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Steve Dospot

06 MAR 2012

MLA

Mr Steve Dospot MLA

Chair

Standing Committee on Health, Community and Social Services

ACT Legislative Assembly

GPO BOX 1020

CANBERRA ACT 2600

Dear Mr Dospot

I am writing to provide you with an additional ACT Government submission into the Standing Committee Inquiry into the Provision of Social Housing.

As you would be aware, a number of stakeholders have made formal submissions to the Standing Committee Inquiry and given evidence in its public hearings. I am reassured by the level of interest in the provision of social housing and commitment that the ACT's housing peak body, ACT Shelter, and client advocacy and legal services such as the ACT Disability, Aged and Carer Advocacy Services and the Welfare Rights and Legal Centre, have demonstrated to the Inquiry.

However, I have identified that there are significant factual errors contained in the evidence submitted to the Inquiry by these organisations, and to a lesser extent CARE Financial Service, the Mental Health Community Coalition and the Human Rights Commission. These submissions also use individual case studies showing poor practice by Housing ACT as evidence of systemic service delivery issues within a social housing system collapsing under the weight of demand. These extrapolations are then used to justify the arguments of these organisations for additional public housing resources.

The submissions not only misrepresent Housing ACT and its considerable successes in its management of a portfolio of approximately 12,000 properties which houses almost 24,000 Canberrans but may unfairly lead the Standing Committee to make findings based on erroneous information.

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I have, therefore, taken this opportunity to address the errors and inaccuracies contained in evidence to the Standing Committee.

I look forward to the findings of the Inquiry to provide a framework for further improvements to the ACT's social housing system.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joy Burch', is written over the typed name and title.

Joy Burch MLA
Minister for Community Services
February 2012

Responses to Erroneous Evidence provided to Standing Committee Inquiry into Provision of Social Housing	The Welfare Rights and Legal Centre - Hansard Transcript 14 December 2011	Ms Bresnan: Do you think the Gateway Quality Improvement Project is, through active engagement and active provision of information to people applying, going to deal with the communication issues your submission raises?	Ms Bolton: We have not seen any impact on the ground.	Mr Bresnan: Directorate is trying to implement having one person to deal with each application. Is it a resource issue in terms of the number of cases housing officers have to deal with?	Ms Yuille: Yes, it is reflected in the fact that there are more people qualified for housing than is available. pp.23-24	Response: The Gateway Quality Improvement project has initiated applicant portfolios. One officer is appointed responsibility for a case load of applications and has responsibility for their management, assessment, monitoring and updating and through to point of allocation. This will provide better customer service to applicants, ensuring continuity and consistency and one point of contact for applicants. Officers are better able to communicate with clients regarding their application and respond to requests for updates on applications. This initiative will assist in managing the applications of people on the priority, high needs and standard housing lists more effectively. As noted by the Ombudsman in their public hearing to this committee, one would expect a lag time between implementation and evidence of its impact.	Mr Hargreaves: You said people were having difficulty in the system, what are those? Can you give us a couple of examples..?	Ms Yuille: people who are under threat of eviction because of alleged breach of tenancy agreement... problems with managing budget and rent arrears, problems with maintenance, problems with being billed for maintenance...it is customary for tenants to be billed for work that has been done and some of that is not tenant responsible maintenance p.25	Response: Tenancy management, debt management, property maintenance and the charging of tenant responsible maintenance are core business functions for a housing provider. As the ACT's largest landlord, housing the most vulnerable and complex tenant population, these tenancy management functions are undertaken within Housing ACT's commitment to sustaining tenancies. This commitment does not forfeit Housing ACT's requirement to be financially viable and sustainable, nor does it negate tenant responsibilities fulfilling their obligations of their tenancy agreement.	Housing ACT service delivery is intended to promote tenancy maintenance. In recent years there has been a decreasing trend in the number of evictions, in 2006-07 there were 32 evictions, 2007-08 27 evictions, in 2008-09 18 evictions and in 2009-10 there were 10 evictions. There was
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Supplementary ACT Government Submission

Standing Committee Inquiry into Provision of Social Housing

an increase in 2010-11 to 16 evictions. In 2010-11 the Complaints Management Unit handled 2,617 complaints (including 890 related to disruptive behaviour and neighbourhood disputes and 357 related to debt). In 2010-11 there were 296 new applications to ACAT which resulted in ACAT issuing 19 Performance Orders.	
Chair: Respondents have indicated that Disability ACT as head tenant can evict / move people without justification. Do many cases relate to this sort of situation? p27	
Response: Disability ACT has not "evicted" any resident from its supported accommodation service or moved people without justification. If a risk to the health and/or safety of a client is identified, Disability ACT has a duty of care to mitigate that risk. This can mean changing an individual's living arrangements in order to ensure their ongoing safety and wellbeing, or the safety and wellbeing of others	
Ms Bresnan: Your submission, p6, indicates a lack of understanding of the RTA and also a worrying development that Housing ACT is not considering additional evidence to support review. Is this a recent development or happening over time? Do you think it is something from an ACAT decision that has had this impact? p28	
Response: Housing ACT's policies articulate that a review of decision is undertaken by Housing Assistance and Tenancy Review Panel (HATRP) to determine whether the original decision was correct at the time it was made. New information provided with a review, as in the case when an applicant provides evidence of changed circumstances when seeking review of their housing need classification is considered, often resulting in a recommendation that the case be reassessed. In many cases the applicant, by providing new information, is best served seeking a reassessment. This issue was raised by the Ombudsman and has been addressed through the Gateway Quality Improvement Project. The project has developed a simplified, less bureaucratic, process for applicants seeking a reassessment or a review of decision. The new fact sheet and form explain the processes available to a person seeking review and guides them to which approach is best suited to their circumstance. In 2010-11 HATRP reviewed 102 cases (23 cases related to Applicant Services Centre, 4 to Rebates, and 75 to Tenancy); 101 cases were upheld, 1 case relating to Tenancy was denied.	
The Welfare Rights and Legal Centre - Submission There is also clearly insufficient crisis accommodation and transitional accommodation in the ACT. The lack of transitional housing is particularly a problem, as it results in crisis accommodation being used as transitional housing, thus compounding the lack of crisis accommodation. We have been told by a number of clients that First Point has advised them to relocate to South Coast NSW, where accommodation is easier to obtain. As a result, the only available crisis accommodation is in regional centres in NSW. When people in crisis	

take up this accommodation they are removed from their supports, their family, their doctors and other medical practitioners and are in danger of falling foul of the ACT residency requirements for public housing in the ACT. p2

Response: There are 54 funded homelessness services in the ACT, including 30 accommodation services. The daily average of individuals accommodated in 2010 -2011 was 519.

Homelessness providers are encouraged to be flexible in their crisis and transitional places, to enable the client to remain in the one property with changing support to match their needs over time, rather moving from property to property as they graduate from crisis to more medium term support. This approach eliminates unnecessary points of transition and disruptions caused by physical relocations. This has particular benefit for families experiencing homelessness, as it maintains stability for children and enables them to retain critical links with schools, friends and communities. Research commissioned by the ACT Government on children's experience of homelessness, *Finding their Way Home*, found that these core stabilities greatly increase children's resilience and reduce the trauma associated with homelessness.

In addition to the existing crisis and transitional accommodation options, 20 new dwellings will be constructed under "A Place to Call Home" to house families using a Housing First approach. As at 30 June 2011, 12 of those properties had been constructed and allocated to families experiencing homelessness.

The establishment of "Our Place" has added additional accommodation options for young people experiencing or at risk of homelessness. This service provides accommodation for young people engaged in meaningful participation activities, such as study or employment. Twenty five young people and three accompanying infants have moved into the properties since July 2011.

In conjunction with "Our Place", the youth homelessness reform process currently underway will increase both crisis and longer term accommodation options for young people by 45 places. The reform will also increase early intervention and outreach places by 174 places to help prevent homelessness for at risk youth.

In 2011, Housing ACT allocated six properties to the Street to Home program for the accommodation of people sleeping rough in the ACT. A further 39 transitional properties were also allocated to Specialist Homelessness Services in 2011, to support individuals and families experiencing primary homelessness.

The Supportive Tenancy Service was also established in 2010-11 to assist individuals and families at risk of homelessness, helping to prevent the need for crisis and transitional accommodation options where possible.

