

“Don't knock down the housing ...  
use government taxes to **build more housing.**” Maria

“I have friends, doctors, shops around here and  
**it is my home.** I would be really upset to have to move.” John

“I have **always paid my rent.**

I don't understand why that money hasn't been spent on repairing my flat.” Bill

“It's a **good place to live** and I can't afford if  
they move me out.” Alby

“People need housing,  
need a **caring system.**” Entissar

**“If you want to keep housing commission  
sustainable, put money into it.”**

**Shane**

“I feel that this government is **secretly selling off public  
housing** land without prior knowledge of tenants.” Levent

“  
[Public] housing allows me to sustain and **meet the basic  
needs of my family** and myself.” Maria

“The discussion paper ... could have been done a little bit more sensitive, a little bit **more  
time to talk about it.**” Sandra

“  
To be more independent, I would like  
**better public transport, better  
childcare services,** and better and  
cheaper access to healthcare.” Ying



**Kingsford Legal Centre**  
**Submission to NSW Government**  
**Social Housing in NSW**

20 February 2015

Authors: Katherine Boyle, Emma Golledge (Acting Director), Edwina MacDonald & Denise Wasley<sup>1</sup>

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<sup>1</sup> This submission was informed by Kingsford Legal Centre's consultation with local public housing tenants. We coordinated and delivered this workshop with KLC students, Will Drolz-Parker and Vanessa Trang, in partnership with Julie Spies from Kooloora Community Centre. Will Drolz-Parker and Sasha Kistrwani also processed tenants' individual submissions and comments to send to the Government and for inclusion in this submission.



Rent for social housing should be charged using an income-based system.

18. The NSW Government should establish a low cost, user-friendly independent body that has the power to review decisions made by Housing NSW and community housing providers and make binding decisions.
19. The NSW Government should increase funding to tenancy advice and advocacy services by \$5.2 million per annum, and continue to increase funding in line with the increase in the number of tenants in New South Wales.
20. The NSW and Commonwealth governments should double its funding to the legal assistance sector to address the access to justice crisis.
21. The NSW and Commonwealth governments should increase their budget in order to provide adequate social housing.
22. Housing NSW should address costly inefficiencies within their service provision and management.
23. The NSW Government should fund the repair of public housing stock to ensure that properties do not fall into a state of disrepair.
24. The NSW Government should engage in genuine consultation with public housing tenants on proposals to sell off stock in their communities.

## **Summary**

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This submission is based on

## **About Kingsford Legal Centre**

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KLC is a community legal centre that has been providing legal advice and advocacy to people in need of legal assistance in the Randwick and Botany Local Government areas in Sydney NSW since 1981. KLC provides general advice on a wide range of legal issues, including housing matters, and undertakes casework for clients, many of whom live in public housing, are homeless or are at risk of becoming homeless.

KLC also has a specialist employment law service, a specialist discrimination law service (NSW wide) and an Aboriginal Access Program. In addition to this work, KLC also undertakes law reform and policy work in areas where the operation and effectiveness of the law could be improved.

There are almost 2,000 public housing tenants living in the Randwick and Botany Local Government areas. In 2014 KLC provided 165 advices in relation to tenancy law, which was





## **General comments about the proposal and consultation**

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### **A different framework is needed**

*“I think [the framework] needs to be taken into account that there are a lot of people living in housing commission who are the backbone of volunteer work, in this state.”*

Shane, public housing tenant

*You can't put a dollar value on [people], so you write them off, but they have great value. ... They contribute to their neighbours in so many ways. There's a perception that you live on public housing and everybody's crime ridden and it's horrible but that's not my reality of it. I know my mum has great neighbours who she looks after, who look after her, you know there's a great community so, and that's something we will fight to hold on to, and they will fight to hold on to. ... Just value these people.”*

Denise, KLC worker and former public housing tenant

We recognise that there are significant problems with the availability h26216..8( h-6.6( 6(en)-2.anc( )-16

circumstances and needs of different groups, including Aboriginal and Torres Strait Islander people, people living with disability, people from culturally and linguistically diverse backgrounds and women escaping domestic violence. We note the absence of any gendered

## **Pillar 1: Independence**

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*“Independence, I think needs to be addressed case-by-case. There are people that can’t work; there are people who can work, of course.”*

Shane, public housing tenant

### **Holistic, community based services are needed**

*“We’re fortunate in having this community centre down here ... I’ve seen such great development in having the sustainable gardens and all the things round here: the children’s groups, the holiday programmes and the work with all the old people doing exercise programs. Doing programs with the elderly you know, doing Scrabble and things like that, and just keeping our community newsletter going, and just all the services that are available to this community around here.”*

Elsie, public housing tenant

*“Kooloora community centre has been an excellent support for housing New South Wales tenants.”*

