



A N N U A L
O V E R V I E W
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*Lynden Esdaile
Executive Chairperson*

EXECUTIVE CHAIRPERSON'S FORWARD

Our lives are always interesting at the Housing Appeals Committee (HAC) and 2001/2002 has certainly been an interesting year. We have experienced a 36% increase in appeals this year, following the 29% increase in the previous year. This increased workload has meant the recruitment of four additional Committee members.

In many ways the HAC is unique as we deal with decisions about the rationing of scarce social housing resources. This means that in a high proportion of cases the reason for appealing is not poor decision making but desperation for cheaper housing. The deepening problem with housing affordability, especially in Sydney, has meant that many people are experiencing crisis living in private rental housing. This leads to more people appealing about priority housing decisions of the Department of Housing (DoH) and of community housing providers as this is seen as the only alternative to insecure and expensive private rental housing. The Committee is well aware of the pressure housing providers are under with limited resources to meet this growing demand. The process of assessing appeals in this environment can be very complex and require creative and lateral problem solving. We appreciate continued good relations with housing providers, particularly the Department of Housing, in negotiating solutions in difficult cases and agreeing to the recommendations of the Committee in most instances.

Providing information about the right to appeal decisions of social housing providers, and about how to appeal, is a priority for the HAC. A major project for the year has been the development of the HAC web site to be launched in November 2002. It aims to provide information to government bodies, support and advocacy agencies, and directly to clients about the independent appeals process. This initiative will include information in 10 languages and a special section for Aboriginal clients. We look forward to feedback about the site and to ensuring it is useful to all our clients.

The independent community housing appeals pilot has been a significant task this year with the process of encouraging voluntary nomination by community housing providers and dealing with the first appeals from clients of nominated agencies. Karren Antony is doing sterling work in developing community housing appeals processes and managing the liaison with the community housing sector. An interview with the Executive Officer from one of the larger community housing agencies who nominated during the pilot is included in this report (p 10).

I was fortunate during the year to meet with the Independent Housing Ombudsman for England and Wales, Dr Michael Biles, while I was in the UK on a private visit. We had very fruitful discussions about our similar roles in reviewing social housing decisions and have established valuable ongoing information exchange. I also attended the Chartered Institute of Housing Conference in the UK which added greatly to my understanding of international social housing issues.

The success of the HAC depends absolutely on the calibre of the people who work in the Secretariat and also those who become Committee members. They commit themselves to the constant and demanding tasks involved in meeting our objectives. My heartfelt thanks go to the Registrar and Secretariat staff, the Presiding Chairs and the Committee members for their commitment and the enduringly high quality of their work. The Deputy Chairs, Lynn Houlahan and Jenny Ciantar continue to be wonderful colleagues with a remarkable record of achievement in managing the often difficult and frustrating work of hearing HAC appeals.

Lynden Esdaile
Executive Chairperson



*Dr Michael Biles (Independent
Housing Ombudsman for England
& Wales), Lynden Esdaile
(Executive Chairperson)*

Abbreviations and Terms used in this overview

Appellant:

Person who lodges an appeal against a decision

Community Housing Providers:

Providers in the community housing sector

DoH:

Department of Housing

Department:

Department of Housing

HAC:

Housing Appeals Committee

OCH:

Office of Community Housing

Social Housing Provider/ Housing Providers:

Public (DoH) and community housing providers

The Minister:

Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, Minister for Housing

CTTT:

Consumer, Trader and Tenancy Tribunal

THE COMMITTEE IN BRIEF

[Aim and Objectives

The purpose of the Housing Appeals Committee is to promote the highest standards of decision making by social housing providers in NSW in relation to housing and related services provided to tenants and applicants.

This is achieved through:

1. Providing a fair, just, economical and informal review mechanism for clients of social housing providers who consider a decision made by that housing provider was incorrect, and
2. Encouraging the achievement of consistent, well documented and accountable decisions and transparent policies and procedures by housing providers.

[Who uses the Committee?

Tenants of and applicants to social housing providers who have applied for a housing service and are not satisfied with the housing provider's decision.

[What is our role?

The Committee's role is to review the original decision made by the housing provider, after an internal review has been completed, and determine whether the decision was appropriate, correct and within the policy of the housing provider.

The Committee can make recommendations that the housing provider change or review a decision, or it may agree with the housing provider's original decision.

The Committee also provides regular feedback to the Minister for Housing and housing providers on policy and procedural issues.

[Our Members Qualifications

The diversity of skills and experience of Committee members enables the Committee to provide clients with an impartial, understanding and independent assessment both of their housing needs and of the appropriateness and fairness of the original decision made by the housing provider.

Committee members have skills in either housing, community services, health, law, psychology or social welfare; an understanding of the issues relating to the delivery of service to people with special needs and particular communities; and knowledge of social housing policies, and the principles of procedural fairness.



Left to Right: Tacye Bowen, Bronwyn Richards (Presiding Members), Lynn Houlahan (Deputy Chairperson), Lynden Esdaile (Executive Chairperson)

OPERATIONS IN REVIEW

[Staffing

The staff of the Secretariat have experienced a very busy and challenging year. The Registry Officer and Administration Officer positions were vacant for some time during 2001. This placed considerable pressure on the A/Registrar and A/Program Development Officer, who are to be commended for the outstanding efforts they made to ensure the smooth functioning of the Housing Appeals Committee. Some of the changes included:

Elizabeth Collins (Registrar) returned from maternity leave in March 2002. Maggy Yeum had been relieving in the position and had a well earned break before returning to a new position with the Department of Housing.

The A/Program Development Officer, Karren Antony has been busy juggling the work of vacant positions, assisting in the management of the appeals process, coordinating community housing appeals including presentations to social housing organisations and tenant groups and producing informative newsletters.

Brett Spackman was an excellent addition acting in the Registry Officer position from October 2001 to June 2002 at which time he returned to the Department of Housing.