First Point does not regularly refer people to interstate crisis accommodation, but has done so for clients who have experienced domestic violence. This is done in a planned way and usually for short periods of time. First Point advises Housing ACT of the situation so as to ensure that there are no issues regarding the six-month residency requirement precluding access to public housing. In the instance where a person has accessed support services interstate but retains clear links with the ACT support system and or community, the Director of Housing has discretion to waive the residency requirements, preventing any impact on their Housing ACT application. In the above cases, the waiver is

often unnecessary given the nature of the interstate relocation.

We note that the decision letter does not contain any reasons for the decision and in particular any reasons for why in the case of placement on the standard list they have been found not to meet the criteria for high needs. Moreover when we request copies of the applicant's files under FOI, there is no record of any consideration of relevant human rights under the Human Rights Act 2004 (HR Act). p3

Response: In 2009 Housing ACT reviewed all its policies and procedures to ensure they met the requirement for public authorities to comply with changes to the Human Rights Act. All policies and procedures were found to comply with the Human Rights Act requirements.

In addition, The Community Services Directorate (CSD) 'Service Delivery Platform 2007' outlines the values that underpin our practice and our commitment to operating within the Human Rights framework to ensure that: *"everyone is treated equally without discrimination due to difference in race, colour, sex, sexual orientation, language, religion, political affiliation, disability or other status."*

The DHCS Human Rights Policy describes the approach of the department to human rights, with the aim of promoting human rights compliance within the department. The policy includes compliance tools which the department adapted from the ACT Human Rights Commission to help staff comply with the Human Rights Act.

Housing ACT acknowledges the need for additional evidence regarding decision making to be included in its record keeping and in its letters to clients. A range of resources to assist staff to document their decision making are being developed as part of the implementation of the Gateway Quality Improvement Project and roll-out of the CSD Human Rights policy. The gateway Service Delivery Framework provides clear and direct instruction (through a section on Human Rights and two practice guidelines) on how to fulfil the obligations under 40B of the Human Rights Act, including how to consider these rights and how to record the consideration of these rights. The training that accompanies the framework includes examples of how certain rights should be considered in the Gateway context and the training uses case studies to encourage practice of these considerations.

In 2010-11 HATRP met on 42 occasions and reviewed 102 cases; one of the functions of HATRP is to ensure decisions are compliant with Human Rights and other legislation.

...there are significant flaws in the decision making process and there are no records kept of at least one level of administrative decision making in this process. In addition, there is no information available about the criteria used for triaging applications. The use of subjective criteria in administrative decision-making is always of concern. However, it is doubly worrying where the criteria are not clearly articulated. p3

Response: Assessments regarding Housing Assistance are not subjective decisions. They are guided by determinations under the Public Housing Assistance Program (PRHAP). All assessing officers (like all government employees) need to triage their workloads. Where this involves individual cases the assessing officers use the criteria clearly set out in the Housing Needs Determination. In addition all assessing officers have weekly meetings with their team leader where they review and make decisions about how to prioritise their workload.

We have encountered resistance from HACT staff to the idea of modifying an inaccessible property to meet the needs of the applicant. This resistance seems to derive from the cost involved in modifying a property. It is also possible that it is difficult for HACT staff to justify taking a property out of circulation for long enough to complete modifications, when that property could be immediately allocated to someone further down the priority list with no disability requirements. The result is that highly vulnerable applicants are doubly disadvantaged in their wait for a property. We note that this might give rise to issues of indirect discrimination on the basis of disability. p5

Response: The demand for disabled modifications has increased due to the ageing population. Housing ACT has actively worked to improve the process of disability modification so that is more timely and responsive to the needs of applicants and tenants. This includes employing Occupational Therapists in Housing ACT to undertake the assessments of client needs. This has significantly improved time taken to assess people's needs.

In 2009-10 Housing ACT modified 388 properties at a cost of \$0.9 million. In 2010-11 137 properties have been modified at a cost of \$0.9 million. In 2011-12 Housing ACT has committed \$0.763 million in disability modifications to date.

Major modifications which involve structural changes to the house and/or its surroundings, such as removal of a bath and installation of a shower recess, installation of a wheelchair access ramp, widening of doorways, creation of wheelchair access to stoves, sinks, cupboards, lowering or raising of bench heights, extensive changes to paths and outdoor concreted areas or installation of automatic doors. In these cases, a number of factors are considered including suitability of the property to be modified, the ability of the modifications to meet the long term needs of the prospective tenants, the Public Housing Asset Management Strategy and the overall cost of the works. Where an assessment is made that the property cannot feasibly be modified, Housing ACT advise both the therapist and client of any structural or financial constraints surrounding the proposed modifications, and all parties discuss alternative solutions as necessary.

Where a tenant's existing property cannot be modified sufficiently to achieve treatment goals, the best outcome may be for the client to be relocated to more suitable accommodation.

...recently seen a spike in complaints by tenants about unacceptable levels of mould in HACT properties. A number of these cases have involved levels of mould deemed unsafe by independent experts. Others have arisen in the context of long standing leaks which have been reported but not been repaired over a significant period of time. pp5-6

Response: Housing ACT has noted a steady rise in the quantity and severity of issues regarding mould over the past two to three years. The increase in issues can be attributed to a number of factors including rain fall, increased humidity and increased general awareness of mould and its impacts. There has been one case of mould which has been identified as toxic. It should be noted this is the first case of its kind in the ACT.

There are properties which are more likely to generate mould given their design and use of some building material and Housing Act has an exit strategy from these properties. Housing ACT is aware of one case where long term drainage issues on a property were repeatedly repaired but

not rectified which contributed to reoccurrence of mould. However, because number of work orders were raised on the property the Total Facilities Manager was issued with a non-conformance under its contractual relationship with Housing ACT.

A complete revision of Housing ACT's Mould Policy was recently undertaken in response to these issues. Housing ACT has undertaken a large amount of research in conjunction with Environmental Engineers (Robson Environmental & Mycologia Pty Ltd), the Total Facilities Manager (Spotless), Government Health Organisations and Government Housing Organisations from other jurisdictions.

Through this research, the main causes of mould, the best methods to remove mould and a number of ways to prevent mould growth or re-growth has been identified.

The new process developed includes a check list which can be used during client service visits and by the Total Facilities Manager to assist in early identification of mould, identify likely causes and includes a number of recommendations on the best action to take in each scenario. These actions may include undertaking maintenance (such as installing an exhaust fan or repairing a leak) or educating the tenant (such as providing advice on practices to help reduce condensation) or sometimes a combination of both is required.

A revision of the Housing ACT Mould Fact Sheet has also been undertaken to include the latest information on ways to prevent mould and condensation and the most effective (and cost effective) ways to clean mould and prevent spreading of spores and re-growth.

...a significant number of individuals who have mental health issues which preclude living in high or mid-density areas. As HACT holds very few low density 1 bedroom properties, if these individuals are single and without children there is very little chance that their disability-related needs can be accommodated.

We note that HACT properties are often provided without curtains and older properties generally have limited or no insulation. This has a significant impact on energy consumption. We regularly see clients who report quarterly utilities bills in excess of \$1000. p6

Response: Gateway allocations staff make all efforts to match the needs of clients to the properties offered. This is of course always dependent on the properties that are available.

Housing ACT does not provide curtains and/or blinds as a standard inclusion to properties however where curtains and/or blinds are existing and in reasonable condition they are left in the property for the incoming tenant to utilise. . In 2007 – 08 the ACT Government committed \$20 million over 10 years to improve the energy efficiency of public housing dwellings. Since then, improvements have been made to over 3,100 properties, about 26 per cent of the total public housing portfolio. The energy efficiency measures include ceiling and wall insulation, draft sealing and installing efficient gas and electric boosted hot water systems. This program was expanded by a further \$8 Million in the 2011-12 Budget to be spent over 4 years. The purpose of the funding is:

"for the expansion of existing programs to improve the energy efficiency of public housing stock and as a consequence improve the financial well being of tenants through lower energy costs." (2011-12 Budget Paper No 3, 2011-12 Capital Initiatives, p183).

