



**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 J CLAY
MS C TOUGH**

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 15 JUNE 2026

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**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.

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Amended 20 May 2013

The committee met at 1.30 pm

ORR, MS SUZANNE, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Climate Change, Environment, Energy and Water, Minister for Disability, Carers and Community Services, Minister for Seniors and Veterans

EVANS, MS JACINTA, Acting Deputy Director-General, Health and Community Services Directorate

THE CHAIR: Good afternoon and welcome to the second public hearing of the Standing Committee on Public Accounts and Administration, in the 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 Disability, Carers and Community Services.

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 their continuing culture and the contribution they make to the life of this city and this region. We would also like to acknowledge and welcome any other Aboriginal and Torres Strait Islander people who may be attending today's event, including 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 hearing is being recorded and transcribed by Hansard, and will be published. The proceedings are also being broadcast and web streamed live. When taking a question on notice, please be clear that you will be doing so. That will help the committee and witnesses to confirm which questions have been taken on notice.

We welcome the Minister for Disability, Carers and Community Services, Ms Orr, and officials. As I have already indicated, when you first speak, please state your name and the capacity in which you appear. Typically, we might offer an opening statement to the minister, however, given the number of people that we have here today, are you all right if we just get straight into it?

Ms Orr: I was working to the assumption I would not have a statement, so you are fine.

THE CHAIR: We have got 35 minutes for this session, so I might just give each member six or seven minutes to ask whatever questions they want and then we will move it along, just so we get as many through as we can. I do have a couple here that I will run through.

Many submissions to this inquiry have spoken about what they believe to be poor management and standards for people living with a disability in Housing ACT. How do you, as the minister responsible for disability, carers and community services, interact with Housing ACT to represent these concerns they have?

Ms Orr: Thank you. For Hansard's benefit: Suzanne Orr, Minister for Disability, Carers and Community Services. Mr Milligan, I will just check that I have understood the

question correctly. Is it asking how I make representations to the minister for housing?

THE CHAIR: Yes, for housing.

Ms Orr: In regard to people with disability who need a house?

THE CHAIR: Yes.

Ms Orr: Okay. So, Mr Milligan, there are a range of ways, I guess, I could become engaged in a conversation around tenants—and it is not just people with disability. As a local member, I will also have tenants make representations to me, as I am sure every local member will. We will have representations come through from people with disabilities; a whole range of reasons. When we have those, we will refer those to the minister's office because the minister for housing is the one with the operational authority and is the one who, under the AAs, is responsible.

So, we will raise the matter and we will then seek to follow up where appropriate. That could be a case of the person who has made the inquiry letting us know that they have heard back, everything is complete, so therefore we are fine. Or, if they still have concerns, then we can follow up again. So, it is a case-by-case basis. That is where we get individual inquiries and, over the years, they have been numerous and diverse. They are not necessarily specifically related to, as I said, disability or to SDA, which is the topic of this inquiry.

In fact, I do not think I have had any individual representations on SDA. That is the advice to me, that I have not had any come through while I have been the minister. I have had certain advocacy groups or NGOs raise it with me, but not individual cases.

The other part then, I guess, in engaging with the minister, would be around where there are, I guess, more systemic issues brought up. That is one where we have an ongoing discussion and can look at various considerations as they arise.

THE CHAIR: Did you have any involvement, or were you aware that Housing ACT was registering as an SDA provider? Was there any sort of consultation or did they make you aware, seeing as you are the minister for disability, that they were going through this? That is at any point later in the track, obviously.

Ms Orr: Yes, so I can only talk from when I took the portfolio on.

THE CHAIR: Yes, that is all right.

Ms Orr: Certainly, the minister for housing did, at key moments throughout, I guess, the events that have led to the deregistration, provide information and advice to my office around those and the processes that Housing ACT was undertaking in their consideration.

And certainly, as I said, I have had it—the issue of SDA in particular—raised with me by Hartley Life Care and NDS. And certainly, at those points when I have had that raised, I have, and my office has, engaged with the minister for housing's office to present—or to let them know of—what has been raised with us as an issue.

That time period aligns with when the minister was already looking at the briefing that had come to her and the considerations that were there.

So, the feedback that I received got—my understanding from what the minister has told me—that feedback was fed into the overall considerations that were going on.

I also encouraged those providers to speak directly to the minister, as well, which I believe they did.

THE CHAIR: Excellent.

MS CARRICK: So, there is no formal mechanism, meeting structure, governance arrangements to look at the systemic issues with SDA?

Ms Orr: Ms Carrick, when you say “formal forums” for discussing this, SDA is a program and a funding arrangement that is administered by the NDIS and the NDIA, and the quality safeguarding group as well. It is one that is done under our co-governance arrangements of the NDIS and so, therefore, the Disability Reform Ministerial Council, DRMC, is actually the forum where questions on SDA would be considered.

And it is a matter that DRMC is considering. The design standards are currently out for consultation. They went out, I think, at the end of 2025 and they will be reporting back to DRMC—so, that is the federal and state and the territory ministers—around how that particular funding provision could or could not be improved.

MS CARRICK: So, which agency or which minister is ultimately responsible for ensuring that people with a disability—whether it is SDA housing or not SDA housing, but just people with a disability—have appropriate housing?

Ms Orr: Ms Carrick, I know that sounds like a very straightforward question, but it actually has quite a detailed answer, and I might actually get officials to run through some of the considerations in that. Sorry, Jacinta.

Ms Evans: That is fine, minister. Thank you for the opportunity; thank you for the question. So, your question goes to who has that responsibility?

MS CARRICK: For disability—

Ms Evans: Yes, accommodation. So, certainly within the public housing space, it is the minister for housing, insofar as all of the considerations that are made—which would be brought to cabinet, of course—around the policies, and the settings that are made around the wellbeing of people in public housing are the minister for housing’s responsibility.

MS CARRICK: So, how do you make sure, or measure, that the system is working; and ensure that people with a disability’s wellbeing is being looked after, given the circumstances that we have heard, the scenarios, and that housing is so important to people with a disability’s wellbeing? Well, to everyone, but we are talking about

disability. I mean, given that you are the minister for disability, it is very important that people are well—as well as they can be—and have what they need to be well. So, how do you measure and make sure that the system is working for them?

Ms Orr: Ms Carrick, going back to your original question, I think, in saying, “How do we measure if housing is working for people with disability?”: when we talk about housing, that can be provided in the broadest terms. It can be provided in a range of ways. So, Ms Evans has spoken of public housing, which is where government would have, I think, the most direct role as a provider of that housing. But it would also—I mean, housing can be provided by the private market; it can be provided by the community housing market; it can be provided through governments; it can be provided through regulated mechanisms such as SDA, which is done by the NDIS.

When we are talking about housing for people who have disabilities and who would be considered vulnerable housing tenants, there are a range of safeguarding checks and balances within these systems and within these approaches. So, that goes to the NDIS quality control standards—I forgot the actual full name of it. We also have the Official Visitors for disability, here in the ACT, who can do checks. And we will have other oversight groups where you can make reports if you are of the view that either the service being provided—if it is a serviced dwelling—is not up to scratch, or if there are other considerations around it. Maybe that is what Ms Evans could just take a bit more time just to run through some of those broader quality and safeguarding assurances.

MS CARRICK: Okay, just briefly because we have only got half an hour.

Ms Evans: Okay, well, I am happy to speak to that briefly, but I would go back to the fact that Housing ACT does have responsibility for their tenants, and within the scope of this hearing we are talking about Housing ACT’s response.

When we look at, sort of, the way in which people are registered for Housing ACT, it takes into account their broader needs. So, a person would go onto a particular list or be considered for a particular class of housing. So, all of the needs of that person are taken into account. Then each tenant also has a housing manager to whom they can report on their particular needs and issues. And that is how things like maintenance of housing, upgrades, those sort of things, are achieved—in an internal loop, if you like, that does allow for people to kind of communicate their needs. And that would be true of the people that we are referring to.

MS CARRICK: So, I mean, through a range of reports—being the ombudsman and the submissions that have come in—they talk about systemic failures in the delivery of public housing. So, do you get representations that lead to that view, in your mind?

Ms Orr: Certainly, Ms Carrick, when we talk about public housing—and I think it is well known, and the minister has acknowledged—there is a need to improve particularly the maintenance within the public housing program. And that is something that the minister has been addressing through the insourcing trials of public maintenance, and through how that work is progressing. I think, certainly, if there are any questions you have as to the operational aspects of Housing ACT, it is probably best that they go to the operational minister, which is the minister for housing.

