



Inquiry into annual and financial reports 2024–2025

Answer to question taken on notice

Asked by: Mr Shane Rattenbury MLA

Addressed to: Minister for Homes, Homelessness and New Suburbs

In relation to: Public housing and Specialist Disability Accommodation

Hearing: 10 November 2025

Uncorrected Proof Transcript pp 7-8

Transcript provided: 14 November 2025

Answer Due: 21 November 2025

MR RATTENBURY: Minister, if I am correct in understanding your statement. Housing ACT signed up in 2017 and you are informed in 2023?

Ms Berry: Yes.

MR RATTENBURY: What was going on in the intervening six years

Ms Berry: This is the work that I have been doing over the last—since I was advised to understand how the enrolment happened. Without wanting to go on a witch-hunt or anything like that but just wanting to understand how the decision was made. I still cannot—I probably cannot say without all the information that I am still gathering together about how the decision was made or why it was made. I think SDA became available around 2016-2017. And I think – look, I will not assume, because I do not know. But since then – yes, since I found out in 2023, and that the SDA funding had never been operationalised, I have been trying to – we have been trying to work with Housing ACT and with stakeholders to understand whether or not tenants have SDA funding as part of their packages, whether they need modifications that have not been provided by us already. I understand that any modifications have – requested, have been provided. But I do not know for sure because of how our relationship is removed from the tenants.

So I guess there is a bit of work still to happen. But the priority at this point in time is to get back in touch with – work through this with the stakeholders who are – have been very happy to work with us to try and figure this out going forward, but immediately provide those supports to tenants going forward. I am happy to provide anything that I can to the committee.

MR RATTENBURY: Sure.

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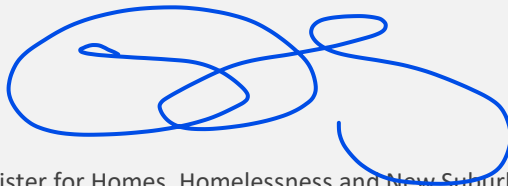
Ms Berry: I do have a statement that I have provided to the – a document that I have provided to the Auditor-General. But if you would not mind, I will just take it on notice for the moment so that I can just double check that it is okay – get some advice that it is okay to provide. And that will give a bit of a timeline of everything that has been happening, that I have been working through.

Ms Yvette Berry MLA: The answer to the Member's question is as follows:

Please find attached a copy of the letter and statement provided to the Auditor-General.

Approved for circulation to the Standing Committee on Social Policy

Signature:

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by a loop and a horizontal stroke.

Date:

28/11/25

By the Minister for Homes, Homelessness and New Suburbs, Yvette Berry MLA



Yvette Berry MLA
Deputy Chief Minister
Minister for Education and Early Childhood
Minister for Homes, Homelessness and New Suburbs
Minister for Sport and Recreation
Member for Ginninderra

Mr Michael Harris
ACT Auditor-General
act_auditor_general@act.gov.au

Dear Mr Harris

I am writing to raise with you a concern about the administration of the Specialist Disability Accommodation (SDA) program in Housing ACT properties.

Housing ACT registered as an SDA provider in 2017, and in 2020 enrolled 112 dwelling into the program. Despite registering and enrolling properties, Housing ACT has never operationalised SDA.

I was advised in 2023 of complex barriers to operationalising SDA for the now 110 enrolled properties, including that Housing ACT did not hold critical information about whether tenants were NDIS participants and had SDA in their NDIS packages.

In September this year, HCSD notified me that Housing ACT's registration as an SDA provider was due to expire on 14 December 2025 and it must complete a recertification audit to renew its registration. I was also advised that Housing ACT would be unlikely to meet the requirements of the audit.

Despite efforts since 2023 to understand and resolve the issues with SDA, on 7 October I made the decision not to proceed with the recertification audit and renewal process, and to deregister Housing ACT as an SDA provider under the NDIS. Housing ACT's SDA registration will remain until 14 December 2025. The ACT Government is now working with our headlease partners, tenants and stakeholders to determine next steps for these homes, including consideration of whether they can and should be re-registered for SDA.

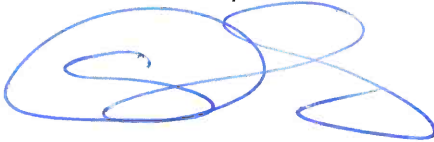
While the decision to de-register will have no direct impact on tenants because SDA was never operationalised, this process has not met my expectations, nor do I think it meets the expectations of the ACT community. I am concerned that HCSD did not adequately implement decisions of government, particularly directions in 2023 and 2024 to engage with tenants in SDA-enrolled properties to understand their SDA status and needs. This inaction meant that my decision to deregister Housing ACT had to be taken without this critical information. It is also not clear to me what authority Housing ACT had to register as an SDA provider in 2017 and enrol dwellings in 2020.

