



Annual Overview

2011 - 2012



From the Executive Chairperson

The Housing Appeals Committee (HAC) has managed a year of change and a significant increase in appeal numbers in the past year but we have maintained our high standards and client focused approach to our work.



Lynden Esdaile,
Executive Chairperson, HAC.

Because we work in the social housing environment, we must be flexible to embrace the changes constantly happening in the management of housing, and in the policies and programs in place to assist people with their housing needs. Much of our work is also affected by the increasing pressures on low income people living in private rental. Rents are escalating and the task of securing and retaining a private rental property for many is increasingly challenging. Most social housing clients have Centrelink benefits as their primary source of income and private rental is very difficult for many to afford. This creates considerable demand for a very limited supply of social housing.

Notably, in the past year, HAC dealt with 85 percent of appeals from applicants for housing assistance and only 15 percent from social housing tenants. While this reflects the acute need of people seeking affordable housing, HAC is concerned that social housing tenants may be less aware of their right to appeal. This may be in part because they are less likely to be engaged with advocacy and support services to assist with their applications. It may also be that social housing tenants are more satisfied with their relationship with housing providers than applicants.



Minister Pru Goward opening the HAC Community Agencies Information Forum November 2011.

A key way that HAC interacts with social housing clients is through support and advocacy services, MPs offices and service delivery agencies. For this reason, HAC has held annual **Community Agencies Information Forums** in different areas of the state. The aim is for advocates, services and support workers to learn more about the appeals process and how to best assist clients to appeal. HAC held its sixth annual forum in November 2011 in Ashfield with 220 attendees at a very successful event.

We were delighted to welcome the Hon. Pru Goward, Minister for Family and Community Services to launch our videos at the forum. These videos are an exciting new resource that explain the second level appeals process through information and interviews with Committee members, staff and advocates.

A key video, titled Anna's Story is a dramatised case study of a person going through the appeal process. It is subtitled in nine languages most common to our clients. The Minister explained the value of providing visual material for clients and also spoke encouragingly about the importance to Government of the appeals system in social housing.

With a particularly busy year completed, I am more than ever grateful for the resourcefulness and dedication of the HAC staff and members who have responded to the increasing demands within our very finite resources. This has meant finding efficiencies in how we operate and constantly improving our administrative systems. It has also meant hard work and extra hours for all, so we maintain HAC's proud high client service standards and deadlines. Particular thanks go to the Secretariat staff and to the presiding Chairs who have very capably taken on extra workloads and met all deadlines. Lynn Houlahan, the Deputy Chair who also assists me part time in the role of Executive Chairperson has, as always, been a singular and steadfast support for the HAC and central to our success.

Lynden Esdaile
Executive Chairperson

Appeal Trends

Busier than ever

The HAC heard 434 appeals this year. This was 79 more than last year, an increase of 23 percent. There were a further 50 cases received by the HAC Secretariat that did not proceed to a hearing with the Committee. Each enquiry and application requires Secretariat staff to assess and respond to the matters raised, with thought given to a referral to another service or back to their housing provider if the issue is deemed not to be an appeal, or better dealt with by another process.

January to June 2012 was a particularly busy time for both the Secretariat and the Committee, with 63 percent (273) of the total hearings scheduled during this half of the year. The higher than usual rate of appeal lodgements reached a peak in May and June 2012: 60 appeal hearings were completed in June, a record number of cases heard in a single calendar month. In the March to June 2012 quarter, Housing NSW undertook a high number of transfers to social housing stock from Private Rental Subsidy assisted tenancies. At the time of offering social housing dwellings, the client's eligibility was once again reviewed as some clients had been receiving the Private Rental Subsidy for longer periods. This was a significant factor in the increase in appeals about eligibility for social housing (12 per cent) and offers of accommodation (8 percent) at this time.

More involvement by community housing

31 appeals were from community housing clients. This is only seven per cent of the total but does represent a small increase on last year's figures, when only 19, or five per cent of appeals concerned community housing providers. A significant factor in this trend is the commencement of Housing Pathways, with 26 percent of community housing appeals now being about the NSW Housing Register (seven per cent) and Priority Housing (nineteen percent) eligibility. The most common single issue for community housing appeals is rental subsidy eligibility and calculation (23 percent) as in previous years, closely followed by transfers (19 percent) and succession of tenancy (19 percent).