Siniua Su'a was appointed to the position of Administration Officer in April 2002, and Jenny Rowe (Administration Assistant) continues to provide outstanding support.

[Committee Members

Four new Committee members were appointed following a selection process involving over 50 applicants for the positions advertised. Committee members are appointed for 2 year terms by the NSW Cabinet on the recommendation of the Minister.

[Training

Organising training for Committee Members remains an integral part of the Secretariat role with the aim of keeping members informed on housing policy developments and allowing constructive debate on current issues affecting social housing clients.

Committee member training during the year included presentations by the Homelessness Action Team of the DoH, the Homeless Persons Information Service and the Northern Region of the DoH. Policy updates were provided by DoH senior staff including a presentation by the Deputy Director General of the Department, Carol Mills, on overall directions in social housing policy. Committee members were also involved in detailed planning for HAC priorities and discussion of issues arising through hearings.

[Housing Provider and Community Information

Information sessions have been presented to a number of DoH regional staff, community housing providers and community organisations during the year. The Executive Chairperson, Deputy Chairpersons and Registrar continue to be involved in the DoH Entry Level Training program providing information about the appeals process and issues of fairness in the decision making process.

HAC has also invited a number of housing provider staff to observe Committee hearings and discuss the process of dealing with appeal applications with Committee members. Those attending stated that they found the observation very useful allowing them to gain more insight into the HAC appeals process. It has also allowed HAC members to meet some of the housing provider staff with whom they usually deal with by telephone.

With the implementation of the Community Housing External Appeals System, representatives from the HAC

delivered a number of information sessions to individual community housing providers, regional community housing forums and peak housing organisations during the year.

A focus for this year has been the work to develop the HAC web site, which will operate as a resource for all clients, support agencies and housing providers. It will also provide the basis for training and information program presentations in future.



Housing Appeals Committee - Secretariat staff left to right: Elizabeth Collins (Registrar), Jenny Rowe, Brett Spackman, Siniua Su'a, Karren Antony

[Performance Issues

The Committee monitors and measures its performance against a number of standards. Some of these are outlined below:

Waiting time to hear new appeals:

It is the Committee's aim to hear an appeal within 4 weeks of receipt of the housing provider's client file. This was achieved in almost 94% of cases. We worked hard at meeting this timeframe by scheduling additional hearings to cater for the 36% increase in appeals from the previous year.

Written response to appellant after a hearing: In general, the Committee aims to give its recommendation in writing to the appellant within 14 days of the meeting. Given the considerable increase workload, the Committee was able to achieve this in 59% of cases. In 25% of cases, clients were issued with the Committee's reports within 21 days of the meeting and 16% were over 21 days (these included adjourned cases where additional information was sought from Housing Providers or clients).

The Housing Provider's Determination on Committee Recommendations: Given the Committee's recommendatory powers, it is important for the Committee to gauge its effectiveness in the appeal process through the result of recommendations being supported or declined by housing providers after an appeal is finalised. During this financial year, the Committee recommended change of decision in 117 cases (23%). From these cases the Department approved 84% of the Committee's recommendations.

CHALLENGES FOR THE NEXT YEAR

[**New Department of Housing policies - new appeal issues**

The Department of Housing has announced new policy initiatives which will have an impact on the work of the HAC in the coming year. In particular the introduction of the Renewable Tenancies Policy will raise issues about reviewable administrative decisions relating to the terms of leases and the reasons the Department may give for limiting or terminating a tenancy. Establishing the jurisdictional relationship with the Consumer, Trader and Tenancy Tribunal (CTTT) will be an essential part of this process.

[**Increasing appeal numbers**

As with last year the Housing Appeals Committee has experienced a substantial increase in appeal numbers and this trend continues. The introduction of new areas of appeal, including renewable tenancies policy, and the expansion of community housing appeals will also have an impact on the appeal numbers.

[**New Department of Housing Structures**

Establishing networks and relationships with the new DoH management structure will be important to ensure that the policy and procedural issues raised by the Committee are addressed at regional and central levels of the Department and that the commitment to the independent appeals process remains.

[**First Level Appeals Development**

The DoH is in the process of reviewing the first level appeals process with a view to improving the system of review, setting benchmark standards and improving first stage decision making with a view to ultimately reducing appeal numbers. The HAC will be contributing to the development and refinement of the first level appeals process within the DoH.

[**Next stage of Community Housing Appeals Development**

The Community Housing External Appeals System pilot will be reviewed in the next year to establish the long term system of independent community housing appeals in NSW. The HAC will be involved as a member of the Steering Committee for the pilot. In the meantime the Committee continues with the pilot process with additional community housing agencies being signed up as nominated participants in the appeal system and more community housing appeals being heard by the Committee.

[**Web Site Finalisation and Launch**

During 2001/2002 the HAC developed a web site with the assistance of Social Change Online. As always this was a bigger task than expected and we will be launching the final site in November 2002. A promotional program for the web site, focussing on housing providers and advocacy and support agencies, will be developed for the coming year.

THE HAC WEB SITE

During November 2002 the web site for the Housing Appeals Committee will be launched at www.hac.nsw.gov.au. We encourage everyone to use it to learn more about the HAC and the appeals process. We look forward to feedback on it so that we can refine it to best meet the needs of clients.

[Why a HAC web site?

- To provide clients, support workers, housing providers and community agencies with information about the operation of the HAC so they can appeal or assist clients to appeal.
- To provide information about the relationship of the HAC to housing providers including the Department of Housing and community housing agencies; other tribunals and avenues of appeal, complaint or review; support agencies and networks; the Minister and government.
- To provide information about the appeal and hearing process for clients who have appealed so that they can feel more comfortable with and knowledgeable about the process they are using;
- To provide information to users and interested parties in the form of annual overview data and other statistics on appeal trends.
- To facilitate links with other state and international appeal agencies and housing providers - providing information on the NSW appeals model.

