



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON PUBLIC ACCOUNTS AND
ADMINISTRATION**

(Reference: [Inquiry into Specialist Disability Accommodation service delivery through Housing ACT](#))

Members:

**MR J MILLIGAN (Chair)
MS F CARRICK (Deputy Chair)
MS C TOUGH
MS J CLAY**

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 11 MAY 2026

This is a **PROOF TRANSCRIPT** that is subject to suggested corrections by members and witnesses. The **FINAL TRANSCRIPT** will replace this transcript within 20 working days from the hearing date, subject to the receipt of corrections from members and witnesses.

**Secretary to the committee:
Ms S Milne (Ph: 6205 0435)**

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.

WITNESSES

BAMPTON, MS DEBORAH, Territory Manager, National Disability Services ACT **11**

BERRY, MS YVETTE, Deputy Chief Minister, Minister for Education and Early Childhood, Minister for Homes, Homelessness and New Suburbs and Minister for Sport and Recreation **19**

McKAY, MRS ROBYN, Executive Director, Marymead CatholicCare Canberra & Goulburn..... **11**

SURGEON, MS JESSICA, Senior Manager - Quality, Risk, and Operations, Hartley Lifecare..... **1**

THAUVETTE, MR ERIC, Chief Executive Officer, Hartley Lifecare **1**

YATES, MS BROOKE, Executive Branch Manager, Housing and Inclusive Policy, Health and Community Services Directorate..... **19**

Privilege statement

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the Committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

Amended 20 May 2013

The committee met at 2.35 pm.

SURGEON, MS JESSICA, Senior Manager - Quality, Risk, and Operations, Hartley Lifecare

THAUVETTE, MR ERIC, Chief Executive Officer, Hartley Lifecare

THE CHAIR: Good afternoon and welcome to the public hearing of the Standing Committee on Public Accounts and Administration for its inquiry into specialist disability accommodation service delivery through Housing ACT. The committee will today hear from a number of community service organisations as well as the Minister for Homes, Homelessness and New Suburbs.

The committee wishes to acknowledge the traditional custodians of the land on which we are meeting, the Ngunnawal people. We wish to acknowledge and respect the continuing culture and contribution that they make to the life of this city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event or watching online.

This hearing is a legal proceeding of the Assembly and has the same standing as proceedings of the Assembly itself. Therefore, today's evidence attracts parliamentary privilege. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of the Assembly. The hearings are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live. If you take a question on notice, if you could make it very clear that you will take that as a question on notice that will certainly help the committee and also witnesses to confirm questions that have been taken on notice from the transcript.

We now welcome representatives from Hartley Lifecare. We have already been through parliamentary privilege, so we all know that we are bound by the obligations associated with that. So make sure that you tell the truth and give us the evidence as best you possibly can. We have 30 minutes for this session. Would you like to make a very brief opening statement of a couple of minutes before we go to questions?

Mr Thauvette: Yes. I will explain what our position is and where we come from with our submission. Hartley Lifecare has been around since the 1960s. We have been providing supported accommodation mainly during that time and also supported respite care for a long time as well. We also have a hydrotherapy pool, and we do a lot of fundraising. We also provide SDA, Specialist Disability Accommodation. We were the first ones registered in the ACT. We have eight dwellings that are SDA-enrolled. We collect SDA from 13 participants, and have been doing that since SDA started, which was around 2018, if I remember well. Like I said, we were one of the first and, at the time, were helping Housing ACT to get some information on how to enrol and how to do the process and everything.

Our reason for putting a submission through was really about terms of reference (d) and (e)—(d) being whether tenants with disability have essential home modification delayed or denied due to budget or process constraints. We have seen systematic issues with the process of repairs and maintenance for dwellings that Housing ACT own. I have been with Hartley Lifecare for 20 years and we have seen much of this. It is a problem that has been around a lot longer than the SDA has been around. It is a problem

that has been there a lot longer than since Programmed has been the contractor. I believe it was Spotless prior to Programmed, and there were issues at the time with the process of getting repairs and maintenance in the houses.

There are mainly three levels of people dealing with any type of repairs and maintenance: Housing ACT, being the owners; tenancy organisations that manage the tenancy for the participants in the houses; and contracted workers that do the repairs. From where we sit, we can see real issues in how they address the repairs and maintenance needed, to the point where a lot of the issues have made some of the houses inhabitable for people with disabilities—for example, mushrooms growing in houses where water has seeped into the walls and leaks through light fixtures. It is all in our submission; so I will try not to repeat too much. There are all sorts of issues. We really feel that people with disabilities have been treated as second-rate citizens and obviously deserve better than that.

Overall, I would like to say that there are some very good people in all levels of government and contracted people that want to resolve this, but it just does not happen. It has not happened for well over 10 years now in issues that we have had in the houses. It has been something that has been brought up to our board on a regular basis. Our board is incredibly concerned at the lack of response from any of those levels or the disorganisation that occurs when there are major issues that need to be addressed in the houses.

I would just add that Hartley Lifecare does not get any contracted work from the ACT government, and we do not have any funding whatsoever to deal with the issues that are occurring in the houses. Therefore, the relationship is with the participants, the person with a disability or the representative, and the tenancy organisation that manages the tenancy or the ACT government. There are various amounts of different arrangements. We are an outsider in that relationship. We find ourselves advocating for the people with disabilities who have aging parents and aging families that do not understand the system. We are the only ones that can really see the systemic problems that occur and all sorts of things.

We have a position in our organisation where they say that half their time—and they do not have time to do this—is spent chasing unresolved issues within the houses that are owned by the ACT government. If that were not the case, that position would be doing something else. But that is what they are doing at this point. That is following up with Housing, following up with the tenancy organisation and/or the contracted organisation, Programmed, that do the repairs. We see issues of multiple people showing up for a very simple job that say they cannot do it because the electrician is not there—and if, the electrician shows up, they cannot do it because the plumber is not there.

You see that happening five or six times over a couple months, sometimes months at a time, and then the job gets closed. We do not get told, because we are not in that loop at all. We have no relationship with any of them. We only find out that the job has been closed because we call and say, “What is going on with this? They say that the job has been closed,” and they say, “No, it has been rectified.” When I say, “No, it has not been rectified,” the job gets reopened as a new job and then the process starts again. It is quite unbelievable. Again, there are people at every level that want to do the right thing. The system and the way they are doing it right now does not work.

As for our submission, our recommendation is to hand over the disability housing to a competent housing provider to be able to manage it and be able to claim SDA at the same time—really quarantine that out of the bigger portfolio of Housing ACT, which I think is a very, very big portfolio, and manage that separately so that people with disabilities have proper living conditions.

THE CHAIR: In your submission, you mentioned that you have 44 participants living in Housing ACT properties who have SDA funding included in their plans.

Mr Thauvette: Correct.

THE CHAIR: But, as I understand, they cannot access that unless Housing ACT put in an application to use that money for upgrades and maintenance. As I understand, that is the process. Is there any mechanism that you know of where participants who do have that funding can put their concerns or complaints to Housing ACT? Do they have to go through you and then you go to Housing ACT?

Mr Thauvette: We have been supporting them in putting their complaints through Housing ACT. Some people have done it directly with Housing when they have people that represent them and are a little bit more able to do that. But most of the people we support, and their families, do not understand the complicated relationship between all those parties. So we represent them in some of the complaints that we have done over time.

THE CHAIR: Do you get a response? What is that response typically?

