



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON HEALTH, COMMUNITY AND  
SOCIAL SERVICES**

(Reference: [Provision of social housing](#))

**Members:**

**MR S DOSZPOT (The Chair)  
MS A BRESNAN (The Deputy Chair)  
MR J HARGREAVES**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**WEDNESDAY, 14 DECEMBER 2011**

**Secretary to the committee:  
Ms G Concannon (Ph: 6205 0129)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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*Amended 9 August 2011*

**The committee met at 10.06 am.**

**BURCH, MS JOY**, Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing

**HEHIR, MR MARTIN**, Director-General, Community Services Directorate

**SHEEHAN, MS MAUREEN**, Executive Director, Housing and Community Services

**THE CHAIR:** We are now starting four minutes late on this hearing. So let that be on record. Good morning everyone and welcome to the public hearing of the Standing Committee on Health, Community and Social Services inquiry into the provision of social housing in the ACT. I will presume that everyone has read the privilege card and are comfortable with the contents. Minister, do you have an opening statement you wish to make?

**Ms Burch:** No, thank you, Mr Chair.

**THE CHAIR:** Page 5 of the government's submission on progressive social housing reform identifies housing-related delivery by 2012. Can you outline what those reforms are and whether the delivery date is on track?

**MS BURCH:** On page 5 of the submission?

**THE CHAIR:** Yes.

**MS BURCH:** This relates to the further delivery of progress by June. Martin, do you want to talk to that?

**Mr Hehir:** There are a number of things that we are looking at certainly in the national context around the development of a social housing system within Australia. One of the key things about that is actually making sure that we are able to have significant housing providers operate across jurisdictional boundaries. There is also, as you would be aware, a classification of the broader community system into those which are loosely described as the growth providers and those that are more local and small in scale. So it is trying to understand how we do that. There is work occurring nationally around the national regulation system where we are trying to ensure that we get the governance and other legislative aspects right to facilitate the growth of the social housing system.

One of the key things when you are providing housing at less than market prices is how do you finance it—how do you actually grow it? Certainly, in terms of working with financial institutions, they need a great deal of certainty. They need a great deal of confidence in the regulatory system that supports that growth and development. So that is the work that is occurring at a national level.

So there is also the work that we have been doing here, which is consistent with different models and different types of affordability. So, for example, there is the national affordability scheme, which is a commonwealth scheme, which pays 80 per cent of market rent. That is where most of the community growth providers are, which is 75 per cent of market rental. That generally meets the test from the Australian

Taxation Office for a PBI status for those organisations, which allows them to claim a tax benefit.

We are also doing some initial work in that space ourselves where we are enabling some of the work that was built ancillary to the nation-building and jobs program, particularly for older tenancies, but we tend to have more turnover. Some people who do not quite meet our normal type criteria for income but who would still struggle significantly in the private rental market to access properties at 75 per cent of market rent and also access commonwealth rental assistance, which actually puts them in a very good position.

So that is the sort of initial scale of the work both nationally and locally—how can we take the learnings nationally and apply them locally.

**THE CHAIR:** Thank you for that. What about the delivery date?

**MS BURCH:** In 2012—by June 2012.

**Mr Hehir:** Most of them are underway. I need to check with Maureen, who is probably more up to date on the legislation discussion than I am.

**Ms Sheehan:** The national affordable housing agreement and the national partnership on homelessness, which are the major agreements that provide funding that these reforms sit under, has progressive implementation dates. So the reforms that Mr Hehir has been referring to—

**THE CHAIR:** Did you say that it is going according to the—

**Ms Sheehan:** I would. So what has been agreed nationally under those agreements is the progressive implementation of reforms. So, as Mr Hehir was saying, the legislation to regulate the community not-for-profit sector is well underway. In fact, the legislation has been drafted. It is agreed that the model will be host legislation passed in New South Wales. Ministers have agreed that that will be the model that is used. We are now into the second round of consultations with the finance sector and community housing providers on the content of the legislation. Ministers will be endorsing the final form of the legislation by the end of this year.

**THE CHAIR:** Are there any supplementaries on that?

**MR HARGREAVES:** My supplementary is: this legislation will actually put down a legislative framework within which all of the NGOs will have to operate—those providing social housing opportunities. For the large-scale ones, CHC, Havelock and those sorts of people, presumably fitting into a legislative framework is not such a huge issue, and for some of them it is about time, because they are a bunch of carpetbaggers anyway. But I am curious to know whether or not the legislative framework will be a burden for some of the smaller ones like ECHO and those at that sort of level.

**Mr Hehir:** That is why the system, certainly in the ACT—and I understand this is a principle that will be applied in the national legislation—is that we have actually gone

to two tiers. So there is a higher level of governance and regulation that is applied to the growth providers and a lower level of regulation and governance requirements around the small-scale, locally based providers. That is how it is intended to be. I will not join you in your description of the players in the sector, but it is important when you are talking about large-scale investment that any housing property has to be seen in current days as a large-scale investment. So even a small-scale organisation can have a number of millions of dollars worth of assets sitting there.

We do need to make sure that the governance of those organisations is right, is correct. But certainly we try and tailor it to the scale of the organisation. Certainly our own registrar takes that approach in dealing with the organisations. She tries to engage with them. She works very cooperatively with them. She supports them. If she thinks things need to be improved, she will talk to them about where she thinks they can strengthen their work, strengthen their governance and so on. So she is quite proactive in getting out there and talking and meeting with the organisations and she briefs me pretty regularly on where she is up to with some of them.

Our model of work here is that we tend to be responsive regulators. So if there is compliance shown early, we tend to say, "That's okay, we don't need to come back too often." If people are struggling or are not engaging as positively as we would want, we tend to be in there a little more often and saying: "You're still not hitting the target. We're going to need to work more with you." The end scale of that is that we then have to start saying: "We're not going to be able to register you. If you don't comply with this, you're not going to be able to be registered."

That is the responsive approach that we take. We try and work cooperatively wherever we can and, in broad, the sector works really well with us. And they have certainly all got the right intent.

**Ms Burch:** One of the early groups registered was Capital Community, which was TAS Housing. So that is a small organisation providing community housing specialist services and they went through it. They embraced it and got through it very readily.

**MR HARGREAVES:** I am aware that there are some middle-level ones too. Billabong would fit in the middle level, I would imagine—or would you say they were smaller scale?

**Mr Hehir:** Yes.

**MR HARGREAVES:** You said that if people did not comply—and I know that there are a range of people who have various success rates in their compliance, and some of them have reasonably bad histories in terms of their compliance hitherto. An intention of the legislative framework is to put a far more rigid process in place. When you said there will come a point where you will not register people, what does that mean for them in real time?

**Mr Hehir:** It means they will not be able to access government funding. That is the end result. If you are not registered, we will not be able to fund you. That is, in a sense, quite a big penalty and it is not one that we are looking to apply, which is why we take the responsive approach. We work very hard with organisations to get them

across the line. For some, we have even got them across the line and said, “You’re there, but we still need a bit more work done.” So we are not hard and fast in terms of saying, “That’s it, you’re out.” It is more about, “You’ve probably got just enough but there’s things we want to see you strengthen.” So we certainly take that approach as well. As I said, we are responsive regulators. We work to develop the sector.

**MR HARGREAVES:** Within the framework of you being warm and cuddly people and just there to help people get on—I understand that—what I am interested to know is: in that legislative framework, is the withdrawal of government support mandated or is it something over which you have a ministerial discretion?

**Ms Burch:** They are not registered. It is our clear position: to be part of our social housing program, to be within the common waiting list, to be allocated a government resource, you have to be registered.

**Mr Hehir:** It is a policy position. It is not within the regulation itself is my understanding. The reason we have the government structures in place is to give us confidence about service provision, and if they are not meeting the basic tests around their service provision that is a significant cause for concern for us. That does not mean there will not be some organisations that we work positively with and proactively with in terms of getting them across the line and trying to strengthen their governance approaches. That tends to be where the issue is; it is more around their governance structures.

**MR HARGREAVES:** Have you considered putting it as a mandated piece in the legislation rather than as a policy outcome?

**Mr Hehir:** It is unlikely to be a mandated piece because it is going to be national legislation and, quite frankly, getting all jurisdictions in Australia to agree to that would be an interesting exercise.

**MR HARGREAVES:** It would be an interesting conversation.

**Ms Burch:** Sorry. What was that?

**Mr Hehir:** The question was around whether we would have it as mandatory and I made the comment that it is about a national piece of legislation, and that getting everyone to agree to the legislation is tricky enough as it is.

**MS BRESNAN:** There is quite a bit of discussion in the submission to this inquiry about the gateway quality improvement project. That is mentioned also in relation to responses to the Ombudsman’s recommendations. I have a couple of questions on this but the first one relates to page 11 of the submission and the recommendation around written requests for reviews. It talks about providing assistance to submit reviews.

I note, too, that this is something that has been raised in a couple of submissions to the committee around welfare rights and shelter and about this process as well. It states here that, instead of doing as was recommended by the Ombudsman, staff would be trained to provide help to applicants. Could you provide a bit more information on the actual difference between helping someone to put in the review process and providing

them with active help? It says here that the project did not see a need to modify housing assistance—but to do this.

**Mr Hehir:** The recommendation itself and the text around it, as I understand or recollect it—it was a little while ago—was that they were not clear whether it was the public rental housing assistance program that meant that we could not do the work, or our own processes and practices. They said, “If necessary you need to amend the public rental housing assistance program.” The view we formed was that we did not need to amend that; there was nothing in the program that stopped us from assisting people to submit a review.

What was general practice—indeed the recommendation from the Ombudsman—was that, rather than being passive and letting people figure it out themselves and not think about what their skill base was and what supports they might need, we do the opposite: we stop being passive, we start being active and we start supporting people, understanding where they are coming from, understanding what they are really trying to ask, and supporting them to submit any application or review request in that. So in my view we have picked up the exact tenor of the recommendation. They just asked us to check whether we needed to amend our program, which is a piece of subordinate legislation, from memory—

**MS BRESNAN:** So is the active help—it is in inverted commas in the submission—something where you will be proactive—

**Mr Hehir:** Yes.

**MS BRESNAN:** rather than saying, “We can’t”—

**Mr Hehir:** Rather than saying, “We won’t deal with it,” or, “You go away and figure it out yourselves,” we say: “What support do you need? What is it you are trying to have here?” Sometimes people bring in more information.

**MS BRESNAN:** So if someone came to you about this process and the lack of clarity, and this was raised in a couple of the other submissions—if someone went to Housing ACT or went to a manager and said, “I need help to sit this review,” would you say, “Yes, we will help you do that”?

**Ms Sheehan:** Perhaps I could give an example of what we thought was very important for people. Obviously once you put in your application for assistance or a transfer you give a whole lot of information at that time and then if your circumstances change what we want to do is help people come and give us that information without having to lodge a formal request for review of decision. That is time consuming for them.

The active assistance that we give is to encourage people to give us the information and then immediately we look at the information and make a decision as to whether we should in fact change the category of that request. A standard application, because someone is on a low income, might become a priority application because of some catastrophic event in someone’s life. The person should not have to make a written request to us for a formal review of decision in order for us to receive that information.

That is the active nature of what we do.