Most appeals are from social housing applicants

This year, 85 percent of all people who appealed to the HAC were social housing applicants. This included five percent who had been social housing tenants in the past and were making a fresh application under new circumstances.

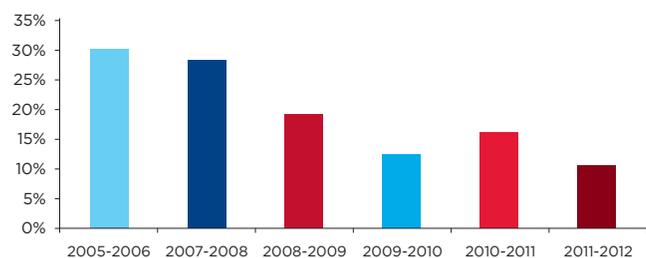
The assessment of the urgency of their housing need is now the most common decision appealed to the HAC. In 2011-12, 54 percent of all HAC appeals were from applicants seeking to have their application given a higher priority. Housing NSW data indicates that a quarter of Priority Housing first level appeals will proceed to a second level appeal. At a time of enormous private rental market pressures and huge complexity of social housing need, it is understandable that more people are following their right to appeal, hoping for a positive outcome when they are assessed for housing ahead of others on the waiting list.

Transfer appeals have declined as a proportion of all appeals, further reducing tenants as a proportion of appellants. This year, 10 percent of all appeals to the HAC concerned transfers; last year this was 16 per cent; looking back even further to 2005-06 the percentage was 30.

What types of appeals do applicants and tenants make to the HAC?

The categories of appeals heard this year reflect the increasing focus of the appeals system on decisions about access to the social housing system. 85 per cent of Housing NSW client appeals are about eligibility, priority, entitlements and assistance in the private rental market. Fifteen percent of Housing NSW client appeals are about transfers, rental subsidy and a handful of other tenancy matters (property modifications and absence from dwelling). Appeals from community housing clients are more evenly divided between applicants and tenants but, the proportion of applicant issues has risen significantly this year, with the introduction of Housing Pathways as the single entry point for social housing.

Table 1: Transfer appeals as a proportion of total appeals 2005-2012



“ A client interview to clarify and update their circumstances is part of every appeal hearing.

Community housing

Of the 434 appeals heard, 31 were from community housing clients, representing seven percent of the total appeals heard. This is an increase on last year where 19 community housing appeals were heard.

The most common issue at appeal for community housing clients continues to be rent subsidy matters, with seven appeals heard in this category. This includes appeals about rent subsidy calculation, backdating of debts, subsidy cancellation and application of the minimum rent policy. Following rental subsidy appeals, the next most common issues were transfer, succession of tenancy and priority housing with an even six appeals in each of the three categories. This is the first year there have been appeals on priority housing decisions by community housing providers under Housing Pathways.

Interviewing Clients

A client interview to clarify and update their circumstances is part of every appeal hearing, following a review of the file record and followed by a review of the decision within policy guidelines. 20 percent of all appellants are assisted during the appeal process by an advocate. This year, the HAC spoke with 76 percent of all appellants in face to face hearings. The remaining 24 percent opted for a hearing by telephone conference, an increase on the 15 percent who spoke to the Committee by telephone last year. The HAC is currently working on a project in conjunction with the Department of Family and Community Service to install video conferencing which will enable regionally based appellants to better represent their case in a simulated face to face setting. Other tribunals have already embarked on this path with positive feedback.

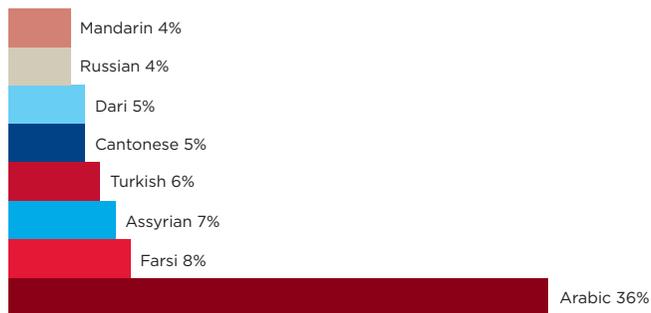


The HAC Community Agencies Information Forum 2011.