Mr Thauvette: The complaint comes in the form of what is happening with these jobs, and sometimes we get a response on what is next on those jobs and sometimes they kind of delay. I have to say that, since the inquiry started, we have had a much bigger response on outstanding jobs recently. Also, somebody from Housing has been in contact with us and really want to make a difference, which we totally support and which we work very well with. I keep saying to them, “That is not addressing the systematic issue. We will be back here in six months if everything gets done and nothing else gets done afterwards.”

THE CHAIR: Are these participants who have SDA funding able to change their provider? Does it have to go through Housing ACT, or can the participants approach someone else that might have an SDA-approved process?

Mr Thauvette: If the participants were to use another SDA provider they would have to move and therefore—

THE CHAIR: And move out of the property too?

Mr Thauvette: Correct. The SDA-enrolled dwelling sits with the owner of the property.

THE CHAIR: And it can only sit with the owner?

Mr Thauvette: Yes; correct.

THE CHAIR: So if you wanted to become an SDA provider of those properties that you already have clients in, you would then have to own that property?

Mr Thauvette: Correct; or you could build an SDA property, enrol it with an SDA and then those individuals that are in Housing ACT can choose to move to that new dwelling. We had a group of people where the house was such a derelict that we actually helped him to move to a CHC-owned property, which is beautiful and works really, really well. That is an example of exactly that.

Most of the people we support have been living in these houses from Housing ACT for many years. We are talking 15 plus years. In order to find a new dwelling that is SDA-registered, is appropriate and is in a similar area where they are and where they are comfortable, is difficult, and a lot of people are often reluctant to move from somewhere where they are very comfortable even though the facility itself is not in a good condition.

THE CHAIR: Thanks. I will open it up to the committee for questions.

MS CARRICK: With the ACT being a provider, and then the registration as being a provider lapsed, what were the structural barriers? If you can be a provider and there are other providers—and, assumably, other states are providers—why is it that the ACT could not operationalise its provider status?

Mr Thauvette: I think there are a lot of responses to that question in the submission. I am not sure that it justifies the reasons why they did not go through claiming SDA. From where we stand, there is no reason why the ACT government could not claim SDA from those plans for the last eight years now. Just for the people that we have in those houses where Hartley provides support, it represents about \$400,000 a year that could have been claimed. You can probably claim that is the maximum you can claim per participant, but that is better than zero dollars. Any dollars would have been good.

We went through a few years of helping Housing. I would get a call to say, “I understand you guys are an SDA provider. How do we do this?” I would help them step through it and everything and then they went quiet again. With all the good intentions, I would get a call six months or a year later and again they would ask us how we do this. So last year when they announced that they were not going to re-register or just let the registration lapse, it really surprised me. It surprised a lot of people and left them wondering, “What does that mean? Where does that leave everything?” It is really a missed opportunity to have some funding coming through.

MS CARRICK: You are one provider. There are other providers out there. One of the submissions says it is up to \$10 million. I assume that is around \$1 million a year over 10 years, because it started in 2016. Is the ACT government using its own revenue to cover that shortfall, to invest in the repairs and maintenance, or is there a gap? Assumably there is a gap because of all the under-investment that you have highlighted.

Mr Thauvette: Yes.

MS CARRICK: So there is money available from the federal government but we are not claiming it, and so we have under-investment in the disability housing sector. That seems to be the bottom line.

Mr Thauvette: Correct.

MS CARRICK: There are 112 or so people that could have SDA packages and they did not know what their requirements were. Are you and assumably the other providers able to write letters or to know your clients and know what package they had and what was in them? Why was that so hard for the ACT government to know that?

Mr Thauvette: In order to see the entire plan you have to be a support coordinator. Hartley Lifecare is a support coordinator, and so we are able to see what is sitting there in SDA payments. A couple of years ago, regardless if we were a support coordinator or not for the individuals we could see the entire plan and the precise amount that was included in the plan to be able to be accessed.

As the ACT government are only an SDA provider, until they start claiming or start going through the process of linking that participant to that dwelling to be able to claim, they would not know how much, but there was always an amount. They stipulated that they never knew how many people were enrolled in SDA. But we would provide that information. I know other organisations like Koomarri, who have put in a submission as well, and others have provided that information to Housing. We have the information. I understand that they do not have that connection to have that information, but it was not hard for them to work with us to be able to do that. There was a lot of goodwill to be wanting to do that at certain points. It just never completely happened.

MS CARRICK: Could they have written directly to the client with a disability and asked them what their package was?

Mr Thauvette: They would have to know. My understanding is that one of the challenges for the ACT government is they do not know who is listed with SDA or not. When they do the tenancy directly with people with disabilities, they know those people. But, with a lot of the dwellings that they have, they also do the tenancy through Havelock and CHC, which is a tenancy organisation. They would have to work with that tenancy organisation to know who the people are and then ask them in that regards.

There are ways to be able to find out. I believe they went through that last September. We provided some information. We got permission from the participants to provide some detail to Housing ACT about them. We had to do that in the first step, and then provide them with a list of who has SDA and which dwellings they reside in. That was done last September. I have not heard much since.

MS CARRICK: So it is possible to find out?

Mr Thauvette: Yes.

MS CLAY: Thank you for your recommendation about handing over to a competent specialist manager. We have not had questions with the ACT government yet, but I suspect that the answer to a lot of their questions will be, “We are insourcing

maintenance now and that is going to make everything better.” Do you have any advice, with the insourcing process that is going on at the moment, for how the ACT government can make sure that public housing maintenance for people with a disability and everybody else is actually done well? We have had that Ombudsman report and we have this inquiry. The state of maintenance is not okay.

Mr Thauvette: I would strongly suggest that the ACT government section off the disability housing portfolio. A lot of people will say, “Some of the needs of other people without disability are as great as that.” It is not that they are greater; it is because they are different. You are dealing with modified houses that need ceiling hoists and air conditioning and heating, which is not supported by Housing right now. That is a disability issue with people with disabilities. A lot of the people we support cannot regulate their body heat. So it is a disability. Those types of things are not necessarily issues in the greater portfolio.

Sectioning out the disability portfolio would be one of my biggest recommendations, and putting somebody in charge. Accountability has to be somewhere. There needs to be a point of response within Housing ACT that just does not say, “It is Programmed,” or “It is CHC,” or “It is Havelock”. They go, “No; it sits with that person.” They are not doing it maliciously. It is that the system is completely not working, and has not been for years.

MS CLAY: By “accountability”, would you mean Housing ACT and the housing minister would be your line of accountability?

Mr Thauvette: Yes, that is one of the ways. I think that would be really good, yes. I think the disability minister would have a really strong interest. She is really keen on knowing what is happening with this inquiry. To tell you the truth, if it sat with the disability minister you would have a little bit more of a disability focused approach to it. Therefore, it would make more sense to segregate that sectioning out of disability housing.

MS CLAY: It is a good suggestion. Some of the nature of the problems were horrifying—like mould and structural problems and electrical faults. These places are not safe for anyone, let alone somebody who has particular needs.

Mr Thauvette: Yes.

MS CLAY: You have been in this game for a long time. Is it getting worse?

Mr Thauvette: It goes in waves. I invited the Minister for Housing, Minister Berry, to see some of the houses last year. Her adviser, Amy—I forget her last name right now—came through, and she was wonderful. She was appalled at the issues and things like that. Things seem to get fixed and move a little bit more and then it goes quiet again. It depends on how much we jump up and down.