Supplementary ACT Government Submission

Standing Committee Inquiry into Provision of Social Housing

The energy efficiency measures include but are not limited to, ceiling and wall insulation, draught sealing, installation of pelmets and energy efficient hot water systems. All separate dwellings are eligible for ceiling insulation and all dwellings are eligible for draught sealing. These items are provided on a program as properties become vacant, on requests received from tenants and on recommendations received from community organisations. Housing ACT has provided ceiling and wall insulation to nearly all the stock within the portfolio with four or more bedrooms and is now expanding the program to provide wall insulation to a number of 3 bedroom properties. There are a number of avenues available to Housing ACT tenants that are in utilities stress. This includes the Energy and Water Hardship Assistance, the ACTEWAGL Stay Connected Program and a number of Community Organisations that can make referrals to the ESDD WEST program (Water and Energy Savings in the Territory) and Outreach Program. These programs aim to provide education to tenants and to retrofit some properties with items such as curtains and energy efficient appliances to assist those in severe utilities stress in reducing their energy bills. As at 31 January 2012 the stock number for bedsitter units and one bedroom properties was: 132 bedsitter units, 2,101 one bedroom properties.	In our experience, housing managers have at best a rudimentary understanding of the Residential Tenancies Act 1997 (RTA Act). p6
Response: All Housing ACT housing managers receive training in the <i>Residential Tenancies Act 1997</i>. CSD conducts 8 Housing and Community Services Orientations per year which include the Residential Tenancies Act Specific training that relates to RTA includes training for Client Service Visits, PHRAP, Rental Rebates, Debt, and Property Standards – these sessions are run 4 times per year. CSD runs Governance training at least 4 times per year. This training builds capacity of Housing ACT staff to understand and operate according to the general principles of working within legislative requirements.	We have noted that there is a high degree of internal movement between HACT positions – we have observed that housing managers seem to shift to a new position every few months. This makes it much harder for the manager to build rapport or develop an understanding of tenants' issues. p7
Response: Housing managers have a high rate of internal promotion. Housing ACT acknowledges there needs to be improved handover and information sharing to ensure successful handover of portfolios. For January 2011 to January 2012 Housing ACT experienced 7.86% (11 people) permanent separation. Internal movement is often driven by the need for staff to temporarily adopt higher duties and does not necessarily represent a loss of corporate knowledge.	

Neither Spotless staff nor HACT staff appear to have a clear understanding of the concept of 'tenant responsible maintenance' (TRM). Under the RTA Act, a tenant is only responsible for maintenance charges if the damage has been caused or allowed by the tenant. Repairs arising from fair wear and tear are not the responsibility of the tenant and the tenant should not be charged to them.

The standard process appears to be for Spotless to inform HACT of the charges for repairing damage at a property. HACT then raises a debt for the entire cost of the repairs and then relies on the tenant being able to appeal the charge if it is not owed. This represents a serious reversal of the onus of proof under the RTA Act. In a private tenancy, the landlord must demonstrate an entitlement to be compensated for damage. HACT demands compensation for all damage unless the tenant can prove that they are not legally responsible. p7

Response: At the commencement of a tenancy, tenants are provided with a Property Condition Report and a copy is kept on a tenant's Housing ACT property file. The property condition report includes information of any marks, stains or any other potential maintenance issues that existed at the commencement of the tenancy.

Tenants are then provided 90 days to raise any issues that they subsequently identify that may require rectification. Any issues are either rectified at the time or noted on the 90 Day Inspection Report if they are not going to be rectified to ensure that the tenant is not held responsible for any vacancy charges for those items identified. A copy of this report is provided to the tenant and a copy is placed on the tenant's Housing ACT property file.

Tenants are required to provide Housing ACT 21 days notice of their intention to vacate (unless a tenant is relocating to aged persons accommodation or the tenant has passed away). Upon receipt of the notification, Housing ACT contacts the tenant by telephone to arrange a final inspection date. The final inspection is usually booked for the same day the tenant is required to return the keys (ie on the 21st day after the notification of intention to vacate is received).

Prior to the final inspection, a Housing Manager undertakes a review of the original Property Condition Report and subsequent yearly Property Condition Reports as well as the 90 Day Inspection Report. The specific circumstances of a tenant and their tenancy are also reviewed by the Housing Manager at this time.

A Total Facilities Management Supervisor and Housing Manager conduct the final inspection, in the presence of the vacating tenant. At the inspection consideration is given to the state of the property at the commencement of the tenancy, by reference to the Property Condition Report and 90 Day Inspection Report, subsequent condition inspections, the age of the property, consideration of fair wear and tear and any specific circumstances relating to the particular tenancy.

Any works that are identified as required are discussed with the tenant at the completion of the inspection. The tenant is offered the opportunity to have the works undertaken by their own appropriately qualified repairer at their own expense or agreement is provided by the tenant to have the Total Facilities Management provider complete the repairs at an agreed schedule of rates charge.

At the final inspection a tenant may also be advised that further charges may be raised if they fail to complete the maintenance they have

signed and agreed to undertake by way of their own appropriately qualified repairer prior to handing the property back.

Tenants are also advised that additional tenant responsible maintenance charges may also be raised if damage is identified that could not previously have been noted due to obstructions preventing clear sight of the damage.

Tenants receive written notification of any tenant responsible maintenance charges that have been identified and agreed to at the final inspection. The description includes the price of repair, work order number, date of completion, a description of the work completed and advice of payment options. The written notification also provides advice as to who to contact for any further enquiries.

In cases where the tenant does not attend a final visit, all tenant responsible maintenance (non fair wear and tear) works are recorded, listed with photographic evidence, completed and charged to the tenant. The tenant has the right to request a review of the charges if they can provide information that may not have been available or considered at the time of inspection. Their individual circumstances are assessed and this may sometimes result in a reduction in the TRM charge.

HACT will refuse allocation unless the applicant has agreed to start repayments on any vacated debts from previous tenancies. In practice, this means that people who are struggling financially have to make payments on debts which they may not owe in order to secure allocation. The stress and frustration caused by this arrangement is compounded by the fact that it can take more than 6 months for a decision to be made regarding a vacated debt appeal once it has been lodged with HACT. We have also been told by the vacated debts unit that they will no longer be considering requests for waiver of vacated debts, even where there are special circumstances justifying waiver. This is a major problem where a vacated TRM debt occurred several years previously and evidence of the cause of the damage is no longer available to form the basis of an appeal. In our view, the practice of automatically raising TRM debts without HACT making a formal decision about whether the debt is owed is in many cases leading to the Territory receiving funds to which it is not legally entitled. p8

Response: Failure to pay previous debt on conclusion of that tenancy is a breach of a tenancy agreement. Legislatively discretion must be sought and applied to allocate a property to an applicant who has previously breached a tenancy with Housing ACT. This discretion is not dependent on the applicant repaying their debt. However, repayment of debt is a clear and key indicator of an applicant's ability to sustain a tenancy (by taking responsibility for previous obligations) as required to meet the priority housing criteria as outlined in the Housing Needs Category Determination.

Record keeping by Spotless appears to be incomplete. We have seen instances of repairs requested by tenants not being recorded by Spotless or being recorded incorrectly. As we understand it, a call from a tenant regarding repairs is not recorded unless a job number is allocated to the call. We have seen cases where it appears that job numbers have not been allocated, particularly if the call is a second or subsequent report of the repair. p8

Response: When requesting a maintenance repair the operator will ask for the caller name, address and telephone number and will request information details about the repair required. Where the operator advises that they will arrange for the work to be undertaken, a work order

number is provided.

Tenants are encouraged to record the work order number for future reference. Quoting the work order number will assist the operator to accurately access information relating to the progress of works should tenants wish to make follow-up enquiries.

All incoming calls to the call centre are recorded through a Q Master system.

We have been told that HACT staff are not able to access all of Spotless' records regarding a particular property, as the electronic interface between the two organisations appears to only permit access to some form of extract from the Spotless records. WRLC understands that when a request to view documents about the maintenance of a property is made under freedom of information legislation, the only documents available are the documents held by HACT. Documents held by Spotless are never produced. p8

Response: Housing ACT is able to request access to all Spotless records under the terms of its contract with Housing ACT.

A problem has emerged in the allocations process where an applicant challenges the validity of an offer made by HACT. HACT makes only two property offers to applicants on the waiting lists. If both offers are refused, the applicant is removed from the list and has to make a new application. p9

Response: Review processes are available for applicants to challenge the validity of a property offer at the time they refuse an offer. Additionally applicants can request a review of decision if they are removed from the list and can be (and are) reinstated to the list depending on the outcome of that review.