[Information on the HAC web site will include:

- An outline of the role and function of the HAC and a guide to the two level housing appeals process.
- Information in 10 languages (languages chosen from data on those most commonly requiring interpreters for the Committee hearings). This information covers both the general background on appeals and a step by step guide to appealing.
- A list of HAC appealable issues on decisions of social housing providers and definitions of non appealable matters and some case study examples outlining different appeal matters and outcomes;
- Information for community housing agencies and their clients on the independent housing appeals process;
- Regularly updated HAC information on statistics, current newsletters and profiles of Committee members;
- A special section with information for Aboriginal clients of social housing providers.



Please visit the HAC web site to find out more about us and how we work.

www.hac.nsw.gov.au

POLICY AND PROCEDURAL FEEDBACK TO HOUSING PROVIDERS

The HAC has provided policy and procedural feedback to the Minister and the DoH since its inception in 1995. This is a crucial part of the HAC's role in working to improve the decision making of the housing providers. Once the community housing appeals process is more fully established the HAC will also produce similar reports for the community housing sector. At present such comments are provided on a case by case basis to community housing providers.

In the 2001/2002 year the policy and procedural issues raised with the DoH by the HAC have primarily focussed on priority housing applications as this is the major area of appeals to the Committee. In addition the Committee raised issues relating to the Department's Transfer, Offers, Special Assistance Subsidy and Rental Subsidy policies. Overall the Committee highlighted issues of consistency within and between policies, especially related to assessment of affordability for private rental housing and calculation of rental subsidy. The difficulties of families with young family members on youth allowance was also highlighted. The DoH is currently reviewing their Priority Housing Policy and is taking the issues raised by the Committee into account in that review.

Ongoing issues raised by the HAC include

Access to Private Rental Housing

The Committee continues to raise with the DoH and with support agencies the serious problems arising for many clients in dealing with the private rental market. Constraints may be due to disability; lack of English; poor understanding of private tenancy processes; lack of bond/ knowledge of Department assistance for bonds; discrimination on the basis of family size, race or mental health problems; very low income and having no transport to view rental properties. There are also problems for those who have a poor tenancy record and are recorded (sometimes described as blacklisted) on private tenancy databases. There are no formal services to assist people to find and secure private rental in NSW and the DoH's assistance is limited to bond and advance rent support for those eligible for the Rentstart program. The Committee has encouraged the DoH to consider options of providing more assistance, either directly or through support agencies, to help applicants into suitable and affordable private rental. The DoH has indicated that they are considering additional programs to help clients to achieve private rental housing.

Central Management of the First Level Appeals Process

At present the Department has limited central monitoring of the appeals system as it operates in the regions, leading to different appeals systems and processes for the first level review. More analysis is needed of the relationship of first level appeals to initial decision making and the proportion of appeals leading to a change of decision at the first level. A review of the first level appeals process being conducted for the DoH's Program Evaluation Steering Committee will, we hope, lead to some standardisation of appeal processes, the establishment of some ongoing statistical collection and analysis, and the development of sound procedures and benchmarks for the system. The HAC is being consulted as part of the review.

Providing Reasons for Decisions

The Committee has ongoing concerns that clients are given insufficient information on reasons for the decisions made by the DoH. In a priority housing application, for example, a client may have to provide 20 or more pages of application forms and detailed support information. In return the DoH mostly sends a standard letter from the computer system which gives no indication that this information was taken into account. If the client goes on to first level appeal a detailed internal report is generally produced which re-analyses the application but this report is not forwarded to the client. They receive only a letter outlining a summary of the decision. The HAC considers that procedural fairness dictates the right of clients to the full report to know what was considered and to be able to add to or dispute the information used to make the decision. The Department is also underselling itself as clients can think that decisions are made 'at the stroke of a pen' and do not realise that a detailed assessment has taken place. We encourage the Department to provide clients with a full outline of the reasons for the decisions in each case. The Department is proposing a new priority housing assessment form as a step towards achieving this objective and some regions have considered a pilot of sending out reports to test reaction.

Offers Policy

The Committee continues to question the fairness and appropriateness of the current policy of removing clients from the housing register for refusing what are deemed to be reasonable offers. This is particularly so as waiting lists lengthen and cancelling an applicants priority date is a very serious step. In addition, we are concerned that the procedures for the administration of offers is not sufficiently robust to ensure procedural fairness. This issue is raised regularly with the Department and some new processes have been introduced with the aim that clients are advised of their right of appeal after the first offer if they think it was unsuitable. The HAC continues to seek improvement in this policy and procedure.

PROFILE OF A COMMITTEE MEMBER

[Jack Burns

This is an edited version of an interview with Jack Burns who has been a valuable member of the HAC since 1995. Jack has lived in public housing for over 50 years.



Jack Burns Committee Member

I first got involved with public housing because after the end of World War II there was a serious shortage of real estate, rental housing and building materials - it was impossible to buy, rent or build. Many families were forced into temporary or substandard accommodation. It became unaffordable to live in hotel rooms so my wife and I with the one child we had at the time pitched a tent along with many other families in the Lane Cove National Park. Council took legal action to move us out after 3 months and the Housing Commission offered us emergency housing across town at Hargrave Park, Warwick Farm.

The accommodation was subdivided old military huts which had been a Royal Naval Shore Base, HMS Golden Hind. Our space was two rooms and a bathroom with bare floors, a fuel stove, a tin bath and a chip bath heater. I had to travel to Chatswood every day to work but it was all very acceptable after what we had previously endured. We were housed in permanent accommodation after being in Hargrave Park for about 18 months.