Also, with all those levels sometimes it gets stuck with Housing tenancy management organisations. Sometimes we see there are some people that are much better or more able to get things done and some are more challenged and there is a lot of turnover in Housing or the tenancy management organisation. All that contributes to that bottleneck

of getting things done. So it does come in waves. Sometimes we jump up and down for things to happen, but it seems to be an incredibly slow process, even when we get to a resolution where Housing agrees to renovate. The carpet in one of the houses was horrible and needed to be replaced and there was a need to do some basic maintenance, including to an oven that burnt part of a cabinet, which then was not usable anymore. It took us years to get to the point for them to commit to that. We had to move people out temporarily, and once they started doing the work it took—

Ms Surgeon: It took over six months—not necessarily to do the work. The work had not even started, and we were the ones that had to continue to follow up, because our clients who we support were living in alternate accommodation—which, I would add, we had to organise. We had to find them alternate accommodation that was appropriate to their support needs, because there was nothing within the portfolio that met those needs. So it just puts that pressure back onto the housing provider as well.

Mr Thauvette: In that situation, during the time that it was being renovated we would get calls saying it was finished and at one point saying it was nowhere near being finished—we could see it was not finished. It was obvious to us that, even while they were doing it, there were a lot of communication issues with contractors and everybody else. Then there was changeover in the staffing during that time, which certainly did not help. The whole process is very, very challenging in that regard.

I would just add that all this is unfunded work for us. I say this because we are so, so tight on funding these days, especially with the NDIS cutting back funding like they have. We spend all this getting in contact and following through, because we want people with disabilities to have the appropriate dwellings. We do it out of a sense of duty of care, really. There is nobody that takes that type of responsibility. The person with the disability should be the one, but most of the people we support do not really have the ability to follow up these issues. Also, like I said before, a lot of the parents are very elderly—if they even have family. It is very much of a challenge.

MS CLAY: Thank you.

MS TOUGH: Thank you for coming in. I think Ms Clay basically covered what my substantive questions were going to be. Building on from what she asked: the NDS submission reported that, in about four to six weeks before their submission, they had noticed many of their minor repair issues had been addressed quicker and they were getting better communication, but this was not across the board for Housing ACT. Is this something you have experienced in the last two months or so?

Mr Thauvette: Yes. I have a list in front of me that have been outstanding for two plus years. We have quite a few that were addressed. But, when you look at the overall, it is only a fraction of the outstanding issues—so, yes, again, another wave of willingness to want to repair and fix things. Housing ACT contacted us, and they are putting us in touch with a point person to get all these unresolved issues resolved. We welcome that. We work really well with them. I have seen it before, and I worry that we are going to be in the same place six months from now if the structure of how this is addressed is not addressed properly.

MS TOUGH: You mentioned that you have seen this come and go in waves with

Programmed and Spotless over the years and then someone from the housing minister's office comes and things pick up and then it drops again. This might be speculation, so if you cannot answer it, that is fine. Do you think the move to insourcing by the government and not having contractors and reducing those extra steps of communication might go some way to helping with getting these problems addressed quicker?

Mr Thauvette: It might, yes. I guess it is just a matter of wait and see and see how that goes. Maybe to answer that question a little bit differently, we do not see the issues just with Spotless or just with the tenancy management organisation; we see issues or challenges within Housing n them being able to follow up and address some of the issues.

MS TOUGH: So it is systemic the whole way through?

Mr Thauvette: Correct.

MS TOUGH: Between Ms Clay's questions and mine, I think that covers what I have. Thank you so much for coming in.

MS CARRICK: If there are systemic issues, has there been a review to have a look at where those systemic issues are and how to resolve them?

Mr Thauvette: Not to my understanding. I think in the housing strategic plan from a few years ago, there was a line in there that said they were going to work with participants and providers, and the NDIS to a certain degree, to address these issues and to be able to better respond to the repairs and maintenance that we are facing right now, but we have not really seen anything. Again, there is a lot of goodwill and sometimes some great ideas, but we have not seen change as we go along.

MS CARRICK: Do you think that the systems that they use, like the IT system to keep track of 112 or however many disability houses there are—there are also 11,000 public housing to maintain—are up to scratch and can keep track of the condition of each house and then have project managers to make sure that, for example, the electrician comes at the right time? You said earlier that the electrician comes but then they need the plumber. Someone has actually got to project manage the work. That is sort of a two-part question. The systems that hold the data about each place and its condition and then project management to repair. Are the systems up to scratch?

Mr Thauvette: We are not privy to the system itself in the database that they use. We have to deal with somebody that uses that, either a tenancy manager or even Housing themselves, to be able to access the data through there. So we cannot really comment on the system itself.

Project management is not working properly. Again, there are situations and places where it works much better than others. We think it is possibly due to the experience of individuals or who is addressing it and how it is being responded to in that regard. We have houses where things happen right away. When they are owned by the ACT government, things happen right away and we never seem to have issues there. With other houses that we see, we wonder why we cannot get that response. That is very difficult. We cannot get a response on why it is not the same type of response to the

repairs and maintenance. That has to do with who is dealing with it, again, the turnover in staff and different experiences within different organisations.

Ms Surgeon: We have not really had any experience with any sort of project management in terms of the maintenance or the issues that we experience with the jobs. I think another challenge is that the contractors who are engaged—the different tradespeople that are engaged—do not have any background information before they go to a job. They will update one of our support workers about where they are up to with fixing a job. A support worker is not the right person to direct that to. I do not think they have the full scope of the housing that they are going into and the tenants who live in that house that they are going to. Yes, they do direct questions to the support workers but, as I said, they are not the correct people to be directing those questions to. Recently, we had a tradesperson continue to call one of the support workers who was on shift at the time to seek approval to do the job, when the support worker does not even own the house and cannot be approving. In terms of project management, we are not seeing that, but I think there would definitely be benefit in that.

THE CHAIR: Is there anything that you wanted to add briefly before we conclude this session? It is an opportunity to chuck something out if you needed to clarify anything or—

Mr Thauvette: Yes. The segregation of the housing portfolio would be excellent. It is not something that we have in our strategic plan or anything like that as Hartley. Hartley wants to support people with disabilities. My experience in this job is that, if we were the ones that owned the facilities, we could follow this up. We do well with the eight dwellings that we have under SDA, and there are no issues. But we have a vested interest: we support those people. Some of them are supported by CatholicCare as well. We work well with CatholicCare. With that segregation, we would have a direct line of sight as a service provider. So that is another consideration again.

I know there is a call for splitting SDA and supports in the houses through different reports, and I think it is in the royal commission as well. But there are ways to be able to do that where the tenancy and the SDA provider are separate. I think there are better outcomes, especially for people with high and complex needs, when the owner of the dwelling and the support provider is the same organisation. I understand the theory and the issues behind wanting to split those two up, but certainly in our situation I think we would be able to respond a lot quicker. We are the ones pushing everybody to get it done.

MS CARRICK: But, even if you were the provider for the Housing ACT houses that you manage, at least you could get the SDA money for it. If you were the SDA provider for those houses, at least you could get the SDA money for it.

Mr Thauvette: Yes, I believe you have to own them.

MS CARRICK: Okay.

Mr Thauvette: Havelock or CHC would probably be better to answer the question as to whether or not, as a manager of the dwellings, they can claim SDA if they do not own the dwelling. I am not sure.

PROOF

THE CHAIR: Thank you very much. I think we have all enjoyed this conversation. We could probably continue on for a lot longer than what we have allocated. But, on behalf of the committee, once again, thank you for your submission and also for coming in for today's hearings.

Hearing suspended from 3.10 pm to 3.55 pm.

BAMPTON, MS DEBORAH, Territory Manager, National Disability Services ACT
McKAY, MRS ROBYN, Executive Director, Marymead CatholicCare Canberra & Goulburn

THE CHAIR: Good afternoon and welcome. We have representatives here from National Disability Services ACT.

