

Notes of Boarding House (BH) roundtable meeting Thursday, October 22, 2020

Present:

Liz Yeo, Mischa Gwaspari, Paul Adabie (NNC), Hazel Blunden, Joel Defreitas (Anglicare) , Jemima Mowbray (TU), Nick Baistow (Embark), Jon Atkins (IWC), Simon Watts (IWC), Digby Hughes (Homeless NSW), Anna Wade, Pauline Lynn, Susan Kimm (Customer Services NSW) , Thomas Chailloux (PIAC), Joyce Campbell (DCJ), Rory O’Neill (DCJ), Chris Martin (UNSW), Melanie Bradfield (Legal Aid), Monica Salama (MLC), Janice Denehy (DCJ), Peter Dormia (POA), Adam Farrar (NNC volunteer), Selma (mental health & Housing liaison), Cathy Callaghan (Shelter), Riley Brooke(TU), Cody Croasdale (MLC), Regina Nagy (Drug heath)

**Apologies:** Adrian Gillian, Megan Still, Paul Clenaghan, Mark Ludbroke

1. **Welcome Acknowledgment of Country**

Liz Yeo acknowledged Country and asked people to introduce themselves

1. **Roundtable introductions**
2. **Brief history of reform process;**

PA mentioned the Coroners closing remarks into the hearing of the preventable deaths of the ‘Marrickville 6’. Residents of a Licensed BH, whose deaths could have been preventable. As a result of this and other scandals the BH Act was introduced. Largely from a disability framework it had wide ranging implications to the General BH sector (formally known as unlicensed BHs).

Following the introduction of the Act NNC, in partnership with WSU and later ACU oversaw a five year study of the impact of the BH Act on residents in both general and assisted BHs. The final report helped to inform the current review process.

1. **Brief overview of consultation process**

RO reported – DCJ are leading on aspects of review related to Assisted BHs. Dept of Customer Service are leading on other aspects.

Many but not all Assisted BH owners are also registered NDIS providers, with varying degrees of service provision and potential for conflicts of interest.

An Industry Advisory Group has been established. Today there are 19 Assisted Boarding Houses (ABH) in operation

Four meetings on different topics in consultation process have taken place. The intent is to develop an Industry plan by February 2021

Resident consultation process has been delayed by Covid 19. Hope to take place early 2021

1. **Responses to BH Act consultation response paper**

PA highlighted some of the recommendations that were most welcome from NNCs perspective:

-Exclusion of self-contained accommodation and capture of all shared housing types

-Prescribed and mandated occupancy agreement

-Lodging of security bonds

- Introductionof *Fit for habitation* requirement

-Rental increases limited to once per year

Comments from roundtable:

SW alerted meeting to new Housing Diversity SEPP proposals (EIE), which will further complicate BH sector space (proposed changes encourage BHs to be managed by CHPs and under affordable housing umbrella). He welcomed the BH Act review proposals that would allow for better access for people on NDIS packages, but remained concerned on the impact for those with age related impairment

DH raised concerns regarding concerns around people with episodic disabilities (specifically psychosocial) getting adequate support from NDIS even with the new provisions in the act regarding access.

NB noted confusion with definition needs to be resolved in planning laws.

The BH register:

The new proposed Act would capture other forms of shared housing, and the current register would not be appropriate, or feasible to capture all these forms of housing. Boarding house data would be available via E-planning tool and within the planning space.

The current register has a number of weaknesses, it does not capture when a property changes use, or is no longer a BH and should be removed from the register. The department were currently grappling with the issue of how to address this.

CM and JM both raised concerns re the apparent loss of the BH register. Noted Tenant advocates access a lot of useful information that would not be available in future.

Concern raised that under the new framework, existing BH properties would not come up in future searches. Any BH register has to be more than a planning tool.

Local and State Government

Q: How will the joint working of Local and State Government work in practice?

A: Thinking is currently underway, one proposal that each regulatory authority stick to their area of ‘expertise’

Fair Trading = Occupancy issues

Local Government = Physical environment

Fire & rescue = Overcrowding issues

Each authority may establish a joint regulatory authority

A joint State and Local Government committee would work out how information on shared accommodation would work.

The new Act moves beyond just planning related issues to issues of occupant’s rights. Department of Fair Trading and Local Government would work together to get the system right and explore how access can be provided.

Occupancy Rights:

TC raised concerns re the lack of definition of reasonable notice for no grounds terminations. He suggested a minimum of 3 or 4 weeks

The department noted nothing was currently set in stone and all matters being considered.

CM raised with the broadening of the properties captured, there may need to be standard agreements for each sub sector. Reasonable notice meant different things in different circumstances and different sub sectors.

JM noted that as the new Act captured a far wider number of people, including, seemingly all boarders and lodgers, and people in share house arrangements. How would people know they fall under a new legislation? A public education campaign would be crucial for ensuring people were clear of their rights and responsibilities

PL: Agreed public education campaign would be important part of the process

1. **Next Steps – Pauline Lynn**

There are 21 recommendations to work through. The responsibility lies jointly with the Department of Communities and Justice and Department of Customer Service. The intent is to have a new Act drafted by 2021. Anticipated to take 6-10 months

Hoping to hold stakeholders meeting to discuss occupancy obligations towards end of November.

Issues being worked through include, establishing the new fit for habitation definition, extending the regulation role of Fair Trading, issues around termination

Response from roundtable:

-The importance of people with lived experience being consulted / involved at an early stage

-That there is a broad range of people with lived experience to be engaged – Both NNC and PIAC have avenues for accessing PWLE

It is possible that consultation may take place around different aspects of the new bill and not the full bill given the growing list of complexities.

The departments do not have all the answers yet, but are working through a number of complexities.

1. **Health Update**

Covid in BHs.

MG walked through presentation of a recent Covid 19 case in a BH

Noted early planning and public education work undertaken in anticipation of such an event

Immediate response by Outbreak Management Team to confirmed case of Covid in BH led to housing 10 residents relocated in isolation hotels.

Telehealth Project

Discussion underway with Dr Adrian Gilliam (RPA) for a telehealth service for BH residents to have telephone access to medical staff at pre planned times