



**RESPONSE TO SHRR
INTERIM REPORT**

**VICTORIAN PUBLIC
TENANTS
ASSOCIATION**

February 2022



Who We Are

The Victorian Public Tenants' Association (VPTA) is the voice of public housing in Victoria.

As the peak body representing existing public housing renters and those on the waitlist, our goal is to provide advice to renters, and to improve and expand the public housing system in Victoria. Although not formally part of our role, we also assist community housing renters where possible.

We believe all social housing renters deserve a representative voice, regardless of their specific tenure type.

While our work is in Victoria – we are the only peak body in Australia which exclusively represents public housing renters or people who live in social housing.

We undertake systemic advocacy and provide policy advice to the Victorian Department of Families, Fairness and Housing ('the Department'), undertake community engagement work and operate a free and confidential telephone advice service. In the 2020-21 financial year we assisted more than 500 residents and applicants with in-depth advice and assistance.

About this Document

We congratulate the Panel on their in depth, carefully considered response to a complex Terms of Reference.

The issues the Interim Report attempts to resolve are complex, and deep. They are impacted by many years of experience on behalf of renters, and many years of advocacy from the sector. Further, we acknowledge that the Final Report due in the middle of this year will not be the end of this process. Rather, we anticipate that the Final Report will provide formal guidance as to how Government should proceed to bring the recommendations of the Panel to life. It is our hope that, throughout this process, the voice of renters is centered as clearly as the Panel has in their work to date.

Overall, we are optimistic about the direction indicated by the recommendations in the Interim Report. While we appreciate that regulation alone is not the sole driver of change, and that it's proper implementation will necessitate a period of greater financial assistance to the sector, and in community supports more generally, we nonetheless believe that the good faith implementation of such regulations, and adherence to them, is capable of delivering significant improvements to quality of life and experiences of social housing residents across Victoria.

This document provides a brief, general response to many of the papers that constitute the Interim Report and includes a table responding to the Panels recommendations.

Appendix A provides a table of Interim Report recommendations, alongside the VPTA comment.

Appendix B is a visual representation of a systems map, following the implementation of recommendations, from the perspective of the VPTA.

Paper 1: Tenant at the centre

The VPTA is deeply supportive of shifts in systems thinking which have the intention of prioritising tenant experience, and which acknowledge the primacy of safe, affordable and sustainable housing as a key human need.

Amending the objective of the *Housing Act 1983* to place renters at the centre is a positive step. However, we note the concerns raised in the submission by the *Joint Community Legal Centres* and wish to avoid a circumstance in which the interests of current residents are traded off against those of prospective residents.

Further, clarifying that the *Charter of Human Rights and Responsibilities Act 2006* ('Charter') applies to registered community housing agencies, removes this as a question, and provides greater certainty for both residents and providers. In order for this amendment to reach it's greatest impact, it will also be important to ensure that residents and smaller providers are able to practically access a jurisdiction within the legal system that has capacity to hear Charter matters.

We understand that currently, only the Supreme Court has jurisdiction to hear Charter matters. This seriously limits the practical benefits to be gained by amending the Charter. We propose that either the Victorian Civil Affairs Tribunal ('VCAT'), or another quasi-judicial body, be able to hear Charter matters in order to address this.

Additionally, we encourage the Panel to broaden this recommendation, and call on the Government to further amend the Charter to include housing as a human right.

This is consistent with the United Nations International Covenant on Economic, Social and Cultural Rights, of which Australia is a State party, and says that:

"The States Parties to the present Covenant recognise 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."¹

Amending the Charter in this way would also give effect to recommendation 34 of the Victorian Parliamentary Inquiry into Homelessness, "That the Victorian Government include the right to housing in the [Charter]."²

Finally, we strongly support the creation of a charter outlining minimum service standards that residents can expect their public or community housing landlord to meet. For clarity, this document will refer to this as the 'Social and Affordable Housing Standards'.

¹ United Nations, International Covenant on Economic, Social and Cultural Rights, Article 11.1

² Legislative Council Legal and Social Issues Committee', 'Inquiry into homelessness in Victoria: Final Report', Parliament of Victoria, 2021, accessed online (https://www.parliament.vic.gov.au/images/stories/committees/SCLSI/Inquiry_into_Homelessness_in_Victoria/Report/LCLSIC_59-06_Homelessness_in_Vic_Final_report.pdf) pg 200.

It is critical that the Social and Affordable Housing Standards be enshrined in legislation, ideally as a schedule to the *Residential Tenancies Act 1997*. This is appropriate, as changes to the SAHS would require the consideration of Parliament, which ensures the SAHS cannot be amended without public knowledge. Further, by including the SAHS in primary legislation, they are more easily actionable by renters in the event of a breach. Finally, this approach is consistent with the one proposed in the Final Report of the Aged Care Royal Commission, for a similarly intentioned set of minimum standards in the Aged Care System.

The Commissioners, in discussion of the Charter of Aged Care Rights, indicate that a number of them are:

“...fundamentally important and deserve statutory protection, such as the rights to:

1. Safe and high quality care and services;
2. Be treated with dignity and respect;
3. Have my identity, culture and diversity valued and supported;
4. Live without abuse and neglect.