We will just run through the parliamentary privilege part. Note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. What we can do is, we can start off with an opening statement, if you want to keep it brief, and then we will just go straight into questions if you are happy to do that.

Ms Bampton: Fabulous; that would be great. I do have a short, brief intro.

THE CHAIR: Sure.

Ms Bampton: Thank you for giving us this opportunity to speak to the committee on SDA. And just a bit of background about National Disability Services: we are the peak body for disability service providers, and we represent 300,000 people with disabilities and employ a staff of around 100,000 people. In the ACT we have over 100 NDS members who provide disability support services in the ACT.

The NDS was designed to complement, not replace, responsibilities of state and territory governments. The SDA is the capital funding component of the NDIS, supporting purpose-built housing for a small group of participants with extreme functional impairment and very high support needs. Regardless of whether the person lives in SDA or another tenancy arrangement, all people with disability must have homes that are safe, habitable, accessible and fit-for-purpose. This is fundamental to dignity, wellbeing and the realisation of human rights. Where those homes are also workplaces, organisations have legal obligations to protect the health and safety of employees and visitors. Where the property is owned by government, a community housing provider or a private landlord, that responsibility is shared.

We believe it is a time to be forward-focused and solutions-oriented. The NDIS reform pressure is high right now, and it is impacting people with disability and their support networks, disability service providers and governments at all levels. We want to work constructively with the ACT government to help realise its commitment to people with disabilities, and we ask you to consider our recommendations strongly and in favour—from our submission.

THE CHAIR: Thank you very much. It is always handy when some recs are provided within the submission. I might start with Ms Tough.

MS TOUGH: Thank you for coming in today, and thank you for your submission; it is really insightful. I want to just touch on one of the recommendations you made about the establishment of a disability housing taskforce to develop a disability housing strategy for the ACT. I am interested: what particular items or issues do you believe need to be addressed by the strategy to improve service delivery and then

communication with tenants with a disability?

Ms Bampton: We believe that a taskforce would enable people with disabilities, service providers and disability representative organisations to actually explore all of the issues that are currently existing within disability housing. Also, having a taskforce means that we can separate out supported accommodation from other disability accommodation, because they are two quite distinct issues, and that we can talk about the things that are important to people with disability—to ensure houses are built and maintained in places that they wish to live and that are close to the amenities they want that enable quality of life and accessibility to employment and the like. So they are the kinds of things.

But, also, making sure that houses that we are bringing online in the future actually meet the need of the cohort. We have a significant issue in the ACT where we have a number of specialist disability houses that have been built but are no longer funded through the NDIS in the way that they were established in the beginning. Funding mechanisms have changed, so people with disabilities want houses that are fit-for-purpose for them, not just a one-size-fits-all.

MS TOUGH: Yes, so making sure houses that are built are not just a standard, “This is the proforma template for how to build a house for someone with a disability,” but actually ensuring that, “Okay, that might be the blueprint to start with, but make sure they are adapted to the individuals who live in those houses.”

Ms Bampton: Absolutely. Also, the SDA guidelines are very detailed and specific, but they are not necessarily workable for some particular disabilities. So, it is making sure that we can modify the standards to ensure that they are actually meeting the needs of our local community and that, if something is built, and something needs to change, it is built in a way that those modifications can be done at a later date but are not hugely costly.

MS TOUGH: Yes. So, making sure whatever system is in place can make those adaptations in the future.

Ms Bampton: Absolutely. And I think having Specialist Disability Accommodation providers on that taskforce so they develop a greater understanding of what the need is within the ACT region—so the government and the taskforce are actually working collectively to ensure that people’s needs are met.

MS TOUGH: Yes, that makes sense. Hartley were in earlier and provided some evidence about the idea of separating disability housing from housing in general as a portfolio, as a responsibility, so that instead of it just falling under housing as a whole and then having one particular cohort of tenants needing different housing needs, it would specifically be its own responsibility. Do you see that as something that would work with the taskforce or that kind of—

Ms Bampton: Absolutely we do, and our members would support that recommendation. Again, it is ensuring that the housing meets the needs of people with disability. The ACT is committed to accessible homes, but it is quite different to have a home that is actually purpose-built for people with disabilities and ensuring that we

cover the broad range. SDA is about high functional impairment and people with severe needs—I did not get that wording right, apologies. That means we have got different types: we need high physical support needs; we need improved live-ability; we need homes that are appropriate for people with behaviours of concern. So having a really clear mandate for what those houses look like and feel like is great, and we think the separation would be beneficial to not just people with disabilities but the broader community housing sector.

Mrs McKay: And I think it is about having people at the table who have that expertise, and there is a lot of knowledge and skill in the community sector that I think can be tapped into to support the cohort.

MS TOUGH: Yes. Wonderful; thank you.

Ms Bampton: Thanks, Caitlin.

THE CHAIR: Ms Clay?

MS CLAY: You have put in a rough calculation that, since the scheme started, the ACT has lost out on maybe \$10 million worth of funding for maintenance. And we have got a lot of submissions with pretty stark information about the state of maintenance: mould and electrical failures that make it unsafe, and structural problems and problems with temperature regulation, which are a particular health concern for people with disabilities. It is unfortunate to see \$10 million of maintenance funding from the commonwealth not get used.

We have heard that some of the community housing providers managed to apply for and get their funding and registration and that went through relatively easily. We have heard this great recommendation that we have specialist disability accommodation sectioned off, or disability accommodation sectioned off. I think that is really good.

I am just wondering if you have got any other suggestions for what ACT government can do from here to make sure that we do not keep failing to maintain these homes and failing to pick up commonwealth funding that is available to do it.

Ms Bampton: In relation to that—and please jump in, Robyn—specialist disability accommodation requires the provider to be registered. So if the ACT government is not going to continue to be a provider of SDA, then we need a really clear plan as to who are going to be those providers, and how the ACT government is going to meet their needs in terms of people with disabilities in appropriate housing. It could be that the ACT government partners with specialist SDA providers, with community housing providers, providing disability service providers with an opportunity to have the houses and be responsible for them. There are lots of things that we could do to ensure that that SDA money comes into the ACT and then is reinvested back into homes.

We need to be moving forward and to be forward-focused. We are not going to be able to go back and retrospectively claim any of those lost funds. And that is part of the taskforce; we can look at how we ensure that we maximise appropriately what can be claimed to ensure that the homes are repaired, maintained and built. There are three things there.

I would like to draw the committee's attention to a LinkedIn post that I only recently saw. It is by a woman by the name of Catherine Mai of Performl, and she identified that the ACT has 439 enrolled SDA dwellings. A lot of them are legacy and existing dwellings—so in that basic category, and probably no longer fit for purpose and/or require a huge investment to get them to a place of appropriateness. But, also, a number of those have been built very early on in the scheme, at a time when the scheme was encouraging independent living and that people could live by themselves, and the agency was funding one to one, or one to two. That no longer happens under the NDIS guidelines. So, when looking at what we build in the future, and what we have, we need to be able to map everything that we have got, identify where the gaps are, what needs fixing in each of these houses that already exist, and potentially look at if there is another way, with these homes that are in really great locations and connected to communities, of potentially updating them.

MS CLAY: Has Housing ACT got that information now?

Ms Bampton: We do not know what ACT Housing holds, but I have got a meeting with Catherine next week—unfortunately not last week—to gain some of that information. Apparently, it is, obviously, easily obtainable data.

MS CLAY: Thank you.

MS CARRICK: I would like to draw out something that you mentioned. With the funding side of things, Hartley has SDA houses, and they are a registered provider and they get the SDA money. I am not sure about CatholicCare. Do they get SDA money?

Mrs McKay: We are not SDA-approved, no. But we do work with other service providers who do—

MS CARRICK: Who do?

