



## From the Manager

On behalf of the Housing Appeals Committee (**HAC**), I am pleased to present the Annual Overview report for the 2020-2021 financial year period.

The report analyses key statistical data relating to client demographics, the number and types of appeals and their geographical origin. The report compares the data with previous years in order to identify any emerging trends, as well as to highlight the HAC's key performance measures and core business activities for 2020-2021.

Due to the impact of COVID-19 pandemic, HAC faced and overcame the challenges of transitioning from a walk-in direct client contact office that largely relied on paper files, to becoming fully remote with hearings conducted over the phone, electronic file records and staff working from home. Despite lengthy COVID-19 related lockdown periods and the office closed, HAC continued to operate in all of its functions, which include hearing appeals, responding to phone and email enquiries, staff training and development, as well as engaging in internal and external stakeholder meetings.

Despite the challenges imposed by the COVID-19 Pandemic, HAC continued to operate with four presiding chairpersons and ten members, some of whom are from Aboriginal as well as culturally and linguistically diverse backgrounds. Each chair or member of the Committee brings a unique skillset, outstanding policy knowledge and an understanding of issues relating to service delivery for people with special needs and from particular communities. The dedication of the Committee and the Secretariat staff supports the delivery of high quality appeal services.

The data from 2020-2021 shows that HAC has received 348 appeals compared to 487 received during the 2019-2020 year. While this decrease might in part be attributed to the measures put in place by both the Commonwealth and NSW Governments due to the COVID-19 pandemic, it is also a reflection of all social housing providers becoming more knowledgeable and experienced in their application of policy. Significantly, social housing providers agreed with all but one of HAC's recommendations, which shows that housing providers appreciate the HAC's specialist expertise, independence and input.

One interesting trend we have observed is that Recognition as a Tenant continues to be the most common appeal type (45%). Recognition as a Tenant appeals have overtaken the number of Priority Housing appeals. While Recognition as a Tenant and Priority Housing appeals accounted for 33% and 26% in 2019-2020 respectively, they have accounted for 45.5% and 25.5% respectively in this reporting year.

Compared with the previous year, we have observed a 5% drop in the number of HAC recommendations to change a social housing provider's decision in whole, or in part and an 11% drop in the amount of appeals received from culturally and linguistically diverse background clients. We have also received 2.5% more appeals from Aboriginal and Torres Strait Islander clients as well as an 11% increase in appeals received from Regional NSW compared to Metropolitan Sydney in the previous year.

In the following 2021-2022 year, HAC intends to improve its service delivery through the provision of an increased number of training and workshops, conferences, fine-tuning our existing processes, secretariat staff recruitment as well as more engagement with stakeholders such as the Housing State-wide Services and various social housing providers to address current and emerging policy issues. Finally, HAC will follow the advice of NSW Health and its own senior management to make plans to return to the office to continue direct client engagement and team building.

