

**Submission
No 24**

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

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Submission to the

**Legislative Council Select Committee on Social, Public
and Affordable Housing**

**Inquiry into social, public and affordable
housing**

From Ross Smith

For publication along with the other papers and material arising from the inquiry.

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Preamble

The structure of the bureaucracy delivering the Objects of the New South Wales Housing Bill of 2001 underwent a major reorganisation as a result of the change of government arising from the NSW Elections of 2011.

The previous model had two arms, the New South Wales Lands and Housing Corporation and the NSW Department of Housing [Housing NSW]. The corporation was the property owner and Housing NSW was the property administrator. Both arms were under the control/administration of a single Senior Executive administration system with a common Chief Executive reporting to a single Minister.

The new model had a third arm, the Department of Financial Services, and was subject to two Ministers. Housing NSW was also brought under the umbrella of the Family and Community Services cluster grouping.

This model is of a fluid nature with components being moved from Ministry to Ministry and the resultant relationship changes influenced by such moves. Each move has an impact on the bureaucracy and the operational guidelines/policies it is subject to.

These impacts flow through to those dealing with the bureaucracy charged to deliver the Objects of the 2001 Housing Bill and the manner in which those dealings are conducted.

Previously one had to deal with a structure that had two clearly defined roles/areas of responsibility – property owner and property administrator. Now there is a third role – that of financial controller – added. The new structure is further complicated by being under the control of two Ministers and thus subjected to two different portfolio strategies.

The new model has added an unexpected degree of complexity in responding to the Legislative Council Select Committee on Social, Public and Affordable Housing's Inquiry into social, public and affordable housing, especially the Public Housing component.

To attribute responsibility for/comment on a particular outcome/situation one needs to know the applicable chain of accountability and relevant operational policies/guidelines in place at that particular point in time. Under the new model this is a herculean task bordering on the impossible due to the almost constant state of flux the model exists in.

In writing this submission a decision was made to avoid, unless absolutely, necessary detailed designation of responsibility for actions/decisions with a view to enabling an uncluttered focus on the history and purpose of Social, Public and Affordable Housing, outcomes of same, and matters relevant to the theme of the Inquiry.

In regards to the Affordable Housing component of the Inquiry the very word 'Affordable' is a conundrum and clouds the concept. The affordability is defined as a percentage of the market rents for the area the housing is located in. The income/wages of the intended tenant has no relationship, direct or otherwise, to the rent asked. The ability of the Affordable Housing concept to ensure that low income key workers can live close to their place of employment to enhance/create delivery of services to the residents of that area is not certain under the concept as it exists at present. The sole clearly defined components of the Affordable Housing concept are the planning and taxation concessions granted to the developer and owner of the housing stock and the duration of those concessions. Accordingly a decision was made to not include comment on the Affordable Housing component of the Inquiry in this submission.

Economic benefits of Public Housing

Residential property has become a speculative commodity, increasingly so over the last two decades. This has had the effect of driving the price of housing, both owner-occupied and rental, to historic highs with associated personal economic stress. In turn this has increased the demand for lower priced housing, with a flow-on effect onto demand in the public housing sector.

The government has the capacity to step in and cause the market to revert to its true purpose, the provision of homes, not the supply of a commodity for speculation, through a variety of mechanisms. If the government had the courage and foresight to do so people would be able to access the housing system at a price that they could afford, be able to have a home, and become productive members of the community.

There is nothing inherently wrong in the government building and owning affordable housing stock, for both owner occupied and rental purposes, so that people can have homes, regardless of their individual socio-economic status. The prime function of government is to act in the interests of the broader electorate, not just those of any particular subset.

There are very strong economic arguments supporting the supply of secure long term homes to all the people of a country. Indeed it has been shown in many countries that it is substantially cheaper for the state to have people living in homes than being homeless.

When people are living in homes the demand on other pieces of infrastructure such as hospitals, prisons, institutions, and health services are reduced.

The education infrastructure can produce more people with a higher level of education which reduces the future demands on the welfare system, as well as improving the quality of life for the individual community member.

Homes are just as viable and important pieces of infrastructure as are hospitals, schools, universities, environmental programs, scientific research and other public services such as roads, water, energy and transport supply. Hopefully the government will embrace this fact and act accordingly.

Cheaper to house the homeless: International experts at Sydney forum

08 Apr 09 @ 10:00am by Kim Shaw

'...no one says I want to be homeless' - Philip Mangano

Offering homes to the homeless is cheaper than the revolving door of prison, rehab, or hospital, international experts told a Sydney forum on Thursday.

These days, the argument most likely to elicit political support was an economic argument, director of the US Interagency Council on Homelessness, Philip Mangano, said.

Data from 65 cities in the US proved that providing housing for people suffering from chronic homelessness was cheaper than ad-hoc services, Mr Mangano said.

He dismissed the argument that some people made a “life choice” to live on the streets.

“When people are asked what they want to be when they grow up, no one says ‘I want to be homeless’,” he said.

Formerly homeless people were often good tenants, Rosanne Haggerty of New York’s Common Ground said.

“Chronically homeless people score better on tenancy surveys than many actors and musicians,” Ms Haggerty said.

Common Ground is an organisation that housed homeless people in buildings with low-income workers and support services such as health care and counselling, Ms Haggerty said.

It has proved highly successful in ending chronic homelessness and was beginning projects in Australia.

Closer to home, workers from St Vincent's Mental Health said the separation of services such as health and housing was a hindrance to solving homelessness.

City of Sydney councillor Marcelle Hoff said many people suffered "compassion fatigue" but that economic arguments could raise a reaction. "It is cheaper to end homelessness than continuing to serve it," Cr Hoff said.

Kim Shaw

<http://sydney-central.whereilive.com.au/news/story/cheaper-to-house-the-homeless-international-experts-at-sydney-forum/>

Poor priced out of Sydney Rental Market

Monday, April 29th, 2013

By Rachel Browne

The Border Mail

Less than 1 per cent of private rental properties in Sydney are affordable for people on low incomes or social security benefits, according to research from a leading welfare group.

Anglicare Sydney analysed the cost of 12,880 properties for rent in greater Sydney this month and found only 23 were affordable for people on welfare benefits.

Those on low incomes did not fare much better with only 208 properties affordable and suitable for families with both adults earning the minimum wage.

Only 34 properties were affordable for singles on the minimum wage and only five for single parents earning the minimum wage.

Anglicare Sydney chief executive Grant Millard said the research showed low income earners had been priced out of the private rental market in Sydney.

"Anglicare Sydney is concerned that low-income households are becoming increasingly marginalised and excluded from opportunities for a better and more secure future," he said.

The Rental Affordability Snapshot, released on Monday, showed there were no affordable properties for single people on the Newstart allowance and only two affordable properties for couples on Newstart with children.

Other groups on welfare benefits had severely limited options with nothing affordable for single people on the youth allowance, two properties for people on the disability support pension, two properties for single parents on the parenting payment and five for singles on the age pension. The report defined affordable properties as those costing 30 per cent or less of the household's income.

Mr Millard said Sydney's high rents had forced many low earners into rental stress, where they were paying 45 per cent or more of their income on accommodation. "It's a very depressing scenario for low-income earners and those living on government support," he said.

"If they are waiting for social housing, they have an awfully long wait and in that time they could either be on the brink of homelessness or end up experiencing homelessness."

Demand for public housing is high with data from Housing NSW showing a two-year wait for any properties in Sydney and a five-year wait for homes in central Sydney.

The National Housing Supply Council's Housing Supply and Affordability Key Indicators report found NSW had an estimated shortfall of 89,000 dwellings. It also found NSW had the highest proportion of low-income households under rental stress, with almost two-thirds spending 30 per cent or more of income on rent and a quarter spending half their income or more on rent.

The Anglicare report recommends the state government address the waiting period for public housing and establish a pilot scheme of affordable home loans for eligible people.

Family and Community Services Minister Pru Goward said she was working hard to make the social housing system as fair and transparent as possible.

<http://www.bordermail.com.au/story/1463304/poor-priced-out-of-sydney-rental-market/?cs=12>

George W. Bush's guru here to tackle homelessness

Lauren Wilson | *May 14, 2008*

GEORGE W. Bush's "homeless tsar" arrived in Australia yesterday, where he will spend the next two weeks consulting politicians and experts on ways to fight homelessness.

Kevin Rudd announced last month that tackling the problem of homelessness was a priority to prevent the emergence of "two Australias".

Now Philip Mangano, executive director of the US Interagency Council on Homelessness, is here to tell the Government how to go about it.

Named as one of Time magazine's 100 most influential people in 2006, Mr Mangano has developed a reputation for his unorthodox approach to tackling the homelessness issue.

The US guru's strategy is based on examining the problem through a business lens, rather than as a social justice issue. "If good intentions and well-meaning programs could end homelessness, it would have been history years ago," he told The Australian yesterday.

Mr Mangano said more than 65 studies in the US all showed it was more cost-effective to house the homeless rather than allow them to circulate through shelters, hospital emergency rooms, courts and jails.

"If our intention is to provide job security for all those people who work in homeless programs, we're doing a perfect job." he said. "But if our intention is to bring an end to the human tragedy of homelessness, then the business approach is absolutely necessary."

Mr Mangano said we should take a business approach to homelessness and encourage cities to adopt 10-year programs to get people into housing.

Research for the Bush administration's Interagency Council on Homelessness had shown it was up to \$US100,000 (\$106,000) cheaper per person per annum to provide homeless people with a place to live and the social services to support their tenancies than to "manage" them in the system, he said.

Mr Mangano met Mr Rudd's wife, Therese Rein, when she accompanied the Prime Minister to Washington this year. He said yesterday he enjoyed a "very robust conversation" with Ms Rein, and hoped to speak to her again during his tour of Australia.

He will also meet Tony Nicholson, head of the Brotherhood of St Laurence, who was chosen by Mr Rudd to chair a national study on homelessness.

<http://www.theaustralian.news.com.au/story/0,25197,23695381-2702,00.html>

The cost of homelessness and the net cost of homelessness programs - a national study

This Australian Housing Research Institute project explored the effect homelessness programs have on the potential to yield substantial cost savings particularly in health and justice service areas and the use of social welfare services.

It found that Governments experienced fiscal benefits from these programs. The reduction in average non-homelessness costs in the first year after receiving support was \$3685 per client.

<http://www.ahuri.edu.au/publications/projects/p82014>

See Attachment 11 for further details.

History of Public Housing

Public Housing history in Australia

The popular view is that the golden age in public housing was the period from 1945 to 1956, during which time the first Commonwealth State Housing Agreement (CSHA) is said to have laid the foundation for a large scale, viable public housing system. A succession of CSHAs since that time are said to have crippled the history of public housing in this country, with the emphasis of housing policy being shifted toward support for home ownership. The long term history of public housing in Australia is one in which successive Governments have at best been reluctant landlords, and the period from 1945 to 1956 is best understood as a partial exception to this general trend.

<http://www.informaworld.com/smpp/content~db=all~content=a792936001>

The Rise and Fall of Public Housing in Australia

At the State of Australian Cities National Conference 2012 the paper presented by Professor Patrick Troy made the following points in relation to Public Housing in Australia:-

Commonwealth Government engagement in housing was very limited until the war of 1939-45 when the conditions were ripe for its leadership. Reviewing the nation's social security system, Parliament concluded that housing was important in achieving a fairer society.

