



Overview of 2008/09



From the Executive Chairperson

The changing social housing environment in NSW, particularly the growth in the community housing sector, will have a significant impact on the work of the Housing Appeals Committee (HAC) in coming years.

During 2008-09 we did a great deal to prepare for this different social housing future, as well as manage the workload arising from a significant increase in annual appeal numbers. As the HAC deals with all social housing clients, whether public or community housing, their appeal rights will not change even if they change their housing provider. It does, however, make the task of the Committee in knowing and dealing with a range of different housing providers and their policies significantly more complex.

Much of our focus during the 2008-09 year has been on:

- Planning for the substantial growth in the community housing sector envisaged through the state government plans to transfer more public housing stock and tenancies to community housing, with a target of 30,000 properties to be managed via community housing organisations by 2020;
- Managing the implementation of the electronic client file system replacing paper based files in Housing NSW which has meant a complete change in the HAC processes for accessing and using client information for appeals;
- Servicing the increasing interest in the training and policy support activities of the HAC from Housing NSW and community housing agencies.

In the midst of all this change HAC secretariat staff were involved in the

time consuming task of planning for our new HAC office then packing up and moving to new premises. After 10 years in our previous office we are now happily settled in our new premises and very much enjoy the company of colleagues in the office of the Registrar for Community Housing. Our well equipped and ground level new office provides improved access for clients and better facilities for our training role.

Recognising the increasing engagement needed with the community housing sector, we developed a HAC Community Housing Strategy in 2008-09 to focus on:

- Making sure clients of community housing understand their appeal rights
- Improving decision making skills and procedures in community housing through training in good decision making and through policy feedback
- Developing the skills of HAC members and staff to deal effectively with community housing issues and build effective relationships with the sector
- Establishing clear relationships with the new Registrar for Community Housing around appeal and complaint handling issues.

As a part of implementing the strategy we have initiated an informal quarterly Community Housing Appeals Forum (CHAF) involving a number of senior managers from the major community housing providers to discuss issues arising from appeals and the support the HAC can provide to improve policy and practice in the sector. This has been a very important step to achieving open communication with the sector and a good mutual understanding of the issues around delivering the best possible services to clients.

Our challenges for the next year are to build on the successful training and community education strategies already in place for both Housing NSW and community housing and at the same time to make sure that the changes in

social housing are reflected within the widening jurisdiction of the HAC.

Major new developments such as the Common Access System proposed for 2009-10 will mean significant shifts in the way decisions are made for people applying for social housing. In addition, allocation of tenants to the new housing stock being developed will have challenges as housing supply will still fall short of demand.

We can expect that the ongoing problem of severe shortages of housing in the private rental sector, and burgeoning private rental costs, will continue to have serious impacts on homelessness and applications for priority housing and temporary assistance. As is evident from the data outlined here on appeals in the past year, the substantial increase in appeal numbers has largely been due to applications for priority housing. This has quite clearly been as a result of the acute difficulty many experience in securing suitable and affordable housing in the private rental sector. The strategies put in place by Housing NSW to expand services to assist people to rent privately are important however they are up against a challenging private rental environment. As is well acknowledged, homelessness as a result of people simply not being able to find and afford private rental is a growing issue causing an increase in applications for support from government and support agencies for priority housing, tenancy guarantees, bond assistance, rental brokerage services and emergency housing solutions. It has been encouraging to see the innovative approaches taken by Housing NSW and the community housing sector to develop ways to address these issues for the most vulnerable in the community. Increasingly social housing agencies have become much more than landlords of public housing and increasingly see their role as facilitators of housing solutions. They are increasingly dealing with clients with complex needs and staff must be skilled and knowledgeable in a wide



Community Housing Appeals Forum meeting 2009

range of housing, social welfare, mental health and support service areas to be effective.