**Catherine Walton**  
Manager, Housing Appeals Committee

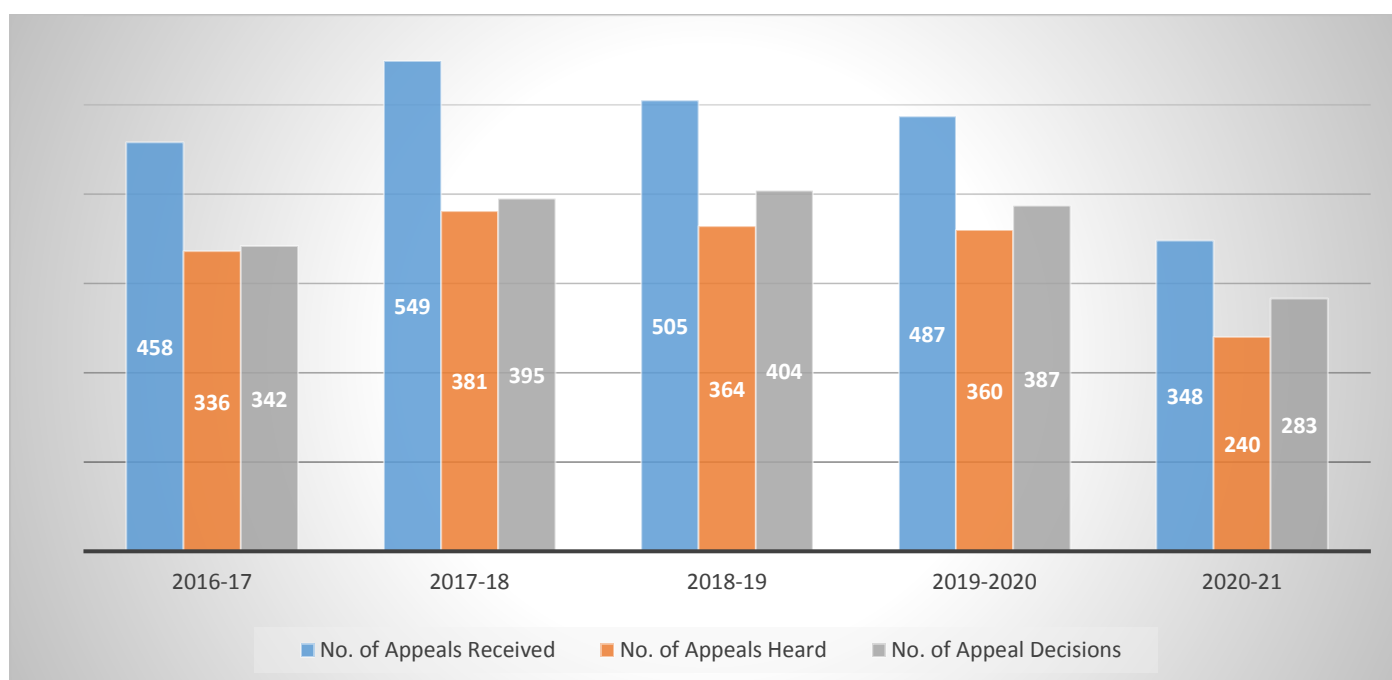
## Key Performance Outcomes

### Appeals Received.

Table 1 below shows that a total of 348 appeals were received during the reporting period, which is a substantial decrease from the 487 appeals received in 2019 -2020. It is likely that the eviction moratorium imposed by the Government due to the COVID-19 pandemic played a significant role in decreasing the number of appeals to the HAC. Furthermore, homelessness housing programs that operated within Sydney also had a big impact on the reduction of priority housing appeals. Additionally, it is very likely that during the onset of the COVID-19 pandemic, clients were more reluctant to make voluntary changes to their household or accommodation which resulted in the decreased number of applications and therefore appeals.

Table 1 also shows that while HAC received 348 appeals in 2020-2021, 240 of them were heard, the remainder being matters which were not eligible to be reviewed by HAC. From those 240 appeals that were heard, a total of 283 appeal decisions were made. This apparent discrepancy arises from multiple issues within the one appeal, which results in an increased number of appealable decisions. For instance – an appeal may contain one or more of the following: Recognition as a Tenant and a Priority Housing assessment appeal or an Admission to the Housing Register and Priority Housing assessment appeal.

**Table 1: Appeals Received**



### Hearing Timeframes

The HAC aims to conduct hearings in all eligible appeals within 28 days of receipt. Within the 2020-2021 year, the median number of days between HAC receiving an appeal and the appeal progressing to a hearing was 18 days and the average was 16 days. While this is a one day increase for both median and average compared to the year before, the statistics show that the HAC can continue functioning with minimal impact despite COVID-19 pandemic lockdowns.

### Appeal Decision Completed

Following a hearing, the HAC strives to make a decision within 14 days for most appeals and within 2 to 5 days for accelerated matters, such as those where a client's tenancy is at risk. Within 2020-2021, the median number of days for the HAC to complete the appeal decision was 4 days and the average was 7.6 days. This data shows that HAC operates in a very efficient manner, exceeding its own set targets.