Initially I trained as a telephone mechanic and my education only went to the Intermediate Certificate but because I've been in the Services I was able to go over to the clerical side. I worked for the PMG's Department and I also worked with the Department of Navy. I joined the Electricity Commission in about 1959 and during my working life I became involved in many offshoot functions related to my workplace such as serving 20 years as an elected honorary member of the management committee of a welfare fund covering about 9,000 employees. I was also elected as a foundation honorary director of the Government Employees Medical and Hospital Fund over the first 10 years of its operation. I was appointed by my union as a member of the Government and Related Employees Appeals Tribunal which heard appeals on promotional and disciplinary matters. I served every few weeks for many years. I was also called upon from time to time to advocate on behalf of fellow employees at State Conciliation Commission proceedings.

My interest in these activities prompted me to reply to an advertisement for members of the Housing Appeals Committee in 1995. My work and other interests provided the experience to understand Department of Housing policies and their application. Having been a long term tenant of the Department of

Housing, I also have personal knowledge of its processes and the issues for appellants. My life experiences also give me insight into many complex issues which confront the Committee. For example, my wife suffered a chronic renal illness needing much hospitalisation and home care for more than 30 years. My wife, who has now passed away, was Aboriginal from north western NSW so I am aware of the issues facing Aboriginal people. My four children are proudly Aboriginal and I keep up with what happens in the Aboriginal community through reading papers like the Koori Mail and through close connection with my extended Aboriginal family.

I have always had a great sense of satisfaction over the years from my participation in the various bodies with which I was involved. The Committee as a team gets on very well together. We disagree at times but we see each other's points of view and reach good conclusions. I don't think I've ever been on a hearing where there has been a split decision.

I think that at HAC we've contributed a lot to policy improvement by the Department of Housing. The reports that we give the Policy Unit have been well recognised and I also believe that the Department's processes have improved with our feedback. I enjoy the Committee and I believe that this feedback role is important to do as well as our role of dealing with the individual appeals.

I believe that people rejected at the first level review should consider appealing further and get help to appeal if they need to so that their case is as strong as possible.

INTERVIEW WITH COLIN JONES, CUMBERLAND HOUSING CO-OP LTD

The pilot Community Housing External Appeals System has been in operation since December 2000. Colin Jones, Executive Officer, Cumberland Housing Co-op Ltd (formerly Canterbury Bankstown Community Housing Cooperative Ltd) took time out of his busy schedule with speak to Karren Antony about his experience during the pilot. The following is an extract of the interview.

Karren: *Cumberland Housing nominated to participate in the External Appeals System in February 2001. What prompted your organisation to get involved?*

Colin: We'd been discussing for some years that we really needed to have a final tier of appeal for our clients that was independent. We certainly had good internal appeal systems but getting that final step where there was independent scrutiny of the decision was a very difficult thing to do.

We examined options of involving people from the community, local organisations and so on, to form a panel which would do ultimately what the external appeals system does, but it was really too hard in terms of groups having other priorities and ensuring there was no agenda or conflict of interest. Paying for their time meant that you lost some of that independence. When we were offered the opportunity to participate in the External Appeals System there really wasn't any great discussion. That discussion had already happened in terms of us saying very clearly for some time, this is what we want to have happen. The External Appeals System gave us and our clients that final tier of appeal and obviously dealt with all those other issues that arose when we were looking at doing something similar ourselves.

Karren: *Did you or your staff have any reservations about nominating for the process?*

Colin: I think the most obvious one, when you're looking at outside scrutiny of decisions, is the effect that it can have on staff and staff morale in terms of them making decisions that they make with the best of intentions only to be told, "well actually that's not a fair decision". The other thing that was discussed was the Board of Directors obviously have a role in terms of accountability for the clients and to funding bodies, company registration bodies and accreditation. There was this sense that it's all very well for some one to say, "this is the best decision for the client," but sometimes we need to make decisions because the Directors need to discharge their duties. I think that was largely overcome because HAC only had the power to make recommendations, and therefore there was scope for decisions that may have been seen to have a negative impact on the business, for the Board to intervene. As it's turned out of course, there hasn't been a decision that you would see has in anyway compromised the role of the Directors. They were the two main reservations that we had.

Karren: *Having worked within the External Appeals System for over 18 months what would you see as the benefits that have come out of it for Cumberland Housing and for your clients?*

Colin: For us the gaps in our policy, which I guess we knew were there anyway, were exposed. There was a need to make sure our policies were not only well considered and well thought out but that they were also very comprehensive and coordinated. In terms of just our policy development and having very clear, thorough policies, there is no doubt that, that has been the main benefit of HAC to this organisation.

The other benefit that it's had is to have a group like HAC come in and say, "well you are actually making good decisions" this has been good for staff morale. The feedback that we've had is that the policy's reasonable, requires work in some areas, but generally the thrust and the way in which we operate is pretty much close to the mark.

I doubt that unless you were registered with HAC and unless you were actively participating and promoting the use of HAC amongst your clients, given our accreditation and the National Community Housing Standards, it would be hard to see how you could be meeting the standards around tenant rights. In terms of the benefits for our organisation, the fact that we can now say that we not only participate in HAC but we promote HAC and we make sure that our clients have access to that sort of body is very important to us, just in terms of accreditation.

Karren: *And I guess that's where the rights of the client come in and what you've done is actually empowered your clients with the right to seek an independent review*

Colin: I think the benefits for clients are obvious; they get access to independent scrutiny and review of our decisions that have a real impact on their lives. Because we do encourage people to use HAC they are empowered. The system that HAC uses isn't complicated, can be slightly long at times to resolve appeals, but in terms of access and obviously the way in which their appeals are handled I think would give people confidence that they've been given every opportunity in order to make their case.

Karren: *The pilot Community Housing External Appeals System is to be reviewed shortly. Do you see a future for an independent appeals process?*

Colin: It is hard to see groups like ours not being subject to a body like the Housing Appeals Committee. Apart from perhaps the CTTT there's no body which really monitors our accountability to our clients. I think that's the important thing about the independent appeals process. It offers our clients access to a review of our decision making and it's important it stays.