MS CARRICK: Some of the submissions go to the legislation, you know: housing as a human right, the Discrimination Act; there is a range of legislation. So, what oversight do you have of Housing ACT's compliance with the discrimination law?

Ms Orr: The operational aspects of Housing ACT are with the minister for housing.

MS CARRICK: Okay. So, what happens? If those obligations under the legislation are not met, and it is a disability thing, is it not of concern to you, given that you are the minister for disability?

Ms Orr: Certainly, Ms Carrick, it can be raised with me and I can make representations. I think the question you are going to, though, is a question of what statutory authority would I have. I am not the operational minister for either the Discrimination Act or Housing ACT and so, therefore, I would not have statutory responsibility for those things.

MS CARRICK: Is there adequate data about who has an SDA or, you know, like has got SDA in their NDIS package? Do you have visibility of the disability packages, like how many there are out there, who has got them and whether they have got adequate housing?

Ms Orr: The NDIA will provide quarterly reports which give information on participants; what their packages might or might not take in. It is more high-level. Some of it is done by states and territories—not all of it; some of it is done nationally. That is the information that is provided to us. There is a lot of, obviously, privacy considerations that the NDIA works within in providing that information, but those reports are publicly available so anyone can access them.

Certainly around, I think, the part of your question that went to what oversight would we, as a jurisdiction, have on individual packages: that is done through the NDIA. It is not something that we would necessarily have oversight of, or look to have oversight of.

In the question of SDA and—sorry there was a few parts within the question, so I am just trying to make sure I have answered all the points of them.

THE CHAIR: We can take anything outstanding on notice, if you like, and then we can move along.

MS CARRICK: It is about data, right. So, how do you plan policy without knowing who needs accessible housing?

Ms Orr: So, I think, Ms Carrick, this actually goes, I guess, to one of the core complexities—for lack of a better way of putting it—in that, in respecting the rights of people with disability, you cannot compel them to disclose that they have a disability or what particular needs they may have. That is something they choose to say. So, when they come into employment or public housing—I think there is a range of different areas—there is an opportunity for people with disability to say that they have a disability and to request adjustments. But there is nothing that says, “You must tell us and you must disclose what those adjustments are”, because that would actually be

impinging on their rights.

MS TOUGH: I have got some questions around how SDA works. Obviously, we have heard that ACT has not been able to operationalise it. Do you know of any other governments that have been able to operationalise it for public housing?

Ms Orr: So, I think the example of Victoria has come up in the submissions and in the hearings today. They are the only jurisdiction that I am aware of that has government-provided specialist disability accommodation. I think the subtlety there, though, is that, to the best of my understanding, I would say it is not part of the general public housing portfolio; that it does sit separate to that portfolio. And that comes down to the specific rules that are put out by the NDIS and NDIA on how SDA should be administered and, in particular, where there is a tension between those rules and the rules that would come from public housing—which is based on economic considerations and supports, not necessarily functionality. Ms Evans, I do not know if there is anything you wanted to add to that?

Ms Evans: Only to add that I think we are looking somewhat at a question of scale around—the Victorian government made a choice. They have some 900 or so properties that are SDA related properties. We do not have that scale. So, there is quite a significant cost to the oversight of their SDA program, and an administrative burden that is related to that separate program that runs alongside their public housing, generally.

Ms Orr: So, in the Victorian context, they are acting as the SDA provider and there is a certain scale that comes from the number of houses that they have within their program. And that is what provides them to have the administrative oversight. Obviously, being a smaller jurisdiction, our numbers are going to look quite different. The other thing I would add is that, while Victoria has, I guess, operationalised SDA, all the other jurisdictions—to the best of my knowledge—do not offer a government-provided SDA. They will work with community housing partners, or the private market will be one that provides it. And a number of jurisdictions also clearly state—again, publicly available on their websites—that if you are within the general public housing system, you cannot claim SDA because your needs are seen to be met.

MS TOUGH: What was the policy intent behind SDA, as opposed to public housing providing this, anyway? What was the purpose of the SDA?

Ms Orr: What is this the policy intent, I guess, from an NDIS perspective and why this exists within the NDIS?

MS TOUGH: Yes, why this was a separate—

Ms Evans: I am not sure that I can speak to the NDIS’s policy intent. I think if the question you are asking is, “How did we end up having our public housing registered?”—

MS TOUGH: Yes, two separate policies.

Ms Evans: It really comes back to initial decisions that were made when the NDIS was being stood up, and most jurisdictions made a number of decisions around how best to

manage things. There was some grandfathering of a whole range of different policy areas, too, because we did not know what they would look like or what the outcome would be. And for some of those, it quickly became clear that was not going to be operational. For others, they lingered on a little bit more.

Ms Orr: I think, certainly, in the discussions that I have had from a policy perspective on the NDIS, as to different housing supports, there are a range of housing supports and living supports that can be provided through the NDIS. SDA is one of those—and a very particular one, and one that is not necessarily widely used. I think it is six per cent of participants nationally will qualify for some payment of SDA. And it is one that is, for very specific reasons, really done on a case-by-case basis, and the considerations are quite complex in how it is arrived at whether it is provided.

Also, I think it is fair to say it has been developed—you know, from when it first came in to where we are now is a very different reality. When we start looking at things like the National Construction Code which now adopts much higher standards for liveable design, and that we have—with the disability royal commission, I think in particular—really moved away from housing typologies and formats that previously would have been group houses, for example, that would have been considered not unreasonable or not inappropriate, which are now very much considered that way. So, disability housing, I think, and the provision of accessible housing has changed a lot since SDA came in.

And this is one of the things, I think, that also compounds the questions of: what is the role of SDA within the provision of disability accommodation?

MS TOUGH: Yes, so it was kind of something that, when NDIS was first being thought up, there was not really that more accessible type of housing—whether that was private or public housing—and this was to fill the gap, but now things have kind of changed around it?

Ms Orr: Yes, so for example, with the basics level for SDA, that has been discontinued because it seemed that there are a range of other mechanisms such as the building code and so forth that will actually provide for that. You do not need to have it included in the Specialist Disability Accommodation or in a higher category of, I guess, focus because it is not one that is as exceptional in its need to achieve—because it is more widely realised.

I would also encourage the committee, if you have any interest in it, to actually have a look at some of the design guides that are out because there are the SDA design guides; you can also look at the liveable standards guidelines; and there is also the building code—the NCC building code ones.

In all of these, when you start to look at them, there are actually quite a lot of similarities between them, but they have come out—The SDA design guidelines have come out before the others, but when you look across them there is actually quite a lot of commonality. And when we start looking at things such as government positions on how we design our buildings, we are striving for that higher level of accessibility. So, in the public housing renewal, for example, everything is built to just the one—the bronze, is it?

Ms Evans: Yes, to the class C adaptable.

Ms Orr: Yes, so to the bronze, which is not inconsistent with what you have seen in a lot of the basics designs of SDA. So, our housing stock within the public housing portfolio is actually—

MS TOUGH: Meeting the criteria.

Ms Orr: Yes, is far in excess of what the SDA would be. We also put in a lot of effort to go above those minimum requirements. For example, the new community centre up in Gungahlin will have a Changing Places change room in it, which is not incorporated in any of these but provides a much higher level of supports for people who need facilities such as that.

MS TOUGH: Awesome, thank you. I am happy, in the interests of time, to hand on.

MS CLAY: Minister, do you have any clarity about whether SDA will continue, and what the role of the territory will be, if it does?

Ms Orr: As in whether it will continue under the NDIS or—

MS CLAY: Yes, and whether it will continue going forward. If the ACT is deregistered, will the SDA system continue, and will the territory be involved in that?

Ms Orr: Ms Clay, I certainly have not had any indications from the NDIS, the federal minister or DRMC that they are looking to discontinue SDA as a funding source. Are you asking whether the ACT will continue with it?

MS CLAY: What will the role of the territory be? What will the role of the ACT government be, given that SDA will continue?

Ms Orr: SDA is available within the territory, beyond the government. We have SDA providers that are not government providers. They have, throughout all of this, continued through that particular process. As to the role of the ACT government, that is a decision for cabinet. I believe Minister Berry has provided evidence and responses that it is one that government will be considering.

MS CLAY: It was a little while ago, but we did ask the minister for housing, and she was not able to tell us whether or not SDA funding would be available for people living in Housing ACT properties. Do you have any information about that? Do you know when that decision would be made? Do you know how many people in the ACT might be affected about government timelines on those decisions?

Ms Orr: Ms Clay, it is a question for Minister Berry, the minister for housing, as she is the minister who has the lead on this. I cannot contradict her answer; she has said that it is one that will go before government and it will be considered.