## Appeal Types

During the reporting period, Recognition as a Tenant applications continued to be the most common appeal type, followed by Priority Housing, Rental Subsidy and Offers of Accommodation. It is worth noting that the demand for Recognition as a Tenant appeals has overtaken the number of Priority Housing appeals. While Recognition as a Tenant and Priority Housing appeals accounted for 33% and 26% in 2019-2020 respectively, they have accounted for 45.5% and 25.5% respectively in 2020-2021.

**Table 2: Most Common Appeal Types**

	Number	%
Recognition as a Tenant	84	45.5%
Priority Housing	47	25.5%
Rental Subsidy	29	16%
Offers Of Accommodation	24	13%

**Table 3: Appeals by Type Breakdown**

	Housing Contact Centre	Community Housing Providers	DCJ Housing	Total
Absence from dwelling		1	1	2
ASB Strike Two			2	2
Housing Register Eligibility		1	11	12
Mutual Exchange			1	1
Offers of Accommodation		3	21	24
Priority Housing	2		45	47
Private Rental Subsidy			8	8
Property Modifications		2	2	4
Recognition as a Tenant			84	84
Recognition as a Tenant Provisional Lease			1	1
Relocation			2	2
Rental Subsidy		10	19	29
Rentstart	1			1
Section 145			3	3
Section 149			4	4
Start Safely Subsidy			2	2
Tenure Category		1		1
Transfer		2	11	13
<b>Total</b>	<b>3</b>	<b>20</b>	<b>217</b>	<b>240</b>
<b>Percent</b>	<b>1.5</b>	<b>8</b>	<b>90.5</b>	<b>100%</b>

## Appeal Decisions

The HAC can make more than one decision from each appeal that is heard. As can be seen in Table 4 below, the most common outcome for both DCJ and Community Housing appeals is for HAC to agree with the original decision of a housing provider and declining the client's appeal. The second most common outcome is for the HAC to recommend a complete change of the original decision made by the social housing provider.

Less commonly, HAC will recommend a part change of a decision. This could happen in instances where the Committee agrees with some aspects of the original decision but not the whole of it or where there is more than one decision being reviewed. An example of this is when the original decision maker decided the client was not eligible for Recognition as a Tenant or for Priority Housing and the Committee agrees that the client is not eligible for Recognition as a Tenant, but disagrees with the original decision to decline the same client for Priority Housing and instead approves the client for Priority Housing. In rare instances, a client may withdraw their appeal as they may have found an alternate solution to their problem or no longer want to proceed with the appeal.

**Table 4: Appeal Decisions**

Decision	DCJ Housing Services	%	Community Housing	%
Appeal Declined (HAC agreed with provider)	137	62.5%	13	65%
HAC recommended a change of a decision	69	31%	6	30%
HAC Recommended part change of a decision	13	6%	0	0%
Appeals Withdrawn Post - Hearing	1	0.5%	1	5%
<b>Total Appeals heard</b>	<b>220</b>	<b>100%</b>	<b>20</b>	<b>100%</b>

Overall, we can see that over the last 7 years, the HAC has agreed more frequently with decisions made by both DCJ and Community Housing Providers. This shows that both DCJ and Community Housing Providers are becoming more consistent and experienced in their application of policy in their First Tier Appeal Assessments. These appeals are undertaken by officers at the equivalent or more senior level than the original decision maker.

**Table 5: Percentage of cases where HAC agreed with the provider - historical analysis**

Year	DCJ	Community Housing
2015/16	45%	42%
2016/17	51%	37%
2017/18	58%	44%
2018/19	61%	55%
2019/20	63%	59%
2020/21	62%	65%

When the HAC makes a recommendation for a housing provider to change their decision, the housing provider's senior manager is provided an opportunity to review the recommendation. If the housing provider disagrees with the HAC's recommendation, they can request to have a meeting with the HAC in order to negotiate for an outcome both parties agree to. Within 2020-2021, housing providers agreed with all but one of HAC's recommendation which shows that housing providers appreciate the HAC's specialist expertise, independence and input

## Reasons for Change of Decisions

When making a recommendation to change a decision, in whole or in part, the HAC is required to select one or more reasons for doing so. The HAC may recommend a change of decision simply because new information was provided. Sometimes a change of decision may be recommended because of multiple factors such as poor interpretation of policy, unfair or unreasonable procedures used and other combinations of reasons. The six possible reasons are outlined in Table 6 below.

