

**10 June 2021**

Dear Public Accounts Committee Members,

Thank you for the opportunity to provide evidence, alongside representatives from the Public Interest Advocacy Centre at the Inquiry hearing on 10/05/2021 for the Follow-up Review of the Management of NSW Public Housing Maintenance Contracts.

The Tenants' Union of NSW would like to provide the following information for questions on notice from the hearing.

### Questions on notice

Question from Ryan PARKS:

**What sort of percentage is around mould and the problems of mould and vermin?**

Over 2016-2020 of calls to the Tenants Advice and Advocacy Services, 11% of all public housing and 6.3% of community housing calls were concerning either mould or vermin. In the private sector the percentage was 5.4%. However, public and community housing tenants are unlikely to call for issues such as bond claims or market rent increases. For repairs cases only, public housing tenants raised mould or vermin issues in 34% of repairs cases, community housing in 27% and private tenants in 24% of cases.

Question from Chair, Greg PIPER:

**How many people would the Tenants' Union assist with NCAT? I will just broaden the question. We all know that there is a range of capacities amongst public housing tenants. Some are perfectly capable of mounting a very good argument for themselves and getting through the system or representation in the system. Others I imagine would even probably struggle to reach out to the Tenants' Union. Could you just talk to the difficulties of engagement to provide that advocacy and how many would you generally advocate for in a given year perhaps?**

Tenants are much more likely to achieve a successful outcome to their request for repairs if they are assisted by an advocate. The Tenants Advice and Advocacy Services over 2016-2020 provided advocacy services in repairs cases for 52% of public housing and 54% of

community housing, compared to 34% of all other housing types. Advocacy services are a range of activities from preparing documentation, negotiating with the provider informally, to formal representation at NCAT. Of repairs cases with advocacy services, NCAT representation was provided in 19% of public housing, 17% of community housing and 10% of private market.

Advocates assisting tenants with repairs and maintenance issues often find that though repairs should be a straightforward matter, they sink in significant time and resources into finding a good resolution for public housing tenants, that is - having required repairs completed, and possibly compensation or rent reduction negotiated or ordered at Tribunal. As we noted in our submission it is concerning that some of the many tenants who do not have assistance or support from an advocate or an external support worker will not obtain the repairs and maintenance they need and are entitled to in a timely manner. This impacts their health and wellbeing.

**10 June 2021**

Dear Public Accounts Committee Members,

Thank you for the opportunity to provide evidence, alongside representatives from the Public Interest Advocacy Centre at the Inquiry hearing on 10/05/2021 for the Follow-up Review of the Management of NSW Public Housing Maintenance Contracts.

The Tenants' Union of NSW would like to provide the following information as further clarification of an issue raised during the hearing.

### **Further clarification regarding cultural competency training**

We would like to provide further clarification for a question from Minister Tanya Davies during the hearing. At the hearing the Tenants' Union of NSW representative may have misunderstood the question. Information provided below hopefully provides a more useful answer than that given at the hearing.

Tanya DAVIES: I was interested in what you mentioned about ensuring that public housing staff contractors, sub-contractors, et cetera, had comprehensive cultural competency training. Can you just elaborate further on what you mean by cultural competency training?

In our joint submission with PIAC we identified the need for more comprehensive cultural competency training for public housing staff, contractors and sub-contractors to ensure that repairs and maintenance processes are suitable and culturally safe for the Aboriginal and Torres Strait Islander people to whom they are provided. Cultural competency training developed and provided to workers would helpfully outline:

- the diversity and range of different cultures and cultural practice of tenants in the local area, highlighting the ways in which people may make different choices based on culture
- the importance of recognising diversity within cultures, as well as between cultures
- the need to identify useful and culturally appropriate strategies for working with people from diverse cultural backgrounds
- the impact of history for Aboriginal communities, and how this may affect people's engagement with services and possibly workers

- a basic understanding of contemporary cultural practice and protocols for Aboriginal communities, particularly those in the local area
- the importance of recognising diversity, and accepting and accommodating cultural differences especially in terms of potential needs of particular communities and impact on service planning, delivery and evaluation

A few examples are provided below regarding how it can and does go wrong when NSW LAHC maintenance contractors are not culturally competent:

- **Discrimination:** Some tenants have reported discrimination by contractors on the basis of tenants' Aboriginality. Such perceptions and behaviours can lead to detrimental outcomes, for example: contractors end up not completing the work. Cultural competency training in providing some context - for example in relation to cultural practise re family organisation and living arrangements - may breakdown some of the stereotyping and racist behaviour towards tenants.
- **Negative interactions:** A lack of cultural awareness can lead to negative interactions between tenants and contractors which has previously resulted in NSW LAHC or AHO taking termination or other disciplinary action against tenants. For example, the Tenants' Union NSW recently provided assistance to an Aboriginal tenant who faced termination action under sections 90(1)(b) and 92(1) of the *Residential Tenancies Act 2010* following an interaction with a maintenance contractor that involved racist remarks made by the contractor. It should also be noted that the strict eligibility criteria for public housing generally, inevitably means that many tenants in public housing have complex needs, complex disabilities. Workers from NSW LAHC or contracted by LAHC need to understand this in order to provide appropriate services. For example, tenants with mental health issues may require a support person to be present when contractors attend.
- **Access to premises:** NSW LAHC or AHO making a Tribunal application against the tenant for access to the premises because the tenant was not home to let contractors in. This sometimes happens despite tenants providing a cultural reason for being away from the property e.g. for sorry business, or in a small town there could be significant cultural events that result in tenants not being home e.g. NAIDOC, Sorry Day - NSWLAHC should be aware of these significant dates, and contractors should be mindful about what's generally happening in the community before attending the property. Another problem in relation to access is that contractors will not always provide identification upon request. This is problematic especially for some Aboriginal tenants who tend not to trust mainstream services as a result of the disadvantage and trauma they and their families have faced.

In addition, as we have in our earlier submission, we would also highlight the importance of engaging local Aboriginal owned, controlled and staffed businesses to undertake maintenance work. Aboriginal tenants are often less intimidated when engaging with an Aboriginal rather than non-Aboriginal contractor.