problem in South Australia.

A working party for the South Australian Commission for Equal Opportunity prepared a *Discussion paper* on equal opportunities legislation and the intellectual disability in May, 1984. The Working Party recognised the fact that amendments to the South Australian Planning Regulations were necessary to accommodate persons with an intellectual disability. They also raised the point that proscribed instrumentalities of the Crown are not required to follow usual planning approval procedures and that one way of overcoming the problem of seeking council approval for group homes is for the Intellectually disabled Services Council (I.D.S.C.) and the Health Commission to be proscribed under the Planning Act. Houses could then be bought in the

name of these instrumentalities, thus eliminating council control.¹⁸

Although this is feasible and, in fact, the Health Commission is at present a proscribed instrumentality of the Crown under Section 7 of the Planning Act 1982¹⁹, this argument does assume that the I.D.S.C. and the Health Commission will have the available funds and the expertise to purchase and maintain homes to meet the needs of persons with an intellectual disability. This is not a practical solution as Government funding for housing should be directed towards the South Australian Housing Trust and not the Health Commission. Besides, further involvement of the Health Commission in the affairs of persons with an intellectual disability entrenches these persons even more into the medical model, which is contrary to the philosophy of normalisation.

Clearly the South Australian Department of Environment and Planning should follow the lead of other States in Australia and develop a clear-cut policy on group homes and legislate accordingly. The Department does not even have a definition for a 'group home'.

While the definitions in the Planning Regulations are ambiguous, councils will continue to be able to use the 'shades of grey' to protect themselves and their constituents from an influx of group homes in their area. The Bright Report, in recognising the need for legislative action to alleviate council control over group homes for persons with an intellectual disability, pointed out that:

There is an argument for reducing Council involvement. As long as the discretion to consent or refuse group housing is retained by local Councils, little if any incentive will exist for individual Councils to allow community housing within their areas. Progressive Councils acting individually to promote the concept of community housing may in effect indirectly allow surrounding Councils to adopt a conservative attitude towards the concept. A group wishing to establish such housing may find that it is far easier to situate such housing in some Council areas than it is in others - this in turn could cause a concentration of group housing in an area. Such concentration would seem to negate the objectives of the group housing

concept and might provoke negative reactions from communities where such group housing is intense.¹⁹

There is considerable logic in this argument. Presently individual councils may use the shield of legislation not only to protect themselves from the "vocal minority" who actively protest against persons with an intellectual disability living in a group home close to their home, but also to protect the council area from what it may see as the detrimental effects of becoming a 'welfare ghetto'.

The 'group home problem' is a difficult problem as far as legislation is concerned, and amendments are clearly needed to resolve the conflict. It is a ludicrous situation when State and Federal Governments are sponsoring organisations to establish group homes for persons with an intellectual disability and at the same time State legislation prevents these organisations from fulfilling their objectives.

One could argue that the South Australia Planning Act and Planning Regulations are non-discriminatory insofar as all groups applying to councils for permission to establish a group home are treated in the same way - that is, of course, if all councils define a group home as a 'multiple dwelling'. But on the other hand perhaps a more positive approach needs to be adopted by the Department of Environment and Planning in assisting persons with an intellectual disability to live in 'surroundings...as close as possible to those of normal life' (Paragraph 4, Declaration on the Rights of Mentally Retarded Persons). This approach would call for legislation to recognise the rights of persons with an intellectual disability to choose where they live (Article 12, ICCPR) and to relieve them from the humiliation of seeking permission from the community to live in a group home.

CHAPTER 3 ENDNOTES

1. N.S.W. Anti-Discrimination Board, *Discrimination and intellectual handicap*, 1980, p.194.
2. *ibid.*
3. J. V. Le Breton, *Residential services and people with a disability*, prepared for Dept. of Community Services, AGPS, Canberra, 1985, p.27.
4. N.S.W. Anti-Discrimination Board, *op. cit.*, p.199.
5. *ibid.*, *passim*.
6. *ibid.*, p.199.
7. N.S.W. Anti-Discrimination Board, *Discrimination and physical handicap*, 1979, p.44.
8. *ibid.*
9. N.S.W. 66 No. 140 of 7th October 1983
10. *ibid.*
11. Victorian Metropolitan Planning Scheme 1984.
12. Darwin Town Plan 1982 as amended.
13. *ibid.*
14. *Development Control Regulations 1982*, Department of Environment and Planning South Australia.
15. *ibid.*
16. *ibid.*
17. Department of Community Services, *New directions: report of the Handicapped Programs Review*, Canberra, AGPS, 1985, p.25
18. E.O.L.I.D. *Discussion paper*, p.27.
19. S.A.G.G. 14.28 Reg 23/1985
20. Bright Report, p.75.

CHAPTER 4. THE ESTABLISHMENT OF A.A.I.D. INCORPORATED
GROUP HOMES

This section of the report is a case study on the establishment of four group homes managed by A.A.I.D. Inc.

4.1 Group home one: Windsor Gardens, Adelaide

In March 1984 A.A.I.D. Inc. established their first home in a quiet suburban street in Windsor Gardens, in the north-eastern part of Adelaide. The house was provided on a rental basis by the South Australian Housing Trust to A.A.I.D. Inc. for the purpose of establishing and maintaining a group home for persons with an intellectual disability.

This house is situated amongst privately owned homes, although there are a large number of Housing Trust homes in the area. This particular pocket of Windsor Gardens could be classified as a low-middle income area. Most of the homes have been established for at least twenty years. There is a smattering of flats and home units in the area.

The house had originally been allocated to the Northern Suburbs Family Services Board (N.S.F.S.B.) whose objective was to provide short-term accommodation for disadvantaged teenagers. N.S.F.S.B. had applied to the local council for permission to establish a group home and subsequent approval was granted after the Council had followed the required procedure of advertising the proposal and advising immediate neighbours of the project.

For reasons of their own the N.S.F.S.B. decided not to proceed with that particular group home. Consequently when A.A.I.D. Inc. fulfilled the Housing Trust requirement of advising the local council of their intention to establish a group home for persons with an intellectual disability, permission was immediately granted as the council had already fulfilled the South Australian Planning Act 1982 requirements in order to accommodate the N.S.F.S.B.

Although the council in question had complied with the law in that they had met the Planning Act requirement regarding a proposal for a 'multiple dwelling' they had not in fact complied with the 'letter of the law', which requires that residents be advised of the specific nature of the proposal. Short-term accommodation for disadvantaged teenagers is quite different from long-term accommodation for persons with an intellectual disability. This point may seem pedantic, as the council would undoubtedly argue that they were being flexible within the constraints of the law, and that they were not discriminating between groups. Posing the question as to whether persons with an intellectual disability should be grouped together with all other disparate groupings seeking accommodation in the community, gives rise to doubt about the whole point of advertising a proposal for a group home in the first place.