ACT Shelter Hansard Transcript 14 December 2011

Chair: Do you get the impression that people are not aware that the cap has been lifted? How could this be better communicated?

Ms Watson: ...to our knowledge there are no communication channels directly with prospective tenants at this point. p32

Response: In addition to its individual communication with applicants, Housing ACT disseminates information regarding changed policies and procedures to its comprehensive network of community partners, including homelessness, mental health, drug and alcohol and other community support services. These partner organisations play a critical role in supporting their clients through the application process and it is expected that these changes are communicated with their clients as part of their support relationship.

Housing ACT is currently scoping the feasibility of establishing an information forum for prospective tenants which will provide an overview of tenant rights and responsibilities, in particular regarding antisocial behaviours and their responsibility not to interfere with the right for others to have quiet enjoyment of their property. The session will also include information on filling in applications rental rebates, debt management

policies, tenant responsible maintenance	Mr Hargreaves: The common waiting list now is a fact. Given that it was your idea in the first place, do you reckon it is working? Ms Spiller: We are hearing anecdotally at this stage from our members that there can be challenges for people going through the common register. If it is determined that they would be an appropriate resident for a community housing provider, they are referred to a community housing provider. And then, whether the provider says, "No, you won't be an appropriate tenant for us," or the prospective tenant says, "I don't want to take this offer," they are taken off the list. That is not quite working as it should. We are hearing anecdotally that that is a challenge. p34
Response: Housing ACT acknowledges there have been teething problems with the implementation of the common waiting list	
Response: The Housing Needs Determination includes a supplementary principle related to applicant's capacity to sustain their tenancy. This principle allows the MDP to apply the priority criteria in a flexible way that accounts for the crisis having now passed. In fact this principle ensures that Housing ACT does not approve applicants who have not stabilised their circumstances.	
ACT Shelter Submission	
Appropriateness of targets for average turnaround times between social housing tenancies should be reviewed, to ensure dwellings are made available to new tenants as swiftly as possible.p10	Response: The target for a 28 day turnaround in vacant properties is based on the following timeframes for each step of the process. 4 days to finalise property vacancy and assess future property use. 10 days with Spotless contractor to undertake maintenance work to return property to Housing ACT standard. 14 days with the allocations team to match with priority tenant. Housing ACT considers this breakdown appropriate in that it maximises time with allocations to ensure that tenants are most appropriately matched. This 14 day period also provides for tenants who refuse the allocation.
Human Rights Commission Issues Raised in Hansard Transcript 21 December 2011	
Chair: I am getting somewhat concerned at the severity of the cases that are being brought to our attention. Parents are saying that currently	

their disabled children, living in disability group homes or otherwise, have absolutely no rights in terms of where they are placed. Parents are asking how they can be given some protection rather than just be moved from one location, which could be from one side of town to the other. In a particular case a parent has sold their house to be closer to her daughter, and no sooner had she sold her house than her daughter was moved, without any consultation, to another location. That is what I am wondering about. We are getting the complaints but you are not— p46	Response: People living in Disability ACT Supported Accommodation are only relocated following a Risk Assessment and consideration being given to the person's needs. With consent this is done with the person, their guardian/s and family. Consideration is also given to medical advice and the persons overall health and wellbeing. If the safety, health or wellbeing of a person is assessed to be at risk, Disability ACT has a duty of care to respond.
Human Rights Commission Submission	The Commission also heard reports of inadequate follow-up and aftercare support following release from Bimberi. The phrase 'set up to fail' was used by several people. Many participants described difficult challenges experienced by young people when they were released from custody into the family home or independent living. For example, a family member said their young person was put in a flat without enough supervision and support. One young person and several family members said that the organisations that promised to support them when they left Bimberi were not there when they needed them most. For young people to achieve their goals and thrive when they leave Bimberi, it is important that they move immediately into suitable and supported housing. Without a stable accommodation base, the other challenges they are confronted with can be too difficult to manage. (Housing: A quality youth justice system meets young people's housing needs Chapter 11, p.251)
Response: Housing ACT's youth housing program was implemented in direct response to many of the issues facing young people exiting detention, corrections and the care system into public housing. Additional care and support from the non-Government sector should supplement the youth housing program.	Some participants told the Commission that it is difficult to access supported accommodation services. The centralised intake service for supported accommodation services (First Point) is unavailable on Saturday morning, which means young people appearing at the Children's Court to apply for bail on that day may be remanded in detention because they are unable to confirm a placement in a supported accommodation service for that evening. A few participants said they had difficulty contacting First Point at other times, and had to wait a period of hours for a return phone call. One participant expressed the view that the decision by some supported accommodation services to ask young people to leave the premises between 8am and 3pm: 'gives young people nowhere to go and increases their chance of getting into trouble'. (Housing: A quality youth justice system meets young people's housing needs Chapter 11, p.249)
Response: First Point is open on Saturday mornings between 10:00am and 1:00pm. The service also operates weekdays between 9:00am	12

and 7:00pm. After hours phone calls are returned the following working day.

Legislation requires young people to be in fulltime education, training or employment until the age of 17 years. All young people, including those accommodated in homelessness services, are required by law to meet the Earn or Learn requirements in order to remain eligible for Centrelink payments.

Housing ACT is not aware of any instances where young people are not allowed on the premises between particular hours, however are aware that Specialist Homelessness Services encourage continued attendance at education, training or employment in order to meet these obligations.

Greater resourcing is needed for supported accommodation options in the ACT. CSD are currently redesigning the funding structure for the ACT youth housing and homelessness sector, which could offer potential for systemic improvement. Greater resourcing would allow the system to be flexible and better able to meet individual young people's needs, through:

- A wider range of supported accommodation options, particularly for young people with challenging behaviours and complex needs;
- An increased number of supported accommodation placements; and
- Consistent and intensive provision of individualised support.

While investment in supported accommodation involves expense, the current situation – where some young people are being detained on short periods of remand because of a shortage of accommodation options in the community – is both costly for the community and detrimental for the young people involved. As discussed above in the section on early intervention, the Commission makes three recommendations to improve the availability and suitability of housing options for young people with high and complex needs.

In the recent discussion paper Towards a Diversionary Framework for the ACT, the ACT Government raised the possibility of an intensive bail support program with crisis accommodation.²⁰ Some participants in the Review have suggested there should be a 'bail hostel' or residential bail support program in the ACT, which would prevent young people on short periods of remand being detained in Bimberi. (Housing: A quality youth justice system meets young people's housing needs Chapter 11, p.249)

Response: The reform of the youth housing and homelessness sector will lead to an increase in accommodation places. Importantly, the reform will also allow for improved capacity to meet the individual needs of young people with mild to complex needs.

The Friendly Landlord Service will provide one to three bedroom accommodation options, in recognition that some people will require more intensive support than others and that individual young people may or may not be suitable for shared living arrangements.

The Emergency Accommodation Network will provide three to four bedroom properties within regional clusters to allow for the tailoring of

support levels according to needs.

The Youth Identified Accommodation and Support Program will allow young people to identify host families that may be able to provide safe and secure longer term accommodation. The program will provide support to both the family and the young person to assist in sustaining the accommodation agreement.

Housing ACT is also aware of the work being undertaken by the Office for Children, Youth and Family Support in rolling out the after hours bail service. The new service will work collaboratively with the youth justice system to prevent unnecessary remand where possible.

However, researchers have argued that better outcomes for young people, and greater value for money, would be obtained by increasing funding to existing accommodation service providers. In reviewing the NSW youth justice system, Noetic Solutions suggested that some previous attempts at 'bail hostels' in NSW failed because they grouped at risk young people together, and were highly resource intensive ('less than custody, but more so than funding existing service providers'). Instead, Noetic Solutions recommended that the government increase funding to existing supported accommodation services to provide a higher number of guaranteed beds for young people on bail. The Commission similarly suggests this approach. (Housing: A quality youth justice system meets young people's housing needs Chapter 11, p.250)

The Commission heard numerous stories of young people being released from Bimberi to apparently inadequate or unsupported housing situations or, indeed, to homelessness. These accounts included claims of: a young person with an intellectual disability waiting in Bimberi reception for more than an hour to be collected, then leaving with someone unknown to the Centre; a young person moving from their intended placement to another house where a worker feared they were at risk of exploitation; and a young person not making it to their new accommodation, but reoffending and being detained again within a short period of time. While we cannot confirm all the accounts we received, they indicate a widespread belief that the community needs to provide better planning and support for young people before, during and after their transition from Bimberi to the community.