Clients of Culturally and Linguistically Diverse (CALD) Background

A significant proportion of HAC clients are from a CALD background. 50 percent of all clients this year identified with a CALD background, slightly fewer than the previous two years. However 67 percent of CALD clients requested an interpreter: this is 32 percent of all appellants to the HAC, a slightly higher proportion of all clients needing assistance with interpreters than in previous years. Interpreter services were provided in 28 different language groups. Clients requesting an Arabic interpreter have increased, with the arrival of Arabic speaking migrants from war torn areas of Africa, notably Sudan and Egypt.

Table 2: The most common language groups for CALD clients of the HAC



Area: The trend continues that the majority of appeals to the HAC are from the metropolitan area. There has been little change in these proportions in the past two years. The Housing Contact Centre is now listed separately as it manages state wide appeals on some rental assistance products.

The impact of the high cost rental housing markets in all of metropolitan Sydney is reflected in the high proportion of appeals about priority housing in the city areas.

Appeal Outcomes

For the majority of second level appeals, the HAC determines that the decision of the housing provider was correct and fair. This year, 58 percent of Housing NSW matters and 55 percent of community housing matters resulted in the appeal being declined, and a further four percent of Housing NSW matters were resolved during the appeal process. Therefore, for a significant number of appellants, the result of the appeal process was a recommendation that the housing provider make a



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Left to right back row: Lynn Houlahan, Ilan Vizel, Blanch Lake, Peter Davidson, Alicia Jillard, Tacye Bowen, Bronwyn Richards. **Left to right front row:** Anny Druett, Rebecca Gleeson, Lynden Esdaile, Jill Moir, Stamatia Stamatellis. (Absent: Rachel Da Costa, Nick Illek, Alan Clarke, Julie Hourigan Ruse, Neva Collings).