During the past two years four residents have lived unobtrusively in the group home. Initially the home had a resident full-time home trainer. As the autonomy of the residents has increased staff hours have been reduced so that by the end of 1985 the home will be independent with a visiting support service. A.A.I.D. Inc. have experienced no negative community reaction to this particular group home.

In my survey of twelve residents who live in the vicinity of the group home, nine respondents were not aware of the group home, two were aware of the group home, and one respondent was uncertain. Of these twelve, only one respondent objected to a hypothetical group home (she was not aware of the existing group home in the next street). The reason for her objection was that it upset her to see intellectually disabled persons and she would not like to have them living where she would constantly see them.

4.2 Group home two: Para Hills, Adelaide

With the relative success of the establishment of its first group home, A.A.I.D. Inc. proceeded to establish its second home. A house was purchased by the South Australian Health Commission in Para Hills, Adelaide. The house was placed

under the management of A.A.I.D. Inc. for the specific purpose of establishing and maintaining a group home for persons with an intellectual disability.

The house is situated amongst privately owned homes in a relatively new suburb in the outer metropolitan area of Northern Adelaide. The area has been developed within the past twenty-five years. The houses are all established and well-maintained, with neat gardens. The residents could be classified as middle income. Generally both the husband and wife are in the workforce. Most of the children in the area are teenagers.

The Intellectually Disabled Services Council Inc. (I.D.S.C. Inc.) acting on behalf of the Health Commission advised the local council of the intended use of the property. After a short period of time, one of the neighbours noticed Health Commission cars outside the group home and proceeded to make enquiries to government departments as to the ownership of the property. The resident was informed of the fact that a group home for persons with an intellectual disability had been established. Thereafter an anonymously letter-boxed pamphlet (see Appendix VI) was distributed amongst residents in the vicinity of the group home.

The pamphlet advised residents that:

the residence was purchased by the Health Commission for the use of 5-10 Unsupervised Mentally and Physically Handicapped Adults at a time.

The pamphlet stated that it was a 'proven fact that in other areas where this had happened Houses had been Devalued Considerably'. This statement is contrary to the findings of research carried out overseas where no relationship has been found between the establishment of group homes and the fluctuations of property values.¹

The pamphlet went on to argue that although persons with a mild intellectual impairment were occupying the home at present, there was no guarantee that 'the situation may not change for the worse' in the event of a new government or new

government policy. It was asserted that the very fact that residents had not been informed of the proposal in the first place 'proved' that they would not be informed if the situation changed 'for the worse'.

Thereafter a group of residents in the area participated in a campaign to petition Parliament to stop 'unsupervised mentally retarded persons from living in the house'.² They gained the support of a local Member of Parliament and a local Councillor.

I.D.S.C. in the meantime circulated a letter to residents in the area explaining the concept of group homes for persons with an intellectual disability and the type of people who were living in the group home. This did not, however, quell the dissent in the area.

In September 1983, a local newspaper published an article headed 'Residents scared stiff over home for the handicapped'.³ The informant to the journalist wished to remain anonymous because he claimed that he had been intimidated by Government officials. The article claimed that there was a 'fireball of public anger in Para Hills' over the group home in Myall Road. The informant said that he was living in fear that something would happen in the area, and if it did, he would have no recourse to the law because the law is biased towards persons with an intellectual disability. He went on to say that the whole situation was being forced onto the community which was not ready to accept persons with an intellectual disability. According to the informant, these persons were being 'dumped' onto society by the Government in an 'underhanded' manner. He went on to state that 'Europeans have always locked away their aged and crippled' and '...it is proven that they will behave strangely, because that's why some of them are locked away'.

Undoubtedly such inflammatory material printed in a local newspaper would be quite devastating for people with handicaps and their families struggling to overcome such handicaps. Although this article was followed by three centre-spreads of letters in support of A.A.I.D.'s project, the damage was

already done, as the article would have compounded the ignorance and prejudice which obviously exists in the community.

In the midst of all of the dissent A.A.I.D. Inc. letter-boxed the neighbourhood inviting residents to attend an informal meeting to discuss the whole matter of the group home. During this period the President of A.A.I.D. Inc. was receiving abusive telephone calls on the matter and at one stage was offered police protection (not at her request). Some council members were even apprehensive as to her safety at the proposed meeting. Several residents attended the meeting held on 26 September 1983 and all but the original objectors went away with their fears subdued. One resident commented that after the meeting she was quite ashamed of her immediate neighbours who had begun the whole thing.

In the meantime the Health Commission had purchased another property in Salisbury Downs which adjoins Para Hills and is within the same council boundary as the group home in Para Hills.

On the 18th October 1983, six weeks after I.D.S.C had advised the Council of the proposed usage of the properties, the council advised I.D.S.C. that the properties at Para Hills and Salisbury Downs were 'multiple dwellings' and prior consent of the Planning Authority was required. Therefore I.D.S.C. should submit a formal application to Council. It could be interpreted that the council was succumbing to pressure from those residents who were not convinced that a group home should be established at the A.A.I.D. Inc. meeting.

I.D.S.C. placed a formal application with the Council. In April 1984 the Council's Planning Committee gave planning consent to a group home on the property in Para Hills. The proposal was passed by six votes to one. The Councillor who voted against the project requested that her vote be recorded, and she warned that another house for the same purpose had been established in Salisbury Downs. The local newspaper

which reported Council approval to the group home headed the article 'Mental Home O.K.'.

In April 1984 four people with an intellectual disability moved into the house with a full-time supervisor, amid all of this dissent and media attention. They were not referred to as individual citizens in their own right, they were simply perceived as a group of the 'intellectually handicapped'. It would seem that these four individuals were the scapegoats for all the misconceptions and prejudices which existed in the community about persons with an intellectual disability.

In June, 1984 I randomly surveyed the residents who live in close proximity to the group home. Of the ten residents interviewed only three were not aware of the group home. The residents who were aware of it said that their awareness resulted from the 'propaganda' which was spread when the group home was first established.

Only one resident objected to the group home. When asked if he was aware of a group home, he replied that he was, and that was why he kept his screen door locked. He stated that he had taken measures to keep the persons with an intellectual disability out of the area. An immediate neighbour to the group home who was one of the 'irate' residents, refused to be interviewed and slammed the door in my face. One can safely assume that he has not changed his mind and is still 'livid' about the whole situation.

Several residents interviewed commented that they had no objections to the group home now; however, they did object initially. Their objections stemmed from the 'propaganda' which made them fearful of the type of residents they had been led to believe would be occupying the group home. The occupants of the house opposite the group home were amongst the residents who strongly objected to the establishment of the group home. These residents have continually complained about cars parked outside the group home, even when only one car was present. They even went so far as to complain to the local council. The council responded to the complaint by advising I.D.S.C. of the following:

In granting consent to your recent application for Salisbury Downs, Council also resolved that you be advised of the following: Council approval, pursuant to the Planning Act and Regulations, for the purpose of a multiple dwelling is required before premises are occupied. You are also requested to cease using such premises for the purpose of holding Committee meetings.