However, because the Charter of Aged Care Rights is not enshrined in the Aged Care Act or any other Act, the list of rights in it, and any other aspects of the subordinate legislation to which it is scheduled, may be amended by the Minister from time to time. The Charter itself has been amended six times in five years.”³

We consider that the matters to be dealt with in the SAHS to be of a similarly fundamental nature to those contained in the Charter of Aged Care Rights, and deserving of similar protection in legislation.

Paper 2: Common service delivery standards and regulation across public and community housing

The VPTA is supportive of the development of a common set of standards across all social housing properties, provided that no residents experience a diminution of rights and protections.

In practise, we consider that this means that the public housing policies and procedure become the ‘model rules’ for policies across all social housing providers, in the same way legislation governing bodies corporate often includes model rules which can take the place of a bespoke Constitution or can be read into rules where an organisation’s own documents are silent on an issue.

In order to eliminate any concern or anxiety about this process, we recommend an open audit be conducted of each policy, and that those that are most advantageous to renters be combined to create the new model rules.

³ Royal Commission into Aged Care Quality and Safety, “Final Report: Care Dignity and Respect, Volume 3A, The new System’, Commonwealth of Australia, 2021, accessed online (https://agedcare.royalcommission.gov.au/sites/default/files/2021-03/final-report-volume-3a_0.pdf) pg 16 – 17. (‘Royal Commission into Aged Care Quality and Safety, ‘Final Report Volume 3A’)

There is significant benefit to be gained, we consider, for both residents and providers, by the greater simplicity offered by a model rules approach.

At a minimum, the VPTA considers the model rules should specify a policy with regard to:

- Temporary absences
- Disability and family violence modifications
- Maintenance (including responsive repairs, upgrades, and maintenance required for health reasons)
- Complaints and appeals
- Rent setting and review processes (including an affordability cap for proportion of total household income to be spent on rent)
- Rental arrears

Finally, residents must be able to take action to assert and protect their rights in the event they consider their provider is not compliant with the model rules. We consider that there are two elements which must be embedded in the model rules to ensure this is possible. These are that:

- As above, the model rules are enshrined in legislation. We propose that they could comprise part of the SAHC, and
- Community legal centres are adequately resourced to be able to assist social housing renters to protect their rights.

Paper 3: Tenant empowerment

The VPTA continues to firmly advocate that our role is formally expanded to include representation of all social housing renters.

The VPTA was founded in 2000 by public housing renters and for public housing renters. This is a strong history which should not be overlooked. From that time, we have worked collegially with our colleagues in the community sector to deliver the best possible outcomes for people who live in public housing and people waiting for access to social housing assistance.

Additionally, the VPTA has been the de facto representative for community housing renters in consultative forums, as well as providing assistance to community housing residents when requested to do so.

We have the existing infrastructure required and could expand our service offering by amending our Constitution and governance procedures to explicitly include representation of all social housing renters, increases to the number of board members required to have a lived experience – specifying that both social housing tenures should be represented on the Board, and rebranding to ensure the new scope of formal jurisdiction is clear in our name and visual presence.

We would be happy to work on these, and additional issues, in consultation with our colleagues in the community sector during a transition period to ensure all parties were confident of equitable representation if necessary.

Paper 4: Tenancy Sustainment

The VPTA concurs that there is a pressing need for greater information regarding social housing tenancies, and tenancy sustainment information is a key part of this need. We agree that the reasons why a household may choose to leave a social housing tenancy are broad and are not always positive. Likewise, there many negative reasons why a tenancy might come to an end, of which 'eviction' is only one. We are aware of reasons why tenancies have ended, not in eviction, but in negative circumstances which can be as detrimental to the wellbeing of the household as an eviction would have been.

Understanding more about the types of exists the social housing system is experiencing, will assist providers of all kinds to prevent negative exits. This is critical, given that an experience of homelessness or severe housing insecurity are likely outcomes of tenancies that end for negative reasons.

Key to sustaining tenancies is adequate support for the community sector more broadly. This sector delivers vital help and assistance to all Victorians at times of need, assisting them to live independently and with dignity.

Despite this, access to support can be limited by the capacity of the sector to deliver services. Often, staff and organisations are underfunded and overwhelmed by demand. This creates a situation where, like access to housing support, services are required to triage. If services were able to take on new clients as they were approached, tenancies may be more easily sustained.

It is important to note, the VPTA is strongly supportive of maintaining a core separation between supports and social housing providers.

This separation is vital to ensure that renters needs in terms of both support, and housing, are being met. Where both services are provided by one organisation, renters may feel that they cannot raise issues with one aspect, for fear of losing access to the other.

This would be an intolerable outcome.

Further, while we support the implementation of social landlord models, it must be noted that this does not mean that a tenancy manager becomes a support worker.

The role of a tenancy manager under social landlord principles should be to manage tenancies in a compassionate, trauma informed way, and build a rapport with their renters so that they are in a position to resolve tenancy issues as they arise.