Table 3: Housing NSW appeal type percentages 2011-12

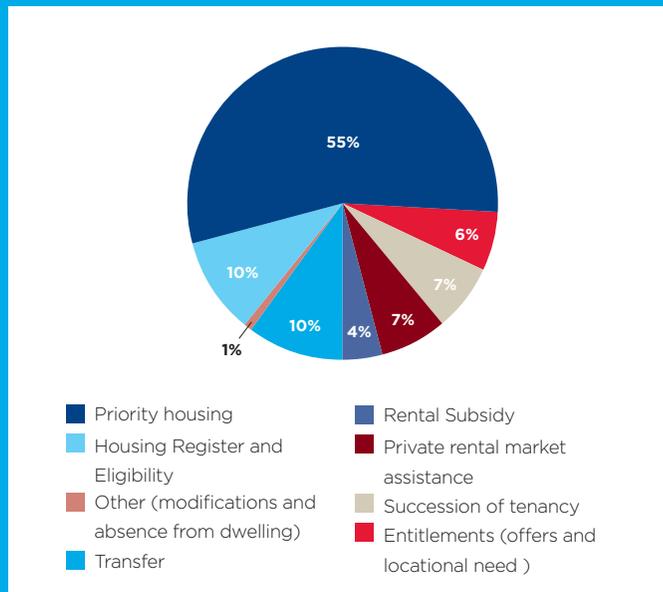


Table 4: Community Housing appeal type percentages 2011-12

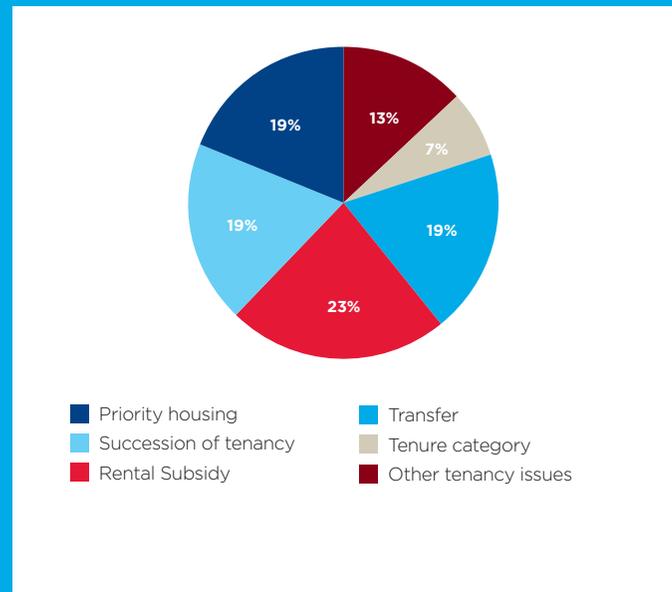


Table 5: Housing NSW appeals by region

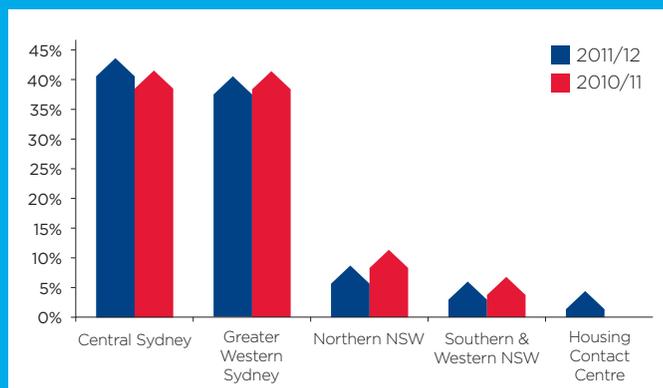
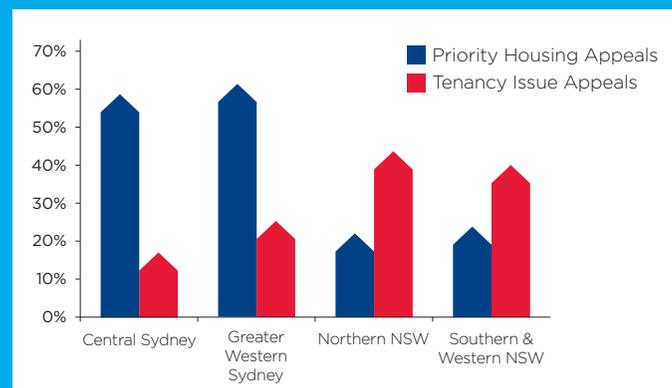


Table 6: Proportion of appeals in each region: Comparison of priority housing & tenancy issues appeals heard



“ Secretariat staff and Committee members attend a wide variety of Aboriginal community forums across metropolitan and country locations.



HAC liaison with community support workers.

different decision in full or part. Housing NSW accepted the recommendations of the HAC in 92 percent of cases referred for a change of decision, and community housing providers accepted all recommendations.

Secretariat Performance

The HAC is pleased with the efficiency of the Secretariat team in a year of very high workload. Secretariat staff provided all appellants with an appeal hearing date within the target 28 days from appeal. The Secretariat team always schedules the most urgent appeals in the minimum possible timeframe, taking account of a client's homelessness or risk of imminent homelessness, or where the appeal outcome may have a bearing on the status of their social housing tenancy.

Committee Performance

This year, the Committee came within the 14 day target to provide the appellant with an appeal result following the hearing with an average time of 10 days. The HAC is now working with housing providers to facilitate a quicker response to recommendations for a change in decision, currently averaging 46 days.



HAC Member Blanch Lake discussing issues with forum participants.

Aboriginal Community – Appeals and Liaison

More Aboriginal people are using the appeals system

This year, the HAC heard appeals from 32 Aboriginal clients, representing seven percent of all appellants to the HAC. This is a 75 percent increase on the significant low number the previous year, and confirmation that information about the appeals process is reaching Aboriginal agencies and social housing clients. We give credit also to the contribution of our Aboriginal Committee Members; we always schedule matters brought by Aboriginal clients on days an Aboriginal member is sitting and this increases Aboriginal people's trust in our process and culturally appropriate communication and deliberations.

The different housing experiences of Aboriginal men and women appealing were evident from their household compositions:

- Of the 22 Aboriginal women appellants, 60 percent were single parents seeking family accommodation; only 40 percent needed studio, one or two bedroom housing (20 percent lived with a carer, 10 percent were single and 10 percent were a couple household).
- Of the 10 Aboriginal men appellants, 56 percent were single, 22 percent lived with a carer and a further 22 percent were part of a couple, so the greatest need was for studio and one bedroom housing.