The Commonwealth Housing Commission (CHC) in the letter of transmittal accompanying its final report said: We consider that a **dwelling of good standard and equipment is not only the need but the right of every citizen** – whether the dwelling is to be rented or purchased, no

tenant or purchaser should be exploited for excessive profit (Emphasis in original) CHC 25
August 1944)

The CHC statement summarised the aspirations that had energised housing reformers as they responded to the privations of the previous half century. The Commonwealth's development of a public housing program was seen as a way of giving effect to the CHC's assertion.

This paper charts the departure from that lofty ambition since 1945 revealed as a series of episodes around the periodic Commonwealth State Housing Agreements (CSHAs) from 1945 to 2000.

Slum clearance and rehousing the displaced population was another important subject during the late Depression years. The identification of flats, terraces, and tenements, particularly in the inner city, as slums irrespective of how sound they were as housing stock was as much a moral judgment as a functional one. The claim that overcrowding in the slums would lead inevitably to alcoholism, crime and indecency, suggested that "morality is a question of square feet" (Sperritt 1974:65).

The Commonwealth proposed to create a public housing program under which households would be able to rent housing from a State housing authority as a matter of choice but low income households were expected to be a significant proportion of tenants. The original CSHA provided for the sale of houses although that the proportion would initially be very low.

CONCLUSION

The 'housing problem' that had manifested itself during the 1930s and 1940s was evident in all Australian States to varying degree. It had become clear to influential political and social leaders that the only way to resolve the problem was to develop a national approach. The creation of the CHC in 1943 to advise the Commonwealth, and through it the States, on the nature of demand for

accommodation and how it should be met was the first step in charting a comprehensive policy and program for the housing of the population. The Commonwealth was not setting out to replace private ownership of dwellings but wanted to provide security of tenure and choice to those who did not want or who could not afford to own a dwelling.

The Commonwealth increasingly came to dominate the States after 1950 as the relative economic power between it and the States shifted. Housing was one area where the Commonwealth could assert its will. It had no real competition in the field of owner occupied housing and it could ignore complaints from the States about their difficulties trying to cope with urbanisation and the consequent housing problems including as a result of the high level of migration. Policy directed at increasing owner occupation shifted the focus from the States to the Commonwealth which could claim that it was responsible for ensuring that an increasing proportion of households attained 'a home of their own'.

http://soac.fbe.unsw.edu.au/2011/papers/SOAC2011_0073_final.pdf

Public Housing history in NSW

An outbreak of bubonic plague in Sydney in the early twentieth century is often cited as the motivation for the NSW government's first foray into housing policy (Pettigrew 2005: 18).

The NSW parliament's 1912 *Housing Act* established the NSW Housing Board ('the Board') as a precursor to the 1941 NSW Housing Commission. The Board developed the Daceyville housing estate in Sydney's eastern suburbs in the 1910s (Pettigrew 2005: 8).

Jones (1972) argues that three conceptions of social housing were predominant in NSW up to 1945: social housing as a reward for deserving families who could not afford home ownership;

social housing as a tool for the alleviation of poverty; and social housing as a temporary necessity to overcome a housing 'shortage' caused by depression and war (Jones 1972 cited in Pettigrew 2005: 30).

The introduction of housing policy initiatives in NSW during the Second World War is claimed by Pettigrew to be 'the first attempt in Australia at comprehensive public housing policy making' (2005: 15). The NSW Housing Commission was established in 1941. Pettigrew contends that the main motivations for social housing development over this period were a shortage of accommodation, the poor quality of low priced rental housing, and population growth post-1945 (2005: 17).

With the introduction of the first Commonwealth State Housing Agreement (CSHA) in the 1940s, more than 12,000 new homes were built in NSW. The 1950s saw Housing Commission developments commenced in Ryde, Villawood, Maroubra, Seven Hills, Ermington, Rydalmere, Dundas Valley, Windale (Newcastle), Unanderra, and Berkeley (Wollongong). Sydney's first high-rise apartments, Redfern's John Northcott Place and William McKell Place, were built in the 1960s, and the Housing Commission also commenced its largest estates at Green Valley and Mount Druitt during that decade. Green Valley was to house 25,000 people in 6,000 new properties, while Mount Druitt surpassed Green Valley as the largest new estate with a population of 32,000 people housed in 8,000 new properties.

The 1970s were characterised by smaller scale estates of mixed cottages and town houses, built in Macquarie Fields, Minto, Claymore and Airs (Pettigrew 2005).

In the 1980s, the Housing Commission became the Department of Housing (DOH), and there was a change in emphasis from dwelling construction to rehabilitation of old housing stock.

Following the *Mant Report* (Mant 1992), some policy and regulatory functions were separated and located in another agency (although these were subsequently returned to the Department)

(ShelterNSW February 2006: 36). The 1990s also saw the stock of community housing double (Pettigrew 2005).

As with other Social Housing Authorities (SHAs) across Australia, Housing NSW (HNSW) undertook a physical and community renewal program. Hughes (2004) estimates that HNSW had spent \$150 million to 2001 towards community renewal of its social housing estates. This renewal activity focused on improving houses and public spaces; preventing crime and anti-social behaviour; developing opportunities for employment and training; better and more responsive housing management; reducing concentrations and diversifying social mix; increasing tenant involvement and participation; improving access to and co-ordination of services; and building community capacity and social networks.

One early example was the Neighbourhood Improvement Program (NIP), which started in 1995. The objectives of NIP were to reduce the stigma associated with social housing estates in NSW by 'de-Radburnising' estates through physical interventions including creating street frontages for all dwellings, re-defining private open space, removing cul-de-sacs and redeveloping town house precincts (Hassell 1997). Estates in Sydney subject to the NIP intervention included Airs, Ambarvale, Claymore, Macquarie Fields, and Minto.

NIP was replaced in 1999 with a Community Renewal Strategy (CRS), which had less focus on physical intervention, and instead concentrated on social and economic development (New South Wales Department of Housing 2001). The CRS included objectives of improved property maintenance, flexible neighbourhood level management, diversification through introduction of private housing, and integration of community and employment initiatives involving other key service providers. The CRS was incorporated into a Community Renewal Unit in 2003 (Randolph and Judd 2006).

In a November 2000 paper, the DOH set out its changing role. The paper outlined the Department's increasingly complex focus on social outcomes, defined as 'people; partnerships; homes; communities; and relationships' (DOH November 2000: 42). At the same time, the paper argued that the Department maintained a managerial focus on 'efficiency; effectiveness; financial sustainability; assets; and systems' (DOH November 2000: 42).

The April 2005 the NSW Government announced *Reshaping Public Housing*, a package of reforms to eligibility, length of tenure, rent levels and passing on water usage costs to tenants in social housing. The reforms had three significant elements. The first element was the introduction of fixed term leases, with new tenants offered short (two year), medium (five year) or long-term (ten year) leases to reflect the level and duration of their household's need.

This signified an end to the concept of permanent tenancy. The second element was changes to housing eligibility, with a broadening of focus to people with specific housing needs as well as low incomes, such as the frail elderly, homeless people and people with a disability. Finally, the reforms included significant renewal activity. The Department would renew the social housing property portfolio over the following ten years based on long term projections of demand from high need groups, the quality of the existing dwellings, and value for money. The ten year plan would result in 30,000 homes being purchased, rebuilt or upgraded to better suit the needs of tenants (NSW Government 2005).

As with the Commonwealth Government, there have been recent shifts in housing policy at a State Government level in NSW. There is an increased focus on community housing providers. Released in 2007, *Planning for the Future: New Directions for Community Housing* sets a target to grow the community housing sector in NSW to 30,000 homes by 2016 (Steering Committee for the Review of Government Service Provision 30 January 2009: 16.89). Increasing the tenure mix in social housing areas is also emerging as a policy at the NSW state level. In a media release

in June 2009, the NSW Minister for Housing stated ‘a better social mix is widely recognised as the missing ingredient in many of our current public housing estates’ (NSW Government June 25, 2009). As discussed earlier, these two emerging policy directions, a focus on community housing providers and tenure mix, are also reflected at the Commonwealth Government level.

Groenhart, L. (2010), *Evaluating Social Housing Policy: A Wicked Problem?*, Unpublished PhD Thesis, Sydney: The University of New South Wales.

Downloadable from: <http://unimelb.academia.edu/LucyGroenhart/Papers>

The 2011 NSW Parliamentary Library Research Service E-Brief 8/2011 titled Social Housing provides a comprehensive provenance of the NSW Social Housing system in Section 2. History of the NSW social housing system.

The E-Brief describes in detail the relationships between the various sectors and agencies involved in the system. The statistics, demographics, policy, policy intent, and policy outcomes are reported and analysed.

The full E- Brief, including references, can be downloaded from:

[http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/key/SocialHousing/\\$File/Social+housing+e-brief.pdf](http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/key/SocialHousing/$File/Social+housing+e-brief.pdf)

Housing - function/purpose of

The purpose of the built structure known as housing is to provide a safe secure place where people can live, raise their family and age. The structure used for this purpose has historically been referred to as a 'home'. The concept of 'home' is of growing importance in the law. Home is a lot more than shelter. Home is a place of security, belonging and comfort.

The need for safe secure housing as a place of shelter is universally recognised as a prime prerequisite for a functional society and ranked alongside access to food and water as the pillars that underwrite society.

Residential property has become a speculative commodity, increasingly so over the last two decades. This has had the effect of driving the price of housing, both owner-occupied and rental, to historic highs with associated unaffordability. In turn this has increased the demand for lower priced housing, with a flow-on effect onto public housing demand.

The government has the capacity to step in and cause the market to revert to its true purpose, the provision of homes, not the supply of a commodity for speculation, through a variety of mechanisms. If the government had the courage and foresight to do so people would be able to access the housing system at a price that they could afford, have a home, and become productive members of the community.

There is nothing inherently wrong in the government building and owning affordable housing stock, for both owner occupied and rental purposes, so that people can have homes, regardless of their individual socio-economic status. The prime function of government is to act in the interests of the broader electorate, not just those of any particular subset.

There are very strong economic arguments supporting the supply of secure long term homes to all the people of a country. Indeed it has been shown in many countries that it is substantially

cheaper for the state to have people living in homes than being homeless. When people have stable secure housing the demand on other pieces of infrastructure such as hospitals, prisons, institutions, and health services are reduced. The education infrastructure can produce more people with a higher level of education which reduces the future demands on the welfare system, as well as improving the quality of life for the individual community member.

Homes are just as viable and important pieces of infrastructure as are hospitals, schools, universities, environmental programs, scientific research and other public services such as roads, water, energy and transport supply. Hopefully the government will embrace this fact and act accordingly.

For many years public housing in Australia had been targeted at/rationed to the disadvantaged community, including people with disabilities, single parents, the elderly and welfare dependant people.

Justice Kevin Bell used the 2012 Costello lecture to raise concerns around the lack of protection for people living in public housing from forced eviction under Australian law. He expressed the view that current state and territory laws do not adequately protect the security of tenure for public housing tenants, who can be evicted without reason or cause. Forced eviction of vulnerable people raises profoundly important social, ethical and legal issues.