The VPTA considers that a tenancy manager ought to be in a position to build a strong rapport with renters, such that they are in a position to be aware where an issue may be arising, either through inference or as a result of the advice of the renter, and to be able to refer to a support service to assist the household.

People who live in social housing do not need dedicated services from the community sector in areas such mental health, financial counselling, health, alcohol and other drug services or family violence services. Rather, these services

must be resourced adequately to be able to respond to demand in the community – regardless of the housing tenure of the person seeking help.

The VPTA is in principle, very supportive of a ‘no evictions into homelessness’ policy, and would support work to broaden such a directive to include a duty to prevent negative social housing exits also.

We do note that avoiding evictions into homelessness via a supported transition model assumes a level of availability of stock that has not yet been realised across either public or community housing portfolios. This is a key barrier to implementing such a policy.

Other important factors to consider when implementing a ‘no evictions into homelessness’ policy include:

- The creation of a clear set of guidelines regarding when a supported transition is appropriate, including notice periods and a genuine opportunity for the resident to be moved to be able to access legal advice and/or amend their behaviour to avoid moving, and
- Consideration of the potential impacts a supported transition may have for Victim Survivors of family violence (for example, where a supported transition delays the removal of a perpetrator from the home).

Paper 5: Dwelling standards

The VPTA strongly supports the recommendations in this section, and notes they are in large part, recommendations that the VPTA has made as part of other processes.

In addition to the recommendations included in the Interim Report, we would highlight the need for social housing properties to remain subject to minimum standards in the *Residential Tenancies Regulations 2021* as they are amended in the future. For example, air conditioning is not currently listed as a minimum standard for rental properties, but we understand work is underway to include air conditioning as a minimum standard in the future.

The minimum standards in social housing properties must keep pace with the rental minimum standards as they develop more generally.

Additionally, we note the difficulty participants in the National Disability Insurance Scheme (‘NDIS’) can often have in accessing certain disability modifications, where the National Disability Insurance Agency (‘NDIA’) delays assessment of plan reviews, decisions, or release of funds for modification works to occur.

Where a renter is an NDIS participant and a social housing renter, their ability to access timely, necessary disability modifications to their home should not rest on the outcome of a jurisdictional debate between Government and the NDIA. Nor should the Victorian Government be required to fund modifications the responsibility for which lies with a federally administered program.

In lieu of a resolution to the overarching jurisdictional questions, we would propose that a mechanism should be considered that allows the required works to

be carried out promptly, and allows for the resolution of the 'who pays' question to take place in it's own time.

Paper 6: Dispute resolution

The VPTA is broadly supportive of the recommendations in this paper.

We are particularly supportive of a single-point of entry complaints, appeals and dispute resolution function which would be accessible to all social housing residents. The creation of a single set of standards and model rules makes such a body possible from a practical perspective.

However, we do not consider that a single-point of entry organisation, with this number of varied functions is best suited to be included within an existing agency, like Consumer Affairs Victoria, and would strongly advocate for the creation of a new, independent body.

The VPTA would also advocate for the Victorian Ombudsman to retain it's existing jurisdiction to consider escalated public housing complaints, and broadening the jurisdiction of the Ombudsman to serve community housing renters in the same way.

It has been the experience of the VPTA that the Victorian Ombudsman has a history of undertaking helpful inquiries and investigations into public housing matters and making thoughtful and constructive recommendations. This expertise should be preserved.

Consistent with a single-point of entry approach to the proposed complaints, appeals and dispute resolution body, the VPTA would support the body also having a quasi-judicial function that was capable of resolving matters which might otherwise be listed on the residential tenancies list at VCAT. We understand this list to be overwhelmed with matters at present, leading to significant delays in outcomes. By placing these matters in a different body with a similar function, renters and providers would only need to deal with one organisation, and VCAT may also benefit from additional capacity which could be directed to other areas.

The VPTA is also supportive of alternative dispute resolution schemes, particularly where they can empower renters in social housing to resolve matters themselves with less stress, more quickly and more easily than they might otherwise.

However, it must be noted that due to inherent power imbalances, there are some circumstances that alternative dispute resolution mechanisms, and in particular, mediation or conciliation, are wholly unsuitable. Cases which fall within these boundaries should be ineligible for resolution via mediation or conciliation. These issues include:

- Where one party is a Victim Survivor, or is currently experiencing, family violence,
- Where there is an inherent power imbalance between the parties (for example, a tenancy manager and a resident), and
- Where one party feels the other party poses a threat to their safety, health, or wellbeing.

An example of an issue which may be appropriate for dispute resolution is an ongoing parking dispute between neighbours that a renter has raised with the VPTA. Over a period of many years, neighbours' visitors have been incorrectly parking in front of another household on the estate, causing significant inconvenience and frustration. To date, Housing Services Officers have been unable to resolve the issue. Had a dispute resolution scheme been in place, this matter could have been dealt with simply when it was first raised several years ago.

Paper 7: Aboriginal Housing

The