MS CLAY: You have probably had a chance to look at the submissions that came in to this inquiry.

Ms Orr: Yes.

MS CLAY: Koomarri and Hartley gave us some pretty disturbing submissions. I will read out a little bit. Hartley said:

Hartley has documented dozens of unresolved and long-standing maintenance issues across Housing ACT properties, including water ingress, mould, electrical hazards, loss of essential services, accessibility failures and structural deterioration. Many of these issues have remained unresolved for months or, in some cases, years.

Koomarri has a fairly similar response. Koomarri said that clients have had variable experiences, and stated:

... with some houses in reasonable condition and others very poor. Issues include mould, rodents and possum infestation, rising damp, water ingress through light fittings, damaged tiles, blocked plumbing, lack of appropriate heating/cooling, uneven walking surfaces including pathways, broken doors and screens, holes in walls and ceilings, collapsed retaining walls and deteriorated facias, gutters and roofing.

Those are some fairly significant concerns for people living with disability, with the ACT as a landlord. Do you have any policy or any interaction, as the minister for disability, regarding people with disability living in those sorts of conditions?

Ms Orr: Again, Ms Clay, the operational matters, as we discussed earlier, and with other members as well, go to Minister Berry. I am not sure whether you were here when I ran through what my role would be, what representations I make and where my statutory authority sits. I will not go over it, in the interests of time. With the examples that you have read out, the maintenance that those issues would cover would not necessarily be directly in the consideration of SDA. It would be in the consideration of general housing maintenance and provision.

I can ask officials to run through this in a bit more detail. Certainly, with SDA, it is there to support additional functionality, and the higher functionality supports of that particular housing. It is not necessarily there as a generalist provision. Providers of SDA are also required to maintain properties to the general standard. It is not necessarily something, though, that would be funded through the SDA. It is very complex, and the amount of funding can differ depending on the type and age of the property. There are a lot of variables.

The point I am trying to make here is that the funding that you get through an NDIS plan for SDA is not necessarily intended to be funding for everything to do with the provision of that accommodation, and the upkeep and maintenance of it.

MS CLAY: Do you have any concerns, though, having read those submissions? We have allegations that there might be breaches of human rights, that there might be breaches of the Disability Discrimination Act. You have seen the submissions. Do you have concerns, as the minister for disability, about those submissions?

Ms Orr: Ms Clay, anyone who heard about those—to use your words—would have

concerns, and no-one would be ignoring those. Certainly, when I have had matters raised with me—again, this goes not just to people with disability within the public housing system; it goes to any tenant—these are things that, as a local member or as a minister, we would be raising with the minister for housing. I have personally raised them in the past, when there have been concerns raised with me by tenants and constituents, usually within my local area.

MS CLAY: What was the outcome when you raised those concerns?

Ms Orr: If I can finish my first answer, it is also fair to say—and this goes a little bit to your second question—that, whenever I have raised those issues, the minister has been responsive and has taken that back to her directorate for progression. Again, earlier in the hearing, I did go over the cases where I have made representations and how we would approach those for follow-through.

MISS NUTTALL: Minister, the Disability Strategy's actions relating to housing lists the following actions to enhance the experience of people with disability engaging with Housing ACT: establishing a disability liaison officer position in Housing ACT; ensuring all Housing ACT officers attend training on engagement with people with disability; and ensuring new Housing ACT stock meets or exceeds the minimum accessibility standard under the NCC for all new builds. What is the status of each of these items?

Ms Orr: All the strategies and action plans continue to be progressed. Certainly, working across government with different directorates, there will be leads on these. Can you run through the three that you referred to, Miss Nuttall?

MISS NUTTALL: Absolutely. Establishing a disability liaison officer position in Housing ACT, ensuring all Housing ACT officers attend training on engagement with people with disability, and ensuring new Housing ACT stock meets or exceeds the minimum accessibility standard under the NCC for all builds.

Ms Orr: I will start with the third one. Again, as I have spoken about quite a bit, where we have the new builds, and in complying with those, my understanding is that our builds have to be compliant or we do not get the certificate of occupancy. I will run with us complying with that one. As to investigating the options for a housing information advisory service, that is underway. The most recent advice to me is that we are seeking advice from the ACT disability community sector to inform the approach for progressing that action, so it is in progress.

As to ensuring new Housing ACT stock meets the minimum standards, again, that is one for which Minister Berry, as operational minister, would have primary responsibility. Specific questions around how many buildings do or do not meet those should be directed to her.

MISS NUTTALL: With those, do you have a formal role in tracking progress against these actions, given that they are in the Disability Strategy?

Ms Orr: Yes, I report on the strategy. That is an annual report that is usually tabled. I will provide an update as part of that. A lot of the actions within that strategy are larger

pieces of reform work, with multiple components, and they will take a period of time. Most of the reporting, since I have had the portfolio, has been on how it has been progressing, as the matters need to be worked through. It is not necessarily a matter of saying, “If you do this one thing, that is complete.” They are about driving longer term change, and that comes with many different components and a need for ongoing work.

MISS NUTTALL: You talked about escalating issues raised by Official Visitors. How do you escalate those? Are you looking to adopt any of the recommendations that they have made in their 2024-25 annual report, as they relate to disability housing, and including the disability death review?

Ms Orr: In regard to the disability Official Visitors, I am the operational minister for the disability Official Visitors, as well as being the scheme administrator. I want to make sure that everyone is aware that I have to wear two hats with this one. Speaking specifically about the disability OV's, I will meet with them on a regular basis, to receive their reports, to hear what they are hearing about, in acting as my eyes and ears on the ground. Certainly, they will provide a range of feedback, which also goes to people with disability living in a range of housing, including public housing, and the matters that they are seeing there.

In working through those, certainly, the OV's will make representations. They work directly with Housing ACT quite a bit, in raising those matters, and they will keep me informed as to how progression is going on those. I have been having quite a detailed discussion with the disability OV's as to how best we can represent concerns that are raised, because they will not necessarily go to one particular area of consideration; we will see a range of issues. It could go to providers of services; it is not just the actual bricks and mortar of a house.

That is one thing that I have been working through with the OV's, because sometimes I will be writing to the NDIS and raising it with their quality safeguarding and assurance groups. Sometimes it is a matter of raising it with another minister. Sometimes it is a matter of acknowledging that something is in train and it is just about keeping a watching brief on it.

As to the death review, this is something on which government has in-principle agreement, as part of its response to the disability royal commission. But it is one that is complex, and it requires input from a range of institutions, including the Coroner. There is a range of input that is not solely within government's decision-making. We continue to work through the different perspectives and the different work that needs to be done in order to progress that. We do that within what is a very complex and extensive disability reform agenda at the moment, so it is one where we have to balance everything.

MR EMERSON: Following up on Miss Nuttall's question about strategies, the ACT Housing Strategy from 2018 includes an action to work with the National Disability Insurance Agency, the development sector and people with disabilities and their families and carers to identify potential opportunities to facilitate the development of specialist disability accommodation. Are you aware of progress against that action?

Ms Orr: Mr Emerson, the facts that have already been put forward would show how

that particular ambition is or is not progressing. I would say that while that is one particular focus, again, going back to the point I was making before, there is a range of avenues for progressing accessible accommodation for people with disabilities. While I do not want to take away from looking at particular needs under this particular policy setting, I would certainly not want to limit consideration to that. Going forward, that is certainly something I have already been talking about with the minister for housing. It is not just government-provided housing; it is broader than that. Certainly, it is within the broader discussion of accessible housing; it is not just limited to one policy setting.

MR EMERSON: I suppose my question is about whether you are aware of anything outside Housing ACT having registered for the scheme and then having deregistered, having never accessed any of the funding. That might be relevant to the delivery of that specific action.

Ms Orr: We—the ACT government—do not assess the applications to become a provider. That is something that is done by the NDIS. Referring to my previous testimony, there are a number of providers within the ACT. As to whether other providers have gone forward and been found not to be compliant or have had to withdraw, that is something that would be done by the NDIS; it would be done by their assessors.

MR EMERSON: Of course. I am probably not being clear. I am imagining the Suburban Land Agency or someone else. As this is a government strategy with government actions, is there any part of government, other than Housing ACT, that you are aware of that may have taken steps to meet this action? It is possible that the answer is no, and that is fine.

Ms Orr: I better understand the question now; thank you. The question essentially is: if it is not going to be Housing ACT, could another area of government become an SDA provider?

MR EMERSON: This is a 2018 strategy, so if it has not been Housing ACT in the last seven years, has it been someone else, or some other part of government?