**MS BRESNAN:** Does the housing manager—I apologise if I am using incorrect terminology—then see that, and they would actively do that?

**Ms Sheehan:** Yes.

**MS BRESNAN:** But if someone else asks for that assistance would it be provided?

**Mr Hehir:** Yes, I think that is right. Certainly that is the approach. One of the cultural issues, if you like, in this sort of space is that when you are dealing with a rationed resource, which is what we are dealing with in Housing—we have got more applicants than we have properties—people start to adopt a gate-keeping mentality. They become the rationers, if you like. That is not what we actually need our staff to be doing. They are not the rationers. They have got processes and support they need to be able to provide people. The end decision goes to the priority housing panel more often than not in terms of where properties are allocated. That is where the decision needs to sit. It needs to sit with the director of Housing, who acts on the recommendation from that panel.

Rather than having the behaviours being driven by a rationed resource, we are saying, “You actually need to support people to get the information right.” Sometimes it is not a review of decision. Sometimes it is a reassessment based on new information. We might have treated it like a review previously, which was not the correct treatment. It is about understanding—

**MS BRESNAN:** I think that point was raised in a couple of submissions.

**Mr Hehir:** That is right; it was. From our perspective, it is a case of understanding what is actually coming in, what the real request is. Sometimes people use the wrong language or use different language or they do not give any indication that they want a review at all; they just provide more information. We have to understand what the intent is behind it, and that is what the work of the project is focused on.

**MS BRESNAN:** In relation to recommendation 1 from the Ombudsman, the response is that there is information provided to applicants as well in terms of their being more active in that process. Is it possible for the committee to get a copy of the information that is provided to applicants in terms of informing what we are looking at here?

**Ms Burch:** Yes, we will send it through. Part of that cultural change is upgrading those positions and training those positions as well.

**MS BRESNAN:** The information that you talk about in terms of a more active approach, is that given to people at the start of the process?

**Ms Sheehan:** Yes, it is. In terms of the quick provision of information and quick assessment, one of the great reforms of the project has been that we do assessments on the spot when people come into our central access point—again, no waiting, no having to take the paperwork away; active assessment on the spot in the central access point.

**MS BRESNAN:** I have just one last question. With the gateway quality improvement project, is there going to be an external review of that? It is recognised that what you are trying to achieve with that more active approach is something new.

**Mr Hehir:** I am certainly happy to do that. The process, as I understand it today, is that we have engaged with the Ombudsman's staff around the design of that project. I expect that we will try and test the outcomes with them. From my perspective, they have been involved in the design—they are not doing the design but they have been involved in the principles of the design—and I expect that they will come back and test it with us in terms of the outcome. That is the most practical test, really, isn't it, when someone complains to them and says, "We're still not getting the service"? They would have to come back in and have a really good hard look at it. I think we will engage proactively with them in saying, "Come and have a look and see how it's going."

**MS BRESNAN:** I keep referring to other submissions, but one of the key things seemed to be around that review process and people not being clear what the criteria for the process were.

**Ms Sheehan:** And there are other external performance indicators of the success for the project. Most particularly, it would be the reduction in the time it takes to have an application assessed, reduction in the number of complaints and so on, which we will be constantly monitoring and all of which are publicly available.

**MR HARGREAVES:** A series of questions, if I may. I think I spotted in an answer to one of the questions on notice that a Housing ACT housing manager has roughly 250 properties to manage. Have you got a feel for the number of properties in the private sector per housing manager?

**Mr Hehir:** I think it varies from organisation to organisation, but substantially less than that.

**MR HARGREAVES:** Would you say half that or more than half that? It is an average, we understand that.

**Mr Hehir:** Half to less than half.

**MR HARGREAVES:** Half to less than half. That is good. I thought that might be the case. Have you got a feel for what the figure might be within the community housing sector, the non-government organisation sector?

**Mr Hehir:** That is actually quite a difficult one to estimate, largely because of the small scale of some of the providers and it is quite difficult to apportion the actual measure. So if you have 20 properties, you might still have a full-time housing manager. Now that is roughly a tenth of what we have.

**MR HARGREAVES:** Actually, I was not going down the numbers track; I am going down another one.

**Mr Hehir:** It is a bit hard to quantify.

**MR HARGREAVES:** I was going down another track.

**Ms Burch:** We have brought in that response team as well to support housing managers with more complex tenancies. So whilst we have got nearly 12,000 properties—

**Mr Hehir:** And we have got maintenance and all that other stuff.

**Ms Burch:** Any bell shape will give you clients that are getting on, great neighbours, been there for a very long term where the demands on the housing managers are very minimal, whereas other tenancies could generate a high demand, and it is about those other supports that go in and wrap around that.

**MR HARGREAVES:** I am aware that, in the context of some of the larger private rental managers, they have very few difficult clients and the difficulties can be a whole range of things, but they have less because they actually boot them out a lot quicker than is, in my view, reasonable. CHC have quite a number of properties. How many have they got now?

**Ms Burch:** The current figure—

**MR HARGREAVES:** About 600.

**Ms Burch:** I think it is a bit higher than that.

**MR HARGREAVES:** Because they had 1,000 as a target a couple of years ago, if I remember correctly.

**Mr Hehir:** That is right.

**Ms Burch:** We could bring that back, but it is 600 and over, and certainly they are affordable housing as well. But we can come back to you on that.

**MR HARGREAVES:** When you do, would you also let me know the number of properties per housing manager for that organisation?

**Mr Hehir:** Again, it is actually one of those things where it is quite difficult to get some of the measures, because not only do I have tenancy managers, but I have got an asset management team who will deal with other sides—

**MR HARGREAVES:** I must be absolutely clear about this: where I am interested at this stage is not about whether or not the maintenance regime is intact. I am more interested in the holistic approach to the tenancies that you actually see. I know that Housing ACT get the harder clients as well as a good number of the easy clients. As you say, some have been there for a thousand years.

I would like to know a couple of things about the training regime for housing managers. Can you give us an idea of the training regime? This is talking about term

of reference No 6, for the benefit of the secretary. It talks about the needs of social housing managers and all social housing tenants. I would like you to tell us a bit about the training regime for them both in terms of the services and types of people interactions that happen with the clients and also the supportive services for the housing managers themselves, who are on the receiving end of some challenging encounters. We all remember the David Eastman experiences with Housing ACT, and I am interested in that and if there is such a training regime for the community housing sector as well.

**Ms Sheehan:** We have a range of training for housing managers. If I can speak first to the new entry point that we have for housing managers, we have housing manager traineeships. Housing ACT recently had a recruitment round. We had been taking three housing manager trainees a year for the last three years. This year we will increase that to four trainees. Training for that is a certificate IV in social housing and it is provided through a New South Wales based registered training organisation. The housing manager actually undertakes the training to achieve the qualification. So it is one year of practical, on-the-job work with the additional training that is provided and then those trainees would participate in the more general training that housing managers need to do their job. So they go now to the general training that is provided.

Housing managers are trained in how to do rebates and in how to use our business system, Homenet. That is incredibly important, not just in terms of assisting us with monitoring our business, which we need to do, but Homenet is our major business system and contains important information about properties that our tenants need to know, and important information about our tenants that they want us to know so that we can properly assist them in managing their tenancies. They receive training in how to conduct a client service visit. So every year, every tenant of Housing ACT receives a visit from their housing manager to look at how they are going generally in their welfare and also to discuss any issues that the tenant wishes to raise and to make sure that the property is being kept according to the terms of the lease. So there is training for those client service visits.

The more general training that housing managers receive includes training for their own welfare. When housing managers go out and encounter difficulties because they are in people's homes, it very often might relate to a mental health issue. We have a range of training, including the mental health first aid course, which has been developed through the Australian National University, which assists housing managers in mental health first aid. Obviously it does not turn them into a mental health clinician but it enables them to have a quick response and deal in a good and respectful, supportive way with the tenant, and if necessary to then make contact with other agencies if that is what is needed.

**THE CHAIR:** Does that set of guidelines apply to disability housing tenants as well?

**Ms Sheehan:** I am not sure that I understand the question, Mr Doszpot.

**THE CHAIR:** Management coming out to talk about what sort of issues are confronted by people within the housing.

**Ms Sheehan:** Absolutely. I was giving an example of mental health first aid training,

but there is other training that housing managers receive, particularly around how to conduct a client service visit, which would assist them to speak to a tenant with a disability, to see if there was any additional assistance needed or whether there were any modifications that needed to be made to the properties. Does that answer your question?

**THE CHAIR:** That is part of it. The question is related to the feedback that you are getting—the terminology that you have described in order to get the feedback from the tenants. I am asking whether the same set of guidelines is given to your managers who deal with disability-related housing.

**Ms Burch:** It depends. You have people with a disability that could be living in Housing ACT properties, you could have properties that are head leased through Disability ACT. You will have properties through Capital Community and you will have non-government organisations with properties for people with a disability as well. Across those—

**Mr Hehir:** So where a property is head leased, the tenancy management tends to go to the organisation that has the head lease. As the minister said, Capital Community and Disability ACT are more specialist in their nature and more qualified to interact with clients with higher level disabilities. So we tend to leave that head management to them. There are some properties where the tenancy actually sits with us, and we work to support our staff to do that. In addition to the team that Maureen is talking about, we do have a number of quite specialist teams and we support the training around their work there.

**Ms Sheehan:** Because we have a very good relationship with the community sector, the community sector will often suggest to us the training that they think would be beneficial for our housing managers and our gateway staff in order to provide better service. An example of that that I am very proud that we have is that we often meet with the refugee support groups and they suggested that we give specific training for our staff in how to deal with refugees.

The example they gave us was that an Anglo-Saxon person might come in and tell you everything that they need and come back again and again in order to make sure that you know it, whereas a refugee will do exactly the opposite. So our staff might assume from the fact that the refugees have not come back again that things are exactly the same. We are now providing training which they have helped to design in how to deal with refugees. We have found that to be incredibly useful.

We have talked about the mental health training as well. We have a series of courses which assist people to deal with disruptive behaviours and difficult people. The rather interesting name of that course is the “how to deal with hotheads” course. That training is available. All of the training that I have described, although it is provided to housing managers and people that work in the gateway, is available to anyone who works in the department of community services. We certainly encourage our staff who are all working in the sector to train together so that you get that cross-fertilisation of ideas.

**MR HARGREAVES:** You mentioned the refugee issue. I am interested in the

transitional housing program which you talked about just now. I understand that the target—

**Ms Burch:** It was a great project to have implemented in Housing, Mr Hargreaves.

**MR HARGREAVES:** I know. It was a divine inspiration.

**Ms Burch:** Of the former minister.

**MR HARGREAVES:** Indeed; a wonderful chap he was too, and may he rest in peace. The target was to have a rolling set of properties, between eight and 16. I understand you have 10 to 12 at the moment. In principle it was a terrific idea. One of the things that I just heard you say, though, was that we have identified the differences between the requirements of these people and the requirements of other people on the waiting list or in crisis accommodation. You said you have training for people to identify the specific needs of this particular cohort. Who delivers that training program?

**Ms Sheehan:** The training program is delivered through the learning and community education unit of our directorate, Community Services.