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At **Attachment A** is a summary of events as I understand them. My office is available to assist you with any additional information and documents you need.

I understand and respect your complete discretion in exercising your functions, including whether or not to carry out any particular audit. I would welcome your advice about whether you can audit this matter, and about whether any additional referrals would be appropriate.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by a series of loops and a final flourish.

Yvette Berry MLA

Attachment A

1. Housing ACT registered itself as a Specialist Disability Accommodation (SDA) provider in 2017 (without my permission as Minister for Housing).
2. In 2020, Housing ACT then proceed to enrol 112 dwellings in SDA (without my permission as Minister for Housing).
3. These properties were enrolled as a mix of SDA categories – basic, improved liveability, fully accessible, high physical support and robust.
4. The purpose of SDA funding is to help people with extreme functional impairment or very high needs to live more independently and have better access to supports in their home. SDA funding is not for support and care services but is instead for the construction, modification and maintenance of the homes in which support and care services are delivered. Unlike other supports under the National Disability Insurance Scheme (NDIS), SDA funding is generally claimed by the SDA provider (as opposed to the participant) because it relates to the dwelling. This is intended to stimulate the market to produce high quality, contemporary, accessible, well-designed housing for participants with SDA funding in their NDIS plans.
5. Transitional provisions were offered by the National Disability Insurance Agency (NDIA) to stimulate the uptake of SDA in the market. These enabled providers to enrol dwellings that were unlikely to meet SDA Design Standards but were deemed eligible because they were in use by people with disability (generally as disability group homes).
6. As such, many of the properties Housing ACT enrolled were previously government-owned and operated disability homes (which had been headleased to community housing providers when DisabilityACT was dissolved as part of transitioning to the NDIS in August 2015), which is why Housing ACT made the choice to enrol these specific properties, as I understand it.
7. Since the 112 properties were enrolled as SDA, a large portion of them have been headleased to community housing providers, 1 has been sold and another redeveloped through the Growing and Renewing Public Housing Program. Bringing the total SDA enrolled stock held by Housing ACT to 110 today.
8. The complexities of operationalising SDA were brought to my attention in July 2023.
9. These challenges included the contractual settings that would enable SDA funding to be activated, operational capacity to meet the ongoing requirements of being an SDA provider, and concerns expressed by the NDIA about means testing for housing assistance impacting choice and control for participants under the NDIS.
10. Housing ACT also needed to understand which of the tenants living in these properties were eligible for the NDIS and if any had SDA in their packages.

11. Housing ACT needed this information to understand which properties had tenants with SDA in their packages and whether the level of SDA in their packages matched the SDA design category of the dwelling in which they were living. This information was key to knowing whether any SDA funding could actually be accessed by Housing ACT.
12. Detail about how much SDA funding was available for these properties was theoretical, based on the number of dwellings enrolled in each of the SDA categories, until the information about the tenants was confirmed.
 - As at July 2024, information I had received from CSD was that the maximum SDA funding available for the 111 enrolled dwellings was estimated to be \$3.6 million per annum; however, this assumes all available bedrooms in these dwellings (294) could be occupied by a tenant with an appropriate level of SDA funding in their package.
13. Eligibility for the NDIS and the inclusions in a person's NDIS package is not information that is routinely collected by Housing ACT, in its role as a landlord, out of respect for tenant's privacy.
14. Housing ACT does ask tenants about health and wellbeing requirements, such as medical needs, health issues or disability. This information assists Housing ACT to ensure the home a tenant is allocated meets their needs and any necessary modifications are made regardless of their NDIA eligibility.
15. As such, the NDIS and SDA status of tenants needed to be collected as a separate piece of work.
16. I understand from Housing ACT the work to determine how it might operationalise SDA, including collecting information from tenants, was deprioritised during the COVID-19 pandemic to meet competing government service delivery needs.
17. It was my understanding at this time that the Community Service Directorate (CSD) was working with the ACT Government Solicitor to resolve outstanding legal questions, and with the NDIA to gather the necessary data on SDA demand.
18. In July 2023, CSD provided me with a brief that identified the need to address 2 issues:
 - Determining the longer-term role for the ACT Government in the SDA market as either a provider, property owner and/or market enabler; and
 - Considering whether it would be beneficial to residents in the SDA-enrolled properties and the broader market to activate SDA funding in the interim while the longer-term position was established.
19. To do address these issues, CSD committed to carry out the necessary work to provide me with advice for decision on these issues, including:
 - Establishing a project plan and working group to drive this work
 - Engaging across the ACT Government, with the NDIA and local stakeholders through regular meetings and consultations.