In relation to transition planning and throughcare, there are three aspects to the claims made to the Commission:

- For some young people with complex needs, workers report that there are no accommodation services available to meet their needs.
- For other young people, who did have prior connections with community based accommodation support services before custody, workers reported difficulty gaining permission to visit Bimberi to maintain a relationship with the young person during their detention.
- For a third group of young people, who are introduced to new accommodation support services when they are released from Bimberi, workers feel they should be engaged much earlier in the preparation for release, and be permitted to develop a relationship with the young person over several weeks or months before release. (Housing: A quality youth justice system meets young people's housing needs Chapter 11, p.251)

Response: All new accommodation services developed through the reform of the youth housing and homelessness sector will be available to

young people involved in the criminal justice system. The Commission also heard reports of inadequate follow-up and aftercare support following release from Bimberi. The phrase 'set up to fail' was used by several people. Many participants described difficult challenges experienced by young people when they were released from custody into the family home or independent living. For example, a family member said their young person was put in a flat without enough supervision and support. One young person and several family members said that the organisations that promised to support them when they left Bimberi were not there when they needed them most. For young people to achieve their goals and thrive when they leave Bimberi, it is important that they move immediately into suitable and supported housing. Without a stable accommodation base, the other challenges they are confronted with can be too difficult to manage. (Housing: A quality youth justice system meets young people's housing needs Chapter 11, p.251)	
Response: Housing ACT's youth housing program was implemented in direct response to many of the issues facing young people exiting detention, corrections and the care system into public housing. Additional care and support from the non-Government sector should supplement the youth housing program.	
ADACAS Transcript The Ombudsman's focus is a whole-of-service one, and indeed our clients face significant barriers because the ACT public service does not operate as a cohesive whole. Take a long-term client of ADACAS, for instance, who remains in hospital because Housing maintains that a house cannot be allocated until support services are in place, and Disability ACT maintain that they cannot set up support services until a house is provided. One result of this lack of cooperation is a client who has become institutionalised to such an extent that he now fears to leave hospital and now resists Advocacy attempts to resolve the impasse.p55 Response: The statement is incorrect. Senior officers of Housing ACT and Disability ACT regularly liaise together in order to coordinate the support and accommodation needs of individuals with disability. With regards to the specific case mentioned, there are complex issues related to the extremely high support needs of the individual concerned who is currently supported in intensive care and predominantly requires a clinical model of care in order to be discharged in to a community setting. Apart from the clinical issues there is also a cost challenge in facilitating the intensive model of care required. In this case the anticipated cost is expected to be in the region of \$600k per annum.	
CHAIR: Thank you, Ms May. If I can just take you back to the last part of your opening statement. You mentioned the person having to stay in hospital because there was no accommodation available. Is that a current case that you have got? Ms May: Yes, that is a current case. This man is in hospital and has been in hospital for a very long time.	

CHAIR: How long?

Ms May: More than a year—two years.

CHAIR: There was a similar case where it took three years for someone to get out of hospital. ADACAS was involved and my office got involved as well. That is why I am interested to know whether this is a fresh case. I thought there would have been a few lessons learned from the last one about the provision of interaction between departments to ensure that while the hospitalisation is required something can be done to progress the next stage of that person's path through the medical system. Would you like to add to that a little as to how the current state is where it is?

Ms May: This client has very complex needs and needs a very high level of care, which he is getting in hospital but which, unfortunately, neither Housing nor Disability are prepared to work together sufficiently in order to enable that to happen in a non-hospital setting at this time. It is very difficult.p56

Response: *The Policy Framework For People With Complex Ongoing Support Needs From Hospital To The Community (2010)* draws together the principles and commitments of the key ACT Government human service agencies which provide services to people who are medically and functionally fit for discharge and who require intensive and ongoing support, and/or specialised equipment, and/or modified housing to transition from hospital to the community, and to remain in the community.

This Framework aims to:

1. Enable people with high ongoing support needs, related to disability, to resume a lifestyle in the community with essential community-based resources, services and support.
2. Reduce the risk of inappropriate long-term hospitalisation, and the associated social and financial costs to the client and family, and the health system; and
3. Ensure people with high ongoing support needs are able to transition from hospital to the community in a safe, timely and sustainable manner.

This Framework:

1. Defines the responsibilities of the key partner agencies,
2. Provides a guide for discharge planning and supporting the timely transition of people with complex and high ongoing support needs from hospital,
3. Identifies government agency decision-making points in relation to resource allocation; and
4. Outlines procedures to assist the partner agencies to work together to achieve the Government's priorities.

We are certainly aware that a client with disabilities who has particular needs can spend a great deal longer on the priority housing list than a client without disabilities who can be placed in a wider range of accommodation settings. That causes particular issues as well, whether or not

you want to say it is discrimination against people with disabilities, but it makes it very difficult for them to find appropriate homes.p59	Response: Where applicants require specific property modifications, location or other inclusions it can take longer to source an appropriate property. This can apply to applicants who require properties in particular locations for example, to be close to schools, or applicants who need a freestanding bath etc. This is inevitable when there is a finite pool of resources available at any given time.
From time to time the workers at Housing will call ADACAS with the assumption that our advocates are in fact caseworkers and will undertake the role of casework or casework coordination on behalf of Housing with a range of people. Advocates are not caseworkers. They take instruction from their clients rather than from other services, because we advocate on the express wish of our clients. So there is a fundamental lack of understanding in Housing of what the role of advocates actually is. That is something we would like to change. I understand that my predecessors within ADACAS have offered some training opportunities to Housing before, but it is something that has fallen by the wayside.p.59	Response: Housing ACT does expect ADACAS advocates to play some role in assisting their clients to meet their expressed needs, even if this requires some degree of coordination with other agencies.
ADACAS Submission	The 2010-11 Annual Report for Housing does not contain accessible information about the extent to which the ACT Housing tenant population is consistent with or differs from these national figures (of people with a disability)... The priority housing list cap of 150 applicants means that it is not possible to know the actual need for priority housing in the ACT. (p1)
Response: The demand for public housing is reflected in the number of people on the waiting list, including the priority, high needs and standard waiting lists. All of these people are considered to have high needs of some sort in addition to low income and housing affordability issues.	...experience of advocacy organisations working with people experiencing housing difficulties suggests that the processes implemented by Housing ACT do not have at their core an emphasis on achieving appropriate, responsive housing for individuals. (p2)
Response: This comment is unsupported and offensive to committed individual staff members and to Housing ACT as an agency.	Housing Process: process of allocation...is fraught and extensive...is not timely and is opaque to the applicant....applicants who have an effective advocate to assist them are more likely to achieve a satisfactory outcome...this is an iniquity in the system administered by Housing ACT. Specific issues include: (p3 of submission)