**MR HARGREAVES:** Okay, and is there a relationship—

**Ms Burch:** But developed within a partnership.

**Ms Sheehan:** That is right, developed in conjunction with the Canberra refugee support organisation.

**MR HARGREAVES:** Like MARSS and those sorts of people, and Companion House.

**Ms Sheehan:** And Geoff McPherson's group.

**Ms Burch:** From RASH.

**Ms Sheehan:** Yes.

**MR HARGREAVES:** I recall the difference between the north African people, in men particularly. You can stick them in a house if you like but they will still starve to death. So you actually have these programs in conjunction with Companion House, RASH and all of those?

**Ms Sheehan:** Yes.

**MR HARGREAVES:** That is fantastic.

**Ms Sheehan:** Companion House does provide specific training, more general training, in how to deal sensitively with people from other cultures. Then we have the very specific training in how to deal with refugees.

**Ms Burch:** Can I draw to the attention of the committee that the program was

recognised recently at the multicultural awards night, winning an award for community support. So it is a well-regarded program and I think we are up to 16 properties and it has supported many families to establish their roots here in Canberra and they now call Canberra home.

**MR HARGREAVES:** Congratulations.

**THE CHAIR:** I want to take you back to the gateway questions that we were addressing earlier. One of the recommendations in the gateway quality improvement project relates to small changes to procedural matters to improve communication with clients. That is on page 9. Can you outline what changes have been made? We have received quite a number of submissions to this inquiry that raise serious concerns about the lack of communication between Housing ACT and clients.

**Ms Sheehan:** I would say that the most important change that we have made to improve communication is that each application is now assigned from start to finish to a single officer. In the past, our process was, I would say, more task focused: there were a series of tasks along the way from the first time that an applicant makes contact with you to the time when you allocate a house. You could have as many as five officers who may have been responsible for that application at different periods of time. What inevitably happens when you have so many people dealing with a single application is that no-one feels that they own the application. Then things fall through the cracks. Communication has been, unfortunately, really the casualty in all of that. With the new system, where one officer has the carriage of that application from beginning to end, that officer owns the application and that officer will communicate with the applicant. I would say that that is the most important improvement that we have made.

But there are many ways that communication can break down. In the old situation—where every applicant had to make an appointment to have a discussion about their application, and appointments could take up to seven or eight weeks—that person would be very anxious, both in the lead-up to the interview and then afterwards, wanting to know what was going on. The move now to instant assessment when the person comes through the door removes that whole period of anxiety and, I would imagine, very often, the feeling of the applicant that no-one is talking to them in that time and they do not know what is going on.

I would say that those two changes would be the most important thing that we have done to improve communications between the applicants and the staff of Housing ACT.

**THE CHAIR:** I would like to get specific on disability-related questions now—the same question, but taken from a disability point of view. My office has had a number of representations from elderly people who have got serious disability issues and disability housing issues. They are very reluctant to come forward because they feel that their questions can identify them and it can rebound on them. What sort of assurance can be given to people that if their complaints are taken on board it will not impact on the services their children receive?

**Ms Burch:** I will give an absolute assurance that any complaint is dealt with and

treated with respect and that there will be no repercussion in how we respond to anyone.

**Mr Hehir:** If we could tease that out a little bit, the minister is absolutely correct: complaints management is about resolving issues; it is not about penalising people. That has been a very clear approach. The move that we have seen over a number of years for Housing ACT in terms of client satisfaction, from the low to mid-fifties eight or nine years ago to 75 per cent levels of client satisfaction at the moment, demonstrates that we have been on a path of improvement, and quite substantial improvement, over the last eight years or so. An important part of that process is the complaints management process, where we do seriously seek to address the cause of complaints and we are not about penalising people.

Were the complaints coming from people who were existing Housing tenants or people waiting on the applicant list? There is quite a strong process of communication for existing tenants.

**THE CHAIR:** There are quite a number of people who have children who are getting on in their years as well and who are having serious issues. The parents themselves have a twofold issue. One is the treatment of their children at this point. And there is also the ongoing treatment of their child should they predecease their children.

**Ms Burch:** I know it is a concern. Ageing carers want assurance, and rightly so, that their children are secure and safe in their accommodation. I will not step away from doing all I can to give those assurances. Again, I go back to an earlier question: we can respond around Housing ACT properties, but I would be very keen to hear from this committee if there is something we need to follow up through those other head lease arrangements as well.

**THE CHAIR:** That is the next point that I want to ask you about. We talked about head tenancies. We have had people who have been advised by Disability ACT, the head tenant of the child's home, that they can decide to evict the child and move the child elsewhere without any written justification.

**Mr Hehir:** The tenancy arrangement is with Disability ACT. There is a committee that sits around the placement of people with a disability into group homes, and that is chaired by an independent person external to the department. I am aware of one occasion where we have made a decision—possibly two occasions—without the consent of the parents to remove someone from a property and place them in an alternative property. That has largely been around safety factors and concerns for other tenants in the household.

We have competing obligations at that point. We have an obligation to the other tenants in the property as well as an obligation to that tenant. In actual fact, I think “tenant” is the wrong term if they are in a disability group home, because they do not have a formal tenancy. We have offered them tenancies. People can take up a tenancy for a household if they want, and I think about five or six group homes did, from memory, where they have individual tenancies. But they are actually in a different legal arrangement rather than a formal tenancy.

It is a complex issue. It is certainly not something that is done without serious thought and reflection, but it is a significant issue of competing obligations that we seek to try and manage.

**THE CHAIR:** There is a statement that we received that disability programs should not continue to be responsible as landlord for providing accommodation for its clients. Instead, disabled people should have the same rights and entitlements to enter into accommodation agreements with housing providers, both government or private, as is available in the general community.

**Mr Hehir:** Yes, that is right.

**THE CHAIR:** I understand that the government's response to that—yes, that is right—was back in 2002, when the government agreed that people with disabilities should have the same rights and entitlements as others to enter into accommodation agreements with suitable housing providers and should have access to a range of accommodation or options appropriate to their requirements. That was from the then Department of Disability, Housing and Community Services that had input into the review of the Residential Tenancies Act of 2002. But, to this date, nothing has changed.

**Mr Hehir:** That is not quite correct. As I said, we went through a major exercise of offering tenancies for that exact reason to people within the disability group homes. The majority of households declined it. We ran a program, we had an officer employed specifically to go out and talk to each of those group homes, to talk to their guardians, to talk to the people themselves, and we ran that program over quite a number of months. In the end, my recollection is there were five or six households that agreed to do it.

There is some complexity there in that it is a difficult thing to do a single tenancy for part of a house and have a head lease for the other part of the house. So we said we need people in the household to agree to it. There were a small number of people who were within the minority in a group home where most people did not want to change the arrangements, but one—

**Ms Burch:** A stable, long-term grouping.

**Mr Hehir:** That is right. So we have made the offer. That offer remains open. At any point we are happy to change that. We currently run the program for five or six of those households. It is an open offer, and we went through a major exercise around it. The reality is that most people chose not to.

**MR HARGREAVES:** How long has that option been available to people?

**Mr Hehir:** At least five years.

**THE CHAIR:** That is not the understanding of quite a number of people in the community. They are not aware of it.

**MR HARGREAVES:** Can I follow that up, then, Mr Chairman? What consultation

process at the beginning, particularly with the parents—which is where your concern is coming from—did you engage in?

**Mr Hehir:** From memory, it was an extensive process. We went to every single group home that we have and we met with every single parent or guardian in that group home context. It was quite a degree. The group homes are relatively stable. The people in them are often in them for many years. I would be surprised if there was a huge amount of change. It certainly is available. It is an option we are always happy to have in place.

There have been occasions when there has been a degree of confusion around the package of support, which is a different thing from the tenancy. Some people have said, “I want completely independent.” You go: “Hang on, the service is actually provided through Disability ACT. Are you saying you want to get someone else to provide it?” “No, but I want to manage the funds.” We are not offering that at this point in time. As we move to the NDIS, we may well, but absolutely we are happy to have tenancies; we have existing tenancies.

**Ms Burch:** That group that is chaired independently—what role do they have?

**Mr Hehir:** The disability placement—that is not the correct name. They will work with individuals and families to try and make sure we get a correct placement. Sometimes, as in any group house, there can be conflict that arises. Often it can be managed; sometimes it cannot. When we have time and there is not a significant safety issue—it is more of a fit issue—we will work through that committee. It will engage with parents, the people themselves—if they are suitable or able—and also the guardians, if they are separate to the parents, around where is the best placement for that person or those persons and try and get the fit right.

That is a process that can take months of exploration when we are moving forward. It is chaired independently. We try and engage everybody we possibly can in the process. It is a relative complex issue. The ACT is very fortunate in that we do not have major large institutions. Most of our settings are group homes, but some of these people do not really want to live in a group home, potentially, and that is an issue.

**THE CHAIR:** The clarification that I am trying to get to is this: has there been any change to the Residential Tenancies Act review along the lines that I outlined before?

**Mr Hehir:** My understanding of the process was that there was not a need to amend the tenancy act to enable it. It actually was possible for the tenancies to be declared, and they were. We did that.

**Ms Sheehan:** If I could add to that. There were substantial changes to the Residential Tenancies Act in about 2005, I believe, which enabled occupancy agreements, which was a legal mechanism to give certainty to occupants of houses. It could be boarding houses; it could be rooms. That change probably came out of the review that you are referring to in 2002. By the time Disability and Housing ACT were talking to the residents of the disability group homes we did have that mechanism available. That mechanism is now also used in the homelessness services. Where it is not possible to grant a lease, because it is not a long-term arrangement or it is an arrangement with a

number of people in the same dwelling, we do have that mechanism of occupancy agreements.

**Ms Burch:** So they have that level of assurance about their rights.

**Ms Sheehan:** Yes, they do, and you can take any matter to do with an occupancy agreement to the tribunal. That is an important protection that people now have.

**THE CHAIR:** Maybe a missing piece of this jigsaw puzzle is that communication perhaps is not there for people—

**Mr Hehir:** There might just be a need to refresh it. We can certainly do that.

**THE CHAIR:** I would just like to put on record the following, and perhaps we can look into this in several ways. The ACT Disability Services Act 1991, schedule 2, clause 8, states:

Programs and services should be designed and administered so as to ensure that no single organisation providing services exercises control over all or most aspects of the life of a person with disabilities.

If Disability ACT is in agreement with that, what I am trying to get to the bottom of is: does that translate into the legal aspects of individual tenants with disability?

**Mr Hehir:** We absolutely agree with the principle of that. The issue we have is that when we ask people if they want to change and they say no, do we force them? Our approach has been not to. We do feel that it is important to give people choice, and that is a fundamental principle of how we try and run the services. That project that we put together was designed to start to address that entirely. We were incredibly surprised at the very low level of take-up. Perhaps we should not have been, but we were. We expected people to really want to adhere to that principle as much as we wanted to, so we were very surprised at the low level of take-up. I am really happy to continue the promotion of it, and we can certainly work through Disability ACT and Housing ACT to do that.