How we liaise with the Aboriginal community

Secretariat staff and Committee members attend a wide variety of Aboriginal community forums across metropolitan and country locations, to build relationships with services and put out information about housing appeal rights into communities. This year these included:

- running an information stall at six information days organised by the Premier's Department within Aboriginal communities to increase knowledge of and access to services by both individuals and agencies;
- presentations at regional Aboriginal Tenancy Forums, Aboriginal Advisory Groups and Aboriginal Co-operatives;
- consultation with the NSW Aboriginal Housing Office about appeal issues; and
- participation at The Gathering, the annual meeting of all Aboriginal staff in Housing NSW.

Training and education

In addition to communication targeted specifically to Aboriginal communities, there was a high level of attendance by Aboriginal social housing staff at Good Decision Making Training.

This training reached 120 staff in NSW and was provided to a further 80 staff in the Northern Territory as part of a mentoring program with Territory Housing.

Aboriginal agencies and workers were also well represented at our community agency information forums, including our major event in Sydney in November 2011, attended by 220 people. The half-day forum was designed to help agencies better assist their clients to appeal a housing decision. The Forum was attended by tenant and legal advocates, support workers and individuals from a diverse range of social welfare agencies, key government and human services agencies and MPs electorate staff. This event proved to be an excellent platform for direct communication with advocates and support workers for people in housing need.

Statewide program of community education

In total, HAC ran or gave presentations at 50 separate events over 2011-2012, reaching an estimated 1600 participants. Thirty-five events were held in the Sydney metropolitan area, with the other 15 in the NSW regional

cities of Wollongong and Newcastle, country towns such as Tamworth, Nowra, Wyong and Tweed Heads, and interstate in Darwin and Alice Springs.

People who attended our events about appeals and good decision making in social housing ranged from the frontline staff of public and community housing providers, to homelessness advocates, MP's electorate staff, women's refuge workers, financial counsellors, refugee support workers and senior managers in social housing.

The HAC is confident that our commitment to maintaining a high community profile and producing easy to follow information about appeals, is a successful and cost effective strategy in helping to achieve fair and correct decisions for social housing clients.



HAC liaison with community support workers.

Policy and procedural improvement

We give high priority to using the experience gained from undertaking many appeals to provide policy and procedural feedback to housing providers to help improve decision making.

This may involve comment on new policies or suggestions of improvements to existing policies and procedures. In undertaking appeals, the HAC is able to review policy implementation by a range of housing providers. We have continued a strong relationship with Housing NSW and the community housing sector in

providing this feedback and have had positive responses from housing providers.

Major policy and procedural issues on which the HAC has provided comment this year have been: Private Rental Subsidy policy and appeals processes; NSW Housing Register eligibility and backdating changes; Succession of Tenancy policy and procedures; the Offers policy under Housing Pathways and the review of the Housing Pathways implementation. For community housing, the HAC has commented on water charging in community housing, changes to the Community Housing Access policy, succession of tenancy policies and first level appeals policies and procedures.

HAC: Fair, quick, informal, free and easy to use

The Housing Appeals Committee is an independent agency which deals with appeals from people unhappy with a decision of a social housing provider.

We deal with appeals from clients of both

- Housing NSW; and
- Community housing providers in NSW.

Appeals can be about decisions made across a wide range of issues affecting tenants of social housing and applicants for housing services.

The HAC aims to improve decision making by housing providers through feedback and training from the appeals experience

HAC Members and Staff 2011-12

Executive Chairperson: Lynden Esdaile

Deputy Chairperson: Lynn Houlahan

Presiding Chairs: Tacye Bowen, Bronwyn Richards and Stamatia Stamatellis

Members: Ilan Vizel, Blanch Lake, Peter Davidson, Alicia Jillard, Anny Druett, Rebecca Gleeson, Jill Moir, Rachel Da Costa, Nick Illek, Alan Clarke, Julie Hourigan Ruse, Neva Collings.

Indigenous members: Neva Collings, Anny Druett, Blanch Lake, Paul Newman

Secretariat Staff during 2011-12

Yasmina Kovacevic, Hugh Griffiths, Siniua Su'a, Sudesh Kumaran, Jenny Rowe and Belinda Wood.

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