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| **Minutes of Boarding House Roundtable Meeting, 28th June 2018** | | |
| **Item 1** | **Present**  Amanda Perrett Haymarket Foundation  Ellie Leahy Haymarket Foundation  Digby Hughes Homelessness NSW  Dean Price People With Disability Australia  Liz Yeo Newtown Neighbourhood Centre  Deb Tipper Newtown Neighbourhood Centre  Paul Adabie Newtown Neighbourhood Centre  Michelle Apschner Newtown Neighbourhood Centre  Julie Dardel Newtown Neighbourhood Centre (ILC Project)  Renee Jenner Student  Elizabeth Priestly WayAhead Mental Health Association NSW  Jon Atkins Inner West Council  Michael Simmons Inner West Council  Hayley Stone Eastern Area Tenants Service  Jo-Anne Ryan Addison Road Community Centre  Peta Smit-Colbran Mental Health Carers NSW  Leo Patterson Ross Tenants Union  Elizabeth De Freitas Tenants Union  Nancy Gangi NSW Finance, Services & Innovation  Peter Dormia Property Owners Association NSW  Rory O’Neill FACS (Boarding House Compliance)  Sheryl Plunkett Anglicare  Stephen Meates Eastern Prudential Insurance  Tami Suzuki Sydney Health District  Janice Yeung Marrickville Legal Centre  Martin Barker Inner West Tenancy Advice Service | |
|  | **Apologies**  Dr Gabrielle Drake Australian Catholic University  Sophia Maalsen University of Sydney  Julia Murray Marrickville Legal Centre  Hal Pawson University of New South Wales  Samar Zakaria Drug Health  Ben Gray All Saints Church  Megan Still Sydney Health District  Joyce Campbell FACS  Ruby Steele Legal Aid (NSW)  Paul Clenaghan Sydney Health District  Erla Rowan Inner West Council | |
| **Item 3** | Liz Yeo opened the meeting, gave acknowledgement of country, and confirmed the minutes of the previous meeting. | |
| **Item 4** | **Discussion of minutes and actions arising in last meeting** | |
|  | **Questions arising from minutes**  **Section 7.1 from February Minutes – Query of the number of unregistered boarding houses recorded in district.**   * Of the properties believed to be unregistered with Fair Trading. The Boarding House Team had visited about 400 properties to confirm if this information was accurate. After visiting each property there was approximately 70% accuracy in what appeared to be unregistered properties. The checking included sighting the properties on foot, as well as checking the internet to see if individual units were being sold separately, or if all rentals were under the one property owner. The checks also searched for any evidence of a caretaker. | |
|  | **Actions** | *Progress* |
| Action 1: Noted PHN have released a paper on homelessness, within the district, which is downloadable on the PHN website. https://www.cesphn.org.au/preview/population-health/2078-shcn-homelessness-report-february-2018/file | *Closed* |
| Action 2: FACS to notify participants of release of Act review discussion paper | *Noted* |
| Action 3: The 2019 Boarding House Good Practise Awards 2019 shall be progressing, as planned, however Deb Tipper shall unfortunately not be running them, as she has accepted a position elsewhere. | *In Progress* |
| Action 4: Review of BH Act timeframe has not yet been confirmed, but the Act Submission shall still be the subject to the day’s round table. | *Noted* |
| **Item 5** | **Presentation by Student, Renee Jenner**  Renee Jenner is a Social Work student, with the Boarding House Outreach Services. She spoke on the effect of the Boarding Houses Act from the perspective of boarding house residents. Consulting with BH residents at the All Saints Church during a weekly lunch gathering, residents completed an 8-question questionnaire designed by Renee about the BH experience, and their awareness of the Act. 12 people were spoken to.   * ***Are the residents aware of the existence and impact of the BH Act?***   - 9 out of 12 people were not aware of the BH Act;  - 2 knew a little, but were unsure of its impact;  - Only 1 was aware of the act, and its impact since its creation. “We used to have no protection, but now we do”.   * ***When asked what a resident would do if they are experiencing a problem with their boarding house. i.e. who would they approach?:***   - 7 out of the 12 said they were comfortable speaking about the problem with their landlord;  - 3 out of the 12 said they had experienced this situation, and upon telling their landlord, no action had been taken, and those residents no longer feel like they can mention problems with their residences to their landlords;  - 4 would tell other people in the household, to warn them;  - 1 would tell everybody who might listen;  -2 would not speak with their landlord if the situation presented itself, fearing illegal eviction.   * ***As regards occupancy agreements:***   -5 residents do not have any sort of occupancy agreement; 3 have informal agreements (1 is week-to-week, another is a verbal agreement, the last one is “written on the house walls”);  -1 had a lease, which is no longer current;  - 2 had signed a contract, but were unsure of their rights within/surrounding the contract.   * ***Do the residents expect to see a change in boarding houses in the next 5 years?***   - 5 do not expect to see any change in BHs or their conditions;  - 2 foresee the BH situation getting worse, with much higher rent for similar conditions.  - 1 believes there will always be a need for BHs, but that they need more policing.  - 1 is optimistic, foresees cleaner, friendlier BHs, with pets and garden areas.  - 1 expects increasing stability of living conditions.  - 1 mentioned that the people employed as housekeepers in BHs should receive a proper salary, as pay conditions are currently poor, and some are currently paid in laundry tokens!  Questions Arising from Renee’s presentation were:  *Could we ascertain if the residents interviewed were in ’illegal’ BHs?* At least one is known to live in an illegal BH.  *Were the residents identifying as having additional needs?* No, but it is believed some of them had support needs.  *Did any mention assistance coming in to the BH to help them out?*  No, but they weren’t being asked about that at the time.  *Did the residents know there are avenues for complaints to be proceeded through? Or do they feel like they have to handle problems for themselves?*  Approximately half might be aware of avenues, and seek out such services. Residents will often only complain after they leave the boarding house, as they are fearful of reprisal. The insecurity of their living conditions feeds into unwillingness to take on an advocacy role. | |
| **Item 6** | **Presentation by Rory O’Neill, FACS**  A discussion paper has been drafted by FACS and Fair Trading, and has been to Cabinet. Both departments will be responsible for writing up the post-consultation report, and hope for a 6-8 week consultation period. It looks unlikely for the period for consultation to open up within the next few months. It is not known when this will happen. It is not unusual for reviews to be carried out beyond the original deadline, by months, or, years.  Questions Put to Rory were:  *What is the setup of the FACS department?* There are 5 members of the FACS BH regulation enforcement department, of whom 3 are dedicated BH enforcement officers for 18 registered Assisted Boarding Houses.  The officers ensure the BHs do not breach the Act. If the FACS staff identify people with additional needs living in general boarding houses, they attempt to move them to an assisted boarding house.  FACS will continue to regulate Assisted BHs, and unauthorised Assisted BHs.  *What are the complexities being faced when attempting to bring into line unauthorised BHs?* There has been improvement since the advent of the BH Act, as the powers of the department are much more clearly defined. Problems faced are with unregistered BHs, and with establishing if somebody does have additional needs. i.e. Sometimes the periods when assistance would be needed are episodic, and thus not identifiable outside of those periods. Unregistered BHs are not all poorly run. In the instances where this is the case, the BH operators can be advised of the options for registration. There is a need for safeguards for people with disabilities and special needs in general BHs as well. | |
| **Item 7** | **Presentation by Peter Dormia, POA NSW**  Peter presented on the topic of illegal BHs. The POA committee is concerned about the illegal BH market. They are concerned that illegal BHs continue to operate unchallenged, and why not all organisations report illegal BHs. *Residents and organisations alike may refrain from dobbing in illegal BHs due to a fear of evictions and resulting homelessness.*  Concerns put forward by Peter are that unregistered properties are likely to be unsafe, with invalid insurance policies, leading to owners and residents both emerging at a loss should any disaster befall. The illegal market appears to be large, some 239 in the inner west (as per data from NNC refer Section 7.1 from 20/2/18 Minutes). This illegal market removes depth from the legal market and destabilises the sustainability of a healthy supply of compliant registered BH.  The 5 year BH Evaluation study by Dr Gabrielle Drake has positive findings around resident satisfaction levels in registered BH.  *It was noted that being registered as a BH on the Fair Trading website does not mean that property safety checks are guaranteed, as the registration process is an online one, not reliant upon providing upfront evidence of meeting safety guidelines or having appropriate DA approval.