Ms Orr: Bear with me, as I am trying to work through the complexity of this one, Mr Emerson. My understanding is that, to become a provider of SDA, you have to develop the houses, you have to provide the houses, you have to run and operationalise them. For another part of government to do that, they would need to be willing to take on those operational considerations. It is fair to say that Housing ACT is the area of government that best aligns with those. We have seen that there are other complexities involved in that. To the best of my knowledge, the focus within ACT government has been on what role Housing ACT would or would not play. Any questions beyond that are still part of government's further consideration.

MR EMERSON: On the scale of this, I suppose why this is happening in this particular committee is the financial consequence. While there may have been homes built in other ways that meet the same sorts of requirements, they will not have received the federal funding that is available through the NDIS. What I am curious about, and what the committee is trying to determine, I think—I am not speaking for the committee—is how many NDIS participants are living in public housing. Is this something that any part of

government, anyone who is represented here, has taken steps to try to determine?

Ms Orr: As to the number of NDIS participants living in Housing ACT dwellings, that is an operational question best put to the minister for housing. I can talk in broader terms, going back to the substance of your question. Mr Emerson, I think you are essentially making sure that funding is coming forward and that people are not missing out. Are you able to—

MR EMERSON: This inquiry came about because there are providers who have clients that they are supporting who are tenants of public housing and they are thinking, “I can see this funding, and the only organisation that could possibly access it is Housing ACT.” I am asking a question of you, and this area of government, in that context, as well as in the context of emerging reforms, which you touched on, around Foundational Supports. Governments will need to know who they are already in contact with who are being supported by the NDIS and may no longer be. I would see public housing as one of those access points, along with the health system and the education system. That is a key access point.

Ms Orr: Again, I refer back to my comments that we cannot compel people with a disability to disclose that.

MR EMERSON: Sure, but has anyone asked them? Ms Evans, you spoke earlier about everyone having a housing manager, and their job is to make sure that their needs are being met.

Ms Orr: If they wish to disclose, they can. It is the same as the examples I gave of, say, when you apply for a job; there are questions, usually, within an onboarding process, like “Do you wish to disclose if you have a disability?” and “Do you require reasonable adjustments?” Those options are there. Again, it does not compel you to answer. It is still a choice. I raise the point in that there is a consideration there that we do need to be mindful of, and we cannot say to someone, “You must tell us,” in order to do that.

In regard to the SDA question around the broader reforms and looking at how the greatest benefit can be provided to people with disabilities, SDA nationally is underutilised. Certainly, while this committee is focused on the ACT, and a particular aspect of ACT SDA usage, that being public housing, it is one where, nationally, we see complexities in accessing this funding having quite a big impact, which suggests that the policy settings are not working. That is why the discussion has been occurring at DRMC, and will continue to occur, into how SDA can best be administered.

I would note that the NDIS is quite complex. I think everyone says that. This is a particularly complex part of the NDIS. It would be remiss of me to say that there are easy answers. There are not necessarily easy answers.

MR EMERSON: With respect, if I were a person with a disability listening to this hearing, and living in public housing, who had not had this funding access, I would think, “My life’s really complex.” I understand that things are complex, but it is the government’s job to solve those problems. CHC has just delivered new SDA housing, out in Scullin, so it is not an insoluble issue.

Ms Orr: There has been SDA housing delivered within the ACT. The question you are going to, though, is: will government be accessing this funding? That is a decision that, as Minister Berry has said, government still has to make, taking on board the learnings from everything that has occurred to date, plus this inquiry, and whatever findings come out of this inquiry.

There is a particular challenge there for states and territories, where it is a public housing provider, to also provide SDA, because the settings of public housing are just not compatible with the rules and guidelines for SDA. A lot of that comes down to the provision of how the rent is calculated, what factors are in place for that, and how that does or does not interact with public housing.

In calculating everything to do with SDA, there are certain criteria and parameters around what gets taken into account. Usually, it is the disability support pension; there is also commonwealth rent assistance and a few other considerations. Twenty-five per cent of those factors, added together, is the maximum that can be charged in rent for a person in SDA. The SDA payment from the NDIS provides additional funding to cover that.

Within the more general public housing, which is across all states and territories, to the best of my knowledge, it is 25 per cent of your gross income, so the way it is calculated is fundamentally different. Again, it is not a case of saying one or both; it is about how we best support people's needs through one or the other.

One of the issues that this goes to—and this is a broader issue that is under consideration through DRMC and what we are looking at—is the way SDA is administered. Is it still giving people choice and control, which is what the NDIS is there for? If you were already living in a public housing house and have transitioned into the NDIS and SDA, in order to access SDA, you may need to leave the house that you have been living in. That is not choice and control, and that is one of the core issues that we have been grappling with. We are not alone; other states and territories have also had this transitional challenge. Those are the policy considerations that we are working through.

MR EMERSON: Setting aside SDA for a moment and going to just NDIS participants living in public housing, I think I asked and maybe did not get an answer to the question of whether, in the context of the reforms, the government is going to have more of an interest in how many people are NDIS participants who are contacted by government services. Is there any commitment to actually find out how many people living in public housing are on the NDIS?

Ms Orr: Mr Emerson, in answer to your question, I would point out that the number of people with disability would be far in excess of the number of people on the NDIS.

MR EMERSON: I understand that. I think the figure we got was that about 50 per cent of public housing tenants are people with disability.

Ms Orr: Housing ACT continue to look at how they can support all their tenants with disability—not limited to one or the other. Where there is somebody within public housing who has an NDIS plan and it is relevant to their housing arrangement and they wish to disclose that to Housing ACT, it is my understanding that Housing ACT are

more than willing to work with and, where possible, to accommodate and reconcile that. I am trying to have a think about where a housing provider, apart from SDA, would particularly come into—

MR EMERSON: I suppose a generic housing provider might not—but, given it is government, I do not know. Maybe it is something to think about.

Ms Orr: Your NDIS plan will cover a lot of things—not necessarily the bricks and mortar covered by SDA. There is SIL, Supported Independent Living, which are the services and supports that will happen within a home. Again, this is where you can work with Housing ACT. But, outside of the bricks and mortar considerations, I think that I would question how much of a role Housing ACT would have, in the sense that it is the tenant's house. How they live in it is really not for Housing ACT to necessarily oversee. In the sense that you had an SIL provider and you have someone coming in to provide services and supports to you, that is not something I would imagine you would need Housing ACT's specific permission to do. But, again, it is an operational question, and so it is probably best put to the minister.

The point I am trying to make—perhaps not the most eloquently—is that there are a lot of aspects to NDIS packages and plans and not all of them would necessarily engage the housing operator or provider. Therefore, in answering your question as to whether we should know if someone has an NDIS plan or what the role of government should be in overseeing that, I think the question would really be: is there a need for Housing ACT to know that part of the plan or not? For privacy reasons, there would not be a need for us to know beyond that.

THE CHAIR: Are you happy to take a question on notice from Ms Carrick?

Ms Orr: It depends on the question.

MS CARRICK: When we talk about government providers in the other states, we understand that Victoria is a government provider, but I am not sure about the other states. Are you able to let us know definitively which state has a government provider of SDA?

Ms Orr: I can answer that very quickly for you now; I do not need to take that on notice. My understanding is that Victoria is the only state provider of SDA. Other states will support SDA through community housing partnerships, but they are not doing it directly and it is not through the general public housing program. I believe that is correct. If anyone wants to tell me I am wrong, please let me know now so I can correct the record.

Ms Evans: That is my understanding as well, Minister.

THE CHAIR: On behalf of the committee, I thank officials for attending today. Thank you very much.

Short suspension

DOBSON, MS CORINNE, Chief Executive Officer, ACT Shelter

THE CHAIR: We now welcome Ms Dobson, from ACT Shelter. Thank you for attending today. Please note that, as a witness, 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. Would you like to start with an opening statement or would you like us to go straight to questions.

Ms Dobson: I do have an opening statement to read. Is it okay to read that or would you like to get—

THE CHAIR: If we keep it brief, that would be fine.

Ms Dobson: Thank you for the opportunity to appear here today. We welcome this inquiry and the committee's examination of specialist disability accommodation and disability-related housing outcomes within Housing ACT. At the heart of this inquiry are people with disability who have been left waiting for essential modifications, living in homes that do not adequately meet their needs and navigating systems that have too often been too difficult to understand and to access and that lack accountability. For ACT Shelter, this inquiry is fundamentally about dignity, independence and the right to adequate housing.

