



Inquiry into annual and financial reports 2024–2025

Answer to question on notice

Asked by: Mr Thomas Emerson MLA

Addressed to: Minister for Homes, Homelessness and New Suburbs

Reference: CMTEDD Annual Report 2024-25 Vol 1, Vol 2.1, Vol 2.2; Community Services Directorate Annual Report 2024-25

Hearing: 10 November 2025

In relation to: Specialist Disability Accommodation

Question received: 14 November 2025

Answer Due: 25 November 2025

During the public hearing, the Minister indicated that Housing ACT would be deregistering as a Specialist Disability Accommodation provider because it was unlikely to pass the recertification audit. The Minister indicated she had to make this decision because she only found out recently that Housing ACT was unlikely to pass the audit.

1. What are the conditions of the recertification audit that Housing ACT is unlikely to meet?
2. Please provide a timeline of decisions that has resulted in the belated advice to the Minister that Housing ACT would not pass the audit?
3. Who is responsible for this failure?

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

1. While Housing ACT may have achieved some of the audit outcomes based on existing policies, practices, and procedures, there are some fundamental settings that do not currently exist for Housing ACT to operate as a Specialist Disability Accommodation (SDA) provider within the context of the National Disability Insurance Scheme (NDIS) practice standards. This includes:
 - a. The primary role of an SDA provider is to grant occupancy to eligible NDIS participants in the matching class of SDA dwelling, which includes establishing and maintaining tenancy agreements (i.e. SDA service agreements) with the NDIS participant. Housing ACT does not have a direct relationship with residents living in most of its SDA-enrolled properties, as the contractual relationship is with the headlease organisation.
 - b. Means testing.

Under section 11 of the NDIS SDA Rule 2020, an NDIS participant is eligible for SDA if they have 'an extreme functional impairment' or 'very high support needs' and meet the SDA needs requirements. Eligibility cannot be subject to means testing. Under current instruments of the *Housing Assistance Act 2007*, initial and ongoing eligibility for housing assistance is means tested, contradicting the SDA Rules.

2. Timeline of Key Events

- **August 2015**
DisabilityACT dissolved as part of transitioning to the NDIS; properties headleased to community housing providers.
- **2017**
Housing ACT registered as a Specialist Disability Accommodation (SDA) provider (without Minister's permission).
- **2020**
Housing ACT enrolled 112 dwellings in SDA across various categories (basic, improved liveability, fully accessible, high physical support, robust).
- **July 2023**
Complexities of operationalising SDA brought to Minister's attention. Issues included contractual settings, operational capacity, and NDIA concerns about means testing.
- **July 2024**
Estimate received: maximum SDA funding for 111 dwellings could be \$3.6 million per annum, assuming full occupancy by eligible tenants.
- **Early 2024**
Minister briefed that work had not progressed; Housing ACT still lacked clarity on SDA funding availability.
- **September 2025**
Housing ACT notified that SDA provider registration would expire on 14 December 2025; audit required for renewal.
- **25 August 2025**
NDIS Quality and Safeguards Commission advised Housing ACT to appoint an independent auditor by 12 September 2025 and complete audit by 23 November 2025.
- **7 October 2025**
Minister decided not to proceed with recertification audit and opted to deregister Housing ACT as an SDA provider.
- **14 December 2025**
Housing ACT's SDA registration will expire; 110 dwellings will no longer be enrolled as SDA properties. Tenants remain unaffected; tenancy arrangements unchanged.

3. I wrote to the Auditor-General and asked them to consider inquiring into this matter. The Auditor-General advised they would not investigate at this point in time. However, the Assembly has supported a motion for a Committee inquiry to assist in determining how the situation has arisen.

OFFICIAL

Approved for circulation to the Standing Committee on Social Policy

Signature:

A large, stylized handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

Date:

19/12/22

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