Anna, public housing tenant

*“We get very limited funding and obviously we target on supporting people through difficult times. One family that I’m thinking of, their mother ... left the children with the grandmother. They had a fairly tumultuous upbringing. Being supported by Kooloora, both of the children ... they’ve achieved ... they’ve finished their apprenticeship and are working and contributing to society, and that’s what we should be doing. We should be actually looking at getting that outcome of people being able to contribute fairly effectively to the wider community.”*

Julie, coordinator, Kooloora Community Centre



## **Affordability of private housing**

*“I really can’t afford it afford to go if you move me.”*

Alby, public housing tenant

*“I’m still on Centrelink disability I still can’t afford to access the market rent out their especially in this area from paying \$98 a week you have to pay something like \$500 a week for a place like mine in this area and that’s just not affordable for anyone in my circumstance.”*





tenants, and instead often takes a punitive rather than a health approach to issues such as mental illness.

We are concerned that the NSW Government may be considering a punitive ‘three strikes’ policy. There is no evidence that suggests that a ‘three strikes’ policy will result in less anti-social behaviour. If it were introduced, it is likely that it would lead to more evictions and increased homelessness. Instead, we recommend that Housing NSW refers tenants who are struggling to maintain their tenancies to community and health services, and that the NSW Government provides resources to community and health services for this work

We are also concerned about proposed changes to the law that may lead to tenants with convictions for drug offences facing eviction and homelessness. We do not support any proposal that compels the NSW Civil & Administrative Tribunal to terminate tenancies on the ground of ‘illegal use’ of the premises. The Tribunal needs to have discretion in how it deals with these applications. KLC has experience in advising clients in relation to the current ‘illegal use’ provisions, and it is our view that Housing NSW should first attempt to negotiate with its tenants to resolve these problems rather than automatically applying to the Tribunal.

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homelessness in Australia, and women. It is essential that women escaping domestic violence can access affordable and safe housing and that barriers towards doing this are removed.

One such barrier is the excessive documentary evidence of domestic violence that Housing NSW often requires of victims seeking to access priority housing. For example, Housing NSW has required our clients to provide evidence that the perpetrator has been charged with a domestic violence offence before approving priority housing, even though their policy, which sets out the evidence requirements for priority housing, does not require evidence of charges, has victims.



Funding for tenancy advocacy and advice services has not increased in real terms in 12 years, despite a 25% increase in tenants in that time. Funding to many community legal centres has been cut in recent years and many centres are anticipating cuts in the next 12 months. This will seriously impact on community legal centres capacity to advice, represent and educate tenants about their rights. Community Law Australia estimates that over half a million Australians miss out on legal help each year, primarily because it costs too much.<sup>6</sup> This number will increase with cuts to funding.

**KLC recommends that:**

19. The NSW Government should increase funding to tenancy advice and advocacy services by \$5.2 million per annum, and continue to increase funding in line with the increase in the number of tenants in New South Wales.

20. The NSW and Commonwealth governments should double its funding to the legal Com2 ans90.5(u

### **Pillar 3: Sustainability**

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*“If you want to keep housing commission sustainable, put money into it”*

Shane, public housing tenant

#### **Adequate funding for social housing**

*“Don’t knock down the housing ... use government taxes to build more housing.”*

Maria, public housing tenant

Tenants have told us it is misguided to regard the adequate funding of social housing as a cost burden. As set out above, providing vulnerable people with security, both in terms of their housing and their finances, produces long term social benefits. Reducing the availability of social housing places more stress on people struggling to make ends meet, leading to pressure on other services, such as the health system.

**KLC recommends that**

21. The NSW and Commonwealth governments should increase their budget in order to

23. The NSW Government should fund the repair of public housing stock to ensure that properties do not fall into a state of disrepair.

### **Publicly owned housing stock**

*“I don’t believe in knocking down flats in areas like Malabar and move us to other areas. I have friends, doctors, shops around here and it is my home, and I would be really upset to have to move. It would hurt my health.”*

John, public housing tenant

*“I feel that this government is secretly selling off public housing land without prior knowledge of tenants. They are going on about it with silly pamphlets they put everywhere which disclose nothing about the housing sell-off, or public housing relocations, nothing like that is in in any pamphlet. ... I just want to say that if the government is planning to sell off these public lands to private developers, they should show and tell everybody the facts and figures. When they’re going do it who they’re going to do it to.”*

Levent, public housing tenant

Tenants told us that they are fearful of proposals to sell off public housing stock. They feel that they have not been genuinely consulted about this, and that are worried that they will be forced to move from their local communities and that housing stock will be reduced.

Moving tenants away from their areas will destroy the close community connections they have

- have access to Commonwealth Rent Assistance payments, which is paid by the Commonwealth Government to people on Centrelink benefits;
- are able to generate additional revenue streams to cross-subsidise their housing services, for example by charging higher rents to some tenants; and
- have access to cost savings such as exemption from payroll tax, concessions for the Goods and Services Tax and exemption from the Fringe Benefit Tax.