I would like to pay tribute to the Committee members and staff of the HAC for particular achievements during this challenging year. Yasmina Kovacevic for remarkable success in managing the office move and for developing, enhancing and delivering Good Decision Making and Appeals Training for many Housing NSW and community housing staff; Sudesh Kumaran for organising an excellent community agencies information forum in Newcastle and successfully completing the Certificate IV in Workplace Training and Assessment; Siniua Sua for achieving the upgrade of the HAC website and leading the transition to electronic file systems; and Jenny Rowe for achieving consistently outstanding client and Committee service. Alberto Marino has been crucial to putting together the HAC data, even while he worked for a period on Project Meridian, so my sincere thanks to him for that.

The Deputy Chairperson Lynn Houlahan has been the backbone of the Committee, chairing and writing detailed reports on 159 appeals during the past year, providing crucial support to me as Executive Chair

and maintaining the excellence for which the HAC is widely recognised. I am particularly grateful to each of the Presiding Chairs and Committee members for their diligence, knowledge, balance and compassion in the face of increasingly complex appeal cases and the worsening housing crisis. I will miss Jack Burns and Kate Timbs who retired from the Committee this year and am very grateful for their commitment to the Committee and HAC team, in Jack's case from the very beginning of our operation in 1995. Registrar Wilma Falcone was also lured away to a very challenging role in HNSW, and though missed we know clients and staff will benefit greatly from her energy and passion.

The challenges for the coming year will keep us very busy. It is an exciting time in housing policy and we are pleased to be engaged in processes which bring continual improvement for clients of social housing across NSW.

Lynden Esdaile
Executive Chairperson

Churchill Fellowship

In July 2008 the Executive Chairperson Lynden Esdaile completed a Churchill Fellowship study tour and report titled *'Homelessness, Priority and Allocations: Housing Policy Trends'* outlining new social housing approaches in the UK, Ireland and Canada. Following this report Lynden conducted a series of very well received forums for the Australasian Housing Institute (AHI) in Sydney, Melbourne, Brisbane, Adelaide and Darwin. The report is available on the Churchill Trust website at www.churchilltrust.com.au.

In December 2008 Lynden was also awarded the NSW 'Outstanding Achievement in Social Housing' Award by the AHI.

Appeals Trends

Appeal Numbers 2008/09

During 2008/09, the HAC received a total of 511 appeal applications, 27 of these from the community housing sector.

Of these appeals received the HAC conducted hearings for 415 appeals, 395 from public housing and 20 from community housing clients. It is interesting to observe the trend in appeals over the past 11 years and the recent upsurge in appeal numbers, primarily from applicants experiencing acute difficulties in the private rental market.

Housing NSW has seen a significant increase in applications for priority housing in some areas, particularly in the metropolitan areas, and this has been a driver of increasing appeals on this issue.

It is apparent that more people are being put in housing crisis due to sudden and substantial increases in their private rents or due to their inability to locate alternative affordable private rental when they need it. For the first time we have noticed at the HAC a significant proportion of appeals about priority housing from people who have some wages income as well as from those on Centrelink benefits. For many of these the difficulty is securing private rental despite many applications.

Appeals to the HAC following first level appeals

There were 2,615 1st level appeals dealt with by Housing NSW in 2008/09, a 6% increase over the previous year. No equivalent combined 1st level appeals data exists for community housing. About 32% of decisions are changed at 1st level appeal.

Notably 2nd level appeal applications to the HAC increased by 17% between 2007/08 and 2008/09 and there was

a 26% increase in the number of appeals which went to a hearing during this period. Of the 2nd level appeal applications proceeding to a HAC hearing there was an increase of 26% in the same period. This tends to indicate that Housing NSW clients are becoming better informed about both the 1st and 2nd level of the appeal process.

What do people appeal about?

- Priority housing appeals heard were 57% of all appeals in 2008/09, an increase over the 45% proportion the previous year. The increase in priority housing appeals is a clear result of clients, particularly single people, finding private rental housing unaffordable or too competitive.
- Priority Housing and Transfer appeals were 76% of the total Housing NSW appeals heard.
- Transfer appeals heard decreased proportionally from 28% (2007/08) to 19% (2008/09).
- Other main appeal issues are eligibility, succession of tenancy, offers of housing, former tenant debt and locational need.