Given what I said before about how much effort we put in previously to try to come up with a way in which we could get some independent element into our appeals process, I don't know how that can happen unless it is a body such as HAC. It is funded from outside of this organisation, completely independent and there are no conflict of interests, no other agendas happening apart from the fact that the clients have rights to a fair review of decision that are made, which can affect them and affect their lives so much.

Appeals Received	14
Appeals Heard	12

Appeal Outcomes	
Declined	10
Referred to Housing Provider	1
Withdrawn	1
Not an appealable matter	2

Total Nominations	
Housing Associations	20*
Co-operatives	6

**One housing association is no longer operating.*

Appeals Types Received (Eligible for review)	
Transfer	2
Admittance to list	11
Selection of Applicants	1

COMMUNITY HOUSING EXTERNAL APPEALS SYSTEM

The Community Housing External Appeals System pilot project commenced operation in December 2000. Participation in External Appeals System for the pilot period is voluntary. This means that the Committee can only hear appeals from clients of community housing organisations, which have nominated to participate in the System.

Since December 2000 the Housing Appeals Committee has received 26 nominations and 16 appeals. It was anticipated that the number of appeals received during the pilot project would be low.

Communication Strategy

- Whilst the HAC have only received a relatively small number of nominations and appeals from the Community Housing sector as part of our commitment to the success of the pilot we have undertaken a number of country and metropolitan visits. The aim of our visits is to raise awareness of the External Appeals System.
- In May 2002 representatives from the Housing Appeals Committee had the opportunity to speak at the NSW Community Housing Conference.
- As part of the HAC's communication strategy to raise awareness of the appeal system a poster was distributed to participating organisations and relevant government and community organisations.
- In May 2002 the HAC distributed their first newsletter to Community Housing organisations. The purpose of the newsletter is to update housing providers on the progress of the Community Housing External Appeals System. Feedback from the Community Housing sector has been positive. It is intended that the newsletter will be produced on a regular basis.

Interstate Liaison

- The ACT are currently in the process of reviewing arrangements for community housing, including examining options for appeal mechanisms. Housing Policy in the ACT were very interested in the NSW Community Housing External Appeals System and in June 2002 a representative from the Housing Appeals Committee Secretariat presented an overview of the pilot to staff of the ACT Department of Urban Services and interested housing providers.

STATISTICS FOR 2001/2002*

Appeals Received

In 2001/ 2002 547 appeal were received from clients of the DoH. The HAC conducted 110 meetings and heard 504 appeals. This represents an increase of 45% in meetings and 36% in cases heard compared to the previous year.

Where are appeals coming from?

Most regions experienced an increase in appeals this year with the exception of South Western Sydney Region who recorded a 15% decrease. Western Sydney Region has seen a large increase in appeals compared to other regions. This is believed to have occurred as a result of increased awareness of the appeal system, high costs of private rental and the large number of new arrivals seeking to settle in this part of Sydney.

The majority of appeals continue to originate from the Sydney metropolitan area with only 10% originating from country areas. However this year the HAC recorded a 23% increase in the number of appeals from country areas compared to last year.

Types of Appeals

The Committee continues to see the impact of rising private market rentals in the Sydney metropolitan area and their adverse affect on low income earners, people with disabilities and recently arrived immigrants.

Figure 2 illustrates the different types of matters registered during the year. Priority Housing represents 68% of all appeals received. This figure represents a 44% increase in the number of priority housing appeals compared to last year.

Who is appealing?

Almost 43% of appellants were between the ages of 25 and 44 years with 30% of appellants being over the age of 55 years.

Figure 1 - Regional Source of Appeals

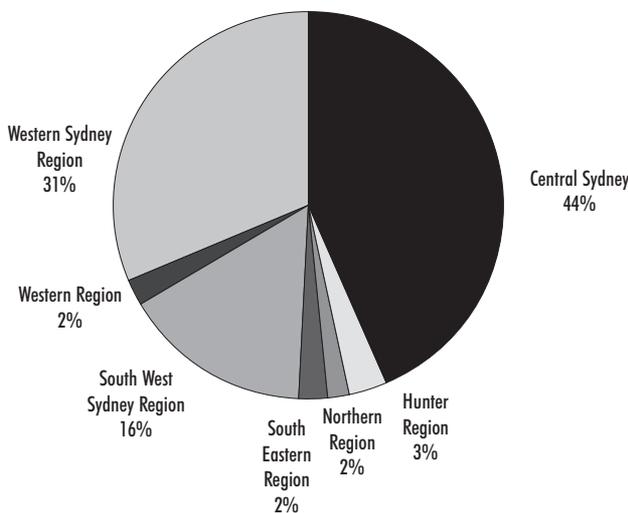


Figure 2 - Appeal Types

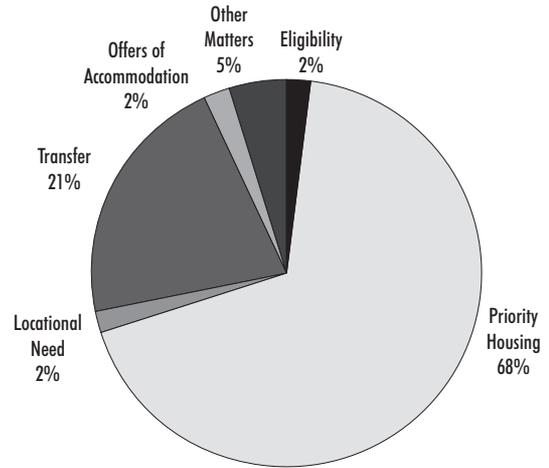
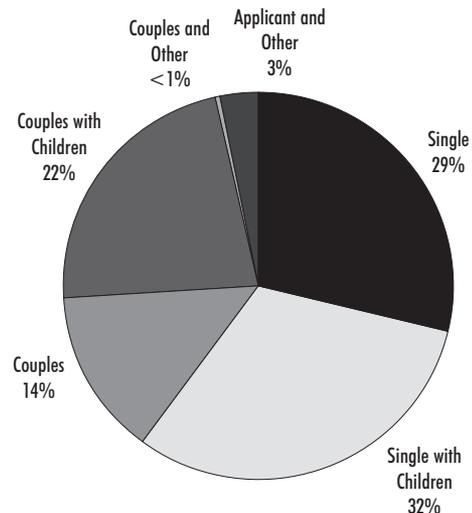


Figure 3 reflects the considerable difficulty appellants experience in the private rental market, particularly single appellants. The Committee received a 51% increase in appeals from single appellants compared to the previous year. Approximately 39% of single appellants were over the age of 55 years.