A.A.I.D. Inc had held staff meetings at the home at Myall Road for the sake of convenience. Bearing in mind that A.A.I.D. Inc. is a small organisation and possibly only six persons attended the meeting, the meetings would not be unlike the hundreds of meetings which are held in private homes throughout Australia for a whole variety of reasons. Perhaps the Council in question has a by-law which prohibits committee meetings in private homes, but one would have expected them to quote the by-law in their letter.

4.3 Group home three: Salisbury Downs, Adelaide

The establishment of this group home was linked with the problems encountered in Para Hills. Salisbury Downs is situated close to Para Hills and is under the same council control. The residents of Salisbury Downs would have access to the same local newspaper as those residents in Para Hills.

The group home in Salisbury Downs is owned by the Health Commission and again had been placed under the management of A.A.I.D. Inc. to establish and maintain a group home for persons with an intellectual disability.

The house is situated amongst privately owned homes in a newly developed suburb in the outer metropolitan area of Adelaide. Most of the homes there have been established within the past twenty years, and some have either just been established or are in the process of being established. The residents are mostly in their late twenties to early thirties and generally have young children. In the majority of cases both husband and wife are employed. The residents could be classified as middle income families. The group home is occupied by four adult persons with an intellectual disability. Three of the

residents live in the house and one resident lives semi-independently in a granny flat adjoining the house.

The residents had quietly moved into the group home and were there for several months when a salesperson called on the house. When she encountered one of the residents, who was obviously disabled, she became quite alarmed. She wrote to the council and complained about the group home. The Council reacted by sending out eight letters to neighbours who live in close proximity to the group home, asking if they had any objections to the group home. Three of those residents strongly objected to the project. These residents voiced all kinds of fears and yet the group home had been occupied for four months and no one in the area was aware of its existence. Despite the objections the Council approved the project in October 1984.

In June 1985, I randomly surveyed the residents who live in close proximity to the group home. Of the twelve residents interviewed five were aware of the group home and seven were not aware of it. One respondent who was aware of the group home objected to it. Eleven residents had no objection to either the existing group home or a hypothetical group home. Several respondents said that they would not object to a group home for persons with an intellectual disability if those persons were supervised. Only one respondent had read about the group home in the newspaper. He had not seen the residents of the group home even though he lives in the next block.

4.5 Group home four: Clearview, Adelaide

In March 1985, A.A.I.D. Inc. was granted funding from the Department of Social Security for the purpose of establishing their fourth group home. A suitable home was made available to A.A.I.D. Inc. by the South Australian Housing Trust. The Housing Trust specifically requires organisations setting up group homes to advise the relevant local council before they occupy the residence. A.A.I.D. Inc. therefore sought a meeting with the Town Clerk of the relevant council.

Understandably after their experiences in Para Hills and Salisbury Downs, and the long period of time involved before the residents actually obtained approval to live in these areas, A.A.I.D. Inc. was apprehensive about any attention being drawn to a group home, particularly in the way of newspaper advertisements and the canvassing of immediate neighbours. The President of A.A.I.D. Inc. therefore requested of the Town Clerk that the Council refrain from advertising the proposal for the group home. I attended the meeting to observe and noted the reaction of the Council concerned.

The Town Clerk seemed rather unsure of the Council's position, he called the Town Planner into the meeting. The Town Planner asked a series of questions regarding the intended use of the property:

- . Were drugs and medication administered to the residents?
- . Is it a welfare institution?
- . What type of supervision is required for the residents?
- . Who looks after the surrounds?
- . What have other councils done in relation to the Planning Regulations?

It was fairly obvious that the Town Planner was searching for a criterion whereby the group home could be slotted into a particular category. What seems to occur is that when doubt arises, a group home is called a 'multiple dwelling'.

The Town Clerk advised the President of A.A.I.D. Inc. that as the group home is a 'multiple dwelling', he considered that he had no option but to advertise the proposal and advise the immediate neighbours. He did, however, agree to consult with the Town Planner of an adjoining council. A few days later the Council advised A.A.I.D. Inc. that they would be required

to follow the prescribed procedure of a 'multiple dwelling' before they occupied the house.

A.A.I.D. Inc. decided not to occupy the house in question, but to obtain a house within the same council boundary as the group home in Windsor Gardens, and hopefully deal with a more sympathetic council. A suitable house was found in Clearview. The house had recently been purchased by the Housing Trust. A.A.I.D. Inc. approached the appropriate council and again requested that they refrain from advertising the proposed group home.

The Town Planner was most cooperative and agreed to attend a meeting with the A.A.I.D. Inc. Board of Management to discuss the Planning Act and the Council's responsibilities in that area. During the meeting the Board specifically requested that the Council avoid advertising the proposal and advising immediate neighbours.

Although the Town Planner was sympathetic to the problem, he based his argument on the point that the Council must fulfill the requirements of the law and that the only way to fulfill those requirements is to be consistent with all groups. As a group home falls into the category of a 'multiple dwelling', organisations must follow the required procedure set down in the Planning Act 1982. The Town Planner did acknowledge that there are 'shades of grey' within the Planning Act and that the problem lay with some of the inherited definitions. He pointed out that the Department of Environment and Planning was at present looking into changing some of the definitions.

A.A.I.D. Inc. had no option but to submit an application to the council and hope that there would be no objections to the proposed group home.

The normal procedure was followed i.e. two advertisements were placed in the *Advertiser* setting out the proposed usage of the property; a letter was sent out to immediate neighbours advising them of the proposal; a council meeting was called to approve or reject the proposal. In July 1985 A.A.I.D. Inc. was advised by the Council that they could proceed with the

project, five months after funding had been made available for it. Another month was to pass as A.A.I.D. Inc. prepared the house for occupancy. Fortunately there were no objections submitted to the Council regarding the group home or this delay could have been longer. The residents moved into the house in early September.

The house provides accommodation for five persons with an intellectual disability. Four of the residents live in the house and one resident lives in semi-independence in a granny flat adjoining the house. The area in which the group home is situated is well established and was developed over twenty-five years ago. The houses were originally owned by the Housing Trust and were then sold. It is a low income area with most of the residents approaching old age. The street in which the group home is situated also has accommodation facilities for a group of Aborigines, and a group of aged persons.

Clearly delays such as the one that occurred in the establishment of this home should be eliminated when we consider the urgent need for housing facilities for persons with an intellectual disability. In South Australia delays and the possible cancellation of projects involved in providing community-based residential facilities for persons with an intellectual disability could be avoided if local governing bodies were not able to use outdated legislation to slow down social change.