Compared to 2019-2020 data, it is evident that 'Inadequate consideration was given to the available information when the original decision was made' metric has overtaken the 'New information has been provided or additional information is available since the original decision' metric by a significant margin. This shows that in the 2020-2021 year, decisions were mostly overturned because the social housing providers did not consider the supplied evidence as well as they should have and not because clients provided new or additional information since the original decision was made.

**Table 6: Reason for recommending a change of decision**

Recommendation Reason	Number of Appeals
Inadequate consideration was given to the available information when the original decision was made	47
New information has been provided or additional information is available since the original decision	27
The procedure used to reach the original decision was not fair or reasonable	6
The original decision involved a poor interpretation of the housing provider's policy	19
The original decision was made contrary to the housing provider's policy	10
The original decision was based on incorrect information	11

## Appeals that did not proceed to a Hearing

From the 348 appeals that were received within the reporting period, a total of 108 were deemed 'Ineligible' and therefore did not proceed to a hearing. The most common reason for an appeal not to be heard was that an "Internal Review" was required. This refers to appeals that were received prior to the clients' social housing provider conducting their own internal review called the 'First Tier Appeal'. A HAC Second Tier Appeal can only be conducted following the completion of a First Tier Appeal. This "Internal Review Required" metric has gone up from 55% in 2019-2020 to 61.5% in 2020-2021, which indicates that the social housing providers need to provide more guidance to their clients about the appeals process.

The second most common reason for ineligible appeals is "Not an Appealable Issue". Some of the common examples of this include complaints about social housing wait times, maintenance requests, appeals received after NSW Administrative Tribunal (**NCAT**) orders were made or appeals received from non-social housing clients. There has been no substantial change in the number of non-appealable issues received in 2020-2021 when compared to the previous year.

**Table 7: Ineligible Appeals**

	Count	Percentage
<b>CLOSED - no contact</b>	3	2.5%
<b>Ineligible – Client Consent</b>	2	2%
<b>Internal Review Required</b>	66	61.5%
<b>Not an Appealable Issue</b>	27	25%
<b>Out of Timeframe</b>	5	4.5%
<b>Resolved Pre-hearing</b>	3	2.5%
<b>Withdrawn at Client Request</b>	2	2%
<b>Total</b>	<b>108</b>	<b>100%</b>