Concept of 'home' - UN Declaration of Human Rights

The following extract from the 2012 Costello lecture explores the concept of home, the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights

The idea of home

The idea of home has profound social and cultural importance. In recent years, it has attracted substantial scholarly attention in the social and legal sciences. A number of books and articles have been published which have carefully analysed the role of the home in promoting individual, family and community wellbeing. Influential scholars have emphasised the importance of the home to our sense of 'personhood' and 'identity', that is, having identity and standing in society as someone of individual worth. Existing legal categories and principles have been criticised for failing fully to recognise and protect home-based interests. Residential tenancy law is one of those categories.

Traditionally, the common law has seen a residential tenancy in terms of freedom of contract and property rights. The parties freely enter into a contract of tenancy on the agreed terms; the tenant acquires exclusive possession for the term of the tenancy and the landlord retains the right to ownership or ultimate possession. The relationship between the owner and the occupier is that of landlord and tenant. The purpose of the law is to protect the property interests of the landlord as owner (or person entitled to ultimate possession) and the tenant as the person entitled to temporary exclusive possession. Absent legislation, the law recognises and regulates the legal relationship of the parties on that basis.

Those traditional features of the common law of residential tenancy have a positive significance in human rights terms which should not be overlooked. In particular, a tenant's right to exclusive possession underwrites their occupation of the rented premises as a home. But the focus of this law is not on the premises as a home. That is so whether the landlord is a private or public landlord and the tenant is a private or public tenant. Moreover, the legal status of the tenant does not improve with the length of their tenure and is not affected by the state of their social or physical need. As we will see, in most jurisdictions in Australia, a public periodic tenant can be

evicted without cause on a few months' notice even where they have lived in the home for years and they are elderly or in ill-health. A tenant on a fixed term tenancy can be evicted at the end of the term on the same basis.

Yet, to a tenant, particularly a public housing tenant who has lived or expects to live in the dwelling for a long time, their home is much more than a property interest in temporary possession. The relationship between a person and their home is individual and subjective. The home is a place of belonging, comfort and security. There can be no domestic life without a home. It is a private place for nurturing oneself, a spouse or partner perhaps, children and other loved ones. It is where we can truly be ourselves with family and friends and they can be themselves with us. As Maya Angela has written, '[t]he ache for home lives in all of us, the safe place where we can go as we are and are not to be questioned'. There is a powerful emotional dimension to the idea of home. A quality of human beings is that we put down roots in, and develop a strong sense of attachment to, our home. Grief as genuine and sincere as any other grief is a recognised psychological reaction to the trauma of losing a home.

So, however much we can agree that a home is shelter, a dwelling and a place to inhabit, it is much more than that. It is the primary location of individual physical existence which is indispensable for human flourishing in every respect, including participation in work and education and in cultural, social and religious life.

Of course, because the home is so central to a person's life, the consequences of loss of home extend beyond the termination of the tenancy. Forced eviction disrupts individual, family and community life, the health and schooling of children and the capacity of people to work and attend important appointments. Stable and secure housing helps in the support of vulnerable people and families. The loss of the home can be catastrophic for the continuation of the helping

relationship. Forced eviction shifts the burden, which is far greater because of the crisis, onto other agencies, such as those assisting the homeless.

We can see, therefore, that there is more to the idea of home than freedom of contract and property rights. As regards forced eviction, important individual, social and community interests are at stake going beyond those which can be articulated in traditional legal terms. Human rights law allows this to be done, and it is the function of the next part of this lecture to explain how, beginning with the *Universal Declaration of Human Rights*.

The human right to adequate housing and home

1. Universal Declaration of Human Rights

As stated in the preamble of the *Universal Declaration of Human Rights*, and repeated or necessarily implied in all international and national human rights instruments since, human rights derive from the inherent dignity of the human person.

Article 25(1), declares:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

This is a declaration of the human right to adequate housing in the context of a broader right to an adequate standard of living and economic security. It emphasises the importance of housing to the wellbeing of individuals and families, not housing as a species of property.

Following the declaration of this general standard, a number of conventions and covenants have been made specifying the human right to adequate housing in particular terms and establishing means for implementing it. The two most important are the *International Covenant on Economic,*

Social and Cultural Rights and the *International Covenant on Civil and Political Rights*, both of which have been ratified by Australia. A leading text describes these covenants as ‘the bedrock of the international normative regime for human rights’.

Although human rights are understood to be indivisible, the economic, social and cultural rights have been seen to involve positive but non-justiciable duties while the civil and political rights have been seen to involve negative and justiciable duties. It is becoming increasingly clear that this is an inadequate way of understanding the scope of many human rights protections, such as those afforded to public housing tenants against forced eviction. As will become apparent, there is considerable overlap between the human right to adequate housing which is specified in the *International Covenant on Economic, Social and Cultural Rights* and the freedom from unlawful and arbitrary interference with family and home which is specified in the *International Covenant on Civil and Political Rights*.

Both of these covenants make provision for human rights protection from forced eviction in ways which give rise to duties both of restraint and of obligation, so collapsing, in the words of Professor Sandra Fredman, ‘the artificial distinctions between civil and political rights on the one hand and socio-economic rights on the other’.

It will be convenient to examine the scope of these rights separately. But my end-point will be that they combine to offer indivisible protection for public tenants from forced eviction, against which their legal rights under Australian law may then be compared.

2. International Covenant on Economic, Social and Cultural Rights

Article 11(1) of the *International Covenant on Economic, Social and Cultural Rights* also specifies the human right to housing in a broader context:

The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the

continuous improvement of living conditions. The State Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

The obligations of a state to give effect to the human rights in this covenant are specified in art 2(1), which provides:

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

This is an obligation of progressive realisation which, in the case of a developed country like Australia, is not impeded by a lack of resources.

Article 2(2) states a non-discrimination principle.

Under article 4, the rights specified in the covenant are not absolute, but the state may subject the rights only to such limitations 'as are determined by law [and] only in so far as this may be compatible with the nature of [the] rights and solely for the purpose of promoting the general welfare in a democratic society'.

Article 28 provides that the provisions of the covenant 'shall extend to all parts of federal States without any limitations or exceptions'. In consequence, while the federal government is legally accountable for fulfilling Australia's human rights obligations under international law, the operation of the laws of the states and territories must be taken into account.

Lecture downloadable from

http://www.supremecourt.vic.gov.au/resources/34222b44-fa41-44bb-b596-be68d2f8bbac/justice_kevin_bell_-_costello_lecture_2012.pdf

Public Housing Policy

The first rule of any housing policy should be to provide shelter.

Policy - History

The highpoint for inclusionary housing policy was the 1940s. Responding to the widespread misery of the Great Depression exacerbated by other national priorities during the Second World War and then faced with the return of hundreds of thousands of ex-servicemen to civil life, a bipartisan political consensus acknowledged the importance of shifting significant resources into residential construction.

Home ownership and a central role for the private sector were never in doubt, but most social commentators of the day advocated – and the broader community endorsed – a national obligation also to meet the general housing needs of the stratum of low income earners on a priority basis.

The Commonwealth Housing Commission which inquired into all aspects of the post-war housing question certainly endorsed this position and set in train a joint agreement with the states to fund public housing through low interest grants (actually loans).

At the same time the challenge was seen as more than just building houses. The national obligation was to develop real communities, establishing a close nexus between housing and the then fledgling profession of town planning.

Things went well for a while, even if post-war shortages of building materials and recalcitrant state governments proved troublesome. But when the Labor Governments which had dominated

the parliament in the 1940s, lost office, out went the high-level commitment to quality public housing in the broadest sense.

Instead, owner-occupation became the new bulwark of national policy and a succession of Commonwealth-State Housing Agreements up until 2008 when they ceased altogether progressively emasculated public housing by redirecting declining funding into a suite of welfare housing programs catering for special needs.

In the process the notion of a right to housing has been irreversibly corroded and the progressive and inclusive vision of the 1940s completely lost.

But the main concern surrounds the hijacking of housing policy by increasingly economic approaches cemented by the rise of neo-liberalist doctrines from the 1980s. Commonwealth Treasury has a long history of negativity towards extra demands on the public purse regardless of social and environmental dividends.

HC ('Nugget') Coombs, Director of Post War Reconstruction in the 1940s had a vision of planning magically balanced between technocracy and democracy and driven less by aesthetic standards and more by a fundamental commitment to economic and social reform.

Political preoccupation with short term point scoring rather than long term beneficence; the failure of the planning system on many fronts, including institutionalising high costs of development; developers intent on maximising their profits above all else; superficial critiques of urban form based on environmentally determinist ideologies; and the chronic absence of analytical evidence-based policy formation have all had a negative impact on Public Housing policy and its capacity to deliver benefit to the broader community.

Policy – Drivers of current policies

The public housing policies developed and implemented by the NSW government, especially in recent times, have in large part been adopted from policies developed in the United Kingdom.

Public Private Partnerships, Divestment of Housing Stock to the NGO sector, utilisation of Arms Length Management Organisations, Social Mix, and the Bedroom Tax are but five policy areas that come into this category.

Unfortunately these five particular policy concepts have proven extremely problematic, in both the United Kingdom and Australia. The United Kingdom is/has walked away from them. The NSW government did not, in all five areas, wait long enough to see the outcomes in the United Kingdom before implementing them in NSW.

Consequently they have been stuck with the ongoing expenses, both social and financial, associated with their adoption of these five schemes. They have yet to summon the courage to extract themselves from the problems, and the associated expenses, accruing on a daily basis.

Policy – Evaluation of Social Housing policy

social housing policy was a ‘wicked problem’, and evaluating it was problematic because of the nature of social housing, not the nature of evaluation

The paper ‘Evaluating Social Housing Policy: A Wicked Problem’ by Dr Lucy Groenhart looks at the problems with evaluating Social Housing Policy in NSW. The aim of the research was to develop and test methods for evaluating social housing policy interventions.

The research made significant contributions to the theory and practice of tenure mix policy, specifically about the location of tenure mix interventions, the type of tenure mix policies that would be appropriate, and the location of new social housing. In terms of evaluation theory and

practice, progress was made towards addressing causality, the extent to which an outcome is attributable to an intervention, and accounting for the displacement of social housing tenants from their neighbourhood. The problem of 'additionality' - the amount of change that occurs as the result of an intervention, over and above what would have happened without the intervention - was not resolved. The discussion concluded that social housing policy was a 'wicked problem', and evaluating it was problematic because of the nature of social housing, not the nature of evaluation.

Groenhart, L. (2010), *Evaluating Social Housing Policy: A Wicked Problem?*, Unpublished PhD Thesis, Sydney: The University of New South Wales.

Downloadable from: <http://unimelb.academia.edu/LucyGroenhart/Papers>

Social Mix

Social Mix became the Holy Grail of Housing Policy, especially Public Housing Policy, at the turn of the century.

When pressed those marketing the concept are unable to define the concept of Social Mix and who it impacts on, much less its benefits and how it is to be evaluated, both short term and long term. They descend into citation of research papers which turn out to be based on literature reviews that emerge to be of dubious relevance when one goes back to the cited papers, their sources and purpose.

They carefully avoid any mention of Town Planning, increased land value resulting in increased taxation revenue for the state, and resultant gentrification. Neither do they mention the vested interests of the financial sector and their client base.

Planning policy is deeply implicated in Social Mix and housing policy.

In the book ‘Commonwealth Government involvement in housing policy’ [<http://apo.org.au/research/right-housing>] Pat Troy says “this is a story about how rational consideration of the way we develop our cities succumbed to a pre-occupation with accommodating the short-term needs of the development industry and the rise of political ideologies antagonistic to the idea of public intervention”.