People with disability have a right to housing that is safe, accessible and suitable to their needs. These rights are enshrined in anti-discrimination law and through the ACT's own commitment to housing as a human right. In ensuring these rights are realised in practice, the key question before this committee is therefore larger than whether a particular program has been administered effectively; it is whether our public housing system is equipped, resourced and organised in a way that enables it to meet those obligations.

ACT Shelter's central message is that the issues exposed through this inquiry are not isolated administrative failures. They are symptoms of deeper structural challenges that have developed over many years, if not decades. The evidence heard by this committee and the findings of the ACT's Ombudsman's report into Housing ACT's repairs and maintenance systems point to recurring themes—aging housing stock; chronic underinvestment; reactive rather than planned maintenance; fragmented accountability; inadequate data systems; poor communication with tenants; and a public housing system that is increasingly being asked to support people with very complex needs without the corresponding growth in resources and capability. The result is a system that is too often responding to crises rather than preventing them. These issues affect all public housing tenants and they fall most heavily on people with disability.

ACT Shelter believes the committee's response should be both practical and systemic. We support stronger accountability, improved data collection, clearer processes for disability modifications and better coordination between Housing ACT, Infrastructure Canberra and the disability sector. We support the establishment of a disability housing task force and the development of a dedicated disability housing strategy to better coordinate planning, investment and service delivery across government. We also see the transition to insourced maintenance as an important opportunity not simply to

change who delivers repairs but to fundamentally redesign the system so that it is tenant-centred, transparent and accountable.

More broadly, we urge the committee to recognise that public housing itself is part of a solution. Public housing is critical social infrastructure and it needs to be funded and reconceived to reflect this critical role, and not treated as a residual welfare cost to be minimised. Public housing provides secure, affordable housing to people who are often unable to access suitable housing through the private market. For many people with disability it is not one housing option among many; it is the foundation that makes independence, participation and wellbeing possible. If we want better outcomes for tenants with disability we must strengthen public housing and ensure it is properly maintained, properly managed and properly resourced to meet the needs of the people who rely upon it. The people at the centre of this inquiry deserve nothing less. Thank you.

THE CHAIR: Thank you, Ms Dobson.

MS CARRICK: The Minister for Disability was just in and we asked about her role in ensuring that people with a disability have appropriate housing. I think fundamentally her response was that Housing ACT do it and that she would make some representations when she gets them in. What should her role be to work with the housing minister to ensure that people do not slip through the gaps?

Ms Dobson: I think it is important that there is some formalised mechanism to ensure that there is coordination across government. We know that a high proportion of people in public housing live with disability. Only a fraction of those have access to the NDIS. But there is a disproportionate number of people who have disability who use public housing and who have a range of issues and needs that arise from that disability. While responsibility for public housing and Housing ACT dwellings does sit with Housing ACT, it needs to be recognised that Housing ACT needs to work better with other parts of government and where there is that intersection and interface. I think there is also a case for having more specialised capacity within Housing ACT that has a focus on disability, given the high proportion of people who live with disability in such housing and also some of the issues that I think this inquiry has really exposed.

I certainly think there should be a role for the disability minister and other parts of government that have carriage of disability. Unfortunately, I think what we have seen with a lot of the systems is a lot of siloing. That is often what we see across different areas government. But, when it comes to public housing and tenants, there is such a complexity of need, we need to ensure that systems are working better.

MS CARRICK: Do you think that the Disability Housing Taskforce or the Disability Housing Strategy—or both of them—and the action plan could be co-chaired by the disability part of the government and the housing part of the government?

Ms Dobson: Something like that would certainly need to be. It would depend what the terms of reference are for that task force, but, if we are looking at disability and housing more broadly, that certainly extends beyond Housing ACT. As I said, we do see a lot of concentration of people with disability and often quite complex disability in public housing. But the needs and issues that people might have who live with disability go

much beyond Housing ACT; they also relate to other systems and services. So, absolutely, I think something like that should have input from other parts of government.

MS CARRICK: In the health and community sector.

Ms Dobson: Absolutely, yes.

MS CARRICK: There also seemed to be an issue with data. When we asked the minister how many people have a disability in public housing, how many people have NDIS, or how many have SDA in their NDIS package, she says that there is a privacy issue about finding it. How do we get around that? Is it simply a matter of, in a form, asking if they would like to disclose that they are on the NDIS or they have an SDA in their package?

Ms Dobson: I think this is something that government should be able to get around. The privacy issues are very important to be clear, but I think there are processes that can be put in place. At the point at which someone registers for public housing or has access to public housing, I do not see why that cannot be part of the questions and the information that they provide. Of course, people can also develop disability while they are living in public housing, for example. So I think there is probably a need to also look how government can effectively capture that information. But there should be avenues to do that.

I also think government should be engaging more with public housing tenants generally. We have seen the number of visits that are made to public housing halved, not in the most recent budget but in the budget before that. Then we saw in the most recent budget that the targets for the number of visits actually was not even met. I think that in itself raises some questions about the engagement processes with tenants to understand what issues there might be but also to better understand what the issues and needs of people are, including if they are living with disability and if they have access to the NDIS.

In terms of access to NDIS administrative data, that is probably something that I cannot directly comment on. But my understanding is that other jurisdictions have had access to that data. I am not sure whether that is disaggregated or that is about individuals. But I certainly think that we should be looking at the ways that are possible to ensure that. Housing ACT should be understanding the needs and the profile of tenants to ensure that it is meeting their needs.

MS CARRICK: I guess I am talking about the Minister for Disability at the moment, because she was just in before you, as opposed to the Minister for Housing.

Ms Dobson: Sure.

MS CARRICK: She talked about the Official Visitors and said that they meet with her. You have the Disability Official Visitor. Can you see a greater role for the Official Visitor and how they might be able to make representations that are picked up?

Ms Dobson: I think it is really important that we have proper systems of accountability. I think that should comprise a number of different components, and Official Visitors is an important part of that. We see in other service systems—in the prison and other areas

that government provides services—that having some different layers of accountability is really important so that we are picking up issues. I see no reason why the Official Visitor for disability is not having that active role in the lines of communication into the relevant parts of government. I think that would be something that we would support.

MS CARRICK: Thank you.

MS TOUGH: Thank you for coming in, Ms Dobson. I want to picking up some things in your submission beyond, I guess, disability and SDA—just broader housing, if that is all right. You talk about the transition to insourced public housing maintenance and ensuring meaningful engagement with tenants. I am just wondering what you would see as the most effective way to undertake that. For tenants with disability or those in disability-specific housing, how do you see that engagement working?

Ms Dobson: There is a public housing consultative group that I know the government liaises with. I assume that they are as part of that process. If they are not, they certainly should be. But I do think it also needs to go beyond that. In terms of how to best do that, I am not sure that I have a fixed view on how that is done. I certainly think that engaging with some of the disability people's organisations would probably be a smart way to understand what the best way to go about doing that is. I understand the focus of this inquiry is disability and, as we have mentioned, there is obviously a high proportion of people in public housing with disability, but I think all public housing tenants have a right to adequate, safe, habitable housing. Too often we know that is not happening and the systems in place are not working. They are not responsive. I have heard numerous times—and I am sure that other members of the committee have as well—about where people are living in highly unacceptable circumstances, things need repairing and nothing is happening and a request has been put in and they have no idea what is going on.

I think there certainly is scope to understand how we can design those systems better so they work for tenants. There are some examples in other jurisdictions where improvements have been made on that front, and I think that perhaps there are some lessons for the ACT around how to do that better. I think it is important that, in that insourcing process, public housing tenants have to be central. It needs to be designed around their needs. We have reached out to government and said we would love to be part of that process, along with others. We are yet to hear what engagement processes there will be in place, but we think it is really important and we should not miss that opportunity to design a better system.

MS TOUGH: On the SDA more specifically, your submission talks about the lapse of registration not really being an administrative failure by individuals, and that it is more of an organisational mismatch. You talk about implementing a complex new program without the foundational systems behind it. We heard from the Minister for Disability earlier that Victoria has been the only other jurisdiction across the country that has been able to operationalise it and other states have just said, “No, our public housing is not having anything to do with it; too hard.” Obviously, it would represent a really good funding source for Housing ACT if they were able to operationalise it. But, if it cannot be operationalised, for whatever reason—and we heard the building code is changing now—would it be better for the building code and the standards that public housing generally is being built to be accessible as a better way of maybe directing government's

resources so that you do not then have people who go into a public housing house that is not suitable for their needs and we build most of the stock to be successful for anyone, so that, rather than having to go, “You need this over here”, the housing just fits.

