Case summary:[[1]](#footnote-1) *Steven Kendall v. Australia*

[CRPD/C/21/D/15/2013](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f21%2fD%2f15%2f2013&Lang=en)

Communication No. 15/2013

Date of communication (initial submission): 8 February 2014

Date of adoption of Views: 8 April 2019

Invoked provisions of the Convention: [14](https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#14), [18](https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#18), [19](https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#19), [22](https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#22), [23](https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#23), [26](https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#26) and [28](https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#28)

Keywords: Disability, non-discrimination, reasonable accommodation, support services.

Decision: The Committee decided to discontinue the consideration of the communication as the author was provided with accommodation and support services.

Full decision in [PDF English](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsjUFu35WL78LztCL12TZZEDmoElNRI%2fzlpr3x0o8u2iEbOOrCdVNrwWHE%2b5of5co%2f4KeHSFW9yNdhkbRpQ1HXSgyCnGuO3H2l9ql7ZQDbJ7T6XmqtLzc5bygZlRc7ABzJA%3d%3d)

**Facts**

The author, Mr. Steven Kendall, is an Australian citizen born in 1970. In 2003, at the time of his complaint, he was living at the Jacana Acquired Brain Injury Unit in the state of Queensland. In July 2005, the medical staff advised Mr. Kendall that his rehabilitation program would cease and that he was ready for discharge. The Jacana medical staff determined that the author would require accommodation and community-based disability support services before being discharged, therefore, between July 2005 and November 2010, they attempted several unsuccessful applications on his behalf for community-based accommodation and support services. On 30 November 2010, the Queensland Department of Communities Housing and Homelessness Services and the Queensland Disability and the Community Care Services for social housing and disability support services assessed the author as eligible with “high need” for social housing, and his name was placed on the Housing Register. However, the Communities Housing and Homelessness Services requested that the author was first provided with disability support services before being allocated with social housing. Although the Disability and Community Care Services assessed the eligibility for such services, it also advised that it did not have the capacity to fund disability services for the author. Consequently, the author’s application for social housing remained unattended.

On 27 October 2011, the author lodged a complaint to the Australian Human Rights Commission (AHRC), alleging that he had been discriminated against on the basis of disability by the Australian and Queensland Governments. Under the AHRC Act 1986, the author also complained on alleged acts and practices by the Australian and Queensland Governments being inconsistent with or contrary to the author’s rights. After notification of these complaints to governments agencies, on 12 January 2012 the Australian Government Attorney-General’s Department responded and denied that such acts and practices were contrary to the author’s human rights enshrined in the Convention. On 2 July 2012, Queensland Crown Law on behalf of the State of Queensland also argued that the AHRC had no power to inquire into acts or practices of the Queensland Government that are inconsistent with or contrary to the author’s human rights. The author then presented his complaint to the CRPD Committee.

In its observations on admissibility and merits sent to the Committee on 22 December 2014, the State party claimed the Mr. Kendall’s complaint should be held inadmissible for non-exhaustion of domestic remedies and for lack of substantiation. Moreover, Australia informed that, after the Mr. Kendall submitted his complaint to the Committee, he was provided with community housing, as both the housing and the funding became available. The Committee sent various requests to Mr. Kendall to provide comments in this regard, the last one on 18 December 2018 to inform him that the Committee might have decided to discontinue the complaint. On 18 January 2019, the author confirmed that he was not living in the Jacana Centre anymore.

The Committee decided to discontinue the consideration of communication 15/2013 as the author was provided with the housing and accommodation support services referred to in his complaint.

1. This case summary has been prepared by the International Disability Alliance. For more information on how to lodge individual communications under the Optional Protocol to the CRPD, consult IDA’s factsheet available on [IDA’s disability rights litigation website.](http://www.internationaldisabilityalliance.org/en/disability-rights-litigationhttp%3A/www.internationaldisabilityalliance.org/en/disability-rights-litigation)  [↑](#footnote-ref-1)