## Origin of Appeals – By Providers

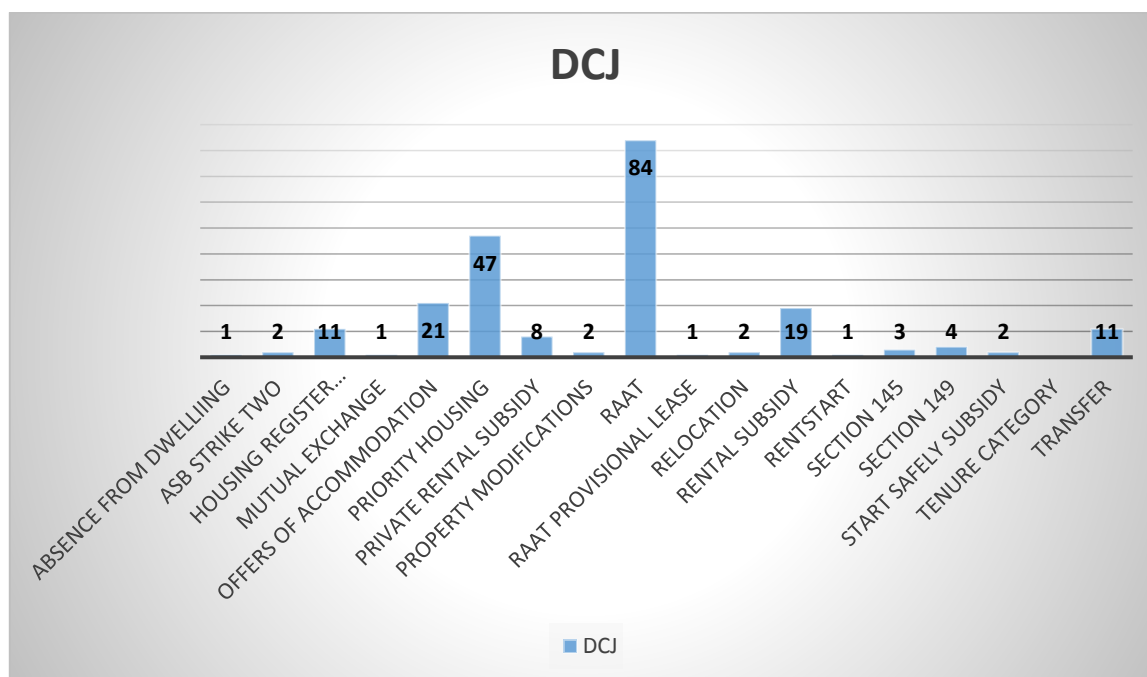
Of the 348 appeals that were received, DCJ Housing clients represented 217 (90.5%), followed by 20 (8%) from various Community Housing Providers and three (1.5%) from the DCJ Housing Contact Centre.

**Table 8: Appeal Origin**

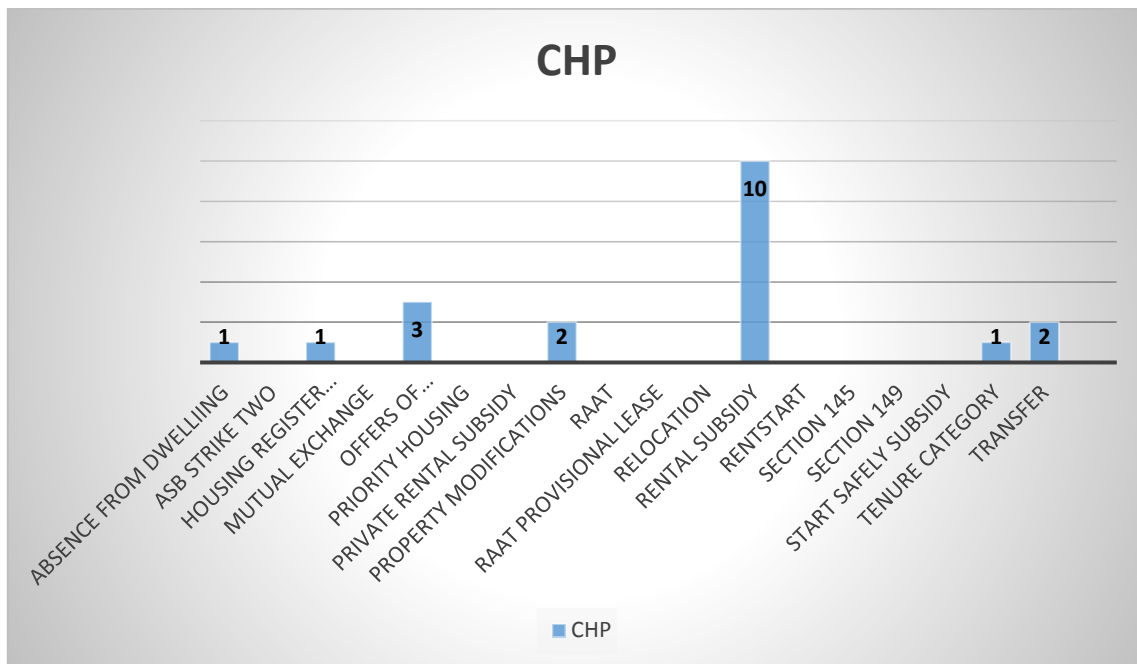
	HCC	Community Housing Providers	DCJ Housing	Total
Total	3	20	217	240
Percent	1.5	8	90.5	100%