CHAPTER 4 ENDNOTES

1. N.S.W. Anti-Discrimination Board, *Discrimination and Intellectual Handicap*, 1980, p.199.
2. *The News*, Adelaide (26 September, 1983).
3. *The North East Leader*, Adelaide (21 September, 1983) p.1.
4. *Para Gazette*, Adelaide (14 April, 1984).

CHAPTER 5 SURVEY OF COMMUNITY ATTITUDES

In order to ascertain community attitudes to group homes a small survey was carried out in areas where the homes are established and other areas within the same council boundary as the group homes. (Questionnaire, Appendix IV).

The owners of the local shops servicing the area in which group homes are established were also interviewed in order to measure their attitude towards persons with an intellectual disability living in the district.

5.1 Objectives of survey

The objectives of the survey were:

1. to ascertain community attitudes to the concept or reality of group housing for persons with an intellectual disability
 - . noting resident objections and concerns (if any) to group homes;
 - . noting whether or not those residents who object to group housing would actually take measures to stop the establishment of a group house;
2. to note the current awareness and attitudes of residents in areas where group homes are situated and relate same to the history of the establishment of each particular group home;
3. to compare the differences (if any) in the attitude of residents in areas in which A.A.I.D. Inc. homes are situated to areas in which Barkuma homes are situated;
4. to note the difference (if any) in attitudes to the concept of group homes between residents who live in different zoning areas;

5. to gain some idea of how individual residents define 'intellectual handicap'; and
6. to note any differences in attitudes according to age groupings.

5.2 Method

A questionnaire was administered to 132 people. The respondents were residents from eleven clusters in the Northern region of Adelaide.

A sample group of twelve residents was chosen randomly from fifty houses in a cluster of houses which surround either a group home or a control home. A one in four skip selected the twelve respondents.

The survey was aimed at a broad range of affected individuals, grouped as follows:

- . Those residents who live in the immediate vicinity of a group home operated by A.A.I.D. Inc. Three A.A.I.D. Inc. homes were sampled.
- . Those residents who live in the immediate vicinity of group homes operated by Barkuma Activity Therapy Centre. Two Barkuma homes were selected.
- . Those residents who live in the same demographic area as the above, but do not have a group home in the immediate vicinity. Three control homes were selected.
- . Those residents who live in the same council boundary as the above, but whose residence is zoned 'Residential 1'.

5.3 Demographic details

The suburbs from which samples were taken are situated in the Northern region of Adelaide. They are the following: Windsor Gardens, Salisbury Downs, Para Hills, Elizabeth Grove, Elizabeth Vale and Elizabeth West.

It would be inappropriate to quote available demographic data on the suburbs sampled because there was a significant diversity of living standards within each suburb which would not be apparent in available statistical data, as this data disguises the range occurring by standardising results within each region. Moreover as such a small sample was taken from each suburb the results would not be representative of that particular suburb.

As an alternative, I will provide a graphic description of the sample, based on personal observation. The sample includes areas which have been established twenty-five years or more, areas developed within the last twenty-five years, and areas which are still being developed. It covers a broad spectrum of residential areas. At one end of this spectrum which are upper middle class areas or privately owned homes. Within this sector there are no flats, home units, Housing Trust homes, or community facilities. At the other extreme end of the spectrum are areas in which low income, socially disadvantaged persons live in high-density housing provided by the S.A. Housing Trust on a rental basis.

Along the spectrum the respondents varied considerably. They included retired persons; single people; established families where either or both the husband and wife are in paid employment; families with young children; families in which the parent and/or children were unemployed; and single parent families.

5.4 Questionnaire

The questions on the questionnaire were formulated after several drafts had been circulated and advice from psychologists at I.D.S.C. had been considered.

It was a difficult questionnaire to construct for several reasons:

- (a) As each sub-group within the sample was small, it was important that a high response was yielded. This entailed making the questionnaire as short and as

objective as possible so as not to alienate the respondents.

- (b) Although a truer measure of the attitude of residents living close to a group home could have been obtained if, for example, all of the fifty closest households to a group home were interviewed, it was important for the survey to be as unobtrusive as possible so as not to draw undue attention to the group home. Thus it was decided to survey beyond the fifty-house radius even though those distant households would not have had sufficient exposure to the residents of the group home to be of much value.
- (c) The use of the term 'intellectually handicapped' immediately biases the sample, as the respondent will answer the questions according to his or her definition of the term. Use of this term was considered necessary, however, as it would be used in any proposal to establish a group home, and any subsequent media attention focused on the proposal. It was therefore decided to employ the term regardless of the respondents' understanding of it.

5.5 Results

Ninety-two per cent of the residents approached responded to the questionnaire. This was encouraging as it indicated a high level of interest on the part of the community. When asked if they would object to a group home in close proximity to their home, only 5% of respondents said that they would object. The reasons for their objections were:

- . A retarded boy once broke into the respondent's home.
- . The idea of too many people in the one group was objectionable to the respondent.
- . It upset the respondent to see persons with an intellectual disability.
- . The group home would devalue other properties in the area.

Ninety-five per cent of respondents claimed therefore, that they would not, or did not, object to a group home in close proximity to their home. Of the seven respondents who objected to a group home, three said that they would take measures to stop its establishment if it were proposed. Overall six respondents said that they would take measures to stop a group home and five were unsure. Eight of these respondents had initially said that they would not object to a group home. The sample included fifty-seven residents who live near a group home. Twenty-three were aware of the group home and one was not sure. Of these fifty-seven respondents, only two objected to a group home.

The awareness of A.A.I.D. Inc. group homes was significantly higher in the area which has had media attention. In Para Hills where ten residents responded to the questionnaire, seven were aware of the group home and six of those were aware of it as a result of publicity surrounding its establishment. The group home in Windsor Gardens has had no media attention. Of the twelve residents interviewed, two were aware of the group home, one was not sure, and nine were not aware of the group home.

Overall the survey did not show any significant difference between the attitude of those residents who live close to A.A.I.D. Inc. group homes and those who live close to Barkuma group homes. Nor did the survey indicate that there was any difference between the attitudes of the residents who live within different zoning areas. When asked to categorise persons with an intellectual handicap, thirty-six of the 132 respondents categorised a person with an intellectual handicap as 'mentally-ill' or 'mentally unstable'. The survey did not indicate any significant differences in attitudes according to age groups.

5.6 Service providers

The owners of the local shops close to the group homes were asked if they had any persons with an intellectual disability

as customers. Eleven shop-owners responded to the question, seven said yes, three answered no, and one did not know.

When asked if they had or would have any objection to persons with an intellectual disability shopping in their store, ten did not object and one did. This particular shop-owner objected on the grounds that at times these persons come into her store unsupervised, and she is not able to understand what they want.