1. Mixed Messages about Mixed Tenure: Do Reviews Tell the Real Story

To achieve evidence-informed policy, policy makers need to know what the evidence is, the quality of the evidence and where there is no evidence

Mixed Messages about Mixed Tenure: Do Reviews Tell the Real Story? by Lyndal Bond, Elena Sautkina and Ade Kearns looks at the practice of performing ‘literature reviews’ which are then used as the basis from which to write research papers to be used as the platform from which policy is developed. Whilst written in the United Kingdom the practices it identifies are also in use in both Australia and New South Wales. Many of the academic papers it identifies as being frequently included in the list of papers reviewed in any particular literature review performed in the UK are also cited in literature reviews performed in both Australia and NSW. Many Australian academics have had cause to examine and subsequently modify their own workplace practices and stances when given a copy of Mixed Messages about Mixed Tenure: Do Reviews Tell the Real Story?. Some Housing policy makers have also modified their own workplace practices after reading the paper.

The Conclusion from the paper is as follows:

“To achieve evidence-informed policy, policy makers need to know what the evidence is, the quality of the evidence and where there is no evidence. Relying on reviews such as those

reviewed here would make that nearly impossible with respect to knowing whether or not mixed tenure policies achieve the desired social, environmental, or economic outcomes. Both policy makers and researchers can contribute to improving this situation.

Policy makers need to be clearer about what they mean by mixed-tenure, or at least perhaps clearer about the parameters of mixed communities (scale, nature and extent of mixing) which they would like to receive evidence about. They also need to treat the reviews they receive in a circumspect manner, asking questions of the reviewers and publishers, especially where the publisher is an organisation from within the policy community which might wish to push a particular policy line. In other words, the term 'review' should not grant a written piece any special privileges as to its veracity, even though the term 'review' can itself suggest a higher level of independence or rigour. The message is 'don't take anything for granted!' Policy makers also need to be more demanding of the evidence, rather than receiving limited and weak evidence as sufficient if it can possibly be presented as supportive of government policy. Policy makers have to want to hear the 'inconvenient truth' rather than the 'comfortable spin' on the evidence.

Researchers in the field of housing and urban studies have to be more systematic and critical, i.e. making more use of systematic review methods, and at minimum, taking a critical approach to the evidence from primary studies and reporting this critical appraisal in full. Being able to succinctly summarise the evidence for where mixed tenure works or does not, and identify the research gaps would be a valuable step forward. Both reviews and primary studies would benefit from greater clarification and more realistic expectations of what mixed tenure might achieve, including likely adverse effects. Again, conventional wisdoms such as that mixed tenure communities will resolve problems of 'concentrated poverty' need to be questioned. Too many researchers and reviewers appear to wish to please policy makers by presenting their summaries of evidence in the best possible light in support of the predominant policy direction: this cannot

be healthy in the longer-term both in terms of the evidence base or the nature of policy actions. Alternatively, it may be that the demand from policy makers for ‘clear messages’ from academics has led to a reluctance to say that the evidence is ‘weak’ or ‘mixed’; yet it ought to be possible to present a varied and mixed picture of the evidence (if that is what it is) in a clear and balanced way. While there is no firm evidence of the extent to which policy makers make use of evidence, whether derived from primary studies or reviews (although the current public policy paradigm suggests that they use evidence more than in the recent past), it nonetheless behoves researchers to clearly provide an assessment of the quality of evidence and to be clear whether there is evidence of effect or an absence of evidence.

This review of the reviews of the evidence about the effects of mixed tenure has highlighted some of the current weaknesses in the evidence-based policy arena in the field of housing and urban policy. It is to be hoped that these reflect a current immaturity of the review paradigm that can be improved before too long. Others have already identified the need to improve the skills of policy makers, for example, in making ‘the analysis and use of evidence’ a core skill for civil servants (Bulmer et al., 2007, p. 99), in order to make ‘evidence-based’, ‘evidence-informed’ or ‘evidence-inspired’ policy (Duncan, 2005) stronger. It is argued that researchers also need to ‘up their game’ by being more robust in their review methods, more critical in their appraisals, and more independent in their presentation of the evidence.”

Mixed Messages about Mixed Tenure: Do Reviews Tell the Real Story?

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2. Mixed Communities not sustainable in the long run

The article 'Mixed Communities not sustainable in the long run' speaks to the subject of imposed Social Mix, developed without genuine input and/or consultation with the council/public housing tenant body. It identifies the long term outcomes of increased marginalisation of those very people it is claimed will be helped arising from gentrification delivered through a planning system.

The article in question is below

All the evidence suggests gentrification on a massive scale

Mixed Communities not sustainable in the long run

London Housing Magazine

December 2003

The push for a greater social mix in our communities is accepted by nearly all without question as a good thing. That's wrong, says the London Tenant Federation. All the evidence suggests gentrification on a massive scale, leaving council tenants marginalised.

Whilst the Government and housing professionals chant the mantra, in order to be sustainable, communities must be socially mixed, those of us living in social housing and in deprived communities have been absent from the debate.

For council tenants living in London, particularly in inner London, the policy appears to mean little more than the encouragement of gentrification, and for our local authorities to sell off our homes and community facilities for development. Many of London's council tenants feel that, far from strengthening and sustaining our communities, this approach puts their homes and communities under threat, particularly in areas that have become fashionable and where property prices are sky high.

The approach seems to fit neatly with other policies, such as the lack of positive investment in council housing, rent restructuring and proposed housing benefit reform. All have a detrimental effect on tenants living in areas with wealthy neighbours.

The truth is that in London there is enormous social and economic polarisation. Inner London is the richest area in the European Union and yet the capital also contains three of the most deprived boroughs in the country. The average price of a property here is now more than £250,000, requiring a household income of £83,000 to purchase. Enclaves of wealthy, white, middle-class residents sit alongside areas with huge levels of deprivation and the truth is that they just don't mix.

Research by the Economic and Social Research Council (ESRC) and the University of East London (UEL) finds little evidence of gentrification as a positive force. Whilst the proponents of the socially mixed communities policy will state that they are not advocating gentrification, Tim Butler at UEL suggests nobody is in favour of gentrification and even local authorities, which wish to change their social mix of housing or population, refer to it by any other name.

In a study in gentrified areas of Lambeth, Islington, Hackney, Lewisham and Wandsworth, Tim Butler found little evidence of the middle class deploying its resources for the benefits of the wider community. He says: London's middle classes share a common relationship to each other which is largely exclusive of those who are not people like us most strikingly perhaps in relation to their ethnicity. In a city that is massively multi-ethnic, its middle classes, despite long rhetorical flushes in favour of multi-culturalism and diversity, huddle together into essentially white settlements in the inner city. Their children have friends like their parents and most of their parents' friends are people like themselves.

The ESRC study sought to evaluate more than 100 pieces of research predominantly in North America and in the UK. The policy context for the research was the Governments commitment to

try to encourage private sector investment in deprived and run-down areas. Its June 2002 report says that the positive impacts of gentrification were hard to find. The much wider set of costs included displacement of poorer households through price and rent increases, community conflict and racial tension, lower population densities and a greater take on local spending by incoming affluent households.

Anecdotal evidence from London Tenant Federation meetings seems to support to this academic research. Our members note that, across London, there are examples of council estates in regeneration/stock transfer schemes that are dependent on demolition of some blocks to sell off to developers. The new apartments constructed in their place are designed with a clear separation from the social housing most obviously aesthetically and frequently with entrances facing away from the rest of the estate. Expensive cafés and restaurants are built which then push out existing local shops. If the new wealthy residents have children, they are unlikely to attend local schools that are dominated by children from council estates. Council tenants feel that the priority for council and police resources is focused on the more expensive areas and away from our estates. If London's council tenants are asked what we think will make our communities sustainable, we are likely to suggest: positive investment in our homes and in new council homes; rents that reflect the qualities we value in our homes rather than the areas property values; good access to employment, leisure and youth facilities and good care for our young and old. Missing from the list though, almost certainly, will be the demand for socially mixed communities.

<http://www.hackneyindependent.org/2003/12/mixed-communities-not-sustainable-in-the-long-run/>

3. Segregated neighbourhoods and mixed communities

The problem is poverty – what makes people poor and what keeps them poor – not the type of neighbourhood in which people live.

The study *Segregated Neighbourhoods and Mixed Communities* by Paul Cheshire, Professor of Economic Geography at the London School of Economics, released in May 2007, was commissioned by the Joseph Rowntree Foundation in the United Kingdom.

The Joseph Rowntree Foundation has been interested in balanced communities since its earliest days. The village in New Earswick that Joseph Rowntree built at the beginning of the 20th century sought to provide a mix of housing, meeting the needs of those who were poor, as well as those in much better circumstances.

Paul Cheshire's paper, commissioned as part of the JRF's ongoing research on housing and neighbourhoods, is a valuable contribution to this important debate.

The paper argues that creating mixed neighbourhoods treats a symptom of inequality, not its cause. The problem is poverty – what makes people poor and what keeps them poor – not the type of neighbourhood in which people live.

The key points in the paper are as follows:

If it were true that creating mixed neighbourhoods could reduce poverty or improve individuals' life chances, then it would logically have to be true that living in a deprived neighbourhood must make you – or your children – worse off than you would otherwise have been. But the more carefully one looks the more difficult it is to find any convincing evidence that this is so. While the evidence does not show that the character of a neighbourhood causes poverty, there is important and obvious causation running from poverty to the sort of neighbourhood in which you live.

- Substantial money was spent in the US to see how enabling people to move from disadvantaged to more affluent neighbourhoods affected their lives but the experiment found no positive net outcomes. Those who moved did not become better off.

- There were some improvements in girls' educational performance and aspirations but this was offset by worse school performance and increased crime among boys.
- Research from the UK and Canada tracking people over time shows that the neighbourhoods they initially lived in had no influence on their prosperity later in life, while evidence from the US shows that moving people from deprived neighbourhoods to more affluent ones does not improve their economic prospects.
- 'Specialised neighbourhoods', with concentrations of similar people, have benefits. They help people find compatible neighbours and local amenities they value, provide support networks and help people – particularly less skilled people – find suitable jobs.
- These specialised neighbourhoods may seem divisive but in large cities they are shown to lead to improved productivity, welfare and overall living standards.
- All the attributes that make neighbourhoods attractive to more affluent people cost money and suit people with higher incomes, therefore pricing people on low incomes out of 'nicer' neighbourhoods. Although approaches to mixed income communities provide affordable housing, the fact that the community caters overall for those with relatively high incomes means that genuine 'access' to this community requires more than just an affordable home.

Do people benefit from living amongst their peers?

- There is evidence that 'specialised neighbourhoods' provide both economic and welfare benefits. Neighbourhoods with concentrations of particular types of people – rich, poor, ethnic, occupational – have been a feature of cities for 2,000 years or more. We should respect this fact. There is probably a good reason.
- People directly gain from living with compatible and complementary neighbours. Specialised neighbourhoods increase the range of choice for people with respect to the

types of neighbourhood in which to live; and people and families of similar incomes, tastes or stages in life tend to consume similar goods and services and require similar amenities. If you are a recent immigrant and want to be able to continue to speak your original language, engage in your native culture or religion and buy food or other items you have developed a taste for, then there are great advantages in living in neighbourhoods with concentrations of people of similar origin. This is one obvious source of the ethnic neighbourhoods of large American and European cities. A recent study found 300 different language-based neighbourhoods in London (Baker and Eversley, 2000). Only the largest cities can offer such choice.

