

**INQUIRY INTO SOCIAL, PUBLIC AND AFFORDABLE  
HOUSING**

**Name:** Mr David Cunningham JP

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**DAVID CUNNINGHAM JP – INDIVIDUAL SUBMISSION  
NSW PARLIAMENTARY INQUIRY INTO SOCIAL, PUBLIC AND AFFORDABLE HOUSING**

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The Director  
Select Committee on Social, Public and Affordable Housing  
NSW Legislative Council  
Parliament House  
Macquarie Street,  
SYDNEY NSW 2000

19/2/2014

Dear Committee Members,

I write to lodge this individual submission and accompanying document as a part of your current self-referred inquiry into social, public and affordable housing in my capacities as a former company director, voluntary private advocate and person with disabilities.

From the outset, in this submission I do not propose to go in great depth into the present crisis situation that exists for our housing system and service sector nor do I intend to bombard you all with statistics and graphs.

Instead what I propose to do, after much self-deliberating is to submit my preferred strategy for moving forward in the area of the provision of quality housing services for those in most need and make a number of suggestions for reform which can and should be advanced.

I strongly assert and respectfully submit to you that housing the vulnerable and most needy is a duty and together with associated human rights implications an obligation in Australian society and should therefore be provided for the common good not only by Government but also by Not For Profit Organisations.

**Addressing the possible future threat of Privatisation**

Clearly any form of potential privatisation is simply not the answer. Privatisation can only lead to higher rental returns being imposed on tenants. The interim shortfall for the majority of tenants as at present would be made up by Centrelink and therefore the Government.

Increased pressure from investors looking for better dividends especially in view of rising land values particularly in Sydney would again result in higher rentals being required. This in turn would lead to greater support for tenants from Centrelink.

Once the ceiling for support has been met and rental requirements are impossible to meet, tenants would be evicted. The numbers of homeless people/families would correspondingly dramatically increase leading to greater problems in society and more Government support and expenditure.

The possibility arises that houses now vacant would because of high rental return requirements be demolished to make way for private building works to be sold to the public at profit for the original investors. Privatisation would merely exacerbate the problem. It would in no way provide a financial viable long term solution.

### **The NSW Housing Act 2001**

I submit that this Act requires radical amendment if it is to meet the ever changing social status and structure of modern society. This piece of amended and re-introduced legislation should be better able to properly reflect the actual reality of the current state housing structures, system and services sector.

### **SPECIFIC REFORM RECOMMENDATIONS**

#### **1. Portfolio Minister for Housing**

There is a critical need for the State Government to move to urgently re-appoint a Minister or Minister Assisting with responsibility for administering the Housing portfolio given its gravity in structure, service system, finances, land and property assets, public importance and community impact.

#### **2. IDAG - Interdepartmental Action Group**

I propose the establishment of an operational body with senior executive representation from the departments of premier and cabinet, family and community services-housing NSW and planning and infrastructure responsible for state-wide action in making considered and well informed decisions on appropriate land acquisition. environmental suitability and impact, project development and future needs projection in relation to housing provision. The resulting dialogue and proposals would give all departments an awareness and share of the decision making process – Please see the attached structure table.

### **3. Housing NSW**

At present Housing NSW has three official functionary roles;-

- A. Funder of Housing
- B. Contract Manager for the Community Housing Sector
- C. Public Housing provider – Landlord

I propose that if Housing NSW wishes to remain the public provider then urgent clarification of its role is required on the basis of continued conflict of interest. Within their roles of funder and provider, Housing NSW places the continued viability and independence of the Tenants Advice and Advocacy Service and Housing Appeals Committee at risk.

#### **Client and Staff Relations**

In order to achieve better performance and quality service an analysis of the problems creating most concern from both tenants and staff is urgently required. The result of such an undertaking would determine client and staff priorities and issues of concern.

The need for a staff support scheme would benefit their skill in handling clients' problems and would enable them to promote a better quality service.

The establishment of a counselling service for staff may in some way stop the high turn-over of front line staff.

An education or training programme in the handling of client complaints and compliments would also contribute to staff confidence.

An on-call group of maintenance workers for such jobs as plumbing, glazing, infestation control, electrical work is necessary for on-going good public relations. Any good estate agency would have access to such a group and Housing NSW in its role as landlord must also provide this service.

The knowledge that tenants complaints of this nature would be addressed immediately would give staff confidence in the system and the opportunity of providing a better quality service.