- ensuring Housing ACT was meeting its minimum requirements as an SDA provider for the currently enrolled properties in the short term and scoping the operational requirements and costs for ongoing SDA provision.
 - obtaining greater clarity on the condition and suitability of the 112 enrolled properties for providing SDA, including undertaking Property Condition Audits and preliminary visual assessments of disability modifications that might already been in the homes.
 - Engaging with tenants directly and through guardians, headlessees and/or Supported Independent Living providers to understand their needs and preferences.
 - Conducting financial modelling based on new NDIA pricing frameworks.
 - Obtaining a fuller understanding of the approach to SDA in other jurisdictions.
 - Exploring options to address the NDIA's concerns about means testing housing assistance impacting choice and control for eligible NDIS participants. Exploring options for facilitating private investment in the broader SDA market.
20. I was next briefed in early 2024, when it became clear this work had not progressed, and that Housing ACT was no closer to understanding whether SDA funding was available for these properties.
21. Government then asked CSD to carry out a program of work to resolve the SDA issues, including speaking with the tenants and their carers about their housing needs and preferences, as well as their SDA status.
22. The purpose of this work was to figure out the best course of action for the dwellings enrolled as SDA based on the tenants' feedback.
23. The program of work also involved CSD assessing what role the ACT Government should play in the provision of SDA in the Territory more broadly, given the community and private sector's involvement.
24. This required working with the NDIA to quantify the current and forecast demand for SDA in the ACT.
25. Prior to the end of last term of Government, CSD sought my agreement to a slightly modified approach to the project, and my office re-affirmed that my priority was engagement with tenants and headlessees. CSD confirmed that would be prioritised.
26. In September this year, HCSD notified me that Housing ACT's registration as an SDA provider was due to expire on 14 December 2025 and it must complete a recertification audit to enable it to renew its provider registration.
27. The NDIS Quality and Safeguards Commission had advised Housing ACT on 25 August 2025 that it must appoint an independent auditor no later than 12 September 2025 and the audit must be completed by 23 November 2025 to

enable the Commission to make a determination on the registration renewal before its expiry.

28. Housing ACT advised me at this time that while it anticipated being able to comply with many of the requirements assessed by the audit, it would not meet all of the requirements under current structures.
29. This included the outstanding issue of means testing for housing assistance and the lack of contractual relationships with NDIS participants.
30. Housing ACT advised it was unlikely to be able to rectify these non-conformities in the timeframe of the audit and recertification.
31. HCSD presented me with 2 options: proceed with the audit or deregister Housing ACT as an SDA provider.
32. It was during this briefing that I became aware Housing ACT had not still engaged with the people living in the SDA-enrolled properties or the headlessees to understand their NDIS eligibility and SDA status.
33. I expressed my deep disappointment that HCSD had failed to comply with the agreed approach to the SDA matter and requested further advice upon which to base my decision.
34. On 7 October, following receipt of this further advice, I made the decision not to proceed with the recertification audit and renewal process, and to deregister Housing ACT as an SDA provider under the NDIS.
35. This will mean that once Housing ACT's registration expires on 14 December 2025 that the 110 dwellings are no longer enrolled as SDA properties.
36. For the people living in these homes, nothing will change. They will not be impacted by this deregistration as SDA was never operationalised for these properties.
37. Their tenancy arrangements will still stand – whether their tenancy is managed by Housing ACT or a headlessee – and no one will be asked to move out of their homes because of this change in the dwelling enrolment.
38. Deregistering as an SDA provider will not change the current level of service provided to public housing tenants or headlessees. Housing ACT advise the required maintenance is done at all properties regardless of whether it is an SDA property. This includes home modifications for tenants that are supported by their medical care team to address stated needs.
39. HCSD has prepared letters to send to the people living in the SDA properties.
40. These letters will explain what the de-registration means and Government's next steps to engage with them about their current housing needs and any preferences they might have for the future.
41. Housing ACT's priority is for these conversations to be respectful, accessible and responsive to the individual's participation and access needs.
42. The ACT Government, in partnership with the community housing providers and the community services sector, will be proceeding carefully and sensitively to

ensure procedural fairness, human rights and all reasonable adjustments are front and centre.

43. Housing ACT, in partnership with the relevant community housing providers, will now engage with the people living in these homes to ensure their housing needs and requirements are understood, and support them to exercise choice and control over their housing. This will be completed as a matter of priority.
44. This work will inform whether Housing ACT registers as an SDA provider in the future.