Mrs McKay: SDA—yes.

MS CARRICK: And they seem to think it was not a problem. Are you aware of what the barriers are for the ACT government to be a registered provider and get the money?

Ms Bampton: SDA registration for government agencies works differently from a private provider. This is my understanding: they do not claim SDA from a participant's plan like other providers do. It is a case of the government providing an in-kind donation, so rather than claim anything from a participant's fund, it is a reduction in their NDIS contribution to the commonwealth.

MS CARRICK: And do other jurisdictions do that?

Ms Bampton: Yes; some jurisdictions do. Some jurisdictions have stepped out of SDA provision, and it is likely that all governments will do that at some point moving forward. But, yes, there is absolutely an opportunity to have that in-kind support which then goes to reinvestment into the properties that they have registered.

MS CARRICK: Do you think it would be beneficial to have, perhaps, something like an options paper that looks at the various options that the ACT government has to get SDA funding? Whether it be the offsetting thing, whether it be providing the houses to service providers so that they can then get it, whether there is a way to advocate for a system where places like CatholicCare and providers get the SDA funding when they are managing a Housing ACT property—looking at the options for the ACT government to get it—because it is not a good idea to miss out on this money.

Ms Bampton: Agreed, Ms Carrick. We agree. We would support an options paper. The NDIS is changing. There is dramatic reform at the moment, and there will be some changes to SDA and supported independent living as recommended by the disability royal commission and the NDIS review. So I think in looking at all of those options—and that is part of what I saw in the taskforce recommendation—you would have access to all of that information. We could produce that kind of an options paper: “This is what is out there. These are the possibilities. What is the ACT government open to?” And exploring and working in partnership to do that. There is incredible interest from the sector to be involved in this. We know that there are developers in the ACT who are actually qualified to do this, who want to be engaged and help with that planning.

MS CARRICK: With the data side of it, it is understanding who is out there with SDA in their packages, because I am not sure that the ACT government really knows who is out there with the SDA in their packages. There is that sort of data collection, and then there is the housing side of it—having an understanding of the SDA houses out there, because some builders, I understand, have come in and built bespoke or specific SDA houses since this program has been available.

Ms Bampton: Yes, they have, and I think that goes to something I was referring to earlier, which is that the level of funding you can get for SDA varies greatly. I think the AHURI paper that I mentioned in my submission says the average is about \$15,000, but it is from quite low to \$40,000. In the beginning, properties were built in that high physical support needs category for one-on-one—so that is that \$40,000 contribution.

What we need to do is map what the actual need is. You are right that we need to look at what houses we have. Are they being utilised? Have they been sold off, and are they not being used as SDA any longer? What do people need? I think that separation of disability housing from community housing will enable us to capture that data, because the providers can tell you: “We have got these houses and these participants. These participants have SDA in their plan.” People—and I read one of the submissions to the inquiry—did not know that they were in an SDA dwelling, yet they had SDA in their plan. Those sorts of things can be teased out relatively easily if you are just looking at a specific cohort. So I think it is a good idea.

MS CARRICK: Thank you.

THE CHAIR: As I understand, it could be a non-profit, it could be a community group and/or a government or private individual that can be approved for SDA funding. Are there any efficiencies with any of these groups I have just mentioned as to who is most efficient in sourcing funding and doing upgrades and maintenance to properties and so forth? You can pick some winners!

Ms Bampton: I would not go into naming organisations—

THE CHAIR: Of course.

Ms Bampton: but there are people in all of those groups that you have mentioned who would be highly qualified to help do this work. And I think that is why the taskforce needs to have Specialist Disability Accommodation providers—the developers who actually are connected to the disability sector, who actually get it. It is more than just, “You can build an SDA because here are the standards”; it is that when the developers are working with organisations and with people with disability, they are building homes to meet needs for people. They are not building a home that comes with a price tag.

MS CARRICK: And then you try and put people in that might not necessarily fit.

Ms Bampton: That’s it. People who might not want to live in Crace—in the early days, when there was no infrastructure.

THE CHAIR: In paddocks!

Ms Bampton: Yes.

Mrs McKay: Or who did not have the equivalent support package through their plan to sustain the support requirements as they age—a place where they can age in place and stay for a length of time, with a support provider who knows them and can support them to get plan reviews, et cetera, really is a long-term home, not something that is just a temporary arrangement.

MS CARRICK: You mentioned breaking off the SDA, and that there are the new builds and then there is the maintenance. Do you think the insourcing is going to help? And do you think that there is adequate project management around maintenance of SDA houses? Because we had one witness say, “The electrician might come and the plumber might come, and then they get sent away because that bit hadn’t been done,” and that it is not really very coordinated—the project management of a big maintenance job.

Ms Bampton: Only time will tell in relation to whether insourcing will work, but I think we are also not aware of exactly how insourcing is planned to work. We have made a recommendation in our submission that community housing providers and disability service providers are provided with a budget, who are then responsible for maintaining their own repairs and maintenance, and that could even be extended to capital works, with a cap-x plan and a specific budget and the required quotes, because then they are at the face of it. They are able to coordinate everyone coming in, when they need to be there and at times that are convenient for the houses as well. There have been significant, systemic issues, over however long, that have led to the state of some houses being in near disrepair, and instances where it could have been a quick fix, light-touch budget cost, that then has blown out to be a major issue. Those things could have been done really quickly by providers.

MS CLAY: Black mould does not fix itself.

Ms Bampton: No, black mould does not, and nor does the water running through light fittings.

MS CLAY: Did I hear you say earlier that it was your understanding that, because the ACT government was eligible for this SDA funding, they got less federal NDIS funding?

Ms Bampton: No; they put in less—

MS CARRICK: It is the in-kind thing—

Ms Bampton: It is an in-kind contribution. And I do need to emphasise that that was a very quick, crude “\$10 million”. But if the ACT government had identified that, “We have this many properties with this many participants,” and their SDA is, let’s say, \$100,000—

MS CLAY: They do not need to fund it—

Ms Bampton: that was \$100,000 that they did not have to put in to the commonwealth.

MS CLAY: Yes. Got you.

THE CHAIR: To the NDIS funding—

Ms Bampton: Yes.

MS CLAY: Okay.

MS CARRICK: So are they claiming that?

THE CHAIR: No. They would not be putting anything in to offset.

Ms Bampton: We understand from the submission that that did not happen.

MS CARRICK: I suppose you have still got to be a registered provider for that to happen.

Ms Bampton: The dwellings have to be enrolled and that—

THE CHAIR: And that only happens with the government being the SDA.

Ms Bampton: With the registration process, yes.

THE CHAIR: It would be like the private sector doing it and then having a tax break for them to offset their own personal taxes. Ms Tough, do you have any further questions?

MS TOUGH: No, I think everything has been covered. Thank you.

THE CHAIR: Anyone else?

MS CLAY: It was an excellent submission.

Ms Bampton: Thank you.

THE CHAIR: Is there anything you wanted to add that has not been discussed or is important?

Ms Bampton: Not that it has not been discussed, but we would really emphasise that need for a disability taskforce, a separate disability housing strategy and some immediate assistance—I think I used the words “ring fencing” in the submission—with a bucket of funding that can go fairly quickly to addressing some major concerns. We have some houses where things have been fixed quickly and not generally had many issues throughout the last two years, and then we have got other providers and other houses that are just in such a poor state. So I think being able to ring fence some money, and being able to work with the providers to quickly identify major issues and have them addressed, would be very welcomed by the sector, and by people with disabilities and their families, who have contributed lots of money and invested in ACT assets to the tune of hundreds of thousands over the years to ensure that their loved ones have housing that is fit and respectful.