Ms Dobson: Yes, absolutely. The pause on the building code broadly has implications for disability. Certainly for any public housing that we are building, it makes so much more sense to build it in the first place where it is disability accessible or can be readily modified. A problem with a lot of the housing stock that we currently have is that it was built before the 1980s and it is aging. In fact, some of it may not be able to be readily modified to meet the standards that are now required under the SDA.

At the end of the day, public housing needs to work for public housing tenants whatever the source of funding is. If we are not accessing the NDIS, that does not reduce or absolve the ACT government of needing to meet that fundamental obligation. Building new stock is important but also important is understanding—and this is where it would be very useful to have greater transparency—the condition of the current housing stock; what proportion can readily be modified; and how government can make the best use of its funds to improve the condition to maintain it but do that in a strategic way as well. At the moment the system is very crisis driven and reactive. We need to have a much more proactive and strategic approach to how we manage the housing assets.

MS TOUGH: So a more strategic approach—like this is the housing pool we have; this stock is this old and it cannot be modified or you would not spend the money modifying it; we could knock it down and rebuild or build something or sell it—just that bigger picture.

Ms Dobson: Yes. We do have people living in that housing—

MS TOUGH: Yes, and obviously not just say to people you cannot—

Ms Dobson: It is a complex issue, but there is a way to think of how we can best do that. It is not something that is going to happen overnight. It may even be over a decade. If there is stock that is unsuitable, we need to look at how we replace that over time. So, as people vacate those homes, we use that opportunity to perhaps knock down and rebuild rather than evicting people while they are living there and things like that. We need to have that strategy and approach, and it certainly has not been visible that that has been in place to date.

MS TOUGH: Thank you.

MS CLAY: I am also interested in insourcing. You have a lot of content in your submission on this and some recommendations. Do you have a clear picture from government about how insourcing is being done and how it will make things better?

Ms Dobson: No; it is fairly opaque to us at present. As I said, we have reached out and indicated that we want to have that discussion and that we think it is really important that there is engagement. But it has not been clear to us how that process is proceeding. In the recent budget we did see some allocation of funds towards certain things, including—it looked to be—a digital platform, which is something we recommended to government. It was great to see that picked up, we hope. Again, that is just reading

the papers.

Also, we would really encourage government to reach out to the sector, to disability people's organisations, public housing tenants, ourselves and others, because it is an opportunity to get it right. When we have that complete handover to insourcing and to Housing ACT, what we really do not want to see is that the system does not work and that we have a repetition of the same issues that we have seen exposed by the Ombudsman and others. So, no, there is not a great deal of transparency and we do not have a great deal of visibility in terms of what is actually going on.

MS CLAY: I am sorry to hear that. I have asked a few questions on this too and have not had answers. But it is clear that they are not coming out to the sector either. It sounds like maybe government needs to either co-design or at least publish what insourcing might look like so that the sector can have input into that. Would that be a useful thing?

Ms Dobson: Yes. Getting input into the actual process is a more effective way, rather than developing something and then after the fact just saying, "This is what we are doing if you have any comments." We want to ensure what is going to work best for tenants. As I said, there are different models and different tools that are used in other jurisdictions. None of them are perfect, because no one way of engaging with tenants works for everyone. That is why we need to have that input—so that we can ensure it works the best way possible and that the government is making the right investments and it is doing things in the right way.

We did have some concerns with the division between Housing ACT and Infrastructure Canberra. There is some potential for that being another layer of fragmentation and complexity. It may be okay if that is managed well, but we know that in some other jurisdictions a similar arrangement has been in place and it has proved problematic. We would like to see clarity around the different roles and responsibility and how that works between different parts of government. I understand that, when Infrastructure Canberra initially took on some of that role, some of the legal assistance services said there were issues. Whether those have now been resolved, I am not sure. But, again, that is something that we will certainly be keeping an eye on.

MS CLAY: On a very practical level, you have one recommendation that tenants need a way to report a repair, track where the repair is up to, get real-time information and presumably then make a complaint or escalate the issue if that is not happening. We do not have that now and I understand you do not have any assurance that that will be part of the insourcing model.

Ms Dobson: No, we do not. That is also where we had recommended a digital platform. As I said, there was some funding in the budget. There are some models in other jurisdictions where they do that. There were some teething issues but it has actually been a vast improvement. So there is scope to address that. But I think the government are best placed to do that if it engages with people and avoids problems rather than having to fix them once those problems emerge.

MS CLAY: So step one would be engage with public housing tenants and the sector, including the disability sector?

Ms Dobson: Yes. The budget papers showed that satisfaction among public housing tenants with housing has dropped significantly. I think there needs to be some rebuilding of trust for tenants. Tenants have had immense frustrations with this system. So I think it is important that the government is working with the tenants and demonstrating that it is committed to addressing those issues. We need to see that in practice.

MS CLAY: Thank you.

MISS NUTTALL: I think it was on page 11 of your submission where you say that you have spoken to people with a disability about delays in the assessment, approval and completion of housing modifications. Do you know if they have had any luck escalating this through either Programmed or Housing ACT's complaint mechanisms? Could you walk us through what that experience is like for tenants?

Ms Dobson: I am not sure I can speak exactly to the complaints process itself, other than people who have been immensely frustrated by that process and have sometimes felt that the ACT government does not always respond very well when people express frustration. We understand that it also stressful for some of the frontline workers in Housing ACT that are having to deal with frustrated and unhappy tenants. It also can be unsafe for some of the providers who go into those dwellings. It is a work health and safety issue.

On the complaints process, I probably cannot speak with authority or on behalf of tenants in terms of how that that has proceeded other than to say that some of those I have spoken to who have been through that process remain deeply unsatisfied. Some have also spoken about paying for repairs out of their own pocket in the end. These are people on very low incomes who have very limited funds but who, out of the immense frustration of not having some really, really basic repairs done—like a toilet that just does not work or doors that do not lock—have paid for repairs out of their own pocket. For people who might have safety issues or domestic and family violence issues or whatever it might be, after 12 months or more of, for example, doors not being repaired and/or fixed, the frustration is immense. Added to that is not knowing what is happening with the repairs and not getting a response on where it is at—getting no information. We have heard more recently that there has been some improvement. Some people reported it as being more responsive. Primarily, we have heard that through some of the providers—and no doubt that has in part been prompted by all the focus on the issue at the moment.

MISS NUTTALL: That is reassuring to hear but it looks like from your answer that there is a lot of emphasis on the tenant being the one to be proactive despite, in the case of SDA, having to often wrangle their own NDIS plan and things like that. Have you heard much in the way of conversations about the opportunity costs and the impacts to physical wellbeing of having to advocate again and again and again?

Ms Dobson: The public housing tenants that I have spoken to have talked quite a lot about the impact that that has had on their wellbeing and on their health. If there is mould and other things and they have respiratory issues, it has impacted their health. They feel very stressed, which can undermine their health in other ways as well. It has enormous impact on anyone, but for people who are living with disability and might be

living with chronic health conditions, it can really have a compounding impact. We generally see among public housing tenants much poorer outcomes, lower life expectancies and other issues. In a cohort of people who already often have some significant health vulnerabilities and other issues, this is really a problem, because it can potentially just exacerbate that further.

I would also add that, in terms of making the complaints, there are some complex arrangements in place with public housing and community housing providers—and it goes back to the contractual arrangements that are in place. It is actually the community housing provider who has to engaged directly with Housing ACT. Sometimes it is the tenant. Even though they might have a community housing provider, it is actually the tenant who needs to engage with Housing ACT. I think that this has arisen because of the way that it has evolved over time. People have often been living there for a long time and so there are different kinds of arrangements in place. It can be very confusing to understand. We find it confusing, and I think from the tenant’s perspective, that can be very confusing as well. At the end of the day, it really is Housing ACT who has that responsibility to tenants. So we need to ensure that there are clearer lines of accountability in relation to that.

MISS NUTTALL: When you talk to community housing providers, as people in the public housing system have realised that there might not be modifications forthcoming because the ACT government does not provide those modifications, has there been any movement of people towards community housing providers? Have you seen an increase? Or is it really that demand is so inelastic—like these are people who cannot move because they finally got a house?

Ms Dobson: I am not aware that there has been. Community housing serves a slightly different purpose to public housing. It has set up slightly differently. Public housing tends to cater to people who are on the very lowest incomes. There are some different arrangements in place for community housing. There are some different arrangements for how readily people can be evicted and so on. We also see people who live in what we call legacy arrangements, where the amount of income they have to pay is lower than what it would be in community housing. So, understandably, even sometimes where the dwellings are falling apart and they are not in great condition, people opt to stay in those dwellings, also because it is the house they know and it is a community they know. But there are some differences between how community and public housing are provided and certainly, at the moment, community housing is not going to pick up all the issues for people who are not getting the kind of housing they need in public housing.

