

These responses are provided to the Public Accounts Committee's Inquiry into the management of public housing repairs and maintenance contracts, as requested, on behalf of the Tenants' Union of NSW and Redfern Legal Centre.

1) In your submissions, you raise concerns about the quality of work done by contractors. Family and Community Services states that the Asset Maintenance Services Contract includes a robust audit regime and monitoring mechanisms to support quality assurance. What is your opinion of this?

The Tenants' Union has recently received a briefing on the new Asset Maintenance Services Contract, and we understand it places a new focus on auditing and compliance. This is heartening, but to date we have not received any feedback from public housing tenants or Tenants' Advice and Advocacy Services other than that commencement of some repairs and maintenance work has been delayed by the transition to the new contracting scheme. It may take some time before a body of evidence regarding quality assurance, auditing and compliance processes is available.

2) What methodologies and processes could be implemented to ensure consistent social housing maintenance standards across NSW?

A dedicated escalation process should be considered, providing tenants with the opportunity to raise a matter with the Land & Housing Corporation directly, in circumstances that could result in an application to NCAT if it is not otherwise resolved. This would include where a tenant has made a request for repair in the contractor's preferred way and the request for repair has been unreasonably declined, or is not being completed in a satisfactory time and/or manner.

This should take into account the following points:

1 - Such a process treads a fine line between giving public housing tenants another option in dealing with their landlord, and creating a new and different system for public housing tenants that does not apply to others. The process by which disputes around repairs and maintenance are resolved is provided, very clearly, by the *Residential Tenancies Act* - tenants may apply to the Tribunal, the landlord may respond, and the Tribunal determines the outcome based on the evidence before it. As such an escalation process should make no attempt to present itself as a dispute resolution tool, but as an opportunity to intervene in matters where a dispute, and NCAT action, are likely outcomes.

2 - Care should be taken around process, so as not to increase a tenant's burden when seeking to have an outstanding repair or maintenance matter escalated to the Land & Housing Corporation. An option for escalation will be of limited value if it merely serves to install a new layer of work into the overall process.

3 - With the above two points in mind, such a process should be clearly and deliberately differentiated from a review or an appeal of a contractor's decision about repairs or maintenance. What is needed is a point of escalation for tenants who believe their requests for repairs are not being appropriately handled at the district level, and an opportunity for the Land and Housing Corporation to intervene where warranted.

Such intervention could be achieved by providing formal direction to the contractor, and/or providing a considered explanation to the tenant for the reason/s behind the handling of their request, and an outline of relevant repairs and maintenance plans for the future. A tenant could then make an informed decision about whether to proceed to NCAT.

We note that in other areas where FACS Housing considers decisions reviewable they are based on their own tenancy management policies, rather than legal obligations that apply to all landlords in NSW.

3) The Tenants' Union's submission recommends that the Land and Housing Corporation has a central point of escalation to directly raise concerns regarding repairs. What is your opinion of the complaints process managed by the Family and Community Services Housing Contact Centre?

The complaints process may be an effective point of entry for a tenant seeking to escalate a matter, but feedback from Tenants' Advice and Advocacy Services suggests the process itself may not be enough to resolve some complaints. For instance, Redfern Legal Centre has heard of instances where a complaint has been made about a staff member that is responded to at first instance by the staff member complained about.

Redfern Legal Centre has also seen examples of fairly serious complaints being found to be unsubstantiated within a very short period of time, which raises concerns about the level of rigour that is applied during the complaint handling process. Clearly, it is desirable to have complaints investigated and concluded promptly, but this should not be to the detriment of proper consideration or investigation of the matters raised in the complaint.

Please refer to our response to question 2 for further remarks about this recommendation.

4) The Redfern Legal Centre's submission states tenants face difficulties in getting Housing NSW to recognise and priorities the need for repairs. Does the new Asset Management Services Contract address these difficulties?

Redfern Legal Centre does not have access to the new Asset Maintenance Services Contract, however we understand the Land and Housing Corporation's contractors

will now take requests for repairs from tenants directly.

A great deal will rely on how the contractors seek to fulfill this role - in particular the skills and knowledge of staff taking calls from tenants, handling requests for repairs and raising works orders.

Since the new contract began Redfern Legal Centre has had a case where the Land and Housing Corporation advised us that certain works had been completed, while our client instructs us that no work has been completed.