**Ms Burch:** Are you able to cast your mind back to some of the commentary about that?

**Mr Hehir:** Certainly.

**Ms Sheehan:** I can tell you that the major feedback that we got from parents of people living in the disability group homes was that they felt—it goes back to a comment that you made earlier, Mr Doszpot: the biggest fear of a parent is what happens when they pass away, what will happen to their grown-up child. The feedback we got was: “We like the security of Disability ACT providing accommodation way into the future, after my passing. While we understand that Housing ACT is a government agency as well, we just don’t feel as comfortable if we are one step removed from Disability. We would rather have it all together. We just feel that that is more secure for our child.”

**THE CHAIR:** How can we get to the next stage of ensuring that people, and I can guarantee that there are quite a lot of them, who have this reservation about forward—how can this be addressed by the department? Can there be a general seminar or something held so that people can attend and be made fully aware of what their current circumstances can be under the way that you are describing?

**Mr Hehir:** I think we can use a number of different mechanisms, but how about we have a think about what those mechanisms might be. This is a timely point to do this work, with the potential changes with the NDIS and with the much stronger focus on individualised funding. That will, I think, help to give another impetus to the principles that you have just talked about.

**THE CHAIR:** I will be very interested to get some feedback from the department on this, to the committee.

**Mr Hehir:** It is a good time. It is one of the principles around. It is one of the reasons that the NDIS is so clear around individualised funding—to actually enact that principle.

**Ms Burch:** And it would be across all housing arrangements.

**Mr Hehir:** Yes, that is right.

**Ms Burch:** So we look at those that are head leased, those with the non-community sector as well.

**Mr Hehir:** Certainly, and we are happy to promote it again. It might be a good time to do that in the context of the NDIS coming, in terms of having a session around that.

**THE CHAIR:** Ms Bresnan.

**MS BRESNAN:** On the relationship primarily relating to pages 27 and 28 of the government submission in relation to the maintenance of stock numbers, page 27, point (viii), says that earlier redevelopment initiatives have only seen a small number of properties replaced, either on site or elsewhere. It says between 15 and 80 per cent, so obviously that is a fairly large range. On page 28 there is a point that with a redeveloped site the only hope is to minimise the number of stock lost overall and the aim is to break even on the stock numbers. I would like to get some indication of what are the primary concerns in relation to ABC and Northbourne flats—basically that there is not going to be enough revenue to replace the stock numbers.

**Ms Burch:** We have made a commitment that we will have a minimum of 10 per cent on site, but we have also made a commitment that public housing tenants will remain public housing tenants.

**MS BRESNAN:** It is more related to that point that has been made about the replacement of numbers and about the returns. Is that a concern in relation to those particular flats regardless of that main commitment?

**Mr Hehir:** Yes, there is absolutely a concern with the Allawah, Bega and Currong

flats around that site. The reality of that site is that is one of our more dense sites, so our capacity to get sufficient money from sale through whatever process is going to be very tight. The advantage is it is fantastically located, so that will help.

We have previously offered the Currong site, I think, and the offer that we got was probably capable of replacing five per cent of the stock. So to move from that towards being able to replace 80 to 90 per cent is going to be a significant piece of work.

Given the pressures on the public housing system in the ACT, we seek to try and keep our numbers as high as we possibly can. Sometimes the economics of land and land redevelopment are not very well known, but it is a very difficult exercise to get a good return.

So I will go to Northbourne now. Northbourne has a series of issues. Northbourne has heritage issues. The work around the northern part, in particular, of Northbourne Avenue is the work of Sydney Ancher from Ancher Mortlock and Woolley, and the Institute of Architects and some key local architects see it as a very significant piece of post-war architecture. David is probably able to describe the form of architecture. I call it a bit blocky, myself. It is a significant form.

It is lower density, though, so it has got fewer issues about the financial return from the density. We would probably have a stronger growth aspect there, but the heritage component of it has the potential to restrict that financial return. So there are both.

**Ms Burch:** David, do you want to make comment on this aspect of development?

**Mr Collett:** It is a challenge, as the director-general has indicated already, and one that we recognise through the various studies that we have undertaken. That is why we are so keen to ensure that we maximise the return from the redevelopment of these properties, whether it is undertaken by us, whether it is part of a joint venture or whether it is undertaken through a sale to the market.

**MS BRESNAN:** So in relation to the sales figures, is that enough to maintain the stock numbers? Are you getting enough revenue to maintain the stock?

**Mr Collett:** That will vary from site to site.

**Ms Burch:** And what the end built form is.

**Mr Collett:** That is right. It will vary in terms of the value of the site. Mr Hehir has referred to the Currong, Allawah and Bega flats on the front door, as it were, of the Canberra Centre, which is a very good location. That is why we withdrew it from the market when we did not get a bid from the private sector that represented value for money.

We are anticipating that the housing along Northbourne Avenue—whilst there are issues in terms of heritage on both those sites, predominantly on the Northbourne precinct that Mr Hehir described—will give us an improved return as well. But some of our other locations near the Belconnen town centre, for instance, are less attractive and are more of a challenge for us. That was certainly the case with the

redevelopment of the Burnie Court site on Melrose Drive in Lyons.

**Ms Burch:** It goes to how we bring Bega, Allawah and Currong online. There is a draft variation out for consultation now. There is the process about dividing that block into three and we need to resolve the church heritage matters there. It is about working with the market and being responsive to the time and the built form as we bring them on.

**MS BRESNAN:** On a point of clarification regarding the asset management strategy, there are two different figures provided in the submission. Page 5 says “December 2012” and page 15 says “December 2011”. I just would like clarification.

**Mr Hehir:** 2011.

**MS BRESNAN:** It is 2011?

**Mr Hehir:** Yes.

**MS BRESNAN:** Thanks.

**Ms Burch:** I will go with Mr Hehir on that one, Ms Bresnan.

**MR HARGREAVES:** In terms of the impact of getting out of such multi-unit complexes like Northbourne, ABC and all those things, the pressure on existing stock when you take people out of a system and move them into a new one, I seem to recall, is often linked to the attrition rate. I think up at the top of Ainslie Avenue at one point the attrition rate was something like 17 per cent, so you could actually manage and exit out of that set of properties going forward. Do you have a similar idea of how it is affecting the ABC flats and Northbourne?

**Mr Hehir:** From memory, and it may be in the papers here, the churn rate in the Northbourne flats is actually quite high. They are difficult to let. We cannot even give them to people lower on the pecking order on the waiting list. They are just not very attractive. There will absolutely be less impact from—

**Ms Burch:** And the capacity to manage that decanting—there are a number of people within those units that are on a transfer list that are seeking to move out as well. Moving those on the transfer list and looking at the churn rate, you start to have a more manageable position.

**MR HARGREAVES:** How are you going to manage the demand of that churn with existing stock? Is it a timing issue? For example, if you can offload Northbourne it will take you a number of years to achieve that.

**Ms Burch:** That is right.

**MR HARGREAVES:** Have you got any idea of how that is going to be managed?

**Mr Hehir:** We are certainly thinking about those issues now. The predominant way that we will be managing them is through redeveloping our own stock. It is better

value for us if we do not have to purchase the land. We have got quite a good holding in the inner north where we have been able to do some pretty good redevelopments, smaller scale multi-units, if you like, of say 12 to 20. They are much more manageable, much more modern and provide the right sort of built form for the particular tenancies. We have one significant one almost ready to go, or maybe started, in the inner north. That is what we did, if you remember, for the—

**MR HARGREAVES:** Fraser Court.

**Mr Hehir:** Fraser Court and Currong. We identified our holdings. We did a little bit of strategic purchasing and went through the redevelopment provisions. We were able to provide some good accommodation.

**Ms Burch:** We are aware that there are people who live in Civic or on the north side and, whilst there are a number we know would prefer to move out, some would prefer to live within the precinct. That is why within our general assets and purchasing we are starting to forward think about how we accommodate those within the inner north. We are at record stock numbers now, but we need to continue to grow it. We have a history of growth rather than sale, as the former government had.

**MR HARGREAVES:** I am aware that the number of vacant properties is often the target for hysterical commentary. There can be a range of reasons for a property being empty. Am I correct in assuming that the numbers of vacant properties are actually linked to your intention around the strategic application of the sites, not necessarily the properties?

**Mr Hehir:** There are a number of reasons for vacant properties. There is the usual churn-through that you would expect from a 12,000 property portfolio. There is always the churn-through with that. It takes a month or so to get that property back up to reasonable tenancy standards. There is a number that we hold for redevelopment. Some are for sale and some are just hard to let.

**MR HARGREAVES:** Like Oaks Estate, for example.

**Ms Burch:** Yes, and Northbourne.

**THE CHAIR:** Thank you very much for attending this morning. We appreciate your contribution to this inquiry. You will get some further questions, I presume, in due course as well.

**Meeting adjourned from 11.11 to 11.35 am.**

**BOLTON, MS GENEVIEVE**, Coordinator/Principal Solicitor, Welfare Rights and Legal Centre

**YUILLE, MS ANNE**, Advisor/Coordinator, Welfare Rights and Legal Centre

**DALLEY, MS HELEN**, Senior Solicitor, Welfare Rights and Legal Centre

**THE CHAIR:** Good morning and welcome to this public hearing of the Standing Committee on Health, Community and Social Services inquiry into the provision of social housing in the ACT. You have had a chance to read the privilege card that is before you and I presume that you are comfortable with and understand the privilege implications.

**Ms Bolton:** Yes.

**THE CHAIR:** Would you like to make an opening statement?

**Ms Bolton:** We would like to thank the committee for the opportunity to address you today. The Welfare Rights and Legal Centre is a not-for-profit community legal centre in the ACT. Amongst the services that we provide are the social security and tenancy service and also Street Law homeless persons outreach service.

We commend the committee on undertaking this, in our view, much needed inquiry, particularly at this time when it is clear that the housing crisis in the ACT has reached a new stage in which the effect is being felt by not only individuals and families but also public and community housing providers which are struggling to deal with this flood of desperate people. Despite a range of measures which have been introduced by both the ACT and commonwealth governments to address the housing crisis, we are still seeing lengthy waiting lists and a chronic and a severe shortage of crisis accommodation in the ACT.

For example, we are directly aware of one family with small children that have been forced to start sleeping in their car as there is no crisis accommodation available. Also we have examples where clients have contacted First Point only to be told that there is nothing that can be done to find accommodation for them and that the most that can be done is to put them on a waiting list for crisis accommodation.

Over recent years public tenancy law has become our biggest area of demand, with Housing ACT clients accounting for approximately 83 per cent of the work of our social security and tenancy program. The greatest increases have been in requests for assistance in obtaining public housing, although we are also spending more resources in time defending eviction proceedings because of the severe shortage of options for any person who leaves a public tenancy.

We have also seen an increase in the number of eligible applicants seeking public housing from a position of imminent or actual homelessness. This is despite the fact that the income barrier for eligibility was lowered in 2006, which should have had an effect of reducing the pool of eligible applicants.

In our submission to the inquiry we have highlighted the administrative and legal problems that have emerged as Housing attempts to find a way to revamp the application process to cope with the huge demand of applications. We submit that the

administrative result of this crisis has been a breakdown in some basic elements of public service; for example, what we are seeing from our side is failure to record decisions, lack of accountability and transparency, decisions made on subjective grounds, lack of cogent and ongoing policy development and a failure to meet or even consider legislative standards such as the obligations imposed on Housing under the Human Rights Act. We have also noted concerns about the level of understanding Housing staff have of their legal obligations.