Figure 3 - Household Complement



*See page 11 for Community Housing Statistics.

Figure 4 - Ethnic Background

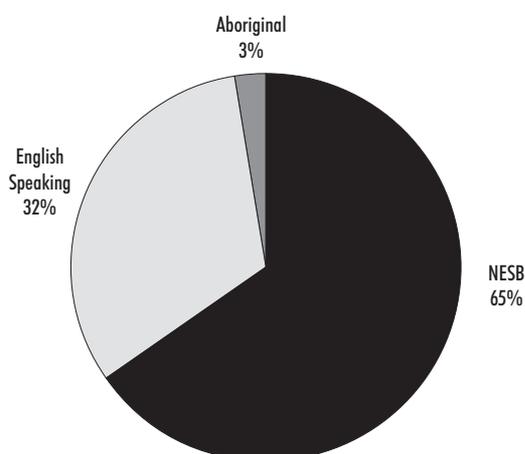


Figure 4 represents the ethnic background of our clients. The Committee continues to receive a large number of appeals from appellants of non-English speaking background. An interpreter was required in 41% of all cases considered by the Committee. The main language groups of appellants were Arabic, Bosnian, Dari, Kurdish, Russian, Serbian and Turkish.

The HAC has received a notable increase in appeals from people of Aboriginal descent. Whilst the numbers remain low the Committee is encouraged by the increase and are committed to ensuring that Aboriginal tenants and applicants have proper access to, and understanding of, the appeal process.

Committee Recommendations

As shown in Figure 5 the Committee agreed with the Department's decision in 70% of cases. In 23% of cases the Committee referred the matter back to the Department of Housing for a change of decision.

Last year half of the appeals returned by the Housing Appeals Committee to the Department of Housing for review were because of a change in the client's circumstances or because it was considered some information was not given sufficient weight in the original decision. The Committee adopted a new process this year whereby if a case required a further review the Committee adjourned their decision pending assessment. This means that all matters referred to the Department for reconsideration, as shown in Figure 5, represent the Committee's recommendation to change the decision. The new process also accounts for the increase in resolved matters.

Department of Housing Determination

Table 1 shows the Committee's recommendation and the Department of Housing's determination. Following review of the Committee's recommendations, the Department reports back to the Committee on the outcome of its determination. The Department supported the Committee's recommendation in over 83% of cases.

Figure 5 - Committee Recommendations

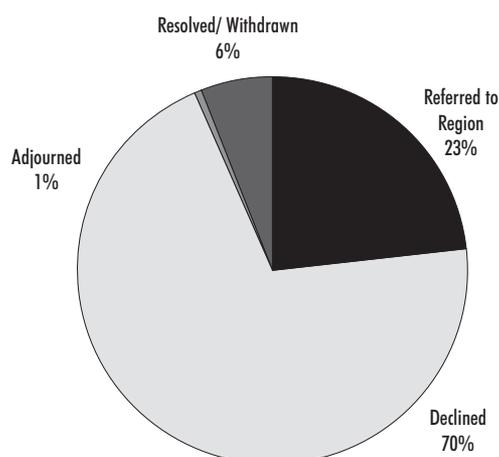


Table 1: Department of Housing Response to Housing Appeals Committee Recommendations, 2001/2002

DoH Outcome	Cases referred to the DOH by the Housing Appeals Committee	
	Number	Percent
Decision changed (1)	98	83.7
Decision not changed (2)	9	7.7
Resolved (3)	1	0.9
No result (4)	9	7.7
TOTAL	117	

Notes:

- (1) The original decision was changed and the client received the service.
- (2) The original decision was not changed.
- (3) Matter resolved by mutual agreement
- (4) The Committee has yet to be advised of the Department's decision.

COMMITTEE MEMBER PROFILES

[Lynden Esdaile, Executive Chairperson

Bachelor of Social Work, Masters of Public Policy, Member AHI

Chairperson of the Committee since its inception in 1995, Lynden has 25 years experience in management and policy development at senior levels of Federal, State and local government in the areas of housing, community services, disability planning and cultural policy. She was appointed as Executive Chairperson of the Housing Appeals Committee when this position was created in 2001. She has been a Board member of the City West Housing Company and several arts organisations as well as a consultant in management, social, housing and cultural policy and in strategic planning.

[Jenny Ciantar, Deputy Chairperson

Bachelor of Social Work, Diploma in Administration, Bachelor of Laws (continuing)

Jenny has held various managerial and policy positions in the Department of Community Services, the Department of Industrial Relations and Employment and the Ministry of Education. She is currently a member of the Social Security Appeals Tribunal (SSAT) and has regularly acted as the senior member at the SSAT and represented the Sydney Registry on a number of National SSAT committees. Jenny has worked at the NSW Medical Board in an administrative capacity, responsible for organising professional standards committee inquiries. She has completed alternative dispute resolution training with Relationships Australia and is accredited as a mediator. Jenny has recently been appointed to the Consumer, Trader and Tenancy Tribunal (CTTT).