*  *It was also noted that local councils are not alerted when BHs are registered with Fair Trading, which means there is no follow-up process for compliance checking, despite such follow-up inspection being mandatory within the 12 months following registration, as stated in the BHA.*  The POA sees that councils have been given wider ranging powers, and a clear definition. Our feedback is that some councils are effective in addressing illegal’s and compliance, while others are not dealing effectively with this core duty. Further programs like the $60k fire upgrade grant would alleviate burden of operator upgrades to meet registration requirements. It’s been 5 years, inadequate progress has been made in some LGA’s. POA questioned if this variation is due to a lack of resourcing to councils.  *It was noted the* *public perception of boarding houses, and their residents, as being less than positive. Similarly, fire safety compliance measures can be complex whole-day processes, which may encourage many BHs to remain unregistered, rather than face a potentially disruptive fire compliance check.*  Peter’s suggestion was that the harder it is made for a registered BH operator to operate, the greater the barrier in bringing illegals to registering and operating in a legal capacity. Suggested solutions include:   * An anonymous phone line for reporting illegal BHs. The callers can be local residents, etc, taking the onus off of the residents. * An anonymous tracking mechanism for reporting illegal BHs, making the compliance process more transparent and accountable. * Organisations and all stakeholders aware of illegal operators should report them, those quasi compliant BH operators need a “nudged” and to be “nurtured” into compliance.   Final question summation by Liz Yeo: *What would it take to turn illegal BHs into legal, compliant BHs, while retaining housing?* | |
| **Item 8** | **Presentation by Leo Patterson Ross, Tenants Union**  The TU report continues to recognise that further legislation is needed in the area of dispute resolution, and evictions. The current process put the onus on the resident to push for their own rights to bring a dispute before the tribunal, and operators have the right to evict a resident while their dispute’s hearing is still in process. Residents of BHs are not covered by the Residential Tenancies Act, and thus need more accessible, timely, and effective avenues for their dispute resolution processes. With the advent of the BH Act, councils were not given extra resources to enforce penalties under the Act, and residents are still largely required to assert their own rights. This is difficult where there is no protection from retaliation.  It is acknowledged The BH Act was a step forward but as a piece of legislation, it has not been overall effective in bringing about the changes needed. The underlying feel of the current regulations is that people residing in boarding houses who are unhappy with the arrangement can choose to live in other boarding houses, better ones. This assumption of choice is not reflective of the reality of BH residents or the dynamics of the boarding houses sector.  *Do councils have the mechanisms to force BH registration?* There are penalties for not registering a BH, but the application of these penalties has to go through the court process, councils will not see the penalty money, despite any time and effort they put in to pursuing the penalty.  *Inner West Council*: Councils have in recent years been conglomerated, with their different processes being pushed together. BHs registered in an area do get inspected, however, the registrations visible on the Fair Trading website are not representative of all of the boarding houses in an area. i.e. the FT website shows only 100 registered BHs in an area, whereas one area is known to have 400. | |
|  | **Break** |  |
| **Item 9** | **Deb Tipper**  Bringing to the Round Table ideas which, should there be general agreement, may be developed for inclusion in the suggestions for the BHA amendment, with multi-body support.  **It is important to provide support to local government in areas of compliance.**  The Inner West and Sydney contain 50% of the BHs in NSW, but have no more resources despite this. *Suggestion:*  *\*a periodic cycle of review for funding to local government to support compliance activity*  *\*Thresholds of numbers of BHs to trigger accessible funding*  Discussion:  POA: additional resource allocation would potentially be wasted if council is not competent at exercising their core compliance duties.  IWC: Currently councils are compromised by a lack of funding, as funding allocation was not a part of the BHA. The reach and responsibilities have grown, and staffing numbers have grown accordingly in City of Sydney, but without any extra funding.  