Further analysis shows that while Recognition as a Tenant and Priority Housing are the most common appeals originating from DCJ clients, Rental Subsidy is by far the most common appeal category for Community Housing clients. The main reason behind this difference is that DCJ's local offices and the DCJ Housing Contact Centre are largely responsible for Priority Housing assessments. Additionally, Recognition as a Tenant appeals are automatically referred to HAC from DCJ offices whilst Succession of Tenancy appeals are not automatically referred from Community Housing Providers, but are nevertheless appealable.

**Table 9: Origin of Appeals - DCJ**



**Table 10: Origin of Appeals - CHP**



**Origin of Appeals - Geographical**

Metropolitan Sydney continues to be the main source of appeals received by the HAC by a large margin when compared to Regional NSW. This has grown from 72.6% in 2017-2018 to 83% in 2019-2020 and returned to 74% in this 2020-2021 year. Metropolitan Sydney will always of course have more appeals than Regional NSW due to the larger number of potential appellants.

NSW Region	Number	%
Metropolitan Sydney	177	74%
Regional NSW	60	25%
Housing Contact Centre	3	1%
<b>Total</b>	<b>240</b>	<b>100%</b>

Sydney, South Eastern Sydney and North Sydney District was the only area where there were more applications for Priority Housing (20) than Recognition as a Tenant (9). This reflects the higher homelessness population in the Sydney, South Eastern Sydney and North Sydney District than anywhere else in the state.

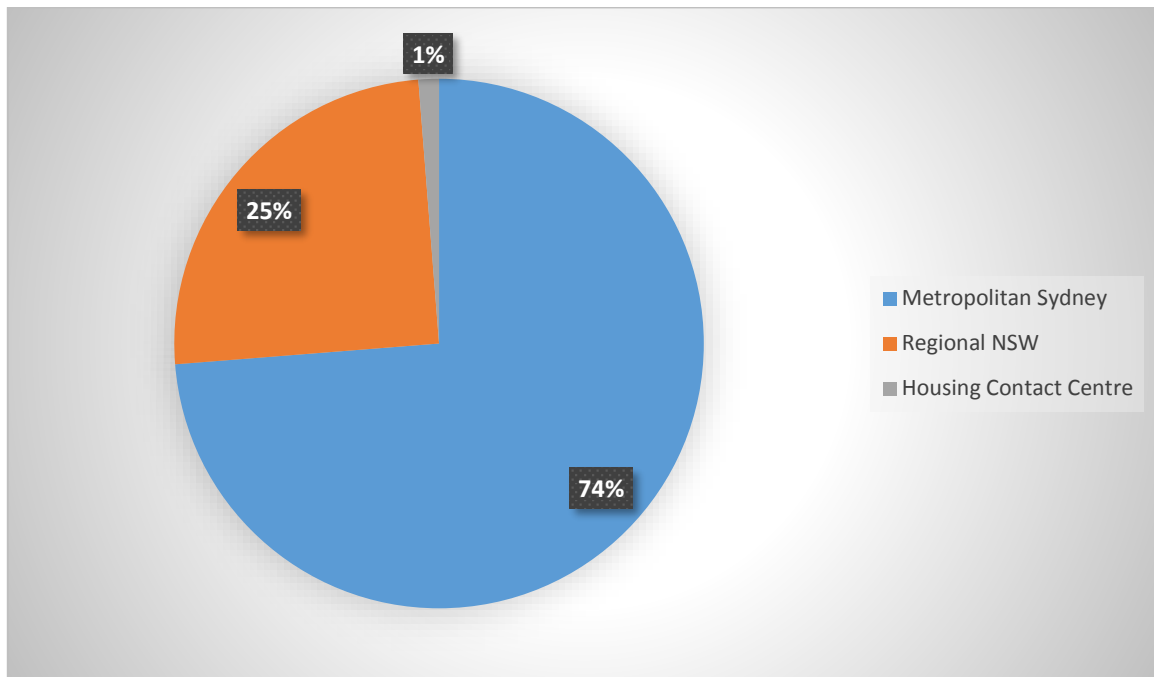
53% of all appeals heard were from South West and Western Sydney, which can be attributed to the fact that these Districts have a larger number of social housing clients.