[Lynn Houlahan, Deputy Chairperson

Bachelor of Arts (Psychology), Welfare Work Certificate, Master of Arts (Special Education)

Lynn is a former Area Manager with the Department of Community Services with extensive managerial experience and specialist knowledge of issues relating to children, families in crisis and people with disabilities. She has been a member of the Guardianship Tribunal of New South Wales, and is currently a member of the Administrative Decisions and Mental Health Review Tribunals. Lynn also works privately as a Disability Services Consultant mainly in the areas of family support, service evaluation and policy and procedure development.

[Sharon Bloxsome

Diploma in Indigenous Aboriginal Community Studies, Bachelor of Welfare, Member of Nowra Aboriginal community

Sharon was until recently employed as an Aboriginal Project Officer at "Whulan" Shoalhaven Aboriginal Live at Home Service and deals regularly with key client groups of the Department of Housing. She is now with the Home Care Service of NSW at Wollongong. She has extensive knowledge of housing and tenancy issues including the policies of the Department of Housing. She was formerly employed by the Commonwealth Departments of Social Security and Education and Training and has detailed knowledge of social security and employment policies and practical experience assisting clients in these areas.

[Tacye Bowen

Bachelor of Arts (Hons), Diploma in Education (Social Science)

Tacye has a strong background in social housing, especially community housing, and has worked in housing management, homelessness and housing advice services in Australia and the United Kingdom. Tacye is a Board member with South Western Inner Sydney Housing Co-operative. She has qualifications in geography and economics. Tacye is highly regarded in the community housing sector. She works as a consultant assisting community organisations across NSW: within individual services; with peak bodies such as the NSW Federation of Housing Associations and Kungala Aboriginal Housing Resource Project; and on behalf of government departments.

COMMITTEE MEMBER PROFILES

[Raymond Brazil

Master of Arts (Philosophy), Bachelor of Laws (Hons), Master of Dispute Resolution

Raymond is employed as a Family Mediator by Centacare, Sydney. He is also a Senior Case Officer at the Child Support Agency (conducting Change of Assessment conferences), a Conciliator at the Health Conciliation Registry and an Arbitrator at the Workers Compensation Commission. Prior to studying law, Raymond worked for several years as a community worker with young people and families of non-English speaking backgrounds.

[John (Jack) Burns

Jack Burns is a retired public servant with many years experience in tribunal matters. Jack was a Public Service Association representative on the Government and Related Employees Appeals Tribunal for nine years and was an advocate to the NSW Conciliation Commission. He has been public housing tenant in Sydney for many years. He has a strong personal interest in social housing policy, disability services and issues affecting Aboriginal people.

[Peter Davidson

Bachelor of Social Work

As a policy officer at the peak welfare body, the Australian Council of Social Service, Peter deals with a range of social policy issues from employment and income support to tax policy. He is part of a policy team at ACOSS that puts the case to the Federal Government and the public for social reform to improve the lives of people on low incomes. He has experience as a social worker in the former Department of Social Security in Brisbane and Sydney, and as a union official representing members in industrial tribunals.

[David Dobell

Bachelor of Arts (Accounting), Bachelor of Laws, Graduate Diploma in Communications

David is a lawyer who is also currently a part-time legal member of the Social Security Appeals Tribunal, a non-judicial member of the Administrative Decisions Tribunal (Community Services Division) and a part-time member of the new Consumer, Trader and Tenancy Tribunal. David has had considerable experience working in community legal centres as a solicitor, tenancy advocate and legal educator, in both the inner-city and the Blue Mountains, where he specialised in dealing with clients with housing-related problems. He has also worked for the Human Rights and Equal Opportunity Commission in policy areas.

[Rebecca Gleeson

Bachelor of Arts, Graduate Diploma in Conflict Resolution

Rebecca has a strong background in complaints handling and mediation. Rebecca currently works for the Department of Fair Trading as a mediator dealing with disputes in strata schemes. It was her work at the NSW Ombudsman's Office, reviewing complaints about decision making processes and the administrative conduct of government departments, that first developed her interest in mediation as an alternative approach to dispute resolution. Her mediation experience also includes matters related to family law, workplace disputes, building disputes and complaints to the NSW Ombudsman. She is a former Board member of the Australian Disputes Resolution Association. Rebecca also has considerable experience in issues related to the allocation of public housing and low income and special needs households as a result of her work at the Department of Housing in the 1980s.

COMMITTEE MEMBER PROFILES

[Seth Merritt

Member of Batemans Bay Aboriginal community

Seth is employed by Community Partnerships as an Aboriginal Outreach Worker, working in support for homeless people. Seth also worked at Cobowra Community Development Employment Project Aboriginal Corporation, as a Community Network Liaison Officer. Seth has a detailed understanding of housing needs and issues affecting Aboriginal people. He is well aware of the Department of Housing policies, he was formally employed as a Tenants Advisory Officer for Murra Mia Tenants Advise Service for a period of eight years, dealing with Department of Housing clients. Seth also worked as an Aboriginal Social Welfare Worker, working for Aboriginal people with disabilities and as a Aboriginal Health Worker where he worked extensively with low income earners and special needs issues affecting Aboriginal People. Seth had also been a long term tenant in public housing.

[Bronwyn Richards

Advanced Welfare Certificate and Master of Arts (Social Policy) (deferred)

Bronwyn has extensive experience as a community, legal and welfare-rights worker in the Illawarra area. She has been involved in advocacy for clients to other tribunals and has particular knowledge of social security policy and procedures and issues affecting families, victims of domestic violence and people with disabilities. Bronwyn is working with Wollongong City Council in the area of crime prevention and community renewal, using a community development approach. Her current focus is on Drug and alcohol misuse and homelessness.

[Stamatia Stamatellis

Bachelor of Arts (Communications), Bachelor of Laws, Graduate Certificate in Legal Practice

Stamatia is an experienced community worker with particular expertise in housing, social policy and issues affecting people of non-English speaking background (NESB). She has worked with South Sydney Women's Centre Co-operative, Western Sydney Tenants' Service, the NSW Council of Social Service and the Administrative Appeals Tribunal. Stamatia is currently working at the Intellectual Disability Rights Service. She is highly regarded in NESB policy and service areas and in housing and social policy. Stamatia is of Greek background and speaks Greek.