- But the advantages of being able to choose a compatible neighbourhood are not confined to ethnic groups. Families with young children will find benefits of networks and facilities, and mutual support as well as information, if they live in neighbourhoods with substantial numbers of families at the same stage in life. Young singles who eat out and have a taste for urban entertainment and culture will similarly find advantages if there are neighbourhoods in which large numbers of like-minded people are concentrated. More educated people, and people working in the liberal professions, may prefer to live in neighbourhoods with concentrations of similar types, sharing leisure and cultural pursuits and seeking similar local shops; business people may equally gain from concentrating in neighbourhoods in which other business people live. But like all consumption choices, the ability to gain from variety is constrained by one's income.
- Neighbours and neighbourhoods play an important role in helping people to find jobs. Bayer et al (2005) conclude that social interactions within neighbourhoods between people similar to each other are a significant factor in how urban labour markets work and why living in large cities helps people find jobs. This was consistent with earlier findings,

such as those of Blau and Robins (1992), about how important social contacts were in finding not just jobs but more suitable jobs. Such informal networks, moreover, are more important for less skilled people.

- The importance of such informal networks of family, friends and neighbours rises with city size; in cities of half a million or more, people are five times as likely to use such methods of job search as they are in cities of less than 100,000. This is consistent with larger cities – because they provide a greater choice of specialised neighbourhoods – enabling people to choose a more appropriate neighbourhood to live in. Such neighbourhoods may seem divisive but are one of the features of large cities which lead to improved productivity, welfare and overall living standards.

Conclusions

- It seems from this review of the evidence that creating mixed neighbourhoods treats a symptom of inequality, not its cause. The problem is poverty – what makes people poor and what keeps them poor – not the type of neighbourhood in which people live.
- Trying to create mixed neighbourhoods costs substantial resources that could be used directly to relieve poverty. The onus of proof should be on the advocates of mixed neighbourhoods to demonstrate that they are an effective way of relieving poverty and reducing social exclusion. A careful examination of the evidence does not provide much support for this conclusion.
- There is a danger that trying to create mixed neighbourhoods diverts efforts away from tackling the underlying causes of poverty and social exclusion, lulling us into a comforting but false belief that we are doing something positive.
- Effective policies to tackle poverty would include income redistribution. It seems fair that richer people should pay to tackle poverty effectively. That does not mean, however, that

we should completely ignore the welfare of the more affluent. The evidence from a number of studies strongly suggests that not only does mixing neighbourhoods not effectively help the poor but it also detracts from the welfare of the better-off because it makes it more difficult for them to find neighbourhoods populated by other compatible households with similar tastes and lifestyles. Mixing neighbourhoods is not so much a redistribution of social welfare as its confiscation

- There has been an increasing polarisation in the job market and the pay-off to high-level skills has risen, leaving the low skilled and less educated behind. As the rich have got richer relative to the poor, so residential segregation has intensified. Indeed what evidence there is shows an associated polarisation in house prices.
- Redistribution of resources and opportunities from the richer to the poor seems to have had less emphasis over recent years. But this is likely to be a more effective, certainly a more cost-effective, way of helping the poor than trying to see that they live in more affluent neighbourhoods.

Full Report

<http://www.jrf.org.uk/sites/files/jrf/2066-segregation-mixed-communities.pdf>

4. 'Mixed' estates found to break rather than make communities

This article, derived from personal lived experience in a NSW public housing estate, challenges the Establishment's viewpoint on Social Mix as being a desirable outcome devoid of negative impacts on those being 'mixed'. It sets out the long and short term adverse impacts of Social Mix on a New South Wales public housing community and its members.

"There was no reason, except for the maintenance of the housing, for the estate to be broken up and redeveloped."

'Mixed' estates found to break rather than make communities

Andrew West

SMH April 11, 2011

LAUREN KENWORTHY, raised on a public housing estate in south-west Sydney, never believed she was growing up in a ghetto.

"Quite the opposite," she insisted. "My childhood in Minto was perfectly normal. I did not feel any different. I did not realise until later in life that my area was perceived as having a concentration of low-income households."

Ms Kenworthy, a 27-year-old PhD student at the University of Western Sydney, graduated recently with a first-class honours degree for her study of life on an outer-suburban public housing estate. Her thesis focused on the experiences of 10 fellow residents of the Minto estate, whose families were relocated to "mixed communities".

Since the families were dispersed, social contact has broken down. "When I was growing up, it was, at most, a 15-minute walk across the estate to maintain friendships," she said.

Now it is a logistical ordeal, given most do not have cars, and Facebook and texting are a poor substitute. "There was no reason, except for the maintenance of the housing, for the estate to be broken up and redeveloped."

Ms Kenworthy's study - along with extensive research by Western Sydney academic Gabrielle Gwyther, published in the recent edition of the journal *Urban Policy and Research* - challenges 30 years of conventional wisdom. Over the past 10 to 15 years, NSW government policy has been to break up the estates.

The One Minto estate, when complete, will contain 800 new private homes and 230 new public housing units. In nearby Bonnyrigg, the new development will be 70 per cent private and

30 percent public. It is a big change from the old model, where, for example, 88 per cent of homes in Claymore and 86 per cent in Airds were public housing.

Dr Gwyther, who conducted 22 in-depth case studies with public housing residents, concludes that relocating residents to mixed communities "may in fact lead to their increased social isolation and, in turn, social exclusion - the very situation policies of 'social mix' are intended to relieve". She bases her findings on several factors. Many estate residents rely on face-to-face connection, rather than technology, for their community life and support. They often have limited access to the internet, do not have cars and can only afford to use their mobile phones for texting rather than calling. "Although low cost, these mobile [phone] plans had a constraining effect on the size and composition of personal communities," she writes.

Dr Gwyther also observed that by breaking up estates, the community services dealing with education, unemployment, housing, health and family support were generally dispersed. For most residents, their friendship group numbered no more than 21, and an average of just 10 people. For some, the welfare workers were the majority of their social group.

Some older women, who had been community elders and leaders when they lived on the estates, felt a loss of purpose in their new, socio-economically mixed neighbourhoods. Another woman "had relocated from a supportive but stigmatised community to a mixed tenure suburb yet had not experienced diversification of her social network".

Dr Gwyther said she was not opposed to mixed income communities, but warned that in south-western Sydney many residents had been moved to estates that lacked good transport and could not afford the technology that allowed middle income Australians to maintain social relationships beyond their neighbourhood.

<http://www.smh.com.au/nsw/mixed-estates-found-to-break-rather-than-make-communities-20110410-1d9d7.html>

5. The False Promise of the Mixed-Income Housing Project - Yale Law School - USA

The paper The False Promise of the Mixed-Income Housing Project examines the mixed income [inclusionary] projects in the USA.

It calls the touting of Social Mix as a universal panacea into question and challenges the traditional perception that enhancing socioeconomic diversity within a neighborhood has unalloyed social benefits.

It makes the point that many recent social-scientific studies present a more complex picture and weaken the case for mixed-income projects.

The paper can be viewed at http://digitalcommons.law.yale.edu/fss_papers/401/

or

<http://www.uclalawreview.org/pdf/57-4-3.pdf>

Carbon Tax – Clean Energy Supplement charge

The Federal Government introduced the Clean Energy Supplement to provide an offset for the expected Cost of Living increases associated with the introduction of its Carbon Emissions Trading scheme. The supplement was payable to pensioners and other low income recipients who did not have the ability to use the taxation system to avoid the scheme directly impacting on their daily living standards. The scheme in itself was targeted to large scale emitters.

The NSW government opted to regard the supplement as income, not a cost of living adjustment designed to protect living standards from external adverse impacts, and reduced the rent subsidy for public housing tenants accordingly.

From 15th April 2013 the NSW Government took a minimum of 25% of the supplement in rent.

A further chunk of the supplement for those public housing tenants living in properties not

individually metered for their water consumption was also taken. Water charges for these tenants are 4.7% of their rent, regardless of actual usage. Approximately half of the NSW Lands and Housing Corporation's properties are not individually metered.

NSW Lands and Housing Corporation, when asked at a stakeholders' meeting in March 2013, claimed that their maintenance costs were going to rise when the Carbon Price Mechanism was implemented, and attempted to quantify the amount taken from the Clean Energy Supplement as being the direct impact on their budget. When asked what this claim was based on they cited a report 'Carbon Price Mechanism and the Property Sector' by Allen Consulting, funded by the Property Council of Australia, bearing a release date of October 2011, a date at least one year prior to the details of the Carbon Price Mechanism being released. This report said at its second key point "Very few, if any, businesses in the property sector are likely to be classified as large emitters, and as such this sector is unlikely to see any significant direct liability from the CPM.". The NSW Lands and Housing Corporation spokesperson went on to say "... it is the Department of Finance and Services that maintains and builds public housing and it is that Department that has concluded that the cost of maintenance and construction has increased by 1.7% as a consequence of the Carbon Tax." The spokesperson explained that "... Housing NSW was implementing a NSW Government decision made in June 2012 to include Clean Energy Supplements in social housing rent assessments and that any assessment of increased costs arising from the carbon tax would be one made by Department of Finance and Services and not Housing NSW who is now the managing agent for their properties ...".

The NSW Government's decision to 'tax' the Federal Clean Energy Supplement was not based on recuperation of actual additional expenses to be incurred by the government in the conduct of its business.

It's decision was allegedly based on a report of little to no relevance released months before any detailed specifics of the Carbon Price Mechanism was known.

The annual report of the NSW Lands and Housing Corporation fails to either show and/or quantify any impact of the Carbon Price Mechanism in its accounts. The NSW Lands and Housing Corporation's maintenance system accounts do not show any Carbon Price Mechanism based improvement in the delivery of the maintenance program, or a corresponding reduction of the maintenance backlog.

In summary, the Clean Energy Supplement was 'taxed' by the NSW Government without any visible delivery of the alleged purpose cited for the imposition of the 'tax', which was levied on unsustainable spurious grounds in a discriminatory manner. The decision to implement the 'tax' arose from a NSW Government policy decision to minimise the expenditure on Public Housing by any means whatsoever with no regard for the social consequences and attendant cost imposts on other Government Agencies budgets.

In the event of the Carbon Price Mechanism legislation being revoked by the current federal government it will be interesting to see if the NSW Government reverses its ideology based decision to 'tax' public housing residents who are recipients of the Clean Energy Supplement and thus restore their standard of living to that experienced by other low income earners who are not public housing residents.

Bedroom Tax - Under Occupancy Charge

This tax is also known as the 'Under Occupancy Charge' in NSW. It is a policy imported from the United Kingdom. It's alleged purpose is to free up multiple bedroom stock to enable more families to be housed and thus reduce the waiting list. It utilises financial penalty for those

deemed to be 'under-occupying' a particular property to drive compliance. Its success depends on the availability of one and two bedroom stock. In the latter part of the last century Housing NSW identified that it had a shortage of one and two bedroom stock, which it still has to this day. The NSW Auditor-General, in his 2013 report Making the best use of Public Housing, identified that over 30% of current public housing households do not match the size of their dwellings and that 8,000 households are currently seeking relocation to suitable sized properties. The needs of those applicants on the waiting list were not included in the figure of 8,000.