THE CHAIR: Excellent. Thank you very much. It has been very useful for our inquiry, and on behalf of the committee we would like to thank you for coming along. As I understand it, there were no questions taken on notice, so you are off the hook in that sense. Have a great afternoon. Thank you again.

Ms Bampton: Thank you.

Mrs McKay: Thank you.

Short suspension.

BERRY, MS YVETTE, Deputy Chief Minister, Minister for Education and Early Childhood, Minister for Homes, Homelessness and New Suburbs and Minister for Sport and Recreation

YATES, MS BROOKE, Executive Branch Manager, Housing and Inclusive Policy, Health and Community Services Directorate

THE CHAIR: We welcome the Minister for Homes, Homelessness and New Suburbs, Ms Berry, and ACT government officials who are here this afternoon. You are all aware of the parliamentary privilege statement and its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly.

We offered our other witnesses an opportunity to give an opening statement. You are welcome to do so, if you keep it very short; otherwise we will go straight to questions. What would you like to do, Ms Berry?

Ms Berry: I might make a couple of comments very briefly, to set the scene around the SDA, and particularly around people with a disability. Not all people who have a disability are eligible to access the National Disability Insurance Scheme. Not all NDIS participants are eligible for SDA funding, either. SDA is only for people with extreme functional impairment or very high support needs. These are people who have very high needs on the spectrum. It is not the case in any way that all people who have an NDIS package are able to access SDA.

SDA funding is attached to an eligible participant's plan, not to a dwelling. It is quite a complex system. For anybody who has been able to operationalise it, or who has tried to access it, it is a very complex and complicated funding model. I think that the federal government has recognised that it is not the best model to support people going forward.

However, Housing ACT saw it as an opportunity at the time, in 2017, perhaps to be able to access funding, but it was not really designed for governments. It was designed more for private contractors who provide disability upgrades for those at the very pointy end of the National Disability Insurance Scheme spectrum, through the SDA.

I have experts here who can answer all the questions about it. Hopefully, that will provide a better understanding of what SDA is, what it can be used for, what it cannot be used for, and who is eligible to access it.

THE CHAIR: I will kick it off. You registered in 2017 for SDA. In relation to funding for maintenance and upgrades, is it correct that you would conduct the work, it would cost X amount of dollars, and that amount would come off the ACT government's payment to the NDIS?

Ms Berry: No.

THE CHAIR: How does it work? If you applied for maintenance and upgrades to a property, how does the government get paid?

Ms Yates: I have read and acknowledge the privilege statement. SDA is included in the participant's plan, as it is one of the funding lines within their plan. There is then an

arrangement between the SDA provider and the participant. They receive that funding from the NDIS. It is not an in-kind arrangement that offsets our funding for the NDIS, as a government.

THE CHAIR: You would receive money direct from the NDIS—

Ms Yates: Yes.

THE CHAIR: for any maintenance and upgrades that you would conduct for a participant who has a plan and who is in an ACT government-approved property?

Ms Yates: It is not exactly a cost-recovery model. The pricing framework for the SDA assigns an annual amount for a design category for the dwelling. That has to be matched within the SDA participant's plan. They have to have that level of design support. That is calculated over the life cycle of the property, and there is an annual amount that is provided to the provider. As the SDA provider, you could spend \$1 on maintenance or you could spend \$10,000 on maintenance a year, but it does not change what the annual payment for SDA for that design category would be, if there is an SDA participant living in that dwelling.

THE CHAIR: As I understand it, the government did not utilise any payments from the commonwealth for the period of time for which you were registered as an SDA provider.

Ms Yates: We had no contractual relationship with the people living in the dwelling who may have been NDIS participants.

THE CHAIR: Are the government able to provide the costings that they have spent on property maintenance and upgrades since 2017 until today, on property for an approved SDA participant, if they were able to access that? Can you also provide how much you have spent on maintenance and upgrades for someone that could potentially have been qualified to receive commonwealth funding for those upgrades?

Ms Yates: I have the amount that we spent on repairs and maintenance in the properties that were enrolled for the period 2020 to 2025. But we cannot link that to whether or not they were NDIS participants who may or may not have been eligible for SDA. I can provide the figure for the repairs and maintenance undertaken in that period.

THE CHAIR: That would probably be useful as well. Obviously, we would like to identify what was a missed opportunity for commonwealth funding for maintenance and upgrades to an ACT government asset. As I understand it, the ACT government used its own revenue source to provide those upgrades and maintenance to these properties. It will be interesting to see what comes through, anyway. Ms Carrick?

MS CARRICK: Do other jurisdictions—the states—receive money through SDA?

Ms Yates: There is a mixed bag across states and territories, as to who has operationalised an SDA provider function. One example is Victoria. They have operationalised SDA. It has a separate entity that manages that. Other jurisdictions have decided not to engage as SDA providers. It is a bit of a mixed bag.

MS CARRICK: What are the barriers to the ACT operationalising it?

Ms Yates: One of the fundamental barriers has been around being a public housing entity, essentially. There is direct conflict between the eligibility for public housing and the eligibility for the NDIS. The eligibility for the NDIS and SDA is not means-tested, whereas the provision of public housing within the ACT is means-tested. That is in direct conflict with the SDA rules. What we would have is a dual eligibility system and, to be within public housing, you would have to be eligible and have that means-tested. But that is in direct contravention to it not being means-tested under the NDIS.

MS CARRICK: Could you have implemented a dual eligibility requirement? If somebody has an NDIS package, with SDA in it, they could have different eligibility requirements, couldn't they?

Ms Yates: Potentially. The advice we received was that it would likely be a separate instrument, or a new instrument, under the Housing Assistance Act, to allow for that.

MS CARRICK: Is that the main barrier, or the only barrier?

Ms Yates: It is one of the barriers. One of the other barriers is around the financial viability of SDA. The pricing structure for SDA is predicated on not only the return of the capital investment over the life of the property, but also on a maximum rent contribution from tenants, which is capped, I think, at 25 per cent of the Disability Support Pension and commonwealth rent assistance. As a tenant of public housing, you are paying government rent, so you are not eligible for commonwealth rent assistance. There is a main component of the funding framework that the ACT government could not access to make that a viable program.

MR EMERSON: Aren't Housing ACT properties headleased through community housing providers who are eligible to receive commonwealth rent assistance?

Ms Yates: Yes, but then—

MR EMERSON: Would that be the case for all the SDA-eligible properties, or a majority of them?

Ms Yates: The majority are headleased, but we were registered as the SDA provider, and the contractual relationship under the SDA has to be with the provider. There is a situation in which we could own a property and an external provider would be the SDA provider in that property. That requires rent to be charged at full market rent. Another fundamental principle of the NDIS is that there cannot be over-subsidisation, so we would have to pass that on; then the provider, if they were a community housing provider, would be able to attract CRA, as part of that.

MS CLAY: I am struggling a bit to understand this dual eligibility problem. You do not have a lot of people that you are looking at here. 112 people were registered. Maybe there should have been more people. If somebody is eligible for SDA and they are in Housing ACT—plenty of people are in receipt of multiple packages. Why is that an enormous barrier?

Ms Yates: That was advice we received from the NDIA—that, by requiring eligibility for public housing, it was in direct contravention with the SDA rules.

MS CARRICK: Could you not have done what Victoria did and split a part of Housing ACT into something that could have dealt with that and attracted the SDA funding?

Ms Yates: There are options that could be available to government, where there could be a new public housing assistance program established, and the ACT government could establish a new entity for the operation of SDA.

MS CARRICK: Have you done an options paper to look at all the options that are available?