The most common appeals heard for residents of Metropolitan Sydney were Recognition as a Tenant (62), followed by Priority Housing (40) and Offer of Accommodation appeals (20).

Within Regional NSW, the most common appeals heard were for Recognition as a Tenant (22), followed by Priority Housing (5) and Housing Register Eligibility (4).



**Table 11: Distribution of Appeals across NSW**



## Diversity

Compared to the previous year, 2020-2021 showed a 2.5% increase in the number of appeals received from Aboriginal clients and it is great to see that more of Australia's First Peoples are exercising their right to appeal through the HAC. On the other hand, it is evident that there has been a substantial drop of appeals from Culturally and Linguistically Diverse (CALD) background clients - from 46% in 2019-2020 to 35.5% in 2020-2021. This is a changing trend from many previous years where CALD clients have always submitted more appeals than clients from English-speaking backgrounds.

**Table 12: Diversity of Clients Appealing through HAC**

	Number	%
Aboriginal	30	12.5%
CALD	85	35.5%
English speaking	125	52%
<b>Total:</b>	<b>240</b>	<b>100%</b>

## Interpreters required

Among the 85 hearings from CALD appellants, 39 (46%) required language interpreter services. In total, the HAC sourced interpreter services for 21 different languages. The top two language groups required from appellants were Arabic (11) and Assyrian Neo-Aramaic (3). Next with two each were Farsi, Mandarin, Russian, Somali, Spanish, and Turkish.



## **Aboriginal Clients**

Of the 30 appeals received from Aboriginal clients, 26 were DCJ clients and 4 were from Community Housing Providers. It is noted that whilst this is a decrease from 37 appeals from Aboriginal Clients in the previous year, it is a 2.5% increase in terms of percentage of all appeals.

In terms of appeal types, the HAC received 8 Recognition as a Tenant, 8 Rental Subsidy, 7 Priority Housing, 2 Housing Register Eligibility, 1 Absence from Dwelling, 1 ASB Strike Two, 1 Mutual Exchange, 1 Offers of Accommodation and 1 Relocation appeal from Aboriginal clients. It is noted that there has been an increase in Priority Housing appeals for Aboriginal clients when compared with the previous year.

For DCJ Aboriginal clients, the HAC received 7 appeals from South Western Sydney, 6 from Western Sydney and Nepean Blue Mountains, 4 from Illawarra-Shoalhaven and Southern NSW, 4 from Hunter and Central Coast and 1 appeal from Murrumbidgee, Far West and Western NSW Districts. A small change is noted in that Western Sydney and Nepean Blue Mountains has taken over from Hunter and Central Coast when compared to the previous year.

## **CALD Clients**

Of the 85 appeals received from CALD clients, 80 came from DCJ and 5 came from Community Housing Providers.