Community Housing Appeal Trends

The HAC received 27 community housing client appeals in 2008/09 and 20 of these proceeded to hearing. The number of appeals from community housing clients dealt with by the HAC has increased in 2008/09 and is expected to increase further with the expansion of the sector. 30% of community housing appeals were about transfer, 25% about rental subsidy, 15% about waiting list eligibility and 15% about priority housing decisions.

Of the community housing appeals heard by the HAC 10 originated from Metropolitan Sydney Division, 6 from Western Division, 3 from Southern Division and 1 from Hunter /Central Coast Division.

Outcome of Appeals

The HAC is able to recommend a change of decision, in full or in part, by the housing provider or decide that the decision of the housing provider is correct. We recommended a change of decision in 46% of cases in 2008/09, slightly lower than the previous year (51%). About 30% of priority housing appeals were recommended for a change of decision, and about 49% of transfer matters.

Of the 20 appeals heard from community housing clients 50% were recommended for a change of decision.

A number of appeals involve an adjourned case where the Committee seeks additional information from the appellant, a support professional or the housing provider before reaching a conclusion. A total of 97 adjournments took place in 2008/09. A further 4.5% of matters were resolved during adjournment, usually through a change of decision by the housing provider while they are reviewing new information.

The HAC takes account of new information or changed circumstances at the time of hearing so this can lead to a different decision from that made by the original housing provider in some matters.

Housing Provider Response to HAC Recommendations

Housing providers report back to the HAC on their final decision on recommendations made. In 2008/09 94.5% of all recommendations were agreed to by Housing NSW & community housing providers (95.5% in 2007-08). This means in total 8 matters were not agreed to by Housing NSW and one by a community housing provider. Several of these cases related to complex eligibility issues where discretion is applied by decision makers concerning the capacity of clients to successfully manage a tenancy. Other matters not agreed were priority housing, transfer and locational need although several involved some compromise solution.

Chart 1: Appeal Applications Received 1997/98 – 2008/09

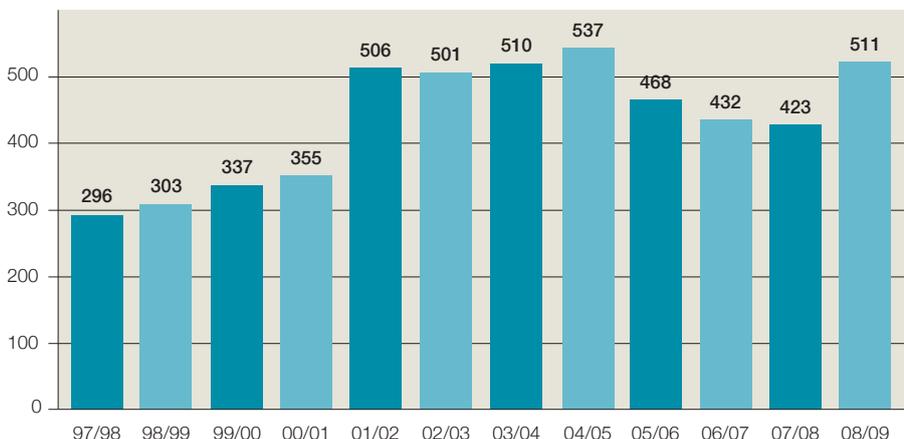
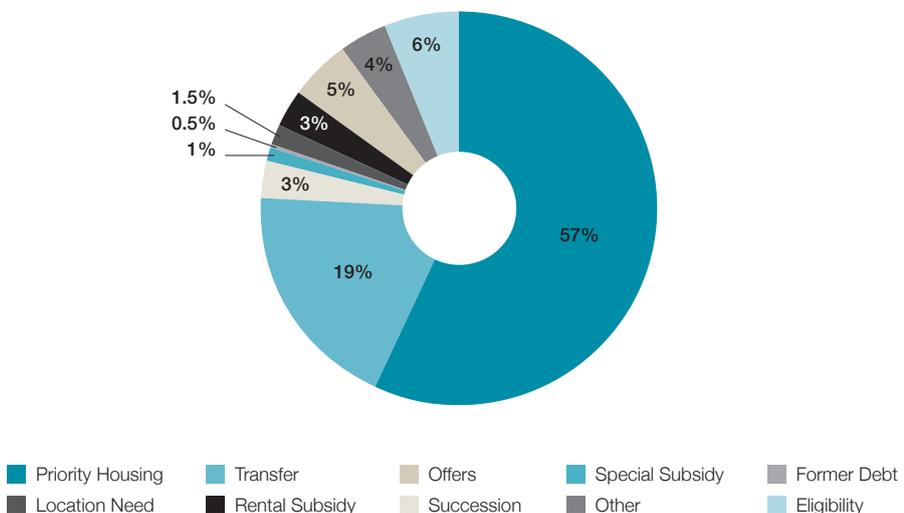