Response: There is a counter claim that advocacy services lever this inequity through adversarial engagement with Housing ACT and through relatively junior officers. See previous comments about the Gateway Quality Improvement Project.	...the weight of attention by Housing ACT staff is focussed on eligibility and paper work process rather than individual case support (under Recommendation 5, p4). Housing process is disempowering...encourages dependence...assumes incompetence (under Recommendation 6, p4)
Response: Gateway staff have a legislative obligation to ensure eligibility is clearly established. The Gateway Quality Project has introduced significant training on client focussed and client centred practices. These issues have also been addressed in the delivery of the Central Access Point, which was developed with the idea that the space should encourage applicants to participate in active waiting, which provides the space and opportunity for clients to print and copy documents and	Placement decisions made by Housing ACT have been known to lead to significant abuse or loss of wellbeing for individuals whose needs have not been taken into account either in their own placement or the inappropriate placement of others nearby. p6
Response: Housing ACT has a finite portfolio of properties a high proportion of which are not necessarily the most appropriate match for the complex tenant population. However, Housing ACT works with applicants and support agencies to identify people's needs and attempt to match them with available properties. A key component of this matching is to recognise what additional support services work with applicants so as they can play a role in supporting their clients once they have been allocated.	Case study- ADACAS recently advocated for an older couple who, due to neighbour harassment needed to move from their long term public tenancy, which had been modified to meet the needs of the couple, one of whom has disabilities. While ADACAS congratulates Housing ACT on approving a timely transfer to a nearby older persons unit, the unit's bathroom facilities were not suitable for the elderly carer to support her partner in personal care. The Housing ACT Occupational Therapist did not recommend modifications to the bathroom on the grounds of cost, and the tenants had to get a private OT assessment, at their own expense, before Housing ACT would approve the necessary modifications. The introduction of in-house Occupational Therapy has reduced the waiting times for occupational assessments of public housing however it has introduced a conflict of interest for the therapists which, as the case study demonstrates, impacts upon the quality of service provided. The responsibility of an Occupational Therapist is to recommend modifications required for a safe environment for people with disabilities and their carers. Their recommendations should be based solely upon these needs and not on cost. While housing should continue to bear the cost of occupational assessments of social housing stock, the therapist's client should be the tenant not the landlord. pp.6-7
Response: It is not a conflict of interest for an occupational therapist to provide advice on the modifications required to meet the needs of an individual which is informed by an understanding of the ability for properties to be modified, the cost of doing so and of other options which may	

be used to meet these needs.

Case study- Trevor moved into a group home with two house mates 15 years ago, which is operated by a disability accommodation support agency. He has a disability and he needs support every day. Trevor has changed a lot since moving into this home. He has come to realise that living here does not allow him to live the lifestyle he wants to live. Trevor wants to achieve more self-determination and independence, so he needs to move out. Trevor applied for public housing assistance. Housing ACT set up an appointment with him before lodging his application. Housing ACT wanted to clarify a few things as they were doubtful Trevor was making the right decision. These were some of their comments and questions:

"Why can't you stay where you are? There does not seem to be good reason for you to move."

"But you have a disability, how will you cope outside of a group home?"

"What do you need support with? Finances? Domestic assistance? Personal care...? How often do you need this support? Who will provide these supports to you?"

"A group home is most appropriate for your needs." "Who will help you manage your tenancy?"

"What support services do you currently access?"

"You need to prove that you will have adequate support services in place to live in public housing before Housing ACT will action your application."

This experience was very disheartening for Trevor. He felt like he had no right to choose his place of living or to have any independence. He felt powerless.

Response: Previous ADACAS comments criticise Housing ACT for allocations they claim resulted in people experiencing worse outcomes. However Housing staff work to ensure that the applicant has the appropriate resources and supports in place to sustain a tenancy and ensure they will not be isolated in an independent tenancy and have the means to ensure some level of community inclusion.

For people with disabilities, living in older public housing accessing maintenance can be a significant burden. They are often living with inadequate plumbing, mould, roof leaks, poor security, worn carpet or pest infestations.

Response: Housing ACT refutes that this experience is a common one for older residents, however, community organisations who have contact with clients in these circumstances should be encouraging them to contact the Spotless call centre so that this maintenance can be carried out.

Given the high level of personal administration and energy input associated with disability, many people with disabilities give up trying to get things fixed as it is just too arduous. Many only deal with emergencies, like hot water tank replacement, and accordingly their standard of living declines.

Response: Advocates and support agencies who have relationships with vulnerable clients have a responsibility and duty of care to assist in arresting such cases of declining standard of living by working with their clients to access maintenance services. Housing ACT employs a Helping Our Older Tenants (HOST) worker who works with older residents, an initiative funded in recognition of the high support needs of older people in public housing. However the pressures of effectively supporting an ageing population must fall beyond Housing ACT and become broad community responsibility.

Case study - a family including a child with disabilities, accepted a public house and signed the contract. After moving in they discovered that parts of the house were not insulated and that some drains were not flush with the floor which meant the floors could flood. It was not possible for the family to be aware of these maintenance issues when they signed the contract but the response from Housing ACT staff was that once they signed the contract, Housing ACT was absolved from responsibility for these maintenance issues. An advocate is continuing to work with this family to get Housing ACT to make the required modifications.p8

Response: Housing ACT refutes the claimed response from one of its officers. The property in question was a newly constructed property and the lack of insulation was not identified in the defects process prior to its handover to Housing ACT. The shower floors were designed to be Class C adaptable and hobless. Housing agreed to install a partial screen to address floor flooding. Both issues have been addressed.

People with disabilities, particularly women with disabilities comprise the largest group accessing social housing. As such, it is important that the housing providers are able to understand and meet the needs of this vulnerable group. The housing situation becomes even more complex when supported accommodation is considered. Under this model people often live in group house arrangements with a government or community provider responsible for management and support needs for the house.

Allocation of disability supported accommodation is usually based on the type of disability of the person rather than their particular wishes about who to live with, and where to live. Many people with disabilities live in circumstances that they do not want and which they wish to change. The compounding circumstance of not having access to adequate support funds means lengthy and difficult delays in achieving any change, e.g. 5 to 10 years.

Case Study - Sandra lives in supported accommodation with three housemates. She has a disability and requires support most days. She didn't choose her living arrangement or her housemates. She was placed in this arrangement when she moved out of her family home many years ago. She is really unhappy in this arrangement, particularly because she doesn't get along with one of the housemates. She would really like to move into a home on her own.



Supplementary ACT Government Submission

Standing Committee Inquiry into Provision of Social Housing

Sandra approached a number of agencies in search of supported accommodation. All either had no vacancies or offered accommodation only to tenants with an individual support package (ISP), which Sandra doesn't have. Sandra has lodged an expression of interest for an ISP each year for the past four years without success.

She decided to submit an application to Housing ACT. Sandra was contacted and told by Housing ACT that her application would not be actioned because she requires support and she does not have the individual funding to provide this. Housing ACT was concerned that her support needs would potentially go unmet and her tenancy unmanaged. Housing ACT suggested that perhaps a group home is the best place for Sandra, since she has a disability. Sandra was not provided with any advice or assistance from Housing ACT on how to overcome this hurdle. She felt trapped.

Sandra's advocate assisted her to gather several support letters from various support agencies and post them to Housing ACT. After a couple of months, Sandra was pleased to learn that Housing ACT had registered her on the list, though it will be years before a home is allocated to her.

People with disabilities experience more restricted choice in relation to accommodation than other people. There have been instances where the person's application was not actioned due to potential unmet support needs in the future....p9

Response: All applications for disability accommodation support services are assessed and placed on a Registration of Interest. Access to accommodation support is based on priority of need. Developing a suitable housing, tenancy and support option, particularly for those with complex or high support needs, requires detailed consideration of a number of factors such as the compatibility of an applicant in a shared living arrangement, their specific support needs and any views expressed by the guardian. In DACT a client coordination committee considers these issues as part of an exploration process that seeks to facilitate allocations appropriate to an individual's needs.

A recent case saw the tenants in 4 houses being reshuffled without any reference to the tenants and their wishes, including gender of housemates, location, number of housemates, etc. This reallocation would not occur with any other tenant group in our community and is an indication of the continuing lack of respect for the rights of supported accommodation tenants. There is a distinct lack of certainty for tenants of supported accommodation about the style, longevity, and support of their housing arrangements.p.10

Response: Clients are supported to live in their home by Disability ACT. Generally, clients are only relocated following completion of a Risk Assessment. This is done with the client and their guardian. This process will take into account a person's medical and social circumstances. If through this process, alternative accommodation is considered appropriate, a full exploration process is undertaken to assess the compatibility of people identified to live together. The exploration process can take a number of months to complete. If a risk to the health and/or safety of a client is identified, Disability ACT has a duty of care to mitigate that risk. With guardian consent, this can mean changing an individual's living arrangements in order to ensure their ongoing safety and wellbeing, or the safety and wellbeing of others.

Mental Health Community Coalition Transcript

There is a great need for a long-term investment in more appropriate housing, clearly housing that is built on universal design principles et cetera, so that it is for a range of people. It is also appropriate in the sense of how it is integrated into the whole community.

The issues we find at the moment with the complexes that are now filled with people who are old, disadvantaged and, to some degree, dysfunctional in their capacity to live a normal life are that those environments become, essentially, detrimental to anyone recovering from or rising above that situation. There is a great need to redevelop those complexes and to find other options for housing so that we do not end up with that kind of ghetto-isation.