5.7 Comments on survey

It must be emphasised that the survey was a small survey carried out with limited resources, and that therefore it had obvious limitations. While 95% of respondents voiced no objection, it appears that this response understates the extent of prejudice and resistance within the community. This may be partly due to a reluctance to express hostile attitudes when asked directly about the topic.

It would seem that many residents answered the questions on a superficial level. For instance, not one of the respondents asked 'What is a group home?'. Do we assume that each of the respondents is conversant with the concepts underlying group homes and that they fully understand the policy of integration of the intellectually disabled into the community?

It is highly unlikely that the residents interviewed would be conversant with the terms 'normalisation' and the 'least restrictive alternative' in relation to persons with an intellectual disability or that they would be familiar with the philosophy of integration behind the establishment of group homes.

I noted an ambivalence on the part of several of the respondents towards persons with an intellectual disability. A number of respondents were on the one hand sympathetic and willing to accept these persons into the community, but, on the other hand, were fearful of having to become involved with these people. Many respondents qualified their acceptance of

a group home in their areas with the condition that its residents be supervised.

This apprehension is understandable if members of the community are not aware of the rationale for group homes for persons with an intellectual disability. It is not at all surprising to find that some members of the community have the impression that the Government is irresponsibly placing the 'burden' of the intellectually disabled onto the community.

Clearly, as the situation in Para Hills has shown (Chapter 4, Group Home Two), there are individuals within the community who directly discriminate against people with an intellectual disability, and it is not difficult for them to generate fear throughout a whole neighbourhood. Overall I would say that the majority of the respondents were indifferent to the needs of persons with an intellectual disability. The only time they would show any real interest is when they themselves felt threatened, for a whole variety of reasons, by the establishment of a group home near their own homes.

CHAPTER 6. CONCLUSION AND RECOMMENDATIONS

6.1 Conclusion

It is well to have visions of a better life than that of everyday, but it is the life of everyday from which elements of a better life must come.¹

Maurice Maeterlinck

Traditionally, the intellectually disabled have had a low status within society. They have been alienated from the mainstream community, and in accordance with its wishes they have been kept 'out of sight, out of mind'. The current policy of the Australian Government and service providers is to raise the status of these people to a level where they are recognised and acknowledged as individuals with the same inherent rights as anyone else, albeit with some degree of protection required. They are now beginning to take their rightful place in society as integrated members of the community. However, it must be pointed out that although their status has risen in some respects, this status remains very fragile.

When members of the community react in a hostile manner to a group of four or five persons with an intellectual disability living close to their home, they are generally reacting as a result of ignorance and prejudice. When this attitude is combined with one of indifference on the part of the rest of the community, the end result is that persons with an intellectual disability suffer discrimination. Indifference is a form of passive discrimination which, when combined with active, direct discrimination from a small number of individuals within the community, effectively inhibits the pursuit of a policy of the integration of the intellectually disabled. The media often exacerbates the tension and discrimination by disseminating and sensationalising the intolerant ill-informed views of this minority and thus perhaps legitimising them in the minds of some people who were previously ignorant of or indifferent to the situation. This discrimination not only affects intellectually disabled

people; it also affects their families who have struggled over the years to minimise the effects of the disability and, in a very significant way, have then worked in the community to improve services for all people with an intellectual disability. (See Appendix VI, Personal Views Expressed by Parents of A.A.I.D. Inc. Residents.)

Organisations for the disabled throughout Australia are asking nothing more of members of the community than an acceptance of the fact that people with an intellectual disability have rights, and that important among those rights is the right to choose their place of residence (Article 12, ICCPR) Without question, the issue of group home accommodation is but the 'tip of the iceberg' when we consider the global issue of services or lack of services for the intellectually disabled, and the discrimination which they suffer in this respect. The importance of provision of appropriate accommodation lies in the fact that where a person lives in relation to his or her fellow citizens in many respects determines his or her perceived or real status within society, which in turn is the criterion upon which all other services hinge. People with an intellectual disability cannot choose where they live if they have no options available to them. By slowing down the establishment of group homes a vocal, prejudiced minority is effectively managing to influence council decision-making processes and to implement a policy of discrimination against intellectually disabled persons. The general public is effectively condoning this discrimination by remaining apathetic towards the issues and individuals involved.

The negative attitude of a small minority of the community also has an impact on the attitudes of the families of intellectually disabled people, engendering apprehension in some of them about placing their loved ones in a potentially hostile environment. These parents are not convinced that community-based residential facilities are viable alternatives to institutional facilities.

Although an institution by its very nature is restrictive of individual freedoms, at least it is a 'safe' and 'tried' alternative where residents have some degree of protection.

Undoubtedly a move back to institutions would be regressive and counteractive to the principle of normalisation. But unless more parents are convinced that community-based accommodation is a viable and safe alternative to institutions, the Government could well be faced with a strong lobby group comprised of parents who oppose de-institutionalisation supported by a vocal, prejudiced minority within the community. If more Government funding is directed back to institutions, there will be less funding available to organisations establishing and maintaining group homes, resulting in fewer community residential units, reduced awareness on the part of the community, and the ultimate failure of normalisation.

If properly monitored residential services are not available to intellectually disabled people, the way is left open for them to be exploited in the area of accommodation, or alternatively for them to join the ranks of displaced persons already existing on the fringe of our society.

Legislation is required to guarantee rights for people with an intellectual disability, their parents and guardians. The problems encountered by organisations establishing group homes demonstrate that legislation must come before education if individuals with an intellectual disability are to be given a chance to lead a fulfilling life.

Undoubtedly community education is essential, but it is a slow process and must cut across varying degrees of ignorance and prejudice. As was pointed out in the McCoy Report:

...neither a public awareness program or minimal contact is likely to change [neighbourhood] attitudes. Rather, considerable contact over a long period of time combined with factual knowledge about intellectual handicap, is more likely to produce favourable handicapped people living in the community. ²

It is not enough for governments to pay lip service to the principles of normalisation and the least restrictive alternative, and then expect organisations to bear the wrath of the community. Legislation should be enacted wherever

appropriate to protect the rights of persons with an intellectual disability to choose where they live.