Deb: If a council accesses funding, there would be accountability. This would be built into the funding model. If a council is culturally non-inclined to intervene in BH issues, they would either not apply for the funding, or would not receive it again at the end of the cycle, if they had not proven they had used it to the ends it was provided for.  TU: Fair Trading might put some resources towards pushing for compliance in BHs.  Liz: **Summary:** ***Should councils be responsible to do these things, and should they be more resourced to do it, as they are insufficiently funded at the moment?***  More diagnostics and development of the idea pending. Also, an effective compliance regime is needed.  ***Agreement at the Round Table***  **Illegal BHs and Non-compliance**  Last year, Queensland had a focussed research project looking into the illegal BH sector, as part of their review process. <http://www.hpw.qld.gov.au/SiteCollectionDocuments/TargetedInvestigationsReport.pdf>  Queensland also had a focussed registration campaign. They provided a period of amnesty allowing time for people to act and register their BHs after the campaign, and after this period ended, they increased penalties for unregistered BHs. ***Would this process potentially work for NSW?***  Registration in Victoria must be done every couple of years. The public registry lists contain more information, listing individuals BH’s breaches of compliance, or if an application for registration is pending, etc. **Perhaps, we could also have this sort of information be publicly accessible.** Also, in Victoria, their Fair Trading site has email links directly to the relevant council for filing complaints or raising issues, but we do not. Their process is more accessible.  *Discussion:*  Focussed registration drive and amnesty period would have to go hand-in-hand with a response as to where people are going to live if displaced. Some BH operators are good landlords, just needing a gentle nudge. Amnesty would work for such operators.  Fair Trading’s complaints section might be better used.   * Currently, complaints processes have the setup for complaints to be made anonymously, and for the progress of the complaint to be tracked, but more public access to the process would be preferable.   -: Can we overcome only 100 BHs displayed on the FT website?  -: It was meant to prevent people from doing mass mailouts to all the BH addresses.  : The system needs improvement to allow a greater variety of searches. E.g. by owner’s name, not just by suburb  **Ongoing Support for Residents**  It is apparent that people do not know about the BH Act, it could use a publicity campaign. People’s own lack of knowledge can endanger them. Knowledge helps us to make more informed choices.  ***Proposal: Supporting targeted information for BH residents regarding their rights, details of the BH Act.***  The difficulty lies in reaching and educating residents. Additionally, operators don’t know their responsibilities under the Act. Many do not operate in the digital world, but need to be targeted as well.  The ineffectiveness of the Act makes educating people about it useless. There is no practical help coming from searching for help and learning the Act will not provide it.  Liz: An effective, and unforced compliance regime is still the needed link here.  **Occupancy Agreements**  These are insufficient.  Does greater complexity and regulation applied to operators leads to greater complexity and restrictions for residents? | |
|  | **Close and Next Meeting**   * To be confirmed, but mindful of alerting people to the review process when known. * Some work through some of the propositions raised today could progress in smaller groups. * Noted some pertinent issues may not need for the Act to be reviewed before raising with Government if critical. * Julie’s resources for residents in crisis can be viewed below.   [Tenants in Difficulty Postcard](file:///C:\Users\kiri\AppData\Roaming\Microsoft\Word\NNC%20-%20Tenancies%20involving%20people%20in%20difficulty.pdf)  [Managing Challenging Behaviours Flyer](file:///C:\Users\kiri\AppData\Roaming\Microsoft\Word\NNC%20Flyer%20-%20Managing%20Challenging%20Behaviours.pdf)  [Resident Support Magnet](file:///\\AD\RedirectedFolders\kiri\Desktop\Julie's%20Project\NNC-Magnet-Resident%20Support(FINAL%20PRINT).pdf)  [Support for Tenants Web Logo (Large)](file:///\\AD\RedirectedFolders\kiri\Desktop\Julie's%20Project\NNC%20Support%20for%20Tennants%20WEB%20LG.jpg)  [Support for Tenants Web Logo (Small)](file:///\\AD\RedirectedFolders\kiri\Desktop\Julie's%20Project\NNC%20Support%20for%20Tennants%20WEB%20SM.jpg)  Deb Tipper is leaving, farewell and thanks to Deb for all of her hard work, her great work on the Awards, and her consultations outside of the round table. Her responsibilities will be shifted to a team leader position in the Boarding House team at NNC. | |