The policy's initial flaw is that it fails to take into account the adverse impact on the government's Aging in Place policy's desired outcomes, and both the social and financial costs associated with the denial of such outcomes. It's implementation is generating stress, disrupting lifestyles, and causing social isolation amongst the elderly public housing tenants.

The policy's other major flaw is that nowadays there is an enhanced shortage of three and more bedroom stock, along with the historic shortage of one and two bedroom stock. The current Spot Sales program/practice of the NSW Lands and Housing Corporation is focussed on three or more bedroom stock. Also the redevelopment projects delivered by NSW L&HC, for the purposes of both increasing stock numbers and culling old stock from the property portfolio, are commonly built on self-owned sites that were formerly occupied by three or more bedroom free standing houses.

This suitable stock availability problem also arose in the United Kingdom where, on 4th December 2013 during a question to the Deputy Prime Minister, it emerged that for over 90% of people hit by the bedroom tax, there just is not a smaller property for them to move to and the issue of what would he have them do was raised.

The end result of the Bedroom tax, in both NSW and the United Kingdom is a defacto rent increase for those caught in the Bedroom Tax maelstrom, entry into Economic Stress due to increased housing costs and disruption of established support and social networks.

Maintenance Systems - Systemic long term problems arising from

The Maintenance system has drifted from a Localised system to a Regionalised system to a Centralised system whilst not achieving a reduction in the accrued backlog of identified maintenance work. This has resulted in the Reactive side of the maintenance work program increasingly displacing the Planned Works/Proactive side of the maintenance work program. The increasing dominance of the reactive side in turn causes an accelerated demand for major maintenance work, with the attendant increase on budget demands due to the lack of early intervention when the individual item of maintenance work is much cheaper.

The end result is a downward spiral into a bottomless pit of unmet budgetary demand that in turn has led to an ever increasing reduction in the quality of the residual asset – the housing stock. Housing stock is being sold off to provide funds to stave off in the short term the inevitable long term outcome of the current maintenance system – no stock left to maintain.

Even this strategy of cannibalisation has produced a diminished return due to the nature of the stock that is sold – those properties that are deemed as beyond economic repair with a corresponding lower price achieved.

Another strategy to reduce the department's maintenance budgetary demand currently being employed is to transfer title of existing housing stock to the Non-Government/Community Housing sector. This strategy, whilst reducing departmental housing stock levels, transfers future budget pressure from the department's books to the Non-Government/Community Housing sector.

Like cannibalisation, this strategy's end result is no stock left to administer and thus no need for the department.

The common thread through the Maintenance System debacle has been the dogged perseverance of the department with process, to the point that Process itself became the Outcome at the expense of the physical maintenance of the asset, the housing stock.

The ongoing failure of the maintenance system has in turn lead to both a marked reduction in the living standards of the tenants resulting in increased demand on the health system, and budgetary stress for the department.

Auditor General - Maintenance of Public Housing - Full report April 2001

Executive Summary

The Audit

The Department of Housing (**DoH**) maintains over 130,000 public housing units valued at around \$17 billion.

The audit examined the management of the maintenance function at head office and three regions of DoH.

Among other matters, the audit reviewed the way in which standards and improvement targets have been set, the availability and use of information to plan and generally manage maintenance and the implementation of a program of maintenance reform.

Backlog of Maintenance

DoH has accumulated a backlog of maintenance estimated to exceed \$750 million. The backlog is the consequence of both insufficient planning and funding in the past over many years.

In addition DoH has assessed its costs of long term fire and safety upgrading as \$350 million.

Forward projections by DoH also show that despite significantly increased expenditure on maintenance since 1995, the backlog of maintenance (including emerging health and safety issues) will continue for the foreseeable future.

Audit Opinion

There is, however, a need to ensure that the maintenance of assets is adequately planned for and funded from the start. Without adequate maintenance, the value of an asset will deteriorate more rapidly and can result in significant losses. The Audit Office has no reason to believe that this would not be the case in respect of the housing stock maintained by the DoH.

Apart from the issue of funding, however, the planning for maintenance, including management information to support planning, had not been well managed by the Department in the past.

Whilst major steps have been taken recently, there are still areas where attention is required.

DoH needs to give greater emphasis to completing property condition surveys in order to improve the way in which maintenance is planned and organised.

There is also a need for DoH to establish a performance reporting framework in order to assess the efficiency and effectiveness of the maintenance function in an objective way. The framework should benchmark maintenance across regions and with public housing authorities in other States.

<http://www.audit.nsw.gov.au/publications/reports/performance/2001/depthousing/contents.html>

**Auditor General - Maintenance of Public Housing - Follow-up Housing -
March 2005**

Executive summary

We conducted an audit of the maintenance of public housing in 2001. At that time the backlog of maintenance was estimated to exceed \$750 million. The Department projected that despite significantly increasing expenditure on maintenance, the backlog would continue for the foreseeable future.

Audit opinion

It still needs to develop and fully implement 5-10 year maintenance plans and 15-20 year strategic asset plans.

The Department has increased its spending on maintenance almost every year since the original audit, and now estimates its maintenance backlog to be \$650 million.

Despite this progress, the Department's maintenance is still largely responsive rather than planned, the maintenance backlog has not been substantially reduced since the 2001 audit, and a low level of properties are maintained to an adequate standard.

Contract management

The Department reviews a portion of completed work against maintenance requirements, based on the dollar amounts of claims for work completed. The Department has established a separate unit to manage its multi-trade contractors. It cannot advise whether moving to multi-trade contractors has lowered costs and improved tenant satisfaction, as it never reviewed the prior contract method.

Performance reporting The Department has established some standards and performance indicators for contractors and jobs. It benchmarks and internally reviews contractors against each other. It has started a project to benchmark itself against Victoria, Queensland and New Zealand. http://www.audit.nsw.gov.au/publications/reports/performance/2005/followup_housing/Follow-up%20Housing-March2005.pdf

NSW Auditor General - Making the best use of public housing 2013

The NSW Auditor General made the following points in his report 'Making the best use of public housing' 2013. This audit was a follow up on his 2005 follow up audit Maintenance of Public Housing.

1. There are 55,000 eligible applicants on the social housing waiting list, with some people waiting for more than ten years to get a house. The waiting list could be more than 86,000 by 2016 unless things change.
2. Social housing only meets about 44 per cent of need in NSW even though we have the largest social housing portfolio in Australia. Social housing falls into three groups. About 80 per cent is public housing which is owned and operated by government. The remaining stock is community housing and Aboriginal housing.
3. The time has come for the Government to set a new, sustainable direction for public housing in NSW.
4. If the current arrangements continue it is likely that public housing will either run down or be sold off. The cost of keeping each dwelling has nearly doubled in the last ten years, from \$15,000 to almost \$27,000 per dwelling. To meet the increasing costs of keeping public housing available the government has sold existing stock to support operating costs and delayed some maintenance expenditure, upgrading and capital building programs.
5. Meeting the major challenges including increasing demand (due to more tenants with complex needs), the ageing and inappropriate dwellings, and maintenance costs, is no simple matter.

The Auditor-General summed it up:

“It is crunch time for public housing in NSW. The government must make difficult decisions about public housing priorities”.

The conclusion contained within the Executive summary was as follows

“It is estimated that all social housing only meets 44 per cent of need in New South Wales. The constraints in the current portfolio and funding arrangements do not enable HNSW and LAHC to meet the changing public housing need.

Public housing is ageing and increasingly not fit for purpose. It is declining as a proportion of overall New South Wales housing.

There is an increasing shortfall between the supply of and demand for public housing.

There is no clear direction for managing the shortfall between need and demand for public housing, although Housing NSW (HNSW) and NSW Lands and Housing Corporation (LAHC) are working towards one. Currently, Family and Community Services (FACS) is developing a Social Housing Policy for proposed endorsement by Government, LAHC is developing an Asset Portfolio Strategy, and they are jointly developing an Estates Strategy.

With constraints on rental and grant funding, and existing assets requiring increasing maintenance expenditure, LAHC advises that modelling it has undertaken indicates that it has a continuing funding gap in what is needed to maintain the current stock numbers of properties at reasonable standards over the long-term. It projects that if the current arrangement continues the housing portfolio will decline in terms of dwelling numbers and standard.

There are tenants living in public housing that does not match their household size or needs. Over 30 per cent of households do not match the size of their dwellings. Many of these properties are under-occupied. There are also over 8,000 existing tenants waiting for relocation as their current housing is not suitable.

HNSW could do better in responding to changes in tenant's needs and circumstances. HNSW has policies and procedures for relocating and terminating tenancies where an individual's needs or circumstances change. However there are constraints on the implementation of these policies which reduce their effectiveness. They include:

- the focus on the urgent needs of priority clients
- tenants refuse to move
- not enough suitable properties to relocate today's tenants into
- not systematically identifying tenants who may no longer be suitable for a property.

In the absence of a clear direction for managing the shortfall between need and demand for public housing, HNSW's and LAHC's tenant and asset management activities have sometimes been inconsistent and short-term."

<http://www.audit.nsw.gov.au/Publications/Performance-Audit-Reports/2013-Reports/Making-the-best-use-of-public-housing/Making-the-best-use-of-public-housing>

Head of Community Services responds to public housing concerns

This National TV News item of 11min 50sec duration was broadcast on 27th September 2013. It shows graphic evidence of the outcomes of a maintenance system in distress and the effect of same on the lives of the tenants.

The Director General of the NSW Department of Community Services, Michael Coutts-Trotter, responded to questions about decaying public housing in the news item.

It contains an unanswered allegation that the department fails to comply with 33% of the Maintenance related Specific Performance Orders issued against it in the NSW Consumer Traders and Tenancy Tribunal

<http://www.abc.net.au/news/2013-09-27/head-of-community-services-responds-to-public/4986280>

Housos left to live in squalor

This National TV News item was shown on Thursday, October 17, 2013 .

The description of the item on the TV channel's website say it all – **“There's smashed windows, leaking roofs and syringes everywhere, but this is home to hundreds of Aussie battlers.**

They're the forgotten housos who are left to live in squalor and dilapidated buildings.”

The footage shows the effects of a long term lack of maintenance on both the asset and the tenants.

<http://aca.ninemsn.com.au/article/8740387/forgotten-housos-living-in-squalor>

Politician Brief re Repairs - Get it Fixed website - www.getitfixednsw.com

In 2010 – 2012 Housing NSW had to recall 39,142 work orders, an average of 53 per day, issued to private contractors because repairs were not completed to a satisfactory standard. Reissuing work orders is frustrating for public housing tenants and costly to the Government.

Staff attitude towards tenants

Departmental staff in general have a negative attitude towards the tenants, which mirrors the attitude displayed by the current Minister for Housing towards the tenants in her media releases and press articles.

The attitude displayed is drawn from the 17th century French Revanchist ideology, which is based on portraying an evil from which the 'powers that would be' will rescue those whose appreciation and/or support they seek, whilst denying responsibility on the part of the portrayers for the evil they discovered.

The tenants are regarded, and treated, as undeserving bludgers on the system who are of no value whatsoever, and an unwarranted charge on the state, by the staff in general. It is indeed a pleasant surprise when dealing with the exception to the rule.

When the tenants ask for their legislated rights to be delivered the staff commonly treat such requests with disdain. Frequently the tenants are told that they should not complain, instead they should be grateful for what they are experiencing.