6.2 Recommendations

The following recommendations are made:

1. Persons with an intellectual disability should be protected from any infringement of their rights to choose where they live in the community. Their rights should be strengthened in this area at State and Federal levels.
2. Persons with an intellectual disability should be protected at a Federal level by anti-discrimination legislation. Such legislation could be based on the Declaration on the Rights of Mentally Retarded Persons and the Declaration on the Rights of Disabled Persons, which are already schedules to the Human Rights Commission Act. This does not solve the problem of State legislation but it would provide an example which individual States could follow when considering their own legislation. No doubt this is a difficult area upon which to legislate; however, if legislation addressed itself to the concept of integration of the intellectually disabled into the community and prohibited discrimination within this framework, it should not prove too difficult.
3. Government agencies and voluntary organisations have a responsibility not only to the intellectually disabled persons they serve, but also to the community which provides the funds to enable them to establish group homes. A consistent definition of a group home should be arrived at which would maintain the integrity of normalisation. A group home should be simply what the name implies, a home, not a 'mini-institution' or a 'welfare establishment'. The number of residents should be the same as that of an average household, not say two to twenty residents, nor should there be a cluster of group homes. Service providers should avoid the inevitability that the term 'group home' will conjure up

negative connotations by employing another term which is more appropriate to their 'ideals'.

4. There should be accurate statistical data available on the intellectually disabled to enable governments to plan future programs.
5. Research should be undertaken to evaluate the number of people with an intellectual disability who are not caught in the safety net provided by government agencies and voluntary organisations. There is every likelihood that these persons are exploited in the area of accommodation.
6. All local government regulations throughout Australia which effectively discriminate against intellectually disabled persons seeking accommodation within the community should be deleted. Environment and planning departments in each State should place a conservative ceiling on the number of residents who occupy a group home and they should make a distinction as in New South Wales between a semi-permanent residence and a transitional residence.
7. A sensitive program should be initiated by both State and Federal Governments to educate the community about intellectual disability, the principles of normalisation and the least restrictive alternative. This program could be incorporated into a wider educational campaign encompassing the aged, physically disabled persons, persons with behaviour disorders, and all other groups who are affected by the policy of de-institutionalisation and who need the support of the community. City, municipal and shire councils should be involved in an educational program about group homes for intellectually disabled persons. For instance a group of seminars could be conducted specifically for council members. These seminars could relate the facts about intellectual disability, the concept of group housing and the history of existing group homes. The seminars could point out to councillors some of the specific

needs of intellectually disabled persons, needs which councils should be aware of for future planning. The councils in turn could be encouraged to initiate their own educational program for the community.

8. Both State and Federal Governments in enacting new legislation should endeavour to shift government responsibilities for the intellectually disabled away from health authorities and towards other more general service-providing bodies, thus avoiding the stigma attached to close association with medical authorities.

CHAPTER 6 ENDNOTES

1. Maurice Maeterlinck quoted by Jennifer Kelly in Glen Waverley 'A Family Home', a paper presented at the Workshop series, *Residential Services for Disabled People*, Sydney, May, 1983, p.12.
2. McCoy Report, p.293.

RELEVANT ARTICLES FROM THE INTERNATIONAL COVENANT ON CIVIL
AND POLITICAL RIGHTS

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

DECLARATION ON THE RIGHTS OF DISABLED PERSONS

The General Assembly,

Mindful of the pledge made by Member States, under the Charter of the United Nations; to take joint and separate action in co-operation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development,

Reaffirming its faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person and of social justice proclaimed in the Charter,

Recalling the principles of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration of the Rights of the Child and the Declaration on the Rights of Mentally Retarded Persons, as well as the standards already set for social progress in the constitutions, conventions, recommendations and resolutions of the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations Children's Fund and other organizations concerned,

Recalling also Economic and Social Council resolution 1921 (LVIII) of 6 May 1975 on the prevention of disability and the rehabilitation of disabled persons,

Emphasizing that the Declaration on Social Progress and Development has proclaimed the necessity of protecting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged.

Bearing in mind the necessity of preventing physical and mental disabilities and of assisting disabled persons to develop their abilities in the most varied fields of activities and of promoting their integration as far as possible in normal life,

Aware that certain countries, at their present stage of development, can devote only limited efforts to this end,

Proclaims this Declaration on the Rights of Disabled Persons and calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights:

1. The term 'disabled person' means any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a

result of a deficiency, either congenital or not, in his or her physical or mental capabilities.

2. Disabled persons shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself or to his or her family.

3. Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible.

4. Disabled persons have the same civil and political rights as other human beings; paragraph 7 of the Declaration on the Rights of Mentally Retarded Persons applies to any possible limitation or suppression of those rights for mentally disabled persons.

5. Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible.

6. Disabled persons have the right to medical, psychological and functional treatment, including prosthetic and orthotic appliances, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counselling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the process of their social integration or reintegration.

7. Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions.

8. Disabled persons are entitled to have their special needs taken into consideration at all stages of economic and social planning.

9. Disabled persons have the right to live with their families or with foster parents and to participate in all social, creative or recreational activities. No disabled person shall be subjected, as far as his or her residence is concerned, to differential treatment other than that required by his or her condition or by the improvement which he or she may derive therefrom. If the stay of a disabled person in a specialized establishment is indispensable, the environment and living conditions therein shall be as close as possible to those of the normal life of a person of his or her age.

10. Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.

11. Disabled persons shall be able to avail themselves of qualified legal aid when such aid proves indispensable for the protection of their persons and property. If judicial proceedings are instituted against them, the legal procedure applied shall take their physical and mental condition fully into account.

12. Organizations of disabled persons may be usefully consulted in all matters regarding the rights of disabled persons.

13. Disabled persons, their families and communities shall be fully informed, by all appropriate means, of the rights contained in this Declaration.

APPENDIX IIIDECLARATION ON THE RIGHTS OF MENTALLY RETARDED PERSONS

The General Assembly,

Mindful of the pledge of the States Members of the United Nations under the Charter to take joint and separate action in co-operation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development,

Reaffirming faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person and of social justice proclaimed in the Charter,

Recalling the principles of the Universal Declaration of Human Rights, the International Covenant on Human Rights, the Declaration of the Rights of the Child and the standard already set for social progress in the constitutions, conventions, recommendations and resolutions of the International Labour Organisation, the World Health Organization, the United Nations Children's Fund and other organizations concerned,

Emphasizing that the Declaration on Social Progress and Development has proclaimed the necessity of protecting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged. Bearing in mind the necessity of assisting mentally retarded persons to develop their abilities in various fields of activities and of promoting their integration as far as possible in normal life,

Aware that certain countries, at their present stage of development, can devote only limited efforts to this end,

Proclaims this Declaration on the Rights of Mentally Retarded Persons and calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights:

1. The mentally retarded person has, to the maximum degree of feasibility, the same rights as other human beings.
2. The mentally retarded person has a right to proper medical care and physical therapy and to such education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential.
3. The mentally retarded person has a right to economic security and to a decent standard of living. He has a right to perform productive work or to engage in any other meaningful occupation to the fullest possible extent of his capabilities.

4. Whenever possible, the mentally retarded person should live with his own family or with foster parents and participate in different forms of community life. The family with which he lives should receive assistance. If care in an institution becomes necessary, it should be provided in surroundings and other circumstances as close as possible to those of normal life.