Ms Yates: We have explored some of those, yes.

MS CARRICK: Are you able to provide us with the options that you have looked at?

Ms Yates: That would be a question for the minister, given that it is provided to cabinet.

Ms Berry: Probably not at this point in time—the cabinet paper. But I can see what I have, and I can take a bit of that on notice.

MS CARRICK: Maybe you can cut and paste it out of the cabinet document.

Ms Berry: I am sure my colleagues would be thrilled!

MS CLAY: In one of our submissions, they did a rough calculation and estimated that we had lost \$10 million of commonwealth funding from not having the SDA funding over the last 10 years. Does that sound like the right amount of money that you think we missed out on?

Ms Berry: It was not available for 10 years, was it?

Ms Yates: No, but I appreciate the sentiment of the question. It would be hypothetical to try and calculate that. You can pull the number based on the dwelling enrolments, how many bedrooms were enrolled, and what funding they may have attracted. What we know about SDA is that there is a high level of vacancy that operates, for other jurisdictions who have operationalised SDA. There would be a range of assumptions—that there were people living in those dwellings at all times with the commensurate level of funding in their package; and, fundamentally, that they would have chosen the ACT government to be their SDA provider.

MS CLAY: Let me turn it into a non-hypothetical; it might be easier to answer. During each year of the program, did Housing ACT give advice to the minister, for instance, on, “This is how much funding would be available if we operated differently”? Was there regular advice going up, regarding how much money there was to do this maintenance work?

Ms Yates: No.

MS CLAY: Was there any advice going up to the minister about SDA funding that was on the table? When did that advice start?

Ms Yates: We have been looking at the function since the registration as a provider and through the enrolment. There was a piece of work undertaken through 2023 and 2024 around what it would take to operationalise that function.

MS CLAY: But you must have given the minister and cabinet an indication of what those decisions were worth, for them to be able to make those decisions meaningfully.

Ms Yates: There is a hypothetical number that we can point to.

MS CLAY: Yes. Are you able to provide the committee with that hypothetical number that you provided to government?

Ms Yates: If the minister is comfortable with us providing that to the committee.

Ms Berry: I will check whether that is available and provide it.

MS CLAY: Thank you.

MR EMERSON: Maybe I could help here. I have an answer to a question on notice that I received, in response to that question.

MS CLAY: Sure. What was it?

MR EMERSON: It said it was \$3.6 million per annum, assuming maximum SDA funding for the 111 dwellings.

MS CLAY: Thank you. We had some great recommendations from some of our other submitters that sound similar to what you are suggesting here—that maybe specialist disability housing needs to be a separate thing in government, maybe to the housing minister, maybe to the disability minister, but that it needs to be a separate thing. Do you think that would be a way to make sure that this work is done well and that specialist commonwealth funding is applied for and received?

Ms Yates: Are you asking me for my opinion?

MS CLAY: Minister?

Ms Berry: The committee will make recommendations and we will consider them.

MS CLAY: I will make it a bit more tangible. Is Housing ACT intending to be a registered provider—

Ms Berry: No.

MS CLAY: or has Housing ACT decided not to be a registered provider?

Ms Berry: We have not ruled it out, but not at the moment.

MS CLAY: The problem with not ruling it in and not ruling it out is that we do not have the community housing sector or anybody else in the ACT who knows when to do that. Is there a timeline for when Housing ACT would decide whether they would be a registered provider or whether they would not be a registered provider?

Ms Berry: No, there is no timeframe. I get that you are all trying to find a “gotcha” moment and make all kinds of allegations against us. I would say that, in this circumstance, there may have been some opportunities that we still have been unable to unpack, on accessing funding to provide that level of disability support for some tenants in Housing properties. At the time it was seen as an opportunity, so Housing ACT signed up to it, probably not completely understanding the challenges behind it. I do not think anybody understood it.

The lack of take-up from across the country is because it is so complex, and because the relationship between the SDA-eligible tenant, the provider and the owner of the property is all so blurred, I think that, in those circumstances, it makes it very difficult. There needs to be more than one person with an SDA in a property for a significant upgrade to be sustainable or viable. We are not talking about ramps here. We are talking about pretty significant upgrades.

Ms Yates: SDA funding, in and of itself, does not pay for the upgrade of property.

Ms Berry: Yes.

MS CLAY: I am sorry that you think it is a “gotcha”. We have received a huge amount of submissions from people, talking about quite serious repairs that they need to have made, like structural repairs and electrical faults—

Ms Berry: I do feel like it is a “gotcha” because we are trying to provide an explanation for this. We have acknowledged that it was a problem and that we did not do it well. We are working through that and trying to see where the opportunities are. With this line of questioning around, “What funding did you miss out on,” we could have missed out on some funding; that is true. We do not know what that is at the moment. We are working through that with these individuals. Obviously, we do not want anybody to have missed out on any of those opportunities, if possible.

It just might not have been the right decision for Housing ACT to have made at the time, with the little information that we had, and because of the complexities around it, on whether it could apply here. We are unpacking that. In the meantime tenants in those properties will have received a range of different disability upgrades to those homes, as appropriate. Unless something has happened since the last conversation that we have had, we have not had a communication with somebody who is SDA-eligible and who has missed out on an upgrade.

Ms Yates: I think there are some disability modifications outstanding, but they are—

Ms Berry: They are not SDA.

Ms Yates: No.

Ms Berry: They would not be SDA-eligible upgrades.

Ms Yates: Again, the point is that the SDA funding does not pay for upgrades to property.

Ms Berry: Yes.

MS CLAY: Are you able to table for the committee the advice from the NDIA that you mentioned before?

Ms Yates: In relation to the dual eligibility?

MS CLAY: Yes. Can you table that?

Ms Yates: I am not sure that we have that in writing, necessarily, but I can check my records. We have definitely had that conversation multiple times with them.

Ms Berry: If there are any people that have been contacting the committee, or that you know of, who are aware of individuals who should be having disability modifications to their home, please put them in touch with us, Housing ACT or Programmed, because we will absolutely get onto that straightaway.

MS CLAY: We got a lot of reports in submissions, so maybe have a look at those. There were a lot of reports of urgent maintenance.

Ms Berry: Again, if any individual members of the committee get anything, please put them in touch with us, so that we can address it, rather than waiting until the outcome of a committee hearing. We really want to get onto that stuff.

MS CLAY: How would you know if there are people waiting for SDA, who are eligible for SDA—

Ms Berry: No, I am not talking about SDA. I am talking about anybody who has contacted you for a disability upgrade, or says that they need one; please put them in touch with us so that we can make sure that—

MS CLAY: I would say they are on the website. They are right there.

Ms Berry: I included members of this committee as well.

MS CLAY: Yes, sure. How would you know if people were eligible for SDA funding and needed repairs and do not have repairs, given that I do not think Housing ACT has reached out to all its tenants with disabilities? Has Housing ACT done that work?

Ms Yates: We have not reached out to all tenants with disability across the portfolio. Following the deregistration and the unenrolment of the SDA properties, we did reach out to tenants in the Housing-managed properties, and to the occupants of the headleased properties. We have started an engagement process with them to understand

their disability, if they have it, whether they are NDIS participants and whether they do have SDA within their packages.

MS TOUGH: Minister, the government submission mentions that the government sought to place affected tenants and family members at the centre of decision-making, in terms of accommodation choice, but this clashed with SDA rules. Can you explain more about how that clashed?

Ms Yates: Yes. Again, I think that comes down to the eligibility. The fundamental principle of the NDIS is around choice and control, and participants being able to exercise that. As the minister noted before, whilst we can enrol a property as an SDA dwelling, SDA is linked to a participant and their plan.