MISS NUTTALL: Thank you.

MS CARRICK: I have one question about data. Fundamentally, to manage 12,000 houses you need a really good IT system, where you have the 12,000 houses in there, you know who is in them and you know what their maintenance requirements are and you can give out a report that says, “Today our maintenance schedule is ...”. Do you think that their IT system is up to scratch or do they need to build a new one? What is the story with just trying to keep fields of data against a house?

Ms Dobson: We have struggled to get clarity around that. From what we can ascertain

from conversations with a number of people, including within the ACT government, is that, to date, we have not had an effective way of managing the portfolio where things are digitised and where we understand what the condition of housing is. We should be having periodic assessments and we should be understanding what is going on. But our understanding is that has not been the case for a long time. We have had paper-based records and we have not had a good system that brings that all together. Again, I did notice in the budget that there was reference to digitising records for, I think, Housing ACT. It is something we are interested in and looking into further. We have called for that very issue to be addressed. You cannot manage that number of houses effectively and understand how you use the budget that is allocated for repairs and maintenance unless you have a functioning record-keeping and management system.

I think the Ombudsman's report also highlighted some systemic shortcomings in record-keeping. So I hope that the ACT government are going to really look at that and address it and also ensure that they are making the investments needed to get a good system in place from now on, because, whatever has been in place, it has not been working very well.

MS CARRICK: There are systems out there, because every jurisdiction would have public housing and IT systems to manage it.

Ms Dobson: Yes. In other jurisdictions there have sometimes been issues highlighted around record-keeping and how information is recorded. As I said, we do not have complete clarity on what is going on here in the ACT but, from what we can glean, it certainly falls far short of what it should be. So we really hope that that budget allocation we saw is actually going to really go to addressing that, because you just cannot manage that housing portfolio. As we said in our submission, we really think we need to shift from a reactive crisis-driven approach to repairs and maintenance. We need to look at what is the planned and cyclical maintenance. That is actually a much, much more cost-effective way to manage housing, and it also tries to avoid some of those crises and those situations arising that we see so frequently now. But, if you are going to do that, it has to be underpinned by good record-keeping and a system where you can track where things are at and understand it. I think that that is imperative.

THE CHAIR: On behalf of the committee, thank you for attending today.

Short suspension

LOMAS, MR HARRY, Senior Policy Officer, Advocacy for Inclusion and ACT Disability Caucus

MILLNER-BRADLEY, MS CARLA, Operations Manager, Advocacy for Inclusion

THE CHAIR: I welcome representatives of the ACT Disability Caucus. Please 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 taken as a serious matter and may be considered contempt of the Assembly.

Would you like us to go straight to questions, or do you have a brief opening statement that you would like to make?

Mr Lomas: I do have an opening statement.

THE CHAIR: Please go ahead.

Mr Lomas: Advocacy for Inclusion—AFI—welcomes the opportunity to appear before the committee and speak to our joint ACT Disability Caucus submission to this inquiry. In summary, we believe that the ACT's experience with this program represents a failure of implementation, not a lack of funding or housing supply.

Housing ACT entered the SDA framework and enrolled 112 dwellings, but it never established the operational systems needed to deliver SDA in practice. In effect, this was a pathway that existed on paper but never became operational in practice. As a result, specialist disability housing needs continue to be managed through standard public housing processes that were not designed to deliver SDA, potentially contributing to reduced access and poorer outcomes for SDA-eligible tenants.

For AFI, the inquiry has identified two distinct but related issues. The first concerns SDA and specialist disability housing pathways. The second concerns broader issues related to accessibility, modifications, repairs and maintenance for people with disability in public housing. We see this as a system-level implementation failure rather than simply a missed funding opportunity. The deeper issue is that people with disability requiring accessible and specialised housing continue to rely on systems that are often slow, unclear, reactive and insufficiently tailored to accessibility needs.

We also remain concerned about the broader problems with access to repairs and modifications for people with disability in public housing more generally. The inquiry has heard significant evidence regarding delays to modifications, inaccessible bathrooms and kitchens, unsafe entry points and barriers to independent living. These concerns extend beyond SDA and affect a much broader group of tenants with disability. The ACT context makes this really important.

I will give a bit of the data. Around one in five Canberrans have a disability. It is a higher prevalence of disability than the rest of Australia across all age groups. National data indicate that 96 per cent of people with disability live in the community, including most people with severe or profound disability. While only a small proportion live in public housing, people with disability are significantly over-represented in that system. More than half of public housing households in the ACT include a person with disability, yet significant concerns remain regarding accessibility, suitability and safety.

SDA is a specialised program targeting a small cohort of NDIS participants with extreme functional impairment and very high support needs. However, for that cohort, it can be highly significant, which makes effective implementation particularly important. We are calling for structural reform, including clarification of Housing ACT's future role, and including how participant identification and engagement, demand forecasting, eligibility pathways and governance will be addressed if it is to be an SDA provider in the future.

We are calling for a review of how disability-related housing needs are addressed in public housing where SDA is not available. We are also calling for consideration of an independent expert mechanism with disability leadership to guide future SDA initiatives in the ACT. Future approaches must promote choice and control, support diverse housing pathways, and ensure people with disability are centrally involved in design and oversight. Policy intent alone is not enough. Specialist disability housing mechanisms require systems that are capable of delivering them in practice.

Thank you, and we are happy to take questions.

THE CHAIR: Thank you, Mr Lomas. I will pass across to Ms Carrick.

MS CARRICK: We heard from the minister that only one other jurisdiction has been able to access SDA in the context of the state housing authority, as opposed to some other form of community housing provider. If no other state housing authority apart from Victoria's has been able to access SDA, is it realistic that the ACT could?

Mr Lomas: SDA is a complex program and there have been, as I understand it, quite a few challenges across jurisdictions. I am not an expert on precisely what the arrangements are across states and territories. Victoria, being the major one that has had a public housing presence through a bit of a different mechanism, aligns with what we have heard.

That is something that needs to be considered going forward—whether it is practical in the ACT context. At this time, we do not feel that there is sufficient evidence for us to have a definitive view on whether Housing ACT has the capacity to be a provider in the future. If it does, it needs to demonstrate that it has the ability to develop the necessary capability and governance arrangements to deliver it effectively.

MS CARRICK: In order to understand who in the ACT has SDA in their package, the minister will say that we do not really know, because of privacy reasons. Do other jurisdictions know who has SDA in their packages? Do other jurisdictions ask, or is privacy a barrier?

Mr Lomas: Again, I have to apologise. We are not experts on the state of play across different jurisdictions. But there is enough to go on to think that, despite the challenges that we might have with privacy, there are feasible options to get that information. There must be a way to do that and to have that coordination between state and territory systems and commonwealth systems, between the NDIS and the ACT housing system. I do not think those problems should be insurmountable.

MS TOUGH: I want to follow up on the question that Fiona just asked around disclosing information. The minister mentioned that, due to privacy, tenants of public housing are not forced to disclose whether they have a disability, whether they are an NDIS participant or whether they have SDA. It is voluntary information that can be offered up. Some people have suggested that Housing ACT should be required to have this information because it could make it easier to provide more suitable housing. What is your view on how to strike that balance between having that information from a tenant and not wanting to breach their privacy?

Mr Lomas: We would support that view that you have heard that it is important for the ACT government and Housing ACT to be able to have a view of public housing tenants and their needs, and to have a participant-centred view. You cannot breach privacy requirements, but there are benefits that that can bring, and tenants in public housing want a more responsive system that can take advantage of the different sources of program support that are available at both the federal and territory level. I do not see that necessarily being something that cannot be overcome, but I do not have the answer to it myself.

MS TOUGH: Is it about potentially forcing someone to disclose, or is it more about having Housing ACT better facilitating people to disclose, so that they understand the benefits of disclosing that they have a disability?

Mr Lomas: That seems like a reasonable approach. You are not forcing people into a particular housing model or to take advantage of what they are eligible for on their NDIS plan, for their eligibility for SDA. Obviously, there is some information that government needs to collect, to manage their programs well. There is a common interest in having that information, provided that it is protected and managed carefully.

MS TOUGH: With respect to a future pathway for disability housing, whether that is the funding through the NDIA, through SDA, or a different model, what do you see as some of the clear operational requirements to make sure that tenants are centred in whatever model goes forward, and in making sure people have the most appropriate housing?