In our submission we also noted that there are particular problems for applicants who have specific housing needs which arise out of disability. We currently have at least two matters that I am aware of where clients on priority have been on priority at least 18 months because they have specific housing needs that have been not been able to be met. In the present climate it is doubly difficult to meet these needs. We have also noticed that the age and state of repair of housing stock pose practical and financial problems for both tenants and Housing itself.

We see the human cost of this crisis in the break-up of families, emotional scarring, and the development of physical and mental health problems, which have an impact obviously on the whole community over time. Ultimately, I guess our message for the committee today, and our central and most important submission, is that the only real solution to the crisis is to increase the public housing stock to accommodate the eligible population.

Measures to increase housing affordability in the territory generally would also be welcomed. But, as we have seen from past measures, significant time is needed for general affordability measures to make a significant impact on the public housing system. What is needed now is immediate action to deal with the human crisis, which in our view is snowballing in the ACT, and that means an immediate increase in the housing stock.

**THE CHAIR:** You have made some very interesting points there regarding some of the deficiencies. Are you able to report those deficiencies to the relevant areas? What happens with lack of record keeping and things like that? What action can you initiate out of that?

**Ms Bolton:** We have the opportunity to be able to raise those issues with Housing, and we do from time to time. Unfortunately, our experience is that these are recurring issues and there seems to be an issue in terms of Housing trying to effectively address them.

**THE CHAIR:** Do you have a regular meeting with Housing or do you meet with them when you see these issues crop up?

**Ms Bolton:** This year we have met with Housing twice. In fact we had a meeting with Housing yesterday. Also issues are raised through the individual advocacy that we undertake in terms of bringing issues of concern to the decision maker. In some situations it is also a matter of escalating them through to senior officers. But by and large, they appear to us to be systemic issues that really require a significant level of commitment on the part of Housing to actually be dealt with.

**MS BRESNAN:** In your opening statement, one of the issues you raised was about the application process, communication and all of the issues that go with that. The department have just appeared before us and told us a bit about the gateway quality improvement project. They thought that, through that active engagement or active provision of information to people applying, those issues would be dealt with. What are your views on that? Do you think that project is going to deal with some of those communication issues or does it need a wider implementation of the Ombudsman's recommendations?

**Ms Bolton:** Our experience at the moment is that we have not seen any impact on the ground in relation to those changes. An example is the delay in Housing actually communicating with applicants. From our own experiences as advocates, we find that this is a major issue. There are significant delays in relation to Housing returning phone calls and responding to inquiries, to try and work out the status of an application or try to work out whether or not a decision has been made. We are not talking about small delays. I am aware of one case that one of our colleagues is working on where, despite numerous phone calls and emails, six weeks later she still has not had a response from Housing in relation to an application.

**MS BRESNAN:** The department said they were going to try to provide more information to people directly. Are you saying you have not seen any changes on the ground and those communication issues at the moment are still a problem for the clients that you are seeing?

**Ms Bolton:** Yes.

**Ms Yuille:** I am the advice line coordinator for the Welfare Rights and Legal Centre's social security and tenancy service. I have the overview of the queries that are coming to us from tenants. As Genevieve said at the beginning, the vast majority of our work at the moment is public housing law. By far the biggest single issue coming to us is applicants who are frustrated because they cannot get any information as to what has happened to their application. In most cases these are applicants who are seeking housing on an urgent basis, seeking priority housing. So they are, by definition, in some degree of crisis and they are therefore already somewhat frustrated and anxious—all of the issues that arise from a continuation of that state of crisis.

Although I am aware that there has been a significant attempt over recent months to shift the way that things operate in gateway services, we have not yet had any diminution in the numbers of people ringing up with the same degree of frustration. In fact it makes our job impossible because we cannot give any advice if we actually do not understand the status of their application. So even though it is not legal work to find out what the status of the application is, that is work that we have to do before we can actually advise them. And if we then have some difficulty in getting a response by email, phone or letter from the relevant officers, it makes our work slow, cumbersome and inefficient.

**MS BRESNAN:** The directorate said they were trying to implement having one person deal with someone's application. Do you think that would have any impact at all or are you finding that because there is quite a bit of change in terms of who deals with a particular case, that creates further difficulties when it comes to finding

information or how something has progressed?

**Ms Yuille:** That seems to me to be a good idea but I am not aware that this is new. In relation to gateway services, there has always been an assessing officer, and that is the person who is moving the application to wherever it needs to be and to whom the application comes back if it is going forward to priority. So I am not aware of that being a new initiative. Certainly it is helpful to know that there is a particular person whose name is on the bottom of the letter that says, "We've received your application," and that is the person to contact. But if that person is not responsive, we can only escalate it to a team leader or manager.

**MS BRESNAN:** Do you think it is a resourcing issue in terms of the number of cases that housing officers have to deal with? Does that create further difficulties?

**Ms Yuille:** I am sure it does. We would not be suggesting that individual officers are hopeless at their jobs. It is simply that they are, it seems to us, overloaded. That is almost inevitable because it is reflected in the fact that there are more people needing housing and who are qualified for housing, and indeed qualified for priority housing, than there is housing available.

**MS BRESNAN:** So it is an ongoing thing?

**Ms Yuille:** Yes.

**THE CHAIR:** Mr Hargreaves.

**MR HARGREAVES:** Thanks very much for coming. I apologise for being late. You mentioned that 83 per cent of your work was around public housing. I am interested in finding out a couple of things about that stat. What numbers are we talking about real time?

**Ms Bolton:** I think that is detailed in our submission.

**MR HARGREAVES:** I am new to this committee and I am also blind, so I have not read it yet.

**Ms Bolton:** During the last year we did a thousand advices in relation to public housing matters.

**MR HARGREAVES:** Just in relation to public housing?

**Ms Bolton:** Public housing tenancy matters.

**MR HARGREAVES:** Does that exclude community housing inquiries?

**Ms Bolton:** No. That is included in the total.

**MR HARGREAVES:** The whole lot, so we are talking about ACT public housing properties and we are talking about community housing properties like CHC, ECHO and the new name for TAS; I have forgotten what it is now. And also crisis

accommodation like the refuges as well—Beryl, Toora and that kind of thing? Are they included in there?

**Ms Bolton:** They are included in the stats.

**MR HARGREAVES:** In the thousand that we are talking about?

**Ms Yuille:** Yes. We certainly would field calls from people in crisis accommodation and in community housing, but I would have to say that those calls are relatively few. The vast majority of the people who are contacting us in relation to a housing issue are in fact either public housing tenants or people trying to get into public housing.

**MR HARGREAVES:** That is interesting. I wonder if you can split it for us. One of the areas of concern is where there are people who are lining up for accommodation and it just is not there. I would like to get a handle on that. And without having to spend \$4 million or \$5 million in one go which we do not have, how can we address that? How can we be strategic in going about that? But you did mention that a lot of the people were public housing tenants already. Are these people looking for transfers or in inappropriate accommodation?

**Ms Yuille:** Yes, in some cases. The public housing work roughly divides itself into people who are in public housing and are having difficulties of one sort or another and people who are seeking to get into public housing. And then of course there are some people whose difficulties involve seeking a transfer.

**MR HARGREAVES:** I think that with people trying to get into it it is a fairly simple thing to wrap one's head around. What are the other things? You said people having difficulties in the system. What are those? Can you give us a couple of examples of what that might be—maintenance issues?

**Ms Yuille:** People who are under threat of eviction because of an alleged breach of their tenancy agreement; people who have quite clearly run into problems with managing their budgets and rent arrears; problems with maintenance, getting repairs done; problems with being billed for maintenance that was done that should have been done and where they should not have been—

**MR HARGREAVES:** Is there any contest between tenant responsive maintenance and the ongoing stuff? Is that where tenants believe that it is their job and they believe that it is the tenants' job and then you have a fight on your hands?

**Ms Yuille:** Yes, that is right. It is customary for tenants to be billed for work that has been done, and of course some of that work is clearly not tenant responsible maintenance. That is a continuing issue.

**MR HARGREAVES:** If I could just go down another track and talk about the number of people who come to you, quite clearly the more people who come to you the bigger the breakdown on the other side. I am trying to get a bit of a handle on the clients that would come to you. When you talk about that number—say a thousand; you used that as a nice round figure—how many of those people are continuing regular visitors and how many of those are new presentations, roughly?

**Ms Bolton:** My understanding is that during that same year, 2010-11, we opened 160 cases of what we call minor assistance matters. That is where there is an ongoing issue where we have decided it is appropriate to provide more than just one-off advice but some advocacy and continuing casework assistance.

**MR HARGREAVES:** What is the relationship between the 160 that you have opened and the thousand? The sense that I was getting was that you had essentially a thousand problems during the year to solve but now you tell me that there were 160 new cases opened. I am getting a bit confused there.

**Ms Yuille:** The initial point of contact for anyone is the advice line. So on the advice line we would aim to give advice that would enable the caller to go away and sort out the problem. It is legal advice. The reality is that in some cases the problem has become too serious or the person does not have the capacity to resolve it themselves and some intervention is needed. It might be at a fairly minor level, and we call that a minor assistance case. In addition, if there is some major work that needs to be done—representation at a tribunal or some major negotiation involving submissions—that would become a case file, which is a higher level of casework.

**MR HARGREAVES:** Could you give us a bit of an idea—perhaps you could take this away—of how many ongoing serious cases you would have? I know that some people will get themselves into a bind with the bureaucracy and then they will turn to a place like yours to help them out, which is fine. Some people go straight to people like you because that is the nature of the beast, and we get that a lot. But a lot of them are small, some of them are vexatious and some of them are fixed fairly quickly. Once people like yourselves get involved, it is amazing how quickly things can get fixed. But there are other times when you have a raging gun battle on behalf of somebody and they are really serious ones. I am trying to get a bit of a handle on how many of those ones you would handle in a year. If you want to pick 2010-11 as a sample year, that would be good.

**Ms Dalley:** There are a couple of points to be made in relation to that. The first is that when a crisis becomes greater, in our experience it gets harder to get to us. So we see that people's problems escalate faster and the stakes are higher. For example, in a situation where somebody has rent arrears and they are facing eviction, the stakes are a lot higher in terms of what happens after that eviction. So we find that people go into crisis a lot faster and are less able to function. So although we do see an increasing number at times of crisis, we are not necessarily getting the really serious cases. A point of concern for reporting generally is that when you have people in severe crisis, they are the ones who are going to find it hard to call our advice line and then to act on the advice or to get the information together for us.

**MR HARGREAVES:** Where do they go?

**Ms Dalley:** Nowhere; that is the concern.

**MR HARGREAVES:** Do they represent themselves at the tribunal, ACAT?

**Ms Dalley:** We see a lot of cases where the eviction order, for example, is made ex

parte. We see a lot of cases where somebody simply starts couch surfing. I act in both the social security and tenancy group and in the disability discrimination group and I recognise a lot of the cases that we get, particularly ones that come to us with support services attached. So somebody somewhere, a GP or somebody, has got somebody in touch with a support service. The support service assists the person to get to us and then assists them to maintain contact with us and to be able to work with us.