### **Professional Opinion**

In order to repair, stabilise and develop itself, I respectfully submit that Housing NSW needs to immediately action the following;-

- a) Introduce and establish a best business practice operating model that emphasises and promotes a culture of confidence and competence amongst staff with appropriate incentives and related Key Performance Indicators- KPIs.
- b) Comply with the spirit and clauses of the Residential Tenancies Act as they relate directly to the agency being the Estate Agent serving on behalf of the people and taxpayers of New South Wales being the landlord represented by the Crown and our elected Government.
- c) Decide if this public service agency is going to retain its operational function as a public housing provider along with its functions of funder and contract manager of the community and social housing sectors.
- d) Decide to divest itself from direct administrative support of the Registrar of Community Housing Providers, Housing Appeals Committee and the Tenants Advice and Advocacy Service to avoid any future perception of conflict of interest occurring .
- e) Detail more comprehensively the issues that cause compliments and complaints to be lodged and explain more concisely the reason behind the high turn-over of front line staff.
- f) Properly assert itself as being the states lead public service agency for housing services and commit itself to having an ongoing desire for continuous quality improvement being customer driven and using best business practice.
- g) Critically review, enhance and promote the housing eligibility criteria and tenants' rights and responsibilities documents to ensure the proper suitability of potential housing applicants.

#### **4. Tenants Advice and Advocacy Service**

This organisation is funded by Housing NSW who is the public provider of housing. This being the case the quality of service depends entirely on the continuation of funding received from Housing NSW. As a landlord Housing NSW cannot be both provider of properties for tenants to rent and funder of the very service that represents these tenants.



To alleviate this conflict of interest and to enhance the organisation's independence and reputation, I propose that this service i.e. Tenants Advice and Advocacy Service be transferred across to NSW Attorney-General and Justice.

Interestingly enough, part of Attorney General and Justice's mandate and mission is to create a just and fair society in New South Wales. Housing NSW has no such written mandate.

#### **5. NSW Land and Housing Corporation**

In 2011 the separation of Housing NSW and NSW Land and Housing Corporation occurred under the O'Farrell Coalition Government. This was achieved through ministerial arrangements with no legislative or instrument to support separation. In order to facilitate the creation of a statutory corporation independent of any department or agency a whole new Act was required. This did not happen.

Because of its very nature Land and Housing Corporation should be transferred across from FACS - Family and Community Services to Planning and Infrastructure. Consequently it would become an agency or division of NSW Planning and Infrastructure and would no longer be a statutory corporation.

Subsequently Planning and Infrastructure with its new Land and Housing Agency with responsibility for asset management and financial operations pertaining to same would then establish a memorandum of understanding through the Interdepartmental Action Group with Housing NSW to lease their asset portfolio.

Proposals for a new legislative framework would include the integration of Land and Housing statutory functions with the NSW Planning and Infrastructure legislation that is currently being considered by Parliament.

Within the Interdepartmental Action Group, Not for Profit Organizations would be accountable to Housing NSW as their funder and contractor.

As Housing NSW already sit on the Interdepartmental Action Group so Land and Housing can communicate to Housing NSW which stock they wish to divest. Housing NSW acting on this information can then identify suitable Not for Profit Organisations to submit their tender for the contract. This can then be transferred from Land and Housing through Housing NSW to the winning provider.

## **6. Housing Appeals Committee**

I believe this Committee has had varied success since its inception however despite this it would be far better positioned inside the remit of the NSW Civil & Administrative Tribunal. In transferring this body's functions i.e. Housing Appeals Committee, its staff and role would be acquired by the newly established tribunal. Consequently the entity known as the Housing Appeals Committee would no longer exist.

In concluding this submission, I'd like to take this opportunity to commend my specific reform recommendations to you as I strongly believe that if actioned upon in full without delay we the people and taxpayers of NSW would see a far greater state housing structure, system and services sector than what we can say we have at present.

I assert that what's needed right now is the ability to think strategically having a corporate view on the issues before our state but never forgetting the client focus that lies at the heart of our want for a second-to-none housing system and services sector.

Finally, for your information and reference purposes, please find enclosed with this individual submission an accompanying document as I advise you of my request to be called to provide oral evidence to the Committee and give my permission to have my submission and attachments published in due course.

I once again commend my individual submission to you, extend sincere thanks in advance and look forward to receiving your response to my request to give oral evidence.

Yours sincerely,

**DAVID CUNNINGHAM JP.**

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**NSW HOUSING SERVICE SECTOR – NEW STRUCTURE TABLE**