Mr Lomas: From our perspective, we really need DPO involvement and lived experience to inform the arrangements. That is why, in our submission, we have recommended an independent expert mechanism to guide future SDA development and work through these sorts of issues. A range of things are important, in having a system that is diverse and innovative. We are here to talk about SDA in public housing, but, as I mentioned before, the broader housing needs of people with disability are really important, be that in private rental or community housing, right across the system. We support a disability-led approach, while involving various stakeholders.

The other thing that is really important is that we have heard so much about how complex the system is to navigate and how difficult it is to connect housing and disability support. We have been calling for an advocacy navigation function in the system for some time. We think that should be an important part of consideration. My colleague Carla might have something to add.

Ms Millner-Bradley: Yes. From an advocacy perspective, going back to your question

about disclosure of disability, there need to be better pathways for people to get support. One of the issues that we see time and time again in independent disability advocacy is people coming to us because they are doing all the right things, they are contacting their housing managers and, for whatever reason—how Housing ACT works—there is a disconnect.

There is some provision for specialist housing managers within Housing ACT, but it is also very difficult to implement. That is often when we have a disability advocate connecting a person with a housing manager. It is as simple as that; but, for the person themselves, it is really difficult to do. It should not be that difficult. Someone should be able to call Housing ACT and resolve that, without the need to have a disability advocate.

MS TOUGH: Yes. It is about potentially putting someone in Housing ACT that is a disability advocate, so that, if they cannot get onto their housing manager or the relationship is not working with the housing manager, they can pick up the phone and say, “Hey, Housing, I’ve got a problem,” and have an internal connection.

Ms Millner-Bradley: Yes. As Harry said, even on our end, it is about having someone who could specialise in disability housing advocacy, because we do get quite a few every week; it could be someone’s full-time job.

MS CLAY: We have had some recommendations that there should be a disability housing task force to make sure that Housing ACT and ACT government have people with lived experience and the sector involved in these decisions. Does that sound like a good idea?

Mr Lomas: Yes. Our recommendation was for an ongoing independent expert mechanism with disability leadership. We need something like that because SDA is such a complex program and it sits across multiple systems—housing, disability, planning and investment—and there is no single body that covers that intersection. We recommended that sort of approach because there is that need for expertise, coordination and ongoing stewardship of the program.

It is a very similar idea, in broad terms, as the idea of setting up a task force, as has been suggested by others. Our submission did not suggest a particular model, and a task force is one possible way of giving effect to that. The precise mechanism is probably not as important as actually ensuring there is disability leadership, cross-sectoral expertise and the involvement of the various stakeholders to produce practical outcomes.

MS CLAY: Do you feel that you have much information about how the insourcing of public housing will help, or information about how requests for repairs made by tenants are actioned? Do you have much line-of-sight over those sorts of things?

Mr Lomas: We do have a bit of line-of-sight through our individual advocacy program and, of course, what we hear from the community and our discussions with different stakeholders, but it is a tough system for everyone to navigate. It is really hard to get that sort of visibility and transparency; that is probably a fair statement.

Ms Millner-Bradley: I cannot really speak to insourcing, but we have had some

individual advocacy issues—a system failure between Housing ACT and Programmed. I do not know whether that will be rectified if they insource the maintenance. There have certainly been issues in terms of Housing ACT's system for how an address is lodged on their system compared to how Programmed can lodge an address, and there is a disconnect when maintenance needs to occur, because the addresses are different, from system to system.

MS CLAY: The address is wrong. That is interesting.

Ms Millner-Bradley: I cannot speak to whether it would change, but that is certainly an issue we have seen at an individual advocacy level.

MS CLAY: Do you think Housing ACT have a good handle on the problems that have been occurring, for them to be able to fix them, or do you think maybe they do not? Are you reporting the same problems over and over?

Ms Millner-Bradley: We have been speaking with Housing ACT constantly. They are somewhat aware of the issues. It is a complex department, so I cannot speak to how they run. We certainly try to have a good dialogue with them. We are often seeing the same issues, but I think it has been productive, in terms of them listening to concerns that our members pass on to us.

MISS NUTTALL: I am interested in the impact on tenants with a disability. Your submission observes that “where specialist housing pathways do not operate, tenants with a disability remain reliant on standard public housing processes to meet accessibility needs”. How did the people that you are supporting go when they tried to escalate standard mechanisms like Programmed and Housing ACT's complaints mechanism? Can you walk me through what that experience was like for them?

Ms Millner-Bradley: It is quite varied, in some ways. When we are involved, there is a barrier, because of someone's disability, to connecting with Housing ACT. Sometimes, when we are involved, maybe it does take as much time as it would if the person was trying to solve the issue on their own. I think that there is a barrier regarding Housing ACT maybe being responsive in the first instance to all their tenants.

MISS NUTTALL: How does that then shift the burden of advocacy onto the tenant and onto the people supporting them? Is there a cost to having to self-advocate for that or to engage?

Ms Millner-Bradley: Yes, I believe that it can be a very long issue to resolve—something that should not be hard to resolve in the first place. There is the burden of not being heard over and over again, the burden of someone who might not have great executive function having to follow it up again and again. It might feel like, if housing does not get back to them, they are failing, but it is just the system not being responsive.

MISS NUTTALL: I can imagine that would be incredibly frustrating. When it comes to the short-term and medium-term impacts of people who are living in public housing now, and seeing ACT government deregistered as an SDA provider, do the people you have spoken to have the means to move into housing that does have these modifications, if they are hanging out for it and it is now clear that it is not happening in ACT public

housing?

I appreciate that, in some ways, it is their home; ideally, you would like to stay in your home. It may well be that people cannot afford a place or that they would be on a waiting list for years to find a place that meets their needs. What does that mean for tenants currently in Housing ACT properties?

Mr Lomas: Some people might have other options that they can find. They might get access to SDA through a different pathway. In general, the human consequences can be very severe. At worst, it can lead to homelessness, institutionalisation, hospitalisation or premature admission to aged care. It can be very difficult, particularly as people with disability are much more likely to face poverty and housing stress, and having the resources to find other options can be very difficult.

Ms Millner-Bradley: I am not across SDAs as much. Certainly, we have seen the impact of people living in inaccessible houses for way longer than they should be. With the lack of housing stock already in the ACT, we have certainly seen it compounding. The NDIS can be quite complex, when it comes to even getting SDA in the first place. There are layers and layers of housing inequality for people with disability.

MS CARRICK: I went to the Crace respite centre. Mr Beckett was the CEO of Carers ACT at the time. I am pretty sure that it was an SDA house. He said that there were a lot of SDA houses built that are now sitting empty, and that he could buy them for respite centres. I noticed in the paper last year an article about a *Four Corners* program that said there were 1,000 properties sitting vacant around the country. I guess there are no incentives to invest in SDA housing, and there are not necessarily the tenants to go into them. Do you know whether we have empty ones in Canberra?

Mr Lomas: As I understand it, that has been an issue across the country, often. Investors build places in the wrong places that do not reflect the needs or preferences of people with disability. They are often not close to transport or other services—health services and shops. That is one of the reasons why we feel there is a case for some sort of ongoing market stewardship and being able to develop information resources around where the need is, where the gaps are, and bring in expertise from across the sector about that question.

We have heard of places being empty. In an ideal world, you could coordinate that much better and find someone in need of those places. It might also be that they are not actually reflecting where people want to live.

MS CARRICK: Therefore it comes down to the NDIA working with the ACT government. If somebody is going to apply to build an SDA house, to invest in one, they should work with the ACT government about what the need in the existing disability community is, where it would be, and what sort of features the house needs to suit their needs, before somebody invests their money and has an empty house.

Mr Lomas: It is also about having information available for investors about that. I have to confess to not being an expert on how the SDA program works, but if people apply to register under the program, there should be quite a bit of flexibility about where dwellings are built. Something that we have heard across the program is that there is a

case for better market stewardship.

MS CARRICK: Matching the person with the house.

Mr Lomas: Yes.

THE CHAIR: Is there anything else that you would like to mention, before we close?

Ms Millner-Bradley: Nothing from me, thank you.

Mr Lomas: Not from me.

THE CHAIR: As I understand it, there were no questions taken on notice today. On behalf of the committee, we would like to thank you both for attending today and for participating in this inquiry. We would also like to thank the minister for disability and officials for coming along today, and other witnesses. We want to thank broadcasting and Hansard for their support. If members would like to put any questions on notice, please do so. Put them through the parliamentary portal as soon as you can, and no later than five business days from today. This hearing is now adjourned.

The committee adjourned at 3.49 pm