I recognise that as being something that you see a lot in disability discrimination law. It is just difficult to deal with the system. So in those cases, where we take on a case, it is because we consider it to be serious, but it is also where we consider that we have capacity to take on the case. We turn down cases. So our figures will show us operating at maximum capacity but they will not necessarily show you the extent of the problem because when we get to the point where we need to start turning down cases, that means there are cases out there that may not be getting to us.

**THE CHAIR:** I would like to ask a similar question to Mr Hargreaves's about the breakdown regarding the four in-house programs you run. How many of your cases would involve disability?

**Ms Dalley:** In terms of disability discrimination, all of them, because you have to have a disability in order to use the act.

**THE CHAIR:** Sure, but I mean out of all of the clients that come to you, what proportion of it would be disability related?

**Ms Dalley:** I see. The Disability Discrimination Legal Service operates separately to the Social Security and Tenancy Service. I am just an employee who happens to work in both. But we do get cross-over cases where I have a client who has a disability discrimination law issue and it is arising out of their public tenancy. In those cases, they are dealt with through the social security and tenancy group with somebody coming and talking to me.

The main area where they occur is in cases where an individual requires modifications to their property or requires transferring to a property that is suitable for them because they have acquired a disability or a disability has deteriorated. In those circumstances, because that tends to fall outside residential tenancy law and a bit outside the program, we tend to act in terms of disability discrimination. But because the disability discrimination funding is commonwealth only and is very limited, that service is largely confined to advice, and it covers a very broad range of areas, so anything to do with obtaining goods and services, education, that sort of thing. So, as a percentage of the cases that we receive, tenancy matters would tend to end up with the Social Security and Tenancy Service.

**THE CHAIR:** You might be able to offer some clarification on this—a lot of our respondents have indicated that Disability ACT as the head tenant can decide to evict and move elsewhere the people in disability housing without any written justification, and that, despite having asked many times for the legal basis of this advice—in other words, people can be moved without any justification—government officers have never been able to explain this accurately. Have you had many cases that relate to this sort of situation?

**Ms Dalley:** No, I have not, and I think that is significant in and of itself, because I am aware of people saying that that occurs. I have had, I think, one, possibly two, examples of people calling me about that issue. But my experience and partly my guess is that the guardians/parents/families of people in that situation do not want to rock the boat, so they do not seek advice from me. That is my guess. It is very difficult for me to say because, if I am not actually getting to speak to these people, I do not know what their motives are.

**THE CHAIR:** The impression we are getting is that they are actually trying to establish some rights for the individuals, the same tenancy rights that other people have. So people can come to you for advice on this?

**Ms Dalley:** Yes. It is a difficult thing to slot into disability discrimination law because in disability discrimination law you have to either show the person has been treated differently to the way somebody would be treated in similar circumstances but without the disability.

**THE CHAIR:** If they have not got the same rights as normal tenants, is that discrimination?

**Ms Dalley:** It is difficult where their situation is not comparable to that of a person without a disability. But there is indirect discrimination where a rule or condition is imposed which has a greater impact on people with a particular disability, so it would certainly be worth exploring. But then, in addition—and more importantly, I would think—is the impact of the Human Rights Act. It would be interesting to know whether in those circumstances there was any recorded decision in relation to relevant rights. The arbitrary interference with a person's home would be the relevant right.

**THE CHAIR:** Thank you. The last question to Ms Bresnan.

**MS BRESNAN:** Another point you have made in your submission, on page 6, was that there seems to be a lack of understanding of the Residential Tenancies Act. Also you have said it is a new worrying development that Housing ACT are not considering any additional evidence to support review. How recent is that development that you mentioned there? Is it a recent thing or something that has been happening over time?

**Ms Yuille:** We think it is a recent development and we think it is related perhaps to a confusion arising from a finding in the tribunal.

**MS BRESNAN:** Having had the department here, it is fresh in my mind. They mentioned that new evidence would be considered and may then not actually trigger a review—might just be something that is considered as part of people's circumstances. Are you saying that you think it has come out of an ACAT decision that has had an impact?

**Ms Yuille:** There are two elements in that. One is that the ACAT is still relatively new. The appeal process within ACAT, appealing from an ACAT decision on a residential tenancy matter, is a relatively new area; there is not a great deal of case law.

But one of the issues that have been looked at is the question of whether, on appeal, a matter in ACAT should be treated as a fresh application and hearing of new evidence or whether it should be simply a review of the correctness or otherwise of the original decision on the basis of the information/evidence provided at the time. That is a quite separate thing from the administrative process of merits review, which is what would be the internal process of reviewing Housing ACT. So that is one element. I think there is confusion there, and maybe this tendency to not want to consider new information has arisen out of some confusion related to the ACAT.

The other element is the lack of transparency about the review process. To say, “We might just consider some new information and that might make us review our decision or we may then make another decision but that is not a formal review process” is very unsatisfactory. There needs to be a clearer and more transparent process.

**THE CHAIR:** I am afraid our time is a little bit over, but we thank you very much for your submission and for answering our questions here this morning. We really appreciate it and we wish you all the best in the service you provide to the constituency. You will get a transcript of what took place here.

**Ms Bolton:** Thank you again for the opportunity.

**WATSON, MS LEIGH**, Executive Officer, ACT Shelter  
**SPILLER, MS SARAH**, Policy Coordinator, ACT Shelter

**THE CHAIR:** I welcome you to this public hearing of the Standing Committee on Health, Community and Social Services inquiry into the provision of social housing in the ACT.

You have had an opportunity to read the privilege statement; are you comfortable with the contents?

**Ms Watson:** Yes.

**THE CHAIR:** Would you like to give an opening statement?

**Ms Watson:** Yes. Thank you for giving ACT Shelter the opportunity to further submit information and evidence to this inquiry into the provision of social housing. I will start by just giving a brief introduction to our organisation and an overview of our submission and then our policy coordinator, Sarah Spiller, who put together the proposal, will highlight some of our recommendations.

ACT Shelter is an independent, peak community organisation funded by the ACT government to provide strategic advice and advocacy in order to assist people on low to moderate incomes on housing issues. This includes people who are homeless or who are at risk of homelessness. We also promote housing options for people on low incomes, including public housing, community housing and affordable housing.

The provision of social housing inquiry gave us an opportunity to look at longstanding concerns about the management of social housing, including the housing application and allocation process, which the inquiry goes into in depth. However, we feel these matters cannot be addressed without attention to the lack of affordable housing options in Canberra for low to moderate income earners. Therefore, this submission addresses both of those areas.

The context of our submission is that housing costs in the ACT have increased significantly in the past decade—which is not news to you, I am sure—and purchasing a house in Canberra is much more expensive than in any other capital city, except in parts of Sydney. Median weekly rents in the ACT are consistently amongst the most expensive of all Australian capital cities and the rental vacancy rates are the lowest.

In recognition of these affordability challenges the ACT government has introduced a range of recent reforms, which we applaud. We affirm the value of these reforms and feel that it is going some way towards making some improvements. But we still feel there is a demonstrated need for better management of existing social housing stock—both community and public—an enhanced responsiveness to applicants and also more entrenched planning to address social and affordable housing undersupply.

In summary, we would just like to say that the need to manage the very high demand for social housing is produced by the lack of options in Canberra. We feel that

continued and renewed commitment is required from all sectors—government, the community sector and the private sector—to address this inadequate supply of social housing. We anticipate working in partnership with the government and with these sectors to improve the responses to housing needs in the ACT. I will hand over to Sarah to outline the key recommendations.

**Ms Spiller:** I think we have made a fairly extensive submission to the inquiry, so I will try as best I can just to distil some of the key points or concerns that we have raised in our submission. One thing I think is important for us to note in starting is that ACT Shelter is very pleased to see that the cap on the priority wait list has been removed. This is a positive, in our view. It will give us a better sense of need and unmet need for priority housing allocation in particular. It gives us a better basis for planning a coordinated response. I think you will agree that all of us with an interest in social housing will need to keep a close eye on what impact this reform has in practice on people who are waiting for public housing or social housing.

ACT Shelter is really conscious that Housing ACT has made a number of significant improvements to its gateway processes in recent times. But we do see very clearly a need for Housing ACT to communicate better and more clearly, particularly with applicants, the community sector and the community more widely as well, including about the way that eligibility for priority and high needs housing is assessed in practice, particularly for some of the more subjective eligibility criteria for priority allocation.

We also see a need for improved communication about the process by which applications for social housing move from initial lodgement, so lodging an application for social housing and getting to the multidisciplinary panel review. That process can, as you know, take weeks to months. That is the part of the process that from the outside feels most like a bit of a black box where it is least clear where the application process is up to. So that is the critical point—clearer process and certainly clearer communication about what is happening to get from application to panel review. And of course the multidisciplinary panel needs to be effectively resourced to do its job in a timely manner.

A number of the points that we have made in our submission relate to Housing ACT's communication and responsiveness to applicants for housing. Among these there is a need for Housing ACT, as a human services agency, to make sure that applicants understand what their assessment as eligible for priority or high needs housing means in practice. In everyday language, being told that you are eligible for high needs housing, you might reasonably feel that that means you are priority number one when in fact that is not the case.

We do see that there might be a role for an expanded Housing ACT housing outreach service to play a role in overcoming some of these challenges. That service is very well received by people who would otherwise be marginalised from the application process. So that could be an option.

We have made a number of recommendations around those areas, but we would just come back to the point that very high levels of unmet demand for public housing and very high levels of unmet demand for priority allocation emerge in the context of

undersupply of affordable housing options for people on low to moderate incomes. There really is a strong, demonstrated need for continued investment and expansion of public housing stock and investigation of other ways to expand options for people on low to moderate incomes in the ACT in terms of housing need.

**THE CHAIR:** Thank you for your detailed submission. It is very useful to have this sort of information. I would like more information on a couple of points. With your advocacy, do you take on particular advocacy roles for particular cases or is it just for—

**Ms Watson:** No. We advocate for the purpose of assisting people in that type of group but we do not actually work with them directly. Our membership is made up of about 50 organisations who are mostly homelessness service providers. Some of them are tenants. So we do not say we are only for providers but we are not there to represent the interests necessarily of those providers. In the long run the benefits go to the people who are in the situation of low to medium housing affordability or who are at risk of becoming homeless or who are homeless.

**THE CHAIR:** Ms Spiller, you mentioned the fact that the cap has been lifted. Anecdotal evidence we have is that people are not aware that the cap has been lifted. Do you get that same impression?

**Ms Watson:** That was our feedback and that is why Sarah included it in the submission. We held a roundtable with our members and they gave feedback on some of the issues regarding the submission, and that was one thing that came out quite clearly.

**THE CHAIR:** Any thoughts on how this could be better communicated to people who need to know these things?

**Ms Watson:** Communication is something that has come up a lot and obviously it is something we have touched on in the submission. To our knowledge there are actually no communication channels directly with prospective tenants at this point. That is maybe one way to remedy it. Also, if the providers do not know then there is a really clear breakdown between the department and the provider. It is certainly an area where we could assist on those kinds of issues.

**MS BRESNAN:** One of the points in your submission, and you also made it in your opening statement, is about the lack of clarity on how criteria are assessed. You also mentioned the communication issue. The department appeared earlier and they talked about the quality improvement framework project and how they feel that providing information earlier and providing better training will address some of those issues. Do you think that comment is a way of addressing that situation of it being a wider issue? I know that it is early days with respect to that framework being implemented but have you seen any on-the-ground changes at all?