5. The mentally retarded person has a right to a qualified guardian when this is required to protect his personal well-being and interests. 6. The mentally retarded person has a right to protection from exploitation, abuse and degrading treatment. If prosecuted for any offence, he shall have a right to due process of law with full recognition being given to his degree of mental responsibility.

7. Whenever mentally retarded persons are unable, because of the severity of their handicap, to exercise all their rights in a meaningful way or it should become necessary to restrict or deny some or all of these rights, the procedure used for that restriction or denial of rights must contain proper legal safeguards against every form of abuse. This procedure must be based on an evaluation of the social capability of the mentally retarded person by qualified experts and must be subject to periodic review and to the right of appeal to higher authorities.

A PERCEPTION OF 'NORMALISATION'

1. What is 'normal'?. A.A.I.D. accepts the fact that intellectually handicapped people will possibly never be fully accepted by the community in general as normal citizens and neighbours. We therefore have training programs to assist our residents to fit in to their locality as much as possible. They learn that it is desirable to keep their gardens in good order and to be considerate neighbours (this involves skills such as knowing what are appropriate and inappropriate topics to discuss with people and when to visit neighbours). This training in social skills makes up for areas in which they missed out when they were children and teenagers. Often, intellectually handicapped people don't look normal; they have oddly shaped features or an odd body shape. We feel that it is extremely important that we try to diminish the impact of these abnormalities by compensating in other areas.

2. In the homes, each person has his or her own bedroom which is their private space, just as a person's bedroom in any share situation is their own. All residents male and female are taught to use communal equipment (washer, iron, stove, etc.), so that they can all do an equal share of domestic chores. We see this as being one of the responsibilities which go along with the right to live in a group home setting. Our residents are taught gently and over a long period of time that they need to share and to be aware of other people's rights, both in their home and in the community.

3. A.A.I.D. also understands that while intellectually handicapped people have rights to services; to live where they chooses to make mistakes; and to take risks, they also have obligations and responsibilities. If they choose to live in an area, they must try to maintain suitable standards of dress and behaviour so that they don't draw attention to themselves and therefore leave themselves open to unjust criticism. If they do display inappropriate behaviour, people will say it is because they are intellectually handicapped, without looking for any other causes. People are not interested in discovering the individual; they only see a handicap.

4. We agree that our residents do have the right to take risks in life, but we also believe that just as social skills are often underdeveloped among intellectually handicapped people, so is the ability to think about consequences and actions. For this reason, many intellectually handicapped people are exploited by opportunists who use their innocence to extort money and property from them. No amount of training can imbue our residents with the discernment and skills effectively to analyse situations and people's intentions and motives. We therefore have serious

reservations about residents ever becoming truly independent and self-supporting. We plan to provide some advocacy and support services for everyone who enters our care.

APPENDIX VQUESTIONNAIRE¹

Sample Number.....

Address of Interview.....

1 2 3 4

Call Record Time of day (a.m. or p.m.)

Date

Result

Proximity to Group House.....

INTRODUCTION

I am doing a small survey on the subject of group housing for intellectually hanndicapped people. Would you mind answering four questions for me?

1a. Do you know if any intellectually handicapped people live in this neighbourhood in a group house?

[] YES [] NO

If Yes

1b. How do you know?.....

1c. Do you have any concerns with them living nearby?

[] YES [] NO

If Yes

1d. What concerns? 1.....
2.....
3.....

1. Information given will be used for statistical purposes only. The confidence of the informant will be respected.

If No to Q 1

2. Would you mind if a group house of four or five intellectually handicapped people was established:
- 1. In the district.....
 - 2. In this street
 - 3. Across the road
 - 4. Next door.....

- 2b. What concerns would you have? 1).....
 2).....
 3).....

3. If you had the opportunity to stop a group of intellectually handicapped people from living nearby, would you take measures to stop them?

YES NO

Comment (if any)

.....

4. If someone was described to you as 'intellectually handicapped' would you think them to be any of these categories:

Poor Mentally Ill Retarded
 Insane Mentally Unstable Delinquent

4b. What do you think makes intellectually handicapped people different from other people?

.....

Age group of respondent

18-28 29-39 40-50 51---

APPENDIX VIPERSONAL VIEWS EXPRESSED BY PARENTS OF A.A.I.D. INC.
RESIDENTS

In view of the need to overcome the type of discrimination and apathy documented in this Report, the following comments by persons with intellectual disability and their families may be helpful when it comes to considering solutions to the problem:

In the years prior to moving to a group home as preparation for as much independence as can be achieved, people with an intellectual disability have lived, in all probability, within a suburban community as members of their families. They have received training by their parents, educational and social training assistance and have learned to live within the restrictions placed upon them by circumstance. There have been, of course, various forms of rejection over the years. Even so, parents do not expect vituperation directed at prospective residents of group homes, who are quite unknown to the people so intent on stirring hysterical reaction to the idea of persons with intellectual disability living in close proximity.

We feel that when our sons or daughters are rejected on the basis of their intellectual disability we too are rejected as responsible parents. In effect, we are being told that our many years of love, care and training are meaningless and that our children cannot be looked upon as persons capable of living as part of the community. We know that this attitude is part of a widespread ignorance of intellectual disability and its confusion with mental illness, but this does not allay the apprehensions of parents who fear that their son or daughter might be moving into a hostile environment.

The problem of community awareness and acceptance of persons with an intellectual disability is a subject widely discussed. Our group feels that the establishment of group homes throughout the community is a practical way of

demonstrating the likeness to their neighbours rather than the difference.

In order to achieve this proliferation of group homes it is a matter of urgency to remove or amend the legislation which allows pettiness and often spiteful controversy to delay or postpone indefinitely the possibility of a group of men and women leading a meaningful life, which is the human right of every citizen, regardless of disability.

This is from a concerned Resident of Myall Road Para Hills to inform you that 21 Myall Road on the Corner of Bolton Road, Para Hills has been purchased by the South Australian Health Commission for the use of 5-10 Unsupervised Mentally and Physically Handicapped Adults at a time. The House costing \$54,000.00 of Tax Payer's Money.

It is a proven fact that in other areas where this has happened Houses have been Devalued Considerably.

("WOULD YOU" consider buying a House in the close area of a Building for Unsupervised Mentally and Physically Handicapped Adults ?)

Para Hills is classed as a Residential 2 Area. Being for Residential purposes only.

WHY HAS NO ONE, INCLUDING THIS RESIDENT, BEEN INFORMED.

No Guarantee can be given that the use of the House and also the level of Mental and Physical Disability will not change for the worse in the event of a New Government or New Government Policy.

As they have not had the decency to inform Residents NOW it proves that no one will be informed when any changes occur.