MS TOUGH: If a participant is not living within that particular dwelling that has the plan, the systems do not work together?

Ms Yates: Yes. There has to be a match between the design category of the enrolled dwelling, as well as the level of funding within the participant's plan. Also, the participant has to choose who they engage as an SDA provider, and that may or may not be the ACT government.

MS TOUGH: What steps did Housing ACT take over the years to engage with the NDIA to try and understand how to operationalise the funding?

Ms Yates: We had many conversations with the NDIA. As the minister pointed to, it is a very complex system. The NDIA, in and of itself, has been going through change, and it has changed the functions and settings for SDA since its introduction.

One of the things that we have found really difficult, in engaging with the NDIA, was trying to get a clear picture of data. Even the last time we checked—that was in the last few weeks—the data on the website was not up to date, in terms of the enrolment. There is a disconnect within the NDIA systems around its participant information and its dwelling information, which has made it very difficult for us to engage on that. As far as practicable, we have been engaging with them to try and understand the complexities of the process and what it would take to operationalise it.

MS TOUGH: With respect to engaging with participants—I think the submission mentioned that it was in 2024—what work did Housing undertake with the Human Rights Commission, Official Visitors and the Public Trustee to understand what was going on, on the ground?

Ms Yates: We undertook a quite detailed engagement process with the Public Trustee and Guardian, the Official Visitor for Disability Services and the Human Rights Commission to identify the most appropriate approach for engaging with people living in SDA-enrolled dwellings, and what was the best way to engage regarding their living arrangements, what was included, whether or not they were NDIS participants, and what was included in their package.

The consistent advice we got across those entities was around the reasonable adjustments we would need to make in engaging, with the most important adjustment

being time—that it was not going to be a quick conversation. It was not just a matter of picking up the phone and saying, “How’s it going? Does this happen?” It was about staged and iterative engagement. That was one of the delays in going out with that—wanting to make sure that the information we were providing was accessible, suitable for a range of people with a range of ability, and that it was accompanied by fact sheets. We did a fair bit of work with them in drafting the letter and the fact sheet at that time, in 2024.

MS TOUGH: How did the subsequent engagement with tenants go, and what conversations and engagement have there been with tenants since that point until now?

Ms Yates: Following the deregistration in December, we sent communications out to the people living in those dwellings. It was more straightforward for the people living in Housing-managed properties, because we have a direct contractual relationship with them. We sent 36 letters to people living in those 20 Housing-managed properties, and we have had 30 subsequent conversations with people living in those dwellings.

For those dwellings that are managed by CHPs, it was necessary for us to send a letter and seek consent to engage with them, because we do not have that direct contractual relationship with them. We sent 170 letters to the people living in those 84 managed properties—noting that, within those dwellings, there can be multiple tenancies, depending on how the CHP has structured those. We have had 35 conversations with people living in those dwellings to date.

MS TOUGH: Are you continuing to engage with those CHPs to make sure that there is as much communication as possible with those tenants?

Ms Yates: Yes, absolutely.

MS CARRICK: Why did it take so long to engage with the participants, given that the scheme started in 2016? Hartley told us that they could tell you about their clients. Why did it take so long to engage with the participants to find out what their needs were, both their disability and their housing needs?

Ms Yates: Routinely, we do not capture that information, so we needed to work out what would be the most appropriate process for that. After that engagement with OVDS, Public Trustee and Guardian and the Human Rights Commission, we made a decision at that point not to engage directly with tenants, and that we would seek to engage in the first instance with the head lessees of those, as a first stage, and to get a sense of the condition of the properties within Housing that were Housing-managed. The work throughout last year was looking at the settings around the registration, and we have since commenced that process to engage.

MS CARRICK: If you had had this information earlier, would it have been easier to apply for the SDA funding?

Ms Yates: In retrospect, if we had made the decision to register as an SDA provider and enrolled dwellings based on the needs and the desire of our tenants, it would have been a different situation. The decision around the registration and the enrolment of dwellings was opportunistic, given the provisional arrangements that were being

offered by the NDIA at that time.

MR EMERSON: In April 2024, the government announced a four-month consultation process on the future of SDA provision through Housing ACT. Late last year, in a hearing, the minister indicated that this never happened. Is that what you are referring to—that decision point? Where, in this timeline, was a decision made not to continue with that consultation process after it was announced?

Ms Yates: That decision was made in August 2024.

MR EMERSON: Four months after the four-month consultation process was announced, a decision was made not to do a consultation process. How many people who are SDA-eligible live in public housing in the ACT?

Ms Yates: We do not have the answer at this stage as to how many people there are across the whole portfolio. We have started to ask that question of the people who are engaging with us, on the back of the letters that we sent out following the deregistration, to get a sense. But we have not asked that question of the whole tenant cohort.

MR EMERSON: Coming back to Ms Clay's question earlier, I am struggling to understand the minister's confidence that there would not be any outstanding disability modifications for people who are SDA-eligible.

Ms Berry: You might be verballing me or misrepresenting me there, Mr Emerson.

MR EMERSON: No, I think that was what you said. Obviously, they are not your exact words, but I think that was—

Ms Berry: Not exact words?

MR EMERSON: Minister, we are trying to gather evidence about how much money has been missed out on and how many people have been impacted because of that missed funding.

Ms Berry: That is right, and we are telling you that we are working on finding that information, and we do not have it all at the moment.

MR EMERSON: You cannot be confident that everyone who is SDA-eligible living in public housing in the ACT has received all the upgrades that they require to live comfortably—

Ms Berry: Very clever, Mr Emerson.

MR EMERSON: given their severe and high needs, because you do not know how many people are SDA-eligible.

Ms Berry: In the whole of our ACT government housing properties, no, we do not. I would say that any other state or territory—perhaps even Victoria—does not, either.

MR EMERSON: In response to a question in the Senate in early 2024, we learnt that,

at the end of 2023, there were 1,721 Canberrans living in public housing who were on the NDIS. Six per cent of people on the NDIS have SDA funding in their package, so that would be 103 people, based on these assumptions that I am making. The average annual funding amount at that time was \$18,689. That would be \$1.925 million, just as an average estimate, per year. Housing ACT was registered in 2017, so it would be eight years since it was registered until the end of last year, when its registration was allowed to lapse. We can estimate that the government would have missed out on \$15 million, on the averages, or \$30 million, on the figure that I quoted from the earlier question. Do you have any evidence to contradict these estimates?

Ms Yates: I would say one thing. Whilst we registered as an SDA provider in 2017, we did not enrol dwellings until 2020. The hypothetical around being able to claim SDA funding back from the point of registration is simply untrue. At that point we did not have any dwellings enrolled. It is hypothetical, around what it would take to have all the dwellings occupied, every bedroom, with the commensurate level of funding, and all the rest of it.

On the back of the question that was asked in the Senate, we did engage with the NDIA around that data. We found that there was potentially some problematic data there. I could not attest to whether or not that information was correct, as a basis for that assumption, having regard to subsequent conversations we have had with NDIA about the data quality.

THE CHAIR: Thank you, everyone. We have come to the end of this session, unfortunately. On behalf of the committee, I would like to thank you, Minister, and officials for attending today's public hearing. We would also like to thank all other witnesses that have contributed to this public hearing. We would like to thank broadcasting and Hansard for their support.

There was some evidence that you were going to present. No doubt we will be in touch, to make sure that we get that evidence through to us. If any members wish to put any questions on notice, please put them on the parliamentary portal as soon as possible, and no later than five business days from today. This meeting is now adjourned.

The committee adjourned at 5.00 pm.