Some senior staff have even gone as far as to call tenants liars when defending their own position, despite the tenant holding paperwork bearing departmental markings supporting the tenant. When challenged they have resorted to accusing the tenant of being 'vexatious'.

This attitude serves to reinforce the apathy and mistrust among the tenant body towards the department generated by other persistent failures of Housing NSW / NSW Lands and Housing Corporation staff to act in a manner consistent with the Objects of the Housing Act 2001 and the department's own operational policies.

The generated apathy/mistrust leads to severely reduced seeking of accountability and transparency from the staff by the tenants.

Management attitude towards staff

Turnover of staff

The Department has a high staff turnover rate and an outwardly apparent recruitment problem, resulting in a heavy dependence on Agency Staff, otherwise known as casuals, and staff under contract. At times up to 60 percent of the staff are casual employees, according to figures cited by senior departmental staff.

The management expects all staff members of the same grading to be of equal capacity, regardless of length of service and experience in the particular field they are deployed in.

The staff in many cases, like the tenants, feel that they are just numbers on a spreadsheet, which flows through into their workplace with direct negative effect on their work output.

Management have consistently failed to recognise that staff are assets that need regular maintenance to enable achievement of maximum output.

The long term management attitude towards staff has created a workplace populated by time servers collecting a steady income for minimal input whilst awaiting retirement.

The management attitude towards the staff is a major impediment to the delivery of the Objects of the Housing Act.

Destruction of corporate history

Due to the high turnover of staff the knowledge of the Department's corporate history is correspondingly low amongst the department's workforce.

With every long term employee's departure from the department another repository/source of corporate knowledge is lost to the department.

The constant redeploying of staff to other roles in different workplaces is another barrier to creating awareness of corporate history in the workforce.

The lack of corporate history is a source of frustration to those with long term dealings with the department. Having to brief every new incumbent on the history of the matter they have been given stewardship of by the department adds to the cost of doing business with the department.

The lack of knowledge of corporate history frequently results in the department developing and implementing strategies that have proven unproductive in the past resulting in a waste of funding and further delay in delivering benefit.

The destruction of knowledge of corporate history may well be a deliberate act on management's part designed to avoid accountability and scrutiny. It also has the potential to hide past sins, omissions, and policy failures.

Management Culture

The Department over the years moved itself from being under the control of its Minister to a position where it was not under the control of its Minister and then to a position from which it controlled the Minister. The transition from taking instruction from the Minister to telling the Minister what to do was facilitated by successive governments treating the Housing portfolio as an apprenticeship for those junior politicians with Ministerial aspirations.

The Department has increasingly become very defensive whenever information is sought from it and ultra sensitive towards perceived criticism. It consistently denies supply of reports, evaluations and other material that contains information relating to its activities to those outside of its realm.

The Department's Management Culture closely parallels the practice of the early settlers in the American Wild West who formed their wagons into a defensive circle when a threat of attack by the area's indigenous population was perceived to be imminent.

The Department's evolved Management Culture could well have been the real life model for the long running 'Yes Minister' TV series set in the United Kingdom.

The NSW Auditor-General, in a speech given in 2010 said "The introduction of a clear, enforceable code of conduct for all public servants in NSW is in my view essential, but there is more that requires attention. One obvious area is around the roles and responsibilities of Ministerial staff and advisors. This is a vexing issue not only in NSW, but in most Westminster systems.

There is no question Ministerial staff serve an important and well-established role in our system. They are often the gatekeepers for their ministers; ensuring they receive the information they need to make a decision. They are also involved in the rough and tumble of party politics.

But it is not always clear what their role is, what it should be, and what will happen if and when they overstep the mark. Given their important relationship and contact with the public and the bureaucracy, and the power and influence they have, this is unacceptable.”

“More than any other time in my memory the people of NSW are concerned and worried about government accountability, decision making, openness and transparency - and of course integrity and standards.”

“Regrettably, it is no longer easy to see a vision or sense of direction around the integrity structure in NSW. There is no plan for stronger and improved ethics and accountability as a core component of all government planning and decision-making. It is clearly in the public interest that this change.

The people of NSW have faith in their public servants - but it is not blind faith. Their trust must be earned, and we have to make sure not to lose it, because when it is gone, we will struggle to get it back.”

Corruption Prevention speech

<http://images.smh.com.au/file/2010/09/10/1918107/Bruce%20Barbour%20Corruption%20prevention%20network%20speech.pdf>

The NSW Auditor-General was quoted in the Sydney Morning Herald article on his Corruption Prevention speech as saying “Despite the integrity of a vast majority of public servants across the state, there were too many examples of a lack of ethics and integrity which signalled a "lack of transparency" in public life. NSW should follow other states and introduce a public service integrity act, whose provisions were enforceable by law.

<http://www.smh.com.au/nsw/too-many-ethical-lapses-barbour-20100909-153ao.html>

Accountability avoidance

Housing NSW and NSW Lands and Housing Corporation, as a result of their developed siege mentality, have included the tactic of not replying to written correspondence in their defensive weapons arsenal. The strategy behind the tactic of not replying is the prevention of responsibility for the content of the response and the avoidance of having to do anything. The timeframes for replying, formerly 15 working days, and the requirement to do so [Operational Policies EST0008A and EST0006B], have been removed from their Operational Policies. Accountability avoidance has become a major weapon in its defensive arsenal, along with Transparency avoidance.

The same siege mentality has been applied by staff to the supply of the email addresses of the various Business Units. In 2004 senior hierarchy level staff, after consulting with the Chief Executive, agreed that supply of the Business Unit email addresses should and would happen. In March 2012 the Chief Executive expressed surprise when told that the Business Unit email addresses had not been supplied as agreed. He reiterated his direction to senior staff that the Business Unit email addresses be supplied. To date this has not happened.

The result of the failure to supply the Business Unit email addresses is that the advancement of an issue by email is dependent on knowing the email address of the individual staffer within the Business Unit who currently has carriage of the matter. At present when the individual staffer moves on/is seconded to another position the communication channels are closed. For the resolution of the matter to continue the person/organisation seeking such resolution has to first discover the name and email address of the next staffer who has inherited/been allocated carriage of the matter.

Currently replies to correspondence ex Minister commonly take three to six months, depending on perceived complexity of the original letter's subject matter, to be supplied. The response generally begins with "I apologise for the delay in replying ..."

Responses, when supplied, generally lack details to enable subject tracking by the recipient, such as the reference number allocated to the original item of correspondence by its sender.

When responses are received they generally are lacking in substance and/or refer the writer back to the departmental business unit/individual staffer whose actions, or lack of same, were the subject of the letter. This attitude bears remarkable similarity to leaving the fox in charge of the chicken coop.

In the case of one particular tenant based organisation the list of unanswered correspondence finally admitted to by the department, after pressure had been consistently applied to the Minister over a period of years, when printed out in small font spreadsheet format, took up three sheets of paper - A3 sized. To date most of the answers sought by that organisation have not been supplied. The culture of accountability avoidance has permeated down to the lowest level of the department's staff. This is evidenced by the sending of unsigned missives containing allegations of wrongdoings, and dire outcomes for same, to tenants thus denying personal accountability on the staffer's part. That the tenant is denied the knowledge of the identity of their accuser is of no concern to the staffer who is acting in accordance with principles endorsed by their superiors and employer.

The culture of accountability avoidance creates denial of natural justice and due process to the person seeking to engage with the bureaucracy.

The end result of the defensive strategy of consistent failure to engage in meaningful two-way correspondence is the person/organisation seeking to engage in meaningful two-way correspondence gives up – the desired outcome of the defensive strategy.

That the person/organisation seeking to engage in meaningful two-way correspondence, if determined, goes to third parties to gain resolution of a matter which results in those sources, such as politicians and government ministers, then attempting to engage with Housing NSW/NSW Lands and Housing Corporation, and the resultant cost impacts on HNSW/NSW L&HC's budget, is of no concern to those implementing their defensive strategy of accountability avoidance.

Transparency avoidance

The Management structure has become very adept at avoiding transparency. Transparency avoidance has become a major weapon in its defensive arsenal, along with Accountability avoidance.

The historical departmental policies that were on the department's website have been removed and replaced with a different version in a different format. The former policies were written in user friendly language and indexed in a user friendly manner, making full and relevant information easy to find. Not so with its replacement, which baffles bar room lawyers and practicing solicitors, never mind the tenants and their advocates/advisers, nor those considering engaging with Housing NSW/NSW Lands and Housing Corporation.

Denial of information supply

Housing NSW/ NSW Lands and Housing Corporation have refined the art of denial of supply of reports and consultancies, even to those whose input was used to create the reports/evaluations.

Denial of Supply has become a major weapon in their defensive arsenal, along with Accountability avoidance. Their now standard excuse of 'just this one time ...' given to those input suppliers who seek supply of the completed report/evaluation has been used that often it has become both offensive and a mark of disrespect to those it is given to. The practice is tantamount to gaining benefit by deception.

Denial of supply is now routinely used to prevent the outcomes of Housing NSW/ NSW Lands and Housing Corporation's actions/strategies becoming public knowledge and thus avoiding Accountability and Transparency issues in their dealings.

Engagement with tenants - avoidance of

The NSW Lands and Housing Corporation has a legislated obligation under the NSW Housing Act of 2001 Part 3, Division 2, Section 11 (3) to “ ... as far as practicable consult with public housing tenants and organisations representing the interests of public housing tenants.”.

There is also an obligation contained within the Objects of the Housing Act 2001, (1)(e) to maximise the opportunities for tenants of public and community housing programs to participate in the management of their housing and in the development of public and community housing policies.

These legislated obligations are usually abrogated/denied/abridged by the NSW Lands and Housing Corporation and its agent, Housing NSW whenever it so suits them.

The Minister has also abrogated/denied these legislated obligations on multiple occasions, especially when departmental failures have been the subject of correspondence.

The purpose of this course of action is to generate apathy amongst the tenant body so as to minimise supply of information re the department’s activities and compliance with its legislated obligations.

This avoidance of transparency and accountability enhances the department’s ability to operate in a vacuum.

The planned avoidance also denies the department the benefits, in terms of both economic and social capital, that flow from genuine engagement with the tenant body and its membership.

In the paper ‘Civic Re-engagement_Partnerships with the Community’ presented at the 1999 National Housing Conference, Annette Gallard, Executive Director Public Housing NSW made the following points around the subject of engagement with the tenants and the tenant body :-

“In this case I want to focus on the community of residents who live in public housing estates, areas where residents are often socially excluded. However to approach residents in public housing estates as being a single community with similar interests is fraught with difficulty. The impact of broad economic and social issues may be manifested in the behaviour of individuals or households and it is here that the interests of the community may be at cross purposes.

1. The second problem is that many of these people have never been “engaged” in the first place. Often residents arrive on the estate because there is nowhere else to go. Their experiences of government employees are often negative: to get an allocation of housing they may have gone through a personally intrusive and frustrating process. They may consider that they have little in common with their neighbours except sharing an address.
2. Why should communities who have been shut out from the privileges afforded to other citizens have to fight to have their needs heard?
3. Many of the processes we invent can be alienating. Often there are expectations that there will be more democracy in tenant participation than in any other process we are involved in. We need multiple ways of getting tenant input besides very formal tenant consultation mechanisms.
4. Residents will want to know the boundaries within which they can have input. It is far better to be up front about the boundaries for input into decision making rather than to alienate people by letting them believe that they can have input into things that they can't change.
5. We need to come to terms with the fact that the resident's priorities may not line up with ours. Often we feel most comfortable working on the things that we know we can fix. But for residents the priorities are likely to be the problems that cross agency boundaries and by their very nature are complex and fraught with problems.