Obviously that needs a long-term strategic approach.p70

Response: Agreed. Most of the dwellings that were constructed under the Nation Building and Jobs Plan initiative were built to adaptable standards. In the future all new housing will be accessible and adaptable, meeting liveable housing design requirements. In addition Housing ACT has a modification program which allows people with a disability, or who are older, to remain in their house. In 2010-2011, 137 properties were modified at a cost of \$0.9million.

The need to redevelop the Multi Unit Properties (complexes of more than 40 units) is agreed. Several of these Multi Unit Properties are subject to major problems – they are limited to the type of households they can accommodate; they are unable to cater for people with high and complex needs; and, they are subject to higher vacancy rates and refusal rates.

The Public Housing Asset Management Strategy 2012 – 2017 identifies three Multi Unit Properties for redevelopment. Work has already started on the redevelopment of each of the complexes, Bega and Allawah Court and Currong Apartments (Braddon and Reid), Northbourne Flats (Braddon and Turner) and the Northbourne Housing Precinct (Dickson and Lyneham).

One of the areas that cut across all the areas of discussion so far is the actual application process and communication. You mention that many people are confused by or put off by the complicated application process. You make recommendations about Housing working closer in partnership with consumers and assisting them to understand the processes or make the application processes less onerous. It is a bit of a catch 22, isn't it, because you need the information in order for everything to be considered, but the amount of information required is obviously causing some confusion for people. Has any thought been given to just having a process where people can be helped with the application process itself? It does not matter how much training is given to the departmental staff, they are still not going to be able to cope, I guess, beyond a certain level. The information that people have to provide will not change any of this. Is there a happy medium there, perhaps? Is there some other way of addressing that?p70

Response: The new Central Access Point provides much more individualised and tailored responses to applicants, including assisting applicants with the application process. A new application process has been initiated for clients in supported homelessness services that will allow the accommodation agency to compile the assessment information (which they will already have) and forward this straight to the MDP.

Mental Health Community Coalition Submission	Housing ACT and community housing and support providers are often not well integrated. For example, although First Point has a role in managing access and availability of CSD social housing services, they have less well established relationships with accommodation services provided by mental health services.
Response: Over time First Point may roll out to mental health accommodation providers. However, it is 12 months into the establishment of this service as a central referral point to the homelessness system. The priority has been to ensure effective implementation to this target group.	Anecdotally, we are aware that many people are confused or put off by the complicated application process. The stress of having to fill in large amounts of paperwork, provide sufficient evidence of income, assets, employment status, medical diagnosis etc, and the resultant worry regarding how the application can be assessed would be a burden to anyone. It can be an even larger burden for someone already living with a mental illness, and the resultant stress and anxiety can contribute to mental ill-health. As well as asking for large amounts of detailed personal information, application forms require people to specify the type of social housing they would like to apply for. Many workers in the community sector find it difficult to understand the differences between public, community and affordable housing, particularly as the names and definitions can and have changed over time. For a person with lower levels of literacy or dealing with high levels of stress and worry, this can cause significant confusion. (under subheading Application Process and Communication)
Response: Housing ACT is required under legislation to ensure eligibility. Additionally Housing ACT must ensure that the scarce resource of public housing is provided to those people in the community most in need. To do this, Gateway requires certain documents and supporting information. Housing ACT is aware this process can be difficult for some clients and the changes introduced through the CAP ensure there is more individual support and assistance for applicants to complete the processes required. In addition the ACT government funds a number of advocacy and support services to assist applicants with the processes.	Care Inc Financial Counselling Service and Consumer Law Centre ACT – Hansard Transcript 21 December 2011
	One of the other issues for our client group is utility stress and we are very conscious that in rental accommodation the houses are not very energy efficient, nor are the appliances or the heating systems, so particularly the clients that we have who are in public housing have quite high energy bills that they struggle to afford to pay. That is another issue that we deal with regularly.pp.73-74
Response: Housing ACT is aware of the value of making improvements to the energy efficiency of dwellings. In 2007 – 08 the ACT Government committed \$20 million over 10 years to improve the energy efficiency of public housing dwellings. Since then, improvements have	

been made to over 3,100 properties, about 26 per cent of the total public housing portfolio. The energy efficiency measures include ceiling and wall insulation, draft sealing and installing efficient gas and electric boosted hot water systems. This program was expanded by a further \$8 Million in the 2011-12 Budget to be spent over 4 years. The financial well being of some of the most disadvantaged people in our community will be improved.

The design brief for public housing dwellings that are being constructed has been updated to ensure that all homes achieve a minimum of a 6 star energy rating and are fitted with energy efficient appliances.

Where homes are purchased they have to meet a 3 star energy rating or be capable of being easily modified to achieve a 3 star energy rating.

As per the 2011-12 ACT Budget \$8 million was announced for further energy efficiency measures over four financial years. The budget paper states the purpose of the funding is:

“for the expansion of existing programs to improve the energy efficiency of public housing stock and as a consequence improve the financial well being of tenants through lower energy costs.” (2011-12 Budget Paper No 3, 2011-12 Capital Initiatives, p183).

The energy efficiency measures include but are not limited to, ceiling and wall insulation, draught sealing, installation of pelmets and energy efficient hot water systems. The hot water systems being installed, where suitable, are five star gas, gas or electric boosted solar and electric heat pump. The hot water systems are being installed upon failure of existing systems. In addition, pelmets and curtain rods are being installed in all separate houses as they become vacant (from August 2010 onwards) and a number of larger properties within the portfolio.

There are a number of avenues available to Housing ACT tenants that are in utilities stress. This includes the ACAT Energy and Water Hardship Assistance, the ACTEWAGL Stay Connected Program and a number of Community Organisations that can make referrals to the ESDD WEST program (Water and Energy Savings in the Territory) and Outreach Program. These programs aim to provide education to tenants and to retro-fit some properties with items such as curtains and energy efficient appliances to assist those in severe utilities stress in reducing their energy bills.

Many of our client group also cannot afford to maintain a landline telephone; often they have mobile phones, and particularly the prepaid ones so if they run out of credit it often means that they cannot retrieve messages. So, even if a message is left, often they cannot get that message back because of that delay. These issues can become quite serious, because it can look as though the tenant is not being cooperative, even when they are.

This is why we believe that a triage system may be of use. When the tenant makes contact, either goes into the housing shopfront or calls, it would be good if somebody could meet them or take the call and try to assist them when they are ready to do so. I believe the contact should be recorded in their notes so that there is a record of when the person did try to make contact and, if possible, the issues addressed on the spot. This could reduce the time that the Housing managers spend returning calls and writing follow-up letters, so I think it is a more efficient way of doing business. I understand that Centrelink and the central intake service have a similar system where there might be a concierge or

duty staff to find out what their needs are try to meet them as efficiently and effectively as possible.p.74	Response: Assessing officers meet with an applicant if they come into the Central Access Point. All attempts to contact clients are recorded in the application file.
I also hear about delays in rebate applications being processed. To be honest, I am not quite sure why that is—whether the Housing manager is away or it has become lost in the system—but I also think this kind of centralised intake service may be of use, because if they can all be dealt with right away the tenant would know what is happening and if it has not been received they can do something about it.p.74	Response: Housing ACT is making a number of considerations regarding simplification of the rebate process.
Ms Mayes: I think the main thing is about the quality of the properties. I often go to ACTEW because a client has had a \$1,000 or \$2,000 electricity bill. Obviously there is something going on in the property to lead to debts that large. I have also assisted people to make complaints about particular things like heating and it has often been found that the thermostat is not working correctly and then the thermostat is removed from the heater, so then there is no way to gauge when that should cut out. That is quite a common issue.p79	Response: Housing ACT is aware of the value of making improvements to the energy efficiency of dwellings. In 2007 – 2008 the ACT Government committed \$20 million over 10 years to improve the energy efficiency of public housing dwellings. Since then, improvements have been made to over 3,100 properties, about 26 per cent of the total public housing portfolio. The energy efficiency measures include ceiling and wall insulation, draft sealing and installing efficient gas and electric boosted hot water systems. This program was expanded by a further \$8 Million in the 2011-12 Budget to be spent over 4 years. The financial well being of some of the most disadvantaged people in our community will be improved. The design brief for public housing dwellings that are being constructed has been updated to ensure that all homes achieve a minimum of a 6 star energy rating and are fitted with energy efficient appliances. Where homes are purchased they have to meet a 3 star energy rating or be capable of being easily modified to achieve a 3 star energy rating. An element of the Public Housing Asset Management Strategy 2012 – 2017 is that the public housing portfolio should be as energy efficient as possible.
The other issue which I guess is a little bit separate from the maintenance of the stock and which might also be a communication issue rather than a stock issue is when there is damage to a property and we request that that damage be reviewed. Often it is just not done. Often I have put in a request—I have three at the moment and one I put in November last year and it still has not been looked at. That is with stat decs to say that this is what happened to the property.	