Chart 2: Source Appeals 2007/08 – 2008/09



Chart 3: Appeal Types: Housing NSW 2008/09



Who appeals to the HAC?

Age Profiles of HAC Clients

In 2008/09:

- 123 appeals heard (30%) involved clients aged 55 and over, consistent with the previous 3 years. The main appeal issues for this client group were priority housing (48%), transfers (24%) and offers of accommodation (9%).
- 34 appeals heard (8%) were from clients aged 70 years and over, a slight increase in number of appeals heard. The major appeal issues for this client group were priority housing (44%) and transfer (26%).
- Appeals from those in the 25-44 age group (40%) and the 45-54 years age group (25%) were similar to the previous year. The age group 24 and under were only 4% of the total appeals.

Cultural Diversity

In 2008/09 47% of appellants to the HAC were born overseas. In all 22% of clients needed an interpreter for their hearing. Professional interpreters are used in all such cases. The most prominent countries of origin for the overseas born client group were Lebanon 19%, Iraq 11%, China 8%, Egypt 5%, Russia 5% and Korea 3%.

The predominant languages spoken by clients whose primary language was not English was Arabic 17%, Mandarin 4%, Turkish 4%, Korean 3%, Vietnamese 3% and Cantonese 2%. Other common languages were Assyrian, Croatian, Farsi / Persian and Russian.

Indigenous Clients

A total of 20 appeal hearings in 2008/09 (5%) involved Aboriginal or Torres Strait Islander clients. The majority of these appeals (40%) were about priority housing, similar to the previous year at 39%. The other main appeal types were transfer (20%)

Policy and Procedural Improvement

and eligibility (20%). The Committee recommended a change of decision in 40% of these cases heard this year.

The HAC continues to pursue strategies to make sure indigenous tenants and applicants for housing services know about and can use the appeals process. In particular we work with and inform advocacy and support agencies about the appeals process. We can also ensure that Aboriginal Committee members sit on appeals from Aboriginal clients, encouraging appellants to feel comfortable with the hearing process.

HAC Performance Data 2008-09

The HAC aims to provide services to appellants quickly while maintaining high quality service.

Time to hearing: We aim to hear all appeals within 4 weeks of receiving the appeal and file for the client. The Committee scheduled hearings within 23 days on average in 2008-09, meeting this target despite higher appeal numbers.

Appeal Report to Client: Once appeals are heard the Presiding Chairperson completes a detailed report and letter to the appellant. The Committee report completion timeframe average was 9.7 days, well within the target period of 14 days. 81% of reports were completed within the 14 day timeframe which was an improvement on 70% the previous year.

Hearing Interviews

It is our preference to offer face to face hearings to all clients where possible, unless located regionally. Face to face hearings were conducted in 85% of appeals with telephone interviews conducted in 15% of cases heard. This is slightly higher than previous years.

A key strategy for the HAC is to contribute to improvements in policy and procedures of housing providers, based on our experience arising from appeals.

We frequently raise procedural issues arising from individual appeals handling and policy issues which need broader resolution. It is usual for Housing NSW to consult the HAC on all new policy development and policy reviews affecting clients. As the HAC has a statewide overview we are able to provide unique insights into policy impacts across the social housing sector. Community housing providers frequently seek comment from the HAC on policy revisions and appeals procedures to ensure policies are fair, comprehensive and clear.

In summary the HAC commented on:

- First level appeal issues with suggestions for policy and procedural change to improve appeal handling processes in key areas.