We know there are no quick fixes to this issue and that the values and beliefs of agency workers have an impact on their level of enthusiasm for taking up particular strategies supported by residents.

6. Working with communities is not for the faint hearted. Residents in socially excluded communities can often smell hypocrisy at 50 paces.”

In the Rimfire Review article – the Titanic experience – of 14th July 2008 the remarkable consistency in the attitude of the then Department of Housing and the now Housing NSW in their attitude to their clients, the tenants of the NSW Land and Housing Corporation was explored, as was the attitude of the respective Ministers over the same period.

It was demonstrated that the attitude was extremely one sided and dismissive of the tenants.

The point was made that the end losers of the failure to engage in a genuine two way dialogue on the part of Housing NSW and NSW Lands and Housing Corporation are the tenant and the government. One is subjected to the outcome of ongoing failure to deliver, the other to ongoing failure to receive benefit from an asset that is being continually run down.

There is a persistent pattern of the Minister telling the tenants that there is a desire for the department to engage with the tenants when repeated failures of individual departmental staff members to do so is brought to the Minister’s attention, yet the staff consistently fail to act in accordance with the Minister’s expressed desires. Some staff have been known to remonstrate with tenants when their repeated failures to act in accordance with their Minister’s expressed desire for engagement have been brought to the Minister’s attention on multiple occasions.

Volunteers and Tenant Participation - Valuing of

Housing NSW has for decades consistently chosen to not publically acknowledge that it has, and still does, receive value from volunteers in the tenant body. This longstanding refusal has been discussed at multiple state-wide tenant conferences. At the 2003 'Looking to the Future' conference a keynote departmental speaker, the Director Operations Northern NSW Housing Services Division, went as far as to say that the tenants were not to be trusted. The irony of this statement was that the state-wide conference the speaker was presenting at was organised by a group of seven tenants. The Housing NSW Executive Director, when opening the same conference, said "the quality of the work presented indicates that there is a very strong commitment to tenant participation amongst tenants and workers in social housing. This Conference confirms that when the Department staff and tenants work together as equals, anything is possible.". Apparently the concept of mutual benefit had not filtered down the next layer of the Department's staff on that day.

To this day the department staff still exhibits the same bipolar attitude towards tenant participation, the value of volunteers, and their capacity to assist in the delivery of the objectives of the NSW Housing Bill 2001.

The Tenant Community Initiative Program State Conference of 1999, with the theme 'Tenants Can and Do make a Difference' was held two years after the TCIP was launched. It was the second conference held under the banner of TCIP, which was launched in 1996. Again it was a tenant lead and delivered conference. In the Ministerial address to the conference the Minister said the program was a unique example of the potential for genuine participation between the government and tenants in NSW. It showed what tenants and their organisations can do to advocate effectively for improved quality of service delivery. It showed that tenants can and do

make a difference. The Minister also said that for the government to achieve its aims under its own policy of 'Fair Go, Fair Share, Fair Say' the government required the support and advice of community stakeholders.

The department has, over the intervening years, on multiple occasions considered developing and implementing policies formally acknowledging the role of the volunteers and the department's gaining of benefit from the utilisation of volunteers. Several times the department gone close to doing so, but has pulled back at the last instant on every occasion.

The initial departmental formal appearance of the term 'Voluntary workers' occurred in page 20 of NSW Lands and Housing Corporation's 2012_13 Annual Report

[[http://www.facs.nsw.gov.au/__data/assets/file/0011/279038/FACS_AR_2012-](http://www.facs.nsw.gov.au/__data/assets/file/0011/279038/FACS_AR_2012-13_Land_and_Housing_WEB_FACS.pdf)

13_Land_and_Housing_WEB_FACS.pdf] where there was mention of holding insurance for voluntary workers. It is not clear whether or not this included tenant volunteers.

Whether the department does not want to bear the costs associated with the usage of volunteers such as training, resourcing, insuring etc whilst acquiring the benefits of having volunteers is another question yet to be answered by the department. The longstanding failure to answer the question has had a negative effect on the relationship the department has with the tenants and, in turn, has lead to the department being denied the very benefits it acknowledges it could receive from volunteers.

Departmental role - Change of

The Department's role is dictated by the government of the day and expressed in the legislation which underwrites its very existence.

By the 1990s, successive Australian governments lost sight of the fact that their primary objective in housing policy was to meet the shelter needs of the community. This was reflected in the changed aspirations of the middle-class, who were encouraged to see 'investment' in housing as a safe store of value and property as a more tangible form of investment than shares.

It wasn't long before the politicians saw that one of the most effective ways of attracting and retaining the aspirational voter was to change the tax system to make investing in housing more attractive than alternative investments.

The result is that housing is now less affordable (purchase price and market rent in relation to income) than any time over the past century.

The changes in housing policy at a federal level had an adverse effect on the NSW State Government's housing provision system. It fuelled the demand for housing, especially rental housing, at the bottom end of the market.

The increased demand did not come with an increased budget to meet it. There was no direct mechanism to tap the increased wealth arising from changes in the taxation system at the Federal level. Indirect mechanisms available to the NSW government to tap the increased wealth such as annual land tax charges, were politically risky at the ballot box in that renters were not so numerous as 'investors' and owner-occupiers on the electoral roll.

Without increasing the funding the only substantive course of action left for the NSW government was to reduce both the accessibility and supply of government owned and operated rental housing. This was achieved by changing the state's historic role of being a provider of

affordable and secure rental housing to being a provider of last resort combined with the introduction of fixed term leases. This role change in turn has in turn lead to the creation of ghettos of absolute need, with an attendant increase in unmet demand for services in the Public Health sector, and the associated increase in budgetary pressure on those services.

This role change was accompanied by the government engaging in increased demonization of the public housing tenant body, utilising the principles of the 17th century French Revanchist ideology, to gain public support for their own actions.

Subsidisation of other Government Agencies

Deinstitutionalisation of services was premised on the ability/desire of the community itself to provide and deliver service capacity, and on the utilisation of the substantial funds arising from the sale of the real estate occupied by the institutions to assist said delivery. But now that resource pool is gone and funding comes from recurrent sources. There are always pressures by governments obsessed with balanced budgets and public debt to minimise expenditures.

This has been the underlying background to the situation whereby New South Wales Land and Housing Corporation and Housing NSW have, for many years on an ever increasing basis, been funding the obligations of the Health and Corrective Services Departments in regard to the supply of the housing component of the program deliveries of those agencies. This has been done to the detriment of New South Wales Land and Housing Corporation and Housing NSW's capacity to deliver services to their own client base in accordance with the Objects of their own empowering legislation.

Health and Corrective services are both meant to be operating in a manner such as to rehabilitate people with a desired outcome of those people being able to resume a functioning place in the broader community. The rehabilitation process conventionally ends when the person has successfully returned to the broader community.

Under the current regime Health and Corrective services are ending their rehabilitation responsibilities when the person is discharged from their residential facilities – hospitals and jails. Neither Health nor Corrective Services provide for a full phased return to the broader community for their client base. They do not provide 'half way' housing accommodation where the person can be supported/supervised whilst re-engaging with the community and in that process learning to be self supporting and self sufficient.

Health and Corrective services have shifted the housing component of their rehabilitation costs to New South Wales Land and Housing Corporation and Housing NSW. This shift is demonstrated in Housing NSW's Allocation system whereby applicants who are deemed as 'Priority' cases are given first call on vacant housing stock. Priority ranking is given to those exiting Health and Corrective Services residential facilities at the expense of those applicants from the broader community.

If Health and Corrective Services were to pay New South Wales Land and Housing Corporation and Housing NSW to supply and possibly manage housing stock for the use of their clients whilst undergoing the transition back to the broader community component of their rehabilitation, New South Wales Land and Housing Corporation and Housing NSW would be able to devote their full budget to delivering their own legislated Objectives.

Failure to act in spirit of underwriting legislation

The Department has, due in significant part to its escalating inward looking focus, lost track of the Objects of the Housing Bill 2001, its empowering legislation.

The Department has cherry picked the components of their legislated objectives at the expense of the balance of their objectives, thus shifting their focus and leading to an incomplete compliance. Staff have become ultra cautious when in a position requiring the making of decisions, especially decisions whose implementation would require the spending of money, to the point of paralysis. This has resulted in the loss of many opportunities to advance delivery of the Objects, plus caused many outsiders to remove the department from their lists of organisations with which they are prepared to enter into collaborative partnerships to deliver housing related services to the community.

Objects of the NSW Housing Bill of 2001

The empowering legislation for Public housing supply and management in NSW is the Housing Bill of 2001. Unfortunately most departmental staff have not read the Objects, or even know of their existence, if their workplace attitudes are any indicator.

The objects of the NSW Housing Bill of 2001 are:

- (1) (a) to maximise the opportunities for all people in New South Wales to have access to secure, appropriate and affordable housing,
- (b) to ensure that housing opportunities and assistance are available to all sections of the community with housing needs,
- (c) to ensure that public housing is developed as a viable and diversified form of housing choice,

- (d) to ensure that public housing reflects the housing standards of the general community and is designed to cater for the ongoing needs of consumers,
- (e) to maximise the opportunities for tenants of public and community housing programs to participate in the management of their housing and in the development of public and community housing policies,
- (f) to promote orderly and economic urban development and the adequate supply of affordable and suitably located land for housing at the minimum practicable cost to consumers,
- (g) to promote equity between levels of assistance provided to people living in public housing, private rental housing and those who own or are purchasing their homes,
- (h) to maintain an efficient housing administration to ensure the effective co-ordination and provision of all housing services,
- (i) to encourage social mix and the integration of different housing forms in existing and new communities,
- (j) to encourage the planning and development of new urban areas as communities with a full range of appropriate services and facilities available in the shortest practicable time,
- (k) to promote a viable and stable building and construction industry in the residential sector,
- (l) to facilitate the provision of assistance to home purchasers on low to moderate incomes,
- (m) to provide for the management of such existing and future home purchase assistance schemes (including the portfolio of loans under HomeFund schemes) as the Minister directs,
- (n) to provide for the funding of such other rental and home purchase assistance schemes as the Minister directs,
- (o) to encourage the development of flexible and innovative financial arrangements to facilitate access to home ownership for persons in receipt of low and moderate incomes,

(p) to ensure appropriate mechanisms and forums are established to allow input into housing policy by representative community organisations and non-government agencies involved in housing policy and provision,

(q) to attract investment in public housing, including related activities such as tenant employment and the provision of integrated services,

(r) to enable the provision under this Act of corporate, technical and information technology services, in or outside New South Wales, to government and non-government agencies.

(2) In the administration of this Act, regard is to be had to the objects of this Act to the maximum extent possible taking into consideration the needs of the State and available resources, and subject to any directions of the Minister.

The Bill as passed can be accessed at :

[http://www.parliament.nsw.gov.au/prod/parlment/nswbills.nsf/0/1315688a5d9a4e28ca256a730011c0dd/\\$FILE/b01-033-p03.pdf](http://www.parliament.nsw.gov.au/prod/parlment/nswbills.nsf/0/1315688a5d9a4e28ca256a730011c0dd/$FILE/b01-033-p03.pdf)