**Ms Spiller:** ACT Shelter want to affirm that it is really positive to see Housing ACT seeking to improve the housing application and allocation processes, particularly through that gateway project. It is early to evaluate what effect that is having. The point does remain that with those criteria for early allocation there are some criteria in

particular that are subjective and there is a need for everyone with an interest in this issue to understand exactly how those criteria are assessed in practice. So I think there is a need for communication there.

**MS BRESNAN:** So it is not just about trying to improve the provision of information to people; the transparency of the processes needs to be improved?

**Ms Spiller:** Absolutely; both.

**MS BRESNAN:** You also mentioned having an expanded housing outreach program. Do you think that would be another way potentially to address some of these issues, by providing more of that sort of outreach instead of people always having to come to them?

**Ms Spiller:** Expanding the Housing ACT outreach program would be consistent with the spirit of reforms that have been implemented to the gateway in terms of enhanced responsiveness, certainly for people who might find it alienating to go through that process.

**Ms Watson:** In line with that, it is an extension of that and part of the communication issue as well. You could have someone who was a bit like a commissioner, someone who is not in the department and is not necessarily a worker but someone who is outside that. It could be a matter of making a call to someone who is on the waiting list. It is a bit like what you get with banking institutions when you get a call to see if you are happy with the service. It could even be by a consultant or someone who could ring the client and say: “Are you happy? Do you know exactly what the situation is?” In the case outlined in the submission, if that person had had a call they would have said, “No, I don’t know what is happening,” or, “I’m expecting to be housed in a week.” There is that kind of communication issue there.

**THE CHAIR:** Mr Hargreaves.

**MR HARGREAVES:** As I recall, at the end of 2005 there was a massive coming together of the minds around public and social community crisis accommodation. I remember very vividly the role that Shelter played in that, advocating particularly the single waiting list, which is where the idea came from in the first place. Mr Chairman, I think it is worth acknowledging publicly that that is where the genesis of the idea came from—from Shelter. I thought that it was a great idea.

We did not have a clue really about what the actual demand was when we had a number of people addressing each. Each time a crisis played we had people applying for community housing and public housing, people not being taken off waiting lists when they had been given accommodation, and people who had shuffled off this mortal coil and were still on the waiting list. Have you got a feel for it now, six years down the track? The single waiting list now is a fact. Given that it was your idea in the first place, do you reckon it is working?

**Ms Spiller:** Do you want to take that?

**Ms Watson:** I will just give an intro and then you can carry on. I should probably

explain that my colleague Sarah and I have only been on board for a month in ACT Shelter. We have been very busy in that time. We know a bit of the history that you are referring to, so I guess it would not be unfair of us to comment on that. Sarah, do you want to add something about the actual technicalities?

**Ms Spiller:** This perhaps is not entirely the depth of the answer that I would like to be able to provide, but ACT Shelter, I think, would say that the common waiting list has been in operation now for close to a year and the time really is ripe for a fuller evaluation of how that is working—the successes that the common waiting list has had, and any areas for improvement for making the process more effective and making sure that it is working as well as it can for applicants and for agencies.

We are hearing anecdotally at this stage from our members that there can be challenges for people going through the common register. If it is determined that they would be an appropriate resident for a community housing provider, they are referred to a community housing provider. And then, whether the provider says, “No, you won’t be an appropriate tenant for us,” or the prospective tenant says, “I don’t want to take this offer,” they are taken off the list. That is not quite working as it should. We are hearing anecdotally that that is a challenge.

**MR HARGREAVES:** I understood that there were two reasons for the single waiting list: it would speed up the process for individuals and get them out of crisis and into the system.

**Ms Spiller:** That is right.

**MR HARGREAVES:** The other thing would be to give us a more reliable statistics base on which to base policy changes, policy decisions. If you would like to take it away, have a chat to your members and give us something back, that would be very helpful. I would be very interested in knowing how your members feel about the application or workability of the single list in the different groups—in the crisis group, community housing and the public housing sector. I suspect that 12 months down the track we are going to get a different response from each of those three sectors. I do not know what it is but I would be interested in it.

I would also be interested in Shelter giving us a more fulsome response on the criteria you apply to the review. I remember being involved in the creation of the list in the first place as a former minister for housing but I do not remember putting a review date on it, so I would be interested in the committee receiving from Shelter what criteria they would see as being applicable to such a review so that if we as a committee decided to recommend that the government review it we might have some meat to put around our recommendation.

**THE CHAIR:** That should be okay.

**Ms Spiller:** We are very happy to provide that.

**THE CHAIR:** Thank you, and thank you, Mr Hargreaves. My final question—we are running out of time—relates to page 10 of your submission. Under innovative responses to a lack of social housing and the recommendation, you point out the need

for continued development of targeted and appropriate social housing for people with specific needs. I think you list about eight groupings starting from older ACT residents on low incomes to people exiting institutions. Is that in the order of the scale of the problem or is that just naming the issue?

**Ms Spiller:** Purely naming the issue. That is not a list that we have ranked in order of what we see to be the priority need.

**THE CHAIR:** Are you in a position to rank them in order of priority? You mention that there is a great unmet need. Where is the greatest area of unmet need?

**Ms Spiller:** I wonder if that might be a second area where we could go back and consult a bit more widely with our membership and come back to the committee, if that would be appropriate.

**THE CHAIR:** By all means, yes. We are not here to put you on the spot, but obviously any information that you can sort of highlight for us in more explicit terms would be very useful for the committee. So we would appreciate that.

**MS BRESNAN:** I have one final question. There was another point you made about the criteria, particularly for priority allocation being restricted and sometimes lessening people's ability to actually stabilise their circumstance. Have you seen any instances of that occurring or do you think that is a fairly widespread problem?

**Ms Spiller:** It is a situation that can be produced by the very high levels of demand for very limited priority allocation stock that is available and people's need to demonstrate such an urgent, critical and exceptional need for housing. So it is a risk that is produced by the situation. That is what we are hearing anecdotally from our members. Again, I think we would be very happy to go away and consult a bit more widely and see if we can sort of bed down what our membership sees the extent of that problem to be.

**MS BRESNAN:** Thank you.

**Ms Spiller:** Yes, we would be happy to do that.

**THE CHAIR:** I am told that we do have a couple of minutes left. Mr Hargreaves, do you have any other questions you would like to ask?

**MR HARGREAVES:** I was going to ask whether you have got over that tag of being the day-time branch of the Greens. That was a pretty ugly appellation thrown across the chamber in a former time.

**MS BRESNAN:** I just make the point to Mr Hargreaves that there are plenty of Labor Party people in the organisation—

**MR HARGREAVES:** I just share with you that not everybody of my colour shared that particular view. I did not share the view at the time, I might tell you.

**THE CHAIR:** I presume that that is not a substantive question. So we will move on

from you. Is there anything that you wanted to say that we have not asked you, that you have left out of your submission or that has come to light?

**Ms Watson:** No, I think again just to emphasise that undersupply is a major issue and I would be surprised if you have not heard that.

**THE CHAIR:** As I said before, it would be interesting to know where the undersupply is most evident so we can start addressing the prioritisation of it. Thank you once again for your contribution, both with your submission and answering questions here this morning. Thank you for coming in.

**BAKER, MR KEITH,** Chair, Stepping Stones for Life

**THE CHAIR:** Good afternoon, Mr Baker. Welcome to this public hearing of the Standing Committee on Health, Community and Social Services inquiry into the provision of social housing in the ACT. You have appeared before us before and I think you are aware of some of the housekeeping we normally talk about—the privilege statement. Do you wish to have another look at that or are you comfortable with it?

**Mr Baker:** That is fine.

**THE CHAIR:** Before we go to the committee questions, would you like to make an opening statement?

**MR HARGREAVES:** Before you do, Mr Chairman, with your indulgence and that of Mr Baker, I find myself double booked this afternoon. If I have to get up and bolt, please forgive me, Mr Baker. It is not that I am not interested in what you have to say. I just did not want to be rude.

**THE CHAIR:** Yes; I should have mentioned that Mr Hargreaves indicated that to me earlier on.

**Mr Baker:** I thought I should go through some of the points in the submission first. We are very mindful of the debate that is going on about the needs of people with disabilities, and our submission is specifically about that subsector of social housing for people with disabilities because that is what we are involved with.

We are mindful of the debate about encouraging independence for people with disabilities and the caution that a lot of people have about what they term congregate living, where they see that people who are living together might be made more dependent rather than more independent. That is a tension that goes through the sector and the need for housing and was one of the issues we have had to discuss at times with regard to Ross Walker Lodge when we were having that built.

With the families that we are involved with we have identified four different sorts of housing where people with disabilities are currently being housed. So we thought it was worth while spelling out some of those things in the submission and then making some recommendations that may have flowed from those different sorts of housing.

We have looked at where people are living with their families in the family home. In some cases, that is pretty demanding on the parents, particularly if they are ageing parents, but that is where a large number of people with disabilities are being housed. There are some people in the private rental market in housing that has been made suitable for them, and we mention a couple of cases there. There is the purpose-built housing that we have in conjunction with Housing ACT that was built in Ainslie, and that was based on some work that Stepping Stones for Life had done in developing a model of family governance. Then that was put into action with three of the families that were involved with Stepping Stones. There are three women there who are disabled and living in a purpose-built house in Ainslie. Stepping Stones no longer has a direct role in that, but it was a good exercise of learning for the families involved,

for our people who were involved and for Housing ACT and Disability ACT.

Then there was the luck in getting funding from the federal government to be able to build Ross Walker Lodge, so we have got some experience in that. In a couple of cases it is fairly short-term experience, so we are not claiming to be experts on it, but we think there are some issues that are worth bringing to the committee.

One of our members, Ed Miller, set out some of the principles that he saw as coming out of the work that was done with developing the family governance, and that is where the model of the three-pillar structure that is appended to the report came from.

Then we looked at the terms of reference where we saw some relevance to our experience. We have then made some recommendations, not just for the provision of social housing but for the reduction of the need for social housing if the private sector is able to provide some alternatives, where the government may have a role in that and where community organisations may be able to enter into a partnership with the government to reduce the costs involved and also to provide stronger linkages with community organisations and hopefully with the families concerned as well.

That is basically what we were trying to get across in the submission. I am happy to elaborate on any of that if I can. I did not write the entire submission; some of it was contributed by other members of our group, but I think I am pretty well across what has been said in it.

**THE CHAIR:** Thank you for your submission. The submission outlines a number of very interesting recommendations. One of the first questions I would like to pose to you relates to recommendation 1 on page 5 where you make a number of recommendations for when the most appropriate accommodation for a person with a disability is in their family home. Is this the first time you have made this recommendation or have you made it to the government prior to this?

**Mr Baker:** This is the first time. I am aware that some funding is provided for assistance to people in their family homes, but I became more aware of it in one case: I have a direct family arrangement that relates to this sort of thing. The family home is where most of our members who are ageing are and where we have the most experience, so that was drawn from some of the comments that have been made to me.