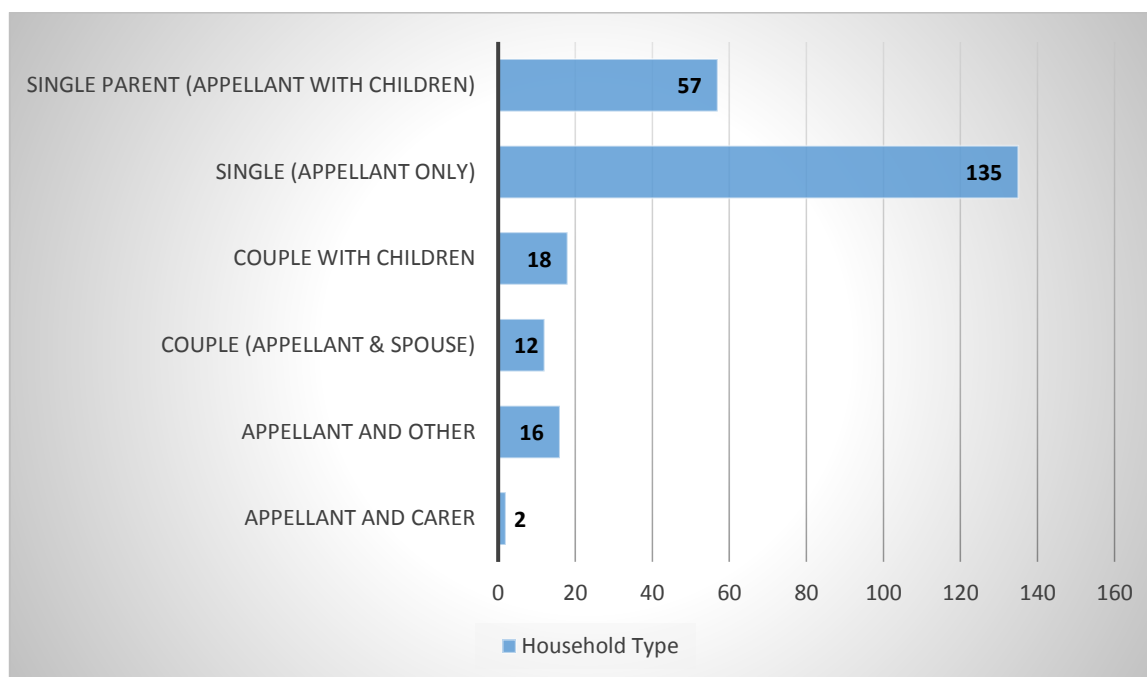
In terms of appeal types, the HAC received 25 Priority Housing, 18 Recognition as a Tenant, 15 Offers of Accommodation, 6 Rental Subsidy, 5 Transfer, 4 Private Rental Subsidy, 3 Housing Register Eligibility, 2 Property Modifications, 2 Section 145, 2 Section 149, 1 Absence from Dwelling, 1 Relocation and 1 Rentstart appeals from CALD clients.

For DCJ CALD clients, HAC received 32 appeals from South Western Sydney, 23 from Western Sydney Nepean Blue Mountains, 22 from Sydney, South Eastern Sydney and North Sydney Districts and 3 appeal from the Housing Contact Centre. It is noted that South Western Sydney took over from Sydney, South Eastern Sydney and North Sydney Districts for the largest number of CALD client appeals.

## **Appeals by Household Type**

As with the previous years, the HAC has predominately received appeals from single client households (135) followed by single appellants with children (57). This data is reflective of the fact that most social housing clients are either single low-income recipients or single parents with children.

**Table 13: Number of appeals from different household types**



### Appeals by Client Age Groups

The age of clients at appeal is represented in Table 14 below. This data shows that most appeals coming to HAC are from 36 to 55 year old clients than from any other group.

**Table 14: Appeals by Client Age**

Age Group	Total Count	Common Appeal Types
18-35	49	Recognition as a Tenant (22); Priority Housing (11); Rental Subsidy (6); Offers of Accommodation (3)
36-45	48	Recognition as a Tenant (15); Priority Housing (14); Offers of Accommodation (4)
36-55	70	Recognition as a Tenant (31); Priority Housing(10); Housing Register Eligibility (6); Offers of Accommodation (5)
56-65	45	Recognition as a Tenant (14); Transfer (7); Priority Housing (6); Rental Subsidy (5); Offers of Accommodation (5)
66 and over	28	Offers of Accommodation (7); Priority Housing (6); Rental Subsidy (4)

Please note that the above table condenses Community Housing's 'Succession of Tenancy' with DCJ's 'Recognition as a Tenant' (Recognition as a Tenant as both refer to the same process).

**Table 15: Percentage of appeals by age groups**