FOR CONFIRMATION OF THESE FACTS

ENQUIRE: THE SOUTH AUSTRALIAN HEALTH COMMISSION:
MR. D. LEAR PHONE: 2183211

INTERLECTUALLY DISABLED SERVICES COUNCIL
(UNLEY) PHONE: 2183659

STRATHMONT CENTRE
PHONE: 2615022

SALISBURY CITY COUNCIL
PHONE: 2586633

CITY OF ENFIELD

PLANNING ACT 1982

060/255/85.

South Australia

NOTICE OF APPLICATION TO DEVELOP LAND

Notice is hereby given that an application has been made by
ALTERNATIVE ACCOMODATION FOR INTELLECTUALLY DISABLED

of .111. HAMPSTEAD RD. MANNINGHAM
(locality)

for consent to CONVERT AN EXISTING DWELLING TO ESTABLISH A MULTIPLE
DWELLING TO ACCOMODATE UPTO 5 INTELLECTUALLY HANDICAPPED PERSONS
UNDER FULL TIME SUPERVISION AS REQUIRED
(describe nature of proposed development)

The land proposed to be used is situated at No. 5 (lot 81)
SWINDON ST CLEARVIEW
(road or street) (locality)

being Certificate of Title: Volume/s 2290
Folio/s 101

and is located within a: RESIDENTIAL 2 Zone

The development application may be examined at the office
of the Council during normal office hours and any person
or body affected may make written representations delivered
to the Town Clerk not later than:

..... 12th June 1985
(insert date pursuant to regulation 35(1))

Every person making a representation shall state clearly the
basis of the representation.

Signature 

Date 24/5/85

This is the first/second publication of this notice.
The first publication was made on

Residents blast home for mentally retarded

SALISBURY Downs residents are angry at the "sneaky way" a house for intellectually disabled people has been set up in their street.

They say four people were moved into the Carlow Street house four months ago without nearby residents being notified and without Salisbury Council approval.

An application to set up the house is before council.

Residents are angry that they are now being asked if they have any objections after the house has been established.

"They went about it in the wrong way," said resident Paul Lyman, "they should have notified residents first."

The house is owned by the Intellectually Disabled Services Council (IDSC) and run by Alternative Accommodation for Intellectually Disabled (AAID).

AAID co-ordinator Carol Greco has hit back at residents' "discrimination".

"We're talking about human beings here, not a pig farm."

"They are only mildly intellectually disabled . . . they're just slow learners, and can't express themselves as you or I can."

"They have lived in perfectly normal houses in ordinary streets and residents are not at risk at all."

"What is incredible is that we've had no requests for information and no complaints."

By SONIA GREGORI

"I am saddened that people have not spoken to us."

"They are very fortunate they don't have a child that needs the sort of help we provide."

"They should have gone to council for more information," Ms Green said.

Mr Lyman said residents feared for the safety of their children.

"They could be perfectly alright. They've been there four months and nothing's happened - but you never know."

IDSC had sent a letter explaining the occupants were "in no way mentally handicapped".

"The letter was a little bit late," Mr Lyman said, "that should have been done 12 months ago."

Another resident, who did not wish to be named, said it was like sitting on a time bomb.

Salisbury city manager John Kleem said that under the Planning Act IDSC had to apply to council to use the house as a multiple dwelling with occupants living independently of each other.

That IDSC had chosen to move people into the house before it had received council approval was in contravention of the Act.

It was normal policy for council to ask for an application before taking legal action.

Mr Kleem said residents' objections had been taken into consideration and it was recommended consent be granted.

MENTAL HOME 'OK'

Salisbury Council has raised no objection to the housing of mentally retarded adults in Myall Road, Para Hills.

COUNCIL CONSENT

Council's planning committee using its delegated authority has passed, by six votes to one, its blessings for the concept.

The dissenter, who asked for her vote against to be recorded, was Councillor Pat Nias of Para Hills.

Cr Nias, seconded but not supported by Cr Ann Allen, moved that council refuse planning consent on the grounds that:

"The proposed use of the house does not exhibit any factors which would enhance the general locality, promote harmony amongst the residents and as proposed would provide circumstances that would tend to detract from the amenity and existing character of the residential precinct."

Debate

At the beginning of the debate, Cr Nias said: "I hope we can keep away from the emotional aspect this subject has aroused."

She then proceeded to cite a precedent last year when council were locked in a fight with the Salvation Army over the Salvo's attempt to get permission for a 'half-way' home in Kesters Road.

Cr Nias who was recently elected chairman of the Central Northern Auxilliary of the Crippled Childrens Association and for many years was a Good

by
JOHN PICKFORD

Neighbour councillor, stressed that the Salvo's had taken that one to the State Planning Authority and 'lost'.

She quoted the judge in the case who said: "There is no principle of planning that requires householders in a residential neighbourhood to forego their pleasant enjoyment for the well-being of some other section of the community."

Cr Nias said, in part, that she believed in this case - as with the Salvation Army - that the need for this site to house intellectually handicapped people did not over-ride everything else.

"I and my former councillor - now Alderman Declan Moore - spent an awful lot of time with the residents." Cr Nias warned that the neighbours were apprehensive. She further warned that another house, for the same purpose, had been purchased in Salisbury Downs.

Supported

Alderman Marty Meredith, moving the staff recommendation that the facility be supported said that it was a planning area where council's policy was

not well defined.

The staff report had likened the application to that of a boarding house or multiple dwelling with an added facility of a 'home trainer' living in.

Ald Meredith said: "What is a family anyway - it has not been defined."

"This application is not a planning application. The situation is not essentially different than my own home. Only in this case the people are less fortunate than my own."

Beautiful people

".....these are beautiful people," he said. Cr Nias interjected: "You're being emotional."

Ald Meredith took issue with Cr Nias' comparison with the Salvation Army suggesting that more movement would have been generated there with the coming and going of vehicles.

"Until council has a policy, this sort of application ought to be treated on basic planning principles," he said.

The Intellectually Disabled Services Council has informed council by letter that the proposed use of 21 Myall Road would be to provide a home for four adult persons who have registered for services with the council.

"Each person attends work daily and has the

potential to live independently.

A 'home trainer' would live in the house and teach home management skills," it said.

The house provides separate bedrooms for each person and shared living areas.

Local MP, Mr Terry McRae, following representations from angry residents, has suggested in a memo to the Premier, Mr John Bannon, that during the planning stage for future housing developments some provision be made to set aside a housing quota for disadvantaged persons.



Cr Nias

WHAT'S INSIDE YOUR GAZETTE

- Footy Fixture '84 Pages 10 & 11
- Color Lift-out Page 9
- Suburban Sex Parties Page 15
- The Mayor's Message Page 5
- Councillor Criticises Council Page 7
- Paddocks Row Erupts Page 17
- NEW Police, TV and Video 'Watch' Columns Page 18
- New Era For Bulldogs
- UK Soccer Snippets