Ms Bresnan: November last year?

Ms Mayes: Yes, and every month I contact them to ask if there is an outcome. Often in the past I have closed the file before an outcome has been received, and often years later if I happen to see that person again it is raised again. That is with contact about every one to two months to find out whether it is going to be removed or if Housing have made a decision to not remove it. We get no outcome at all. I do not know whether that is not a priority; possibly that is the case. pp.79-80

Response: Housing ACT in recognition of the unacceptable delays between the identification of tenant responsible maintenance and the invoicing of tenants for the amount owed, recently changed the processes when tenants terminate their tenancy to provide tenants with a clearer picture of the amount owing for damage and/or cleaning of the property. Under the lease, tenants are responsible for returning the property to Housing ACT in the same condition as when they first entered their tenancy, except for fair wear and tear.

Under the new processes for the final visit when tenants are terminating their tenancy, once the tenant notifies Housing ACT of their intention to terminate, and generally when the tenant has cleared out their belongings, an appointment is made with their Housing Manager to do a final inspection of the dwelling to ascertain the state of the property and what works are required, if any. At that final visit, a representative from the Total Facilities Manager, currently Spotless attends who is responsible for assessing the property and noting the works that are required to enable the house to be re-tenanted. Those works are separately identified into who is responsible, Housing or the tenant. The tenant is then advised of the works and given the opportunity to discuss the works and the costs prior to signing their agreement to the charges and thereby accepting the debt.

Tenants are given an indicative costing at the final visit of the amounts that are to be charged to them as tenant responsible maintenance and they are required to sign the final visit form to acknowledge the debt.

Much of the delay experienced by tenants previously arose from the time taken for the contractor to undertake the works to clean and repair the property and to invoice Spotless for the work done. In some cases, the contractor did not invoice Spotless for the work for some months after the work was undertaken. Spotless and Housing continue to work with the contractors to speed up their invoicing processes, but the building and home repair industry is notorious for their tardiness in completing the paperwork and invoicing for work done. Housing was therefore unable to invoice the tenant for the correct cost for the works and their was a general unwillingness to charge tenants until the exact nature and costs were known for fear of inadvertently overcharging tenants for work not done, or done at a cheaper cost.

However, as soon as Housing is aware that a tenant may owe them money for tenant responsible maintenance, the tenant is advised through the First Landlord's Notice that an amount for tenant responsible maintenance could be due and payable under the tenancy. Once the details of the charges are known, Housing ACT undertakes a review of the amounts that are to be charged to tenants as tenant responsible maintenance to ensure that the charges are justifiable and defensible.

The system is to be refined further with Housing ACT seeking to have the debt recognised immediately upon termination of the tenancy by the ACT Civil and Administrative Tribunal (ACAT) so that the disputes about the debt are reduced when a tenant subsequently seeks housing

assistance and forgets that a prior debt existed.	MS BRESNAN: You have also raised sundry debts of the clients. Do you think because there might be that long lag between someone identifying there is a problem and then it being actioned by Housing that that could potentially get recognised as damage that the tenant has done when it has been a problem for a long time? Ms Franklin: That is the exact issue: it is raised as a debt against the tenant and we have asked for it to be reviewed because of the reason it came about and nothing happens. But it stays on their record as a debt from that period of time. MS BRESNAN: Have you found that to be fairly common? Ms Mayes: Very common, yes. I have a lot of cases and often years later if I am working with the same client—I used to assume that it must have been removed and the clients have often assumed that the debt has been removed, but often we will get the sundry account and see that it is still there. That is when I have found that it has not even been looked at. Then I start the process again to try and get it looked at. But we often do not hear any outcome at all. The usual response is, “I’ll get somebody to look at it” and then I hear nothing, and a month later I will ask again and they will say, “I’ll follow that up for you.” But very rarely is there an outcome.p.80
Response: Refer above. Further, all requests for a review of debts owing by tenants, particularly for tenant responsible maintenance are reviewed by Housing. Any additional information provided by tenants is also taken into account when assessing the amount owing. For example, if tenants provide a police report about a break-in the damages arising as a result are removed from the tenant’s account and they are not charged tenant responsible maintenance for these costs. Similarly, if tenants provide evidence that they have had the house professionally cleaned, any charges for cleaning by the Total Facilities Manager, Spotless, generally because they believe that the house has not been cleaned sufficiently to meet Housing’s standards, then these charges are also removed from the tenant’s account and they are not charged tenant responsible maintenance.	Care Inc. Submission
More assistance and a more proactive approach is required from Housing ACT to ensure that tenants understand application processes, know what information is required on forms and are made aware of any review options. For improvements to occur it is important that Housing ACT provide appropriate and ongoing training to staff. (Under subheading The Findings...)	Response: Housing ACT is aware the application process can be difficult for some clients. The changes introduced through the CAP ensure there is more individual support and assistance for applicants to complete the processes required. Additionally the ACT government funds a

number of advocacy and support services to assist clients with these processes. The Gateway Quality Project has developed a range of new training modules or gateway staff and made changes to forms such as the review of decision form to make them more accessible.	Difficulties contacting Housing Managers (HMs) is frequently reported by tenants. Many tenants recount leaving messages which were not returned and waiting for long periods for crucial information from Housing, such as the amount of rent to pay or the outcome of an appeal. Often tenants don't know if their HM has received their message or their rebate application, which is frustrating for tenants who have been told they are required to make contact with their HM within specific timeframes. An example of a problematic situation is when a tenant receives a Notice to Remedy and tries to make contact with their HM with no success – Housing then serves the tenant a Notice to Vacate. Tenants also report that their HM changes frequently. Although Care supports the current system where tenants have a specific contact person, this system is clearly not working effectively or efficiently. (under subheading The needs of social HMs...)
Response: Housing Managers manage a portfolio of between 250 – 300 properties and are required to be in the field undertaking Client Service Visits. Client Service Officers are available to take messages and provide some assistance to callers. Housing ACT acknowledges the need for improved customer service in this area.	Housing ACT has a policy to accept a minimum of \$15 per week towards the repayment of rent arrears. Tenants are often referred to CARE Financial Counselling Services from Housing ACT after they have offered a lower repayment amount. This amount has been refused as it is outside of current policy. We see a number of clients who are on very low incomes or have financial circumstances that mean they cannot realistically afford to meet the minimum \$15 repayment. These clients do however want to repay their rental arrears and reduce the risk of eviction. Care supports a debt management policy that enables tenants to repay debt at an amount that is affordable, taking into account their particular circumstances. A reduction in the minimum payment amount would assist tenants on low incomes. (under subheading Other Related Matters)
Response: Housing ACT works flexibly with clients to ensure that they can afford the debt repayment schedule negotiated between Housing ACT and the client, with the emphasis being, not only on repaying the amount owing but ensuring that the client is not put into further financial stress by the arrangements. As part of the negotiations to come to an arrangement to repay amounts owing, Housing ACT encourages clients meet with and seek the assistance of Care Incorporated Financial and Counselling Services to assist them manage their budgeting and financial affairs. It is also not uncommon for Housing ACT to encourage clients to go to Welfare Rights and Legal Centre to ensure that they are aware of and understand their rights and obligations.	Whilst the policy provides that the minimum amount payable per week for repaying rental arrears and other debts owing to Housing ACT is \$15, it is common practice for Housing ACT to accept a lesser amount, such as \$10 per week, where there is hardship

The policy on payment of debt also includes the requirement that tenants pay no more than 30% of income as rent or payment of arrears and other debt to Housing ACT. This may mean in many cases that the weekly payment for debt, other than rent is below the \$15 per week threshold.