[Kate Timbs

Bachelor of Arts, Bachelor of Laws, Diploma of Practical Legal Studies

Kate has a background in disability discrimination as a Conciliator for the Human Rights and Equal Opportunity Commission and currently works as a Senior Adviser in the Legal Services area of the Child Support Agency. She has also worked in industrial relations and social security and has a special interest in administrative law, welfare and disability issues. Until recently, Kate was a public housing tenant and lived for many years in public housing in the Waterloo area.

[Angela Van Dyke

Bachelor of Social Science

Angela has worked with a number of agencies, both government and community based. She has worked for the Attorney Generals Department, NSW Police Service (Ethnic and Community Liaison Officer), NSW TAFE, Department of Juvenile Justice (Youth Justice Conferencing), and Liverpool Fairfield Disabled Persons Resource Service (as management member and President). She is currently working part time at the Liverpool Migrant Resource Centre. Angela has experience with both direct service delivery (casework) and community development. She has spent the past 15 years developing strategies (in partnership with other agencies) to address a range of social justice issues for people of NESB, and other marginalised/ disadvantaged groups within the community. The past fifteen years have also been spent working within the South West and Western suburbs of Sydney. Angela is currently studying externally for a degree in social science. She has completed the Certificate IV in Workplace Assessment and Training. Her cultural background is Croatian.



Housing Appeals Committee Members Front Row Left to Right: Rebecca Gleeson, Lynden Esdaile, Lynn Houlahan. Middle Row Left to Right: Sharon Bloxsome, Bronwyn Richards, Stamatia Stamatellis, Kate Timbs. Back Row Left to Right: Jack Burns, Raymond Brazil, Peter Davidson, Tacye Bowen, David Dobell, Angela Van Dyke. Absent: Jenny Ciantar (Deputy Chairperson), Seth Merritt



Jenny Ciantar
Deputy Chairperson



Seth Merritt
Committee Member

APPEALABLE ISSUES TO THE HAC

The following is a summary of the issues which can be the subject of an appeal to the HAC. This information has been recently updated but will be further modified during 2002/03 to take account of new policies of the Department of Housing (DoH).

Who can appeal?

The HAC deals with appeals related to social housing in NSW. All people who are unhappy with a decision of a housing provider can appeal, including:

- People applying for NSW Department of Housing services
- People who are NSW Department of Housing tenants
- People who are applying to long term community housing providers in NSW
- People who are tenants of long term community housing in NSW

What decisions can be appealed to the Housing Appeals Committee?

The HAC can deal with a range of appeals on decisions about services provided by the DoH and long term community housing providers. If a person is unhappy with a decision of the housing provider they can appeal that decision to the HAC but only after a first level (internal) review has been completed by that provider.

Appealable Issues for applicants to a social housing provider

Social housing provider waiting list:

- General eligibility for or removal from the waiting list
- Backdating of eligibility to be on the waiting list
- Eligibility of people classified as former unsatisfactory tenants

Housing Entitlements:

- Type and size of dwelling
- Modifications or special features of a dwelling for medical needs
- Locational need

Priority Housing:

- Eligibility for priority listing
- Specific locational or housing type needs

Eligibility for Emergency Temporary Accommodation (DoH only):

- Eligibility for assistance and type of assistance offered

Special Assistance Subsidy (SAS) - Disability/Special (DoH only)

- Eligibility for SAS (approval for priority assistance)
- The level of subsidy provided
- Locational or housing type need for SAS
- Changes to SAS approval
- Cancellation of SAS

Housing Assistance for Elderly clients (DoH only)

- Eligibility for housing assistance as an elderly client
- Type of assistance or dwelling provided to an elderly client
- Eligibility for special consideration as an Aboriginal elderly client.

Offers of a Property

- Whether an offer is considered 'reasonable' (eg type, location, size)
- The acceptability of reasons for not accepting an offer
- Removal of the applicant from a housing provider waiting list for refusal of offers

Rentstart (DoH only)

- Eligibility for and type of assistance under the Rentstart program (up to the maximum provision).

Appealable Issues for tenants of a social housing provider:

Transfer

- Eligibility for general transfer
- Eligibility for priority transfer
- Locational need
- Relocation of a tenant for management purposes

Rental subsidy assessment

- Calculation of, change to, or cancellation of rental subsidy

Succession of Tenancy

- Eligibility to be granted succession

Modifications to property

- Need for modifications for disability/ medical reasons only (not maintenance or upgrade issues - see CTTT)

Mutual exchange

- Eligibility for approval to exchange

Absence from dwelling

- Permission to be absent and rent calculation during absence

Fixed term leases

- Renewal, period of lease and any conditions that are not part of the lease

Tenant charges

- Charges at vacation of dwelling where not covered by a bond

Offers of a property

- Whether 'reasonable' offers are made and offer counted for purpose of offers policy

Headleasing

- Relocating tenants to other social housing at the expiry of headlease (clients cannot appeal about obtaining headleased housing)

Minors

- Eligibility for a minor to be granted a tenancy

Joint Tenancies

- Eligibility for joint tenancy

Issues which cannot be appealed to the HAC

- Decisions that are not directly related to the person or household
- Matters that are the responsibility of other tribunals
- Housing provider's policies
- Matters for which clients cannot make application to housing providers
- Internal administrative and funding matters of the housing provider
- Complaints about the way a service is provided
- Programs not related to the provision of a service
- Housing programs administered outside the DoH or nominated community housing agencies
- Decisions about providing more than the maximum service or benefit available under a housing provider's policy
- Decisions to provide services on an 'out of guidelines' basis
- Decisions about home purchase assistance services



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