

23 April 2012

Mr Trevor Rowe
Secretary
Standing Committee on Health, Community and Social Services
ACT Legislative Assembly

By email: trevor.rowe@parliament.act.gov.au

Dear Sir

Inquiry into Social Housing

Thank you for the opportunity to respond to the Minister's supplementary submission to the Standing Committee's Inquiry into Social Housing.

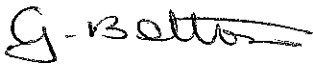
We do not wish to make an extensive response, but we make the following comments:

1. Welfare Rights and Legal Centre is a client-based advocacy service. A major part of our work involves advising clients as to their legal position arising from decisions made by Housing ACT. In accordance with our casework guidelines we also undertake advocacy to assist the client to achieve a resolution of the legal problem.
2. When our views are sought, as in the invitation to give evidence to the Standing Committee in this Inquiry, we draw upon our experience and that of our clients, as well as our knowledge of the relevant law.
3. We note that in her letter to the Chairperson of the Standing Committee, the Minister refers to "significant factual errors" in the evidence submitted to the Inquiry by a number of organisations, including Welfare Rights and Legal Centre. The Minister expresses concern that such submissions "misrepresent Housing ACT" and may lead to findings based on "erroneous information".
4. Welfare Rights and Legal Centre does not resile from any of the statements we made to the Inquiry and we do not accept that we have provided erroneous or factually inaccurate information.
5. What we do accept is that we provided information from the perspective of the experience of our staff and our clients. It is surely in our role as an advocacy service for Housing ACT tenants and applicants that we were invited to make submissions and give evidence. We have done this as thoroughly, accurately and fairly as our workload and limited resources have allowed.
6. We note that during the hearing the Inquiry members, Mr Dozpote, Ms Bresnan and Mr Hargreaves, asked the WRLC representatives to express a view on an issue or asked for examples of particular problems. Our evidence was just that: an opinion based on our experience, and examples of specific problems encountered by our clients.
7. We do not necessarily disagree with the comments made by the Minister in her additional submission which are in many cases an explanation of an existing or emerging policy, or contain some statistical information regarding housing stock, waiting lists, costs and expenditure. This is information which appropriately comes

from government, rather than from a community organization such as ours, and may stand happily alongside our comments.

8. By way of example, we refer to pages 8 and 9 of the Minister's additional submission dealing with WRLC's statements regarding alleged "Tenant Responsible Maintenance". We stated that "a tenant is responsible only for maintenance charges if the damage has been caused or allowed by the tenant". This statement derives from the Standard Terms of the ACT residential tenancy agreement and the Minister's comments do not take issue with this statement. Her extensive comments are limited to an account of the processes by which Housing ACT raises TRM charges. They do not address the legal questions we have raised.
9. On the issue of the relationship between past debt and the allocation of a new tenancy, the Minister notes: "Failure to pay previous debt on conclusion of that tenancy is a breach of a tenancy agreement". We agree that a failure to pay rent during a tenancy is a breach of the tenancy agreement, but the point we were making, which the Minister has not addressed in her comments, does not relate to a rent debt but to alleged TRM charges.
10. We submit that the Minister's additional submission is a valuable contribution to the Inquiry, but does not in any way negate the comments of WRLC or establish any error in those comments.

Yours faithfully,
WELFARE RIGHTS AND LEGAL CENTRE LIMITED



Genevieve Bolton
Co-ordinator/Principal Solicitor