These benefits are bestowed by the Commonwealth Government. Shifting public housing tenants to the community housing providers simply shifts the cost of providing social housing from the State level to the Commonwealth level of government.





**Appendix – KLC Social Housing Forum materials**

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The Government wants to create more opportunities for tenants of working age to move out of social housing. The current focus is on sustaining a tenancy (keeping the tenant in social housing) rather than encouraging opportunity or independence.

The Government says a fair social housing system gives priority to people who need it the most and provides the right type of housing to them. If the system is to be fair, it needs to be clear to everyone how these decisions are made. It wants the social housing system to provide assistance to people who need it while and when they need it. It says it wants a clearer understanding of tenants' needs so it can tailor programs and services, and improve 'wraparound' support to tenants.

The current situation is that people stay in public housing for a long period of time, meaning the government is not able to help more people. Properties are either underutilised or overutilised. They don't meet tenants' requirements for location, modification, access and size.

The Government says it will do more work on applicant eligibility and prioritisation, waiting list management, housing allocation and rent practice. It also says it will focus on making things easier and simpler for tenants, and will use online and mobile technologies.

Unlike the private rental market, social housing rent is based on income not location. Tenants living in a highly sought after areas pay the same amount as those living in an undesirable location. The Government wants to use different rent scales for different areas to give tenants more choice and to help make it affordable for people to move out of social housing into the private rental market.

The Government says that in a fair system tenants value the support they receive, take care of their housing, pa

The government wants a social housing system that is financially viable. This means available housing meets requirements, it is adequately maintained and it is efficiently managed within the government's budget. Since the 1990s, the NSW Land and Housing Corporation has spent more money on housing and services than it has received in funding from the government and rental income. The Government will consider introducing a 'break even' or cost neutral framework.

The main source of social housing funding comes from direct and indirect Commonwealth and State government funding and rental income. However, Commonwealth funding has decreased in the past 20 years. Rental income has also decreased because more tenants are relying on government income support rather than wages. The Government will look at 'innovative investment models' such as social housing bonds, outcome-based funding models (for assets and tenancies), public-private partnerships and joint ventures for delivery of new supply. They will also look at mixed tenure and mixed income models of housing.

The Government plans to increase the role of Community Housing Programs in managing tenants and dwellings. The NSW Land and Housing Corporation can access low cost borrowings and benefits from a larger scale operation. But Community Housing Programs can access costs savings from GST and payroll tax, and Community Housing tenants can access Commonwealth rental assistance payments.

The government is already selling assets that they don't think are suitable for public housing or that are high in value so they can be sold to cover the cost of replacing. It plans to continue doing this.

- :
- More funding is needed!
  - Community Housing Programs are still using up Government funding – it is just coming out of a different bucket.
  - Community Housing tenants have inferior legal rights to public housing tenants, eg in accessing the Ombudsman and judicial review.
  - Social housing should not be run by a private company, which may use aggressive tactics against tenants, such as private debt collectors to recover dispute amounts.
  - Well-maintained properties last longer and are of higher value.
  - Selling off assets will result in less housing and break up communities with established connections. Where will people living in these areas move to? Will they be paying the same amount as they do now?

# **SOCIAL HOUSING IN NSW**

**Submission to the NSW Government:  
Department of Family and Community Services**

## **1. Opportunity and pathways for independence**

*The Government asks: The social housing system is often difficult to access for those most in need. What measures are required to create a*

## **2. A fair housing system**

*The Government asks: Given tenants living in social housing often experience disadvantage which is disproportionate to other areas of the community, what measures are required to provide tenants of social housing with pathways to opportunity and independence?*







- Before the recording video, make some notes about what you want to say. The submission guide can help you with this.
- In its Discussion paper, the NSW Government asks 3 questions. KLC's submission guide lists some more questions to consider. You may want to pick 1 or 2 questions to focus on. Tell the video recorder which one's you're focussing on.
- During the video speak slowly and clearly. It's important the NSW Government hears what you have to say!
- At the beginning of the recording, introduce yourself:

*"Hello, my name is Joe Bloggs and I live in a public housing flat in Malabar. I have lived there for 7 years."*

- Talk a little bit about yourself. Why are you in public housing?
- Talk about why you think other people are in public housing and why you think public housing is important and valuable.
- – about 3 to 5 minutes. The NSW Government doesn't want to hear your life story!
- Stay on message. This is your chance to tell the NSW Government what you think about what their plans for social housing!
- If you make a mistake, don't worry. Just tell the video recorder to stop and you can start again.
- After you have finished recording your submission, you can watch it and decide whether you want to send it.