We remained concerned about the ability of contractors' staff to effectively communicate with tenants who have complex needs and the level of accountability to which those staff will be held. It is for these reasons that we recommended that contractors be required to undertake cultural safety training, CALD cultural awareness training and mental health training.

5) The Tenants' Union's submission recommends that Client Service Officers be allowed to raise maintenance work orders and liaise with contractors. Why do you make that recommendation?

Client Service Officers are well placed to investigate the need for repairs and maintenance within the tenancies they manage, make recommendations to the Land and Housing Corporation and/or its contractors as to the urgency of a necessary repair, and liaise with tenants and the Land and Housing Corporation as to the progress of any work orders raised.

We understand Client Service Officers already have this delegation, but this does not seem to be universally understood or reflected in practise.

6) The Tenants' Union's submission suggests that the Land and Housing Corporation's asset management strategy has been to focus on scheduled maintenance and upgrades at the expense of responsive repairs, as both drew from the same pool of inadequate funding. What are your thoughts on the new system which has a lump sum model for the delivery of responsive work and a separate model for programmed work?

As we understand it, planned maintenance and responsive repairs have been separately budgeted for many years. The problem we have described in our submission arises because the budgets are not adequate. The Land and Housing Corporation knows that priority must be given to responsive repairs, but often tries to defer or even avoid them so as not to exceed their budget. When they do go over budget, they must draw on money set aside for planned maintenance to fulfil their responsive repair obligations, in which case they are unable to meet their planned maintenance objectives for the budgeted period. In properties that are not being properly maintained, the likelihood that tenants will require responsive

repairs is increased.

7) The submission of the NSW Federation of Housing Associations argues for title transfer of properties to community housing organisations. Could you comment on this? Could you comment on the impact of title transfer in terms of property maintenance?

It is difficult to measure the specific impact of title transfers from the Land and Housing Corporation to community housing landlords, as there is not a lot of transparency around how and when title transfers have occurred. We understand many of the properties built under the Nation Building Economic Stimulus plan (between 2009 & 2011) were transferred along with title to community housing landlords, but for much of the older stock that has been transferred, through other programs, title has remained with the Land and Housing Corporation. However, there does not appear to be a public record of title transfers and there does not appear to be a great deal of awareness among tenants in community housing as to who holds title to their property.

Feedback from Tenants Advice and Advocacy Services suggests tenants of community housing landlords do tend to have fewer difficulties in getting repairs and maintenance seen to, but this is not the universal experience. It is difficult to know whether this is the result of more effective processes, or if it is a matter of scale.

In Redfern Legal Centre's geographical area, the properties that are managed by community housing providers have generally been built more recently than most of the properties managed by FACS Housing. Newer properties are likely to be easier to maintain and to require fewer repairs. This goes to explaining why the public housing tenants in our area have more difficulties getting repairs and maintenance done than community housing tenants in our area.

In any case, there are other options for ensuring the Land and Housing Corporation's portfolio is properly maintained that need to be explored before we can recommend wholesale transfers of title to the community housing sector.

8) What recommendations could this committee make to improve the management of housing maintenance contacts in NSW?

We reiterate our recommendations as follows:

1. Commit to adequate funding for repairs and maintenance of the portfolio.
2. Ensure that budgets and schedules for planned maintenance are flexible so as to accommodate responsive repairs as required, so that tenants do not feel discouraged from notifying the Land and Housing Corporation of the need for repairs.

3. Consider the roles played by both the Land and Housing Corporation and FACS Housing in delivering repairs and maintenance outcomes for tenants, and the associated costs, and how these could be appropriately and effectively reintegrated.
4. Provide a central point of escalation so that disputes around repairs and maintenance can be investigated and relevant responses considered by the Land and Housing Corporation outside of the Tribunal, where possible.
5. Ensure contractors attend to structural causes of repairs and maintenance issues, as well as any symptoms.
6. Repeal section 156B of the *Residential Tenancies Act 2010*
7. Ensure that quality assurance, auditing and compliance with required standards of contractors work is properly seen to
8. Require contractors' staff to undertake cultural safety training and mental health first aid training, and adhere to a published code of conduct.
9. The roles of law and policy should be considered in relation to property modification needs of tenants in social housing.

To this we would add that a wholesale review of the Land and Housing Corporation's new repairs and maintenance arrangements should occur within 24 months. Such a review should take into account the experience of tenants and Tenants' Advice and Advocacy Services, as well as relevant Tribunal applications, hearings and outcomes.