**THE CHAIR:** It is a very logical recommendation. I was wondering whether it had been made before, and you have answered that. Thank you.

**MR HARGREAVES:** On that issue, Mr Baker, are you aware that people with either congenital or acquired disabilities can receive government support to do home modifications, through the department of health?

**Mr Baker:** I am aware of it, but I have only recently become aware of it so I do not think it is as widely known as it could be. What I was suggesting with the second recommendation was that, if some homes are not very appropriate for modifying, maybe a better option is for the government to support relocation. For example, if it is a house with five steps at the front and it is difficult to get a ramp access into it, it may be better to look at selling that house and buying somewhere else.

**MR HARGREAVES:** Are you aware that ACT Housing have a program where they do those modifications for people, and in the past indeed have actually purpose built premises for people with disabilities?

**Mr Baker:** Certainly the house I was referring to at Ainslie was purpose built for people with a disability. In a former life I worked with ACT Housing and I know we put quite a few ramps in at that time, so I understand that modifications certainly go on for public housing that way. The issue I was making was about a disabled person in a private house who is becoming progressively more disabled and for whom assistance with relocating might be a better option than modifications that could be needed in that house.

**MS BRESNAN:** One of the points you made that I thought was really interesting in your submission was the underlying principle that social housing should be tailored to specific needs and people not made to fit a particular model. Then you say, “A tall order.” But it is about a person, or a whole group of family members, coming and saying, “This is the sort of thing we would like to see.” Do you consider that and not dismiss it? Do you think it is not such a tall order?

**Mr Baker:** It is certainly an option for families to come together and have something that is purpose built. It is not something that happens—

**MS BRESNAN:** That was just an example, but in terms of—

**Mr Baker:** That is what happened with the house I was referring to in Ainslie; it was purpose built. But I know of other families that have been told that they need to find some other people that they can work with and have a house built, and it is just beyond their ability to handle that sort of a process. So it is not a tall order in the sense that it cannot be done; it is a difficulty.

**MS BRESNAN:** And do you think in a way it is about perhaps a mind frame of what might be particular thinking in the department or directorate about what is acceptable as well?

**Mr Baker:** I would not like to make any judgements about the time frame of the department but I know there is often concern about grouping people together who have disabilities in terms of them not providing stimulus for each other. I have seen the opposite of that in Ross Walker Lodge; I have seen people come out of a fairly depressed state, just responding to the friendship that has been there, when they have been lonely and isolated in their previous situation.

**MS BRESNAN:** You made points in your submission about intentional villages and properties. You have seen that that can be successful, and I guess at that point it is dependent on the person and what works for them.

**Mr Baker:** That point was pretty strongly made by one of our families who felt that they had been waiting for an awful long time for appropriate housing. There was housing that they thought was appropriate in earlier times and then there was a change of government philosophy—the term they used was “normalisation”—and that meant

that there was no more of this sort of thing being done. I guess the point that we are making, and I know it is not one that is universally accepted, is that it is good to get people together if they are the sort of people who are going to respond to being together. If it suits them, there should not be any philosophical reason for not doing that. The risk is that places become institutionalised and are providing for them rather than allowing them to develop their potential. But that does not have to happen.

**MR HARGREAVES:** Mr Baker, the approach that you seem to be advocating is that we should look at the person holistically and look to satisfying their needs rather than giving them the Kmart version of the house and trying to tailor it to them. That seems to be the message you are coming up with. My understanding of public housing policy is that that is exactly what they are trying to do. Am I right in assuming that you do not think it is actually happening on the ground, even though they have the intention?

**Mr Baker:** It is happening. What I am suggesting is that it could happen in greater volume and it could happen with some streamlining. I was suggesting that tailoring the place to the needs of the residents does not need to mean that the process goes sequentially and that you have identified the people before you even put it on the building program for the house to be built. One of the recommendations was that if you can get a number of these places, whatever the budget will allow, being programmed and then you identify the people who are going to be the residents at the same time that design is commencing, you can tailor that design to the residents and their particular needs.

**MR HARGREAVES:** Wasn't there such a series of premises built in Kambah? TAS Housing, as they were then known, were the non-government organisation which managed those properties. If my memory serves me correctly, there were about six properties, townhouse-looking objects, with a centralised courtyard, and all of the people in there had a significant disability of some type. But they were selected, if you like, because of their compatibility. Is that the model you are talking about?

**Mr Baker:** That is certainly something that we found to be important with Ross Walker Lodge. And with the Ainslie house, the three women knew each other beforehand. In the case of Ross Walker Lodge, we tried to make sure of that with the selection committee that was involved and with getting the people together and letting them get to know each other.

What I am suggesting with the streamlining of it is that the house that was purpose-built at Ainslie was pretty much a sequential sort of process that took quite some time. I am suggesting there could be a more streamlined process without losing the personal involvement of who the residents are going to be and the place being made to suit them.

**THE CHAIR:** At point 6 of your recommendations on page 6, you take up a couple of issues which are quite relevant. We have had feedback from other people on them as well. You talk about the government taking steps to re-examine the separation of services for the aged and for those with a disability, allowing greater flexibility to enable accommodation and care arrangements, especially where the disabled person's parents have either died or been incapacitated. Do you have any further thoughts to offer on that as to how that can be better addressed than it is currently being

addressed?

**Mr Baker:** If the disabled person was living with their parents in a home and the parents were no longer able to care for them, the house would still be available. If outside care could be brought in, the disabled person could still live in their familiar surroundings. What we were trying to get at there was that while there is a parent with the disabled person under some housing arrangements, the disabled person, even if they are under 50, can stay in a retirement place. If the parents die and the disabled person is not regarded as eligible then they have to find somewhere else. What is being proposed there is a bit more flexibility so that care can be brought in. If it is to the benefit of the disabled person to be able to stay somewhere they are familiar with and if they have support from friendships and networks they have developed while they have been with their parents in that place then they should not be kicked out.

**THE CHAIR:** You raise some very good points. Obviously there are several alternatives there. We are also looking for feedback as to how organisations may currently be looking at it. For instance, with Stepping Stones for Life, have you had similar circumstances where a parent passes away or becomes incapacitated? Does that have any impact on the people that you are looking after?

**Mr Baker:** We have had a couple of cases. One was where the parent had a very close relationship with her son and she became incapacitated and respite was really the only option. I am not sure if it directly relates to the case that we are making there. We have also had another case of a family living with their daughter in a retirement village and that created some uncertainty. It is not an issue now but it certainly is an issue for parents who are looking for somewhere so that they can manage where they can live but at that stage they have not arranged any other accommodation for their son or daughter. The eligibility criteria in lots of retirement places appear to be that if the son or daughter does not meet the ageing criteria then the family is not eligible.

**MS BRESNAN:** You have made a point of couple of times about the current social stock and how only a small proportion of that is accessible and liveable for people with a disability in terms of the actual houses themselves. Obviously this would apply to new stock, but if we start making sure that each property is not just universal design but adaptable design, do you think that would be one way of addressing that issue?

**Mr Baker:** Certainly for some disabilities it would be a great start. If it is a physical access disability, then that would be ideal. But where there is a need for a live-in carer and there is a need for additional bathrooms and some of those sorts of things, then that is where the more specific design needs to come into play rather than being adaptable, or that the place is regarded as not suitable for living there forever.

**MS BRESNAN:** Mr Doszpot asked you earlier about allowing people to stay in their own homes and the familiar environments they are in. Do you know if there has been any examination of the costs around that and around the problem, if the house becomes unliveable, of moving somewhere that would be suitable? Is that a suggestion you have made to government or is it something they have looked into in terms of the overall costs?

**Mr Baker:** It is not something that I have discussed. I know some families made that

point when I have been discussing it with them, so it is a real issue for them. If they are offered somewhere that is so far from present established connections, it would make it very difficult for people to travel. I know when we moved from the north side to the south side a lot of our friends found that a bit hard to come and visit us.

**MS BRESNAN:** Yes, people are funny about that.

**Mr Baker:** I think it applies pretty universally.

**THE CHAIR:** Mr Baker, in the attachment to your submission you have got a section on inheriting the family home. Again, a lot of people have raised this as a potential solution to the problem, but I note from one of the examples where the wills were arranged that the estate would not be wound up while the daughter needed the house, but it did not quite work out. Can you expand on that?

**Mr Baker:** Yes. It is working fine at present. The family that we have the connection with is the non-owning party, and so their uncertainty is that, if the owning party dies, they will have to find somewhere else.

**THE CHAIR:** Have disability trusts been examined, the legalities of that?

**Mr Baker:** It is an area I would be very interested in finding out more about. Stepping Stones has not gone into that in any detail. But I know that our facilitators are looking at a number of different options with different families, depending on what the needs are that are identified. We are all learning.

**THE CHAIR:** Yes, of course. These are the areas that we will have to have a look at because of our ageing population and the ageing children of the ageing population and the implications.

**Mr Baker:** Yes.

**THE CHAIR:** There are obviously other issues such as other siblings who may be around as well, so there are all sorts of issues there.

**Mr Baker:** Yes, and sometimes different approaches from different siblings in terms of the disabled member.

**THE CHAIR:** But it is very useful to get this sort of feedback from organisations like yours where you are already examining some of these options, so thank you for the information that you have provided. If further information comes to hand on that, we would be very interested to be made aware of any other potential options that can be looked at.

**Mr Baker:** Good. I would be happy to do that.

**MS BRESNAN:** I have one last quick question. The NDIS has been quoted by everyone as being something which is going to address a lot of issues. Do you think that that will have an impact on allowing people to determine more of their own volition what sort of housing options they want to pursue?

**Mr Baker:** We do not exactly see how it is going to develop and how it will affect us—whether we will be on the fee for service or whether we would still be receiving government funding to provide the planning service that we are doing. We would expect that if there is more money available there would be more flexibility for the family to have more say in things, in how they are developed, but whether the families have necessarily the ability to do that and to not given wrong advice by people who are only in it for profit is something that concerns me a bit.

**THE CHAIR:** I think we have asked the questions that we want to ask. Is there anything further that you want to add to either the submission or the discussion here this morning?

**Mr Baker:** No, I do not think so—just the point that given that we are dealing with ageing families, we have been working for several years with some of them, and some of them still do not see where it is all leading for them. We have had some success but certainly there are issues of housing and support arrangements that are not necessarily available in terms of what the families are looking for. The number of options that are needed—we have not necessarily identified them all. There are things that we have not been able to come to any real conclusion on with some families as to which way they do want to head.

**THE CHAIR:** I could not agree more, and I think there are areas the legal profession and the accounting fraternity could perhaps look at as to the logistics of putting some of these disability trusts in place from both a legal and financial point of view. We would be open to suggestions on any of those.

**Mr Baker:** One aspect that I have looked at is the extent to which those trusts apply to people who are—I am not sure if it is profoundly disabled. Certainly they do not necessarily cover people who maybe have a mental illness that is controlled, so they are able to work part time and therefore are not eligible. But it does not change the desire of the parents to be able to put something in place for them.

**THE CHAIR:** We thank you once again for the submission and also for your ability to translate some of the additional details we wanted to know about. The full transcript of this will be sent to you in due course.

**Mr Baker:** Thanks very much for the opportunity.

**The committee adjourned at 12.49 pm.**