- Assessment of Special Assistance Subsidy – Disability issues and potential for improvements in Housing NSW policy and procedures.
- Priority housing, locational need and assessment of medical expense issues.
- Appeals by Indigenous clients with suggested approaches to ensuring clients use their appeal rights via improved appeal procedures.
- Decision making and appeals issue discussions around the Bonnyrigg pilot development & transfer of management to community housing.
- Policy and procedural implications with proposed ‘whole of area’ transfer of housing stock to community housing in some areas of NSW.
- Community housing policies on rent subsidy assessment, dealing with priority assessments transparently and the interaction of tenancy rights and transfer rights.



Wilma Falcone, Jack Burns and Jim Allen at the farewell to Jack 2009

Training and Community Education

HAC Community Agencies Information Forum: Newcastle

In February 2009, the HAC held its third annual Community Agencies Information Forum to brief advocates and support agencies about the appeals process for social housing and how agencies can best assist people appealing a decision to the HAC. Newcastle was selected for the forum to enable agency representatives from the Central Coast, Hunter, upper Hunter and Mid North Coast to attend. Sudesh Kumaran, Deputy Registrar of the HAC was the project manager for this event, which attracted 77 support and advocacy workers from 41 different agencies, both government and non government. Electorate officers from the area also said they found it very helpful in their role of assisting constituents with housing issues.

The feedback from attendees at the Forum indicated that 68% of clients assisted by these agencies were at the time, either homeless or at risk of homelessness, and 63% had affordability and access barriers to the private rental market. Over 96% of attendees stated that the Forum improved their knowledge of the HAC appeals process and related information including what decisions can be appealed. The event was a great success and a further event is planned for 2009/10.

Training

Training to achieve better decision making practice by staff of housing providers is a significant activity by the HAC and continued with workshops in a number of areas of the state in 2008/09. The demand for these courses is increasing from both Housing NSW and community housing agency staff.



Participants in HAC Community Agencies Forum, Newcastle

Events and Training Delivered: 2008/09

Participants

Good Decision Making workshops for Housing NSW staff:	83
Decision making and Report Writing: advanced course for Housing NSW	36
Community Agencies Information forum Newcastle	77
Cert IV in Social Housing <i>Manage & Maintain Tenancies</i> Modules	25
Training for Northern Territory Housing staff and Appeal Board members	33
Community Housing staff training workshops & on site training	40
Total:	294

Northern Territory Liaison: Darwin 2009

Since the 2006 workshops on Good Decision Making presented to Territory Housing staff and Appeals Board members, the HAC has maintained regular contact with Territory Housing. In March 2009, we were again invited to conduct another series of workshops to frontline staff and the Appeals Board. The HAC Executive Chairperson Lynden Esdaile and Registrar Yasmina Kovacevic travelled to Darwin in March 2009 at the invitation of Territory Housing and delivered tailored workshops for Territory Housing officers and the newly appointed Appeals Board Members. The relationship with Territory Housing and the appeals agency has been a positive way the HAC can share the skills and

experience developed from the more numerous appeals dealt with in NSW. At the same time, the opportunity to share the experiences of working in the challenging environment of the cities and remote areas of the Northern Territory has been very educational for us.



Yasmina Kovacevic (HAC) with Megan Thurling of NT Housing Appeals Board

HAC Members & Staff 2008/09

Executive Chairperson:

Lynden Esdaile

Deputy Chairperson:

Lynn Houlahan

Presiding Chairs:

Tacye Bowen, Bronwyn Richards and
Stamatia Stamatellis

Members:

Jack Burns, Angela Van Dyke,
Kate Timbs, Raymond Brazil, Peter
Davidson, Rebecca Gleeson.

Indigenous members:

Jim Allen, Terry Chenery, Neva Collings,
Neita Scott.

Full detail about current Committee
members is available on the HAC
website.

Secretariat Staff during 2008/09

Wilma Falcone, Yasmina Kovacevic,
Sudesh Kumaran, Alberto Marino,
Siniua Sua, Jenny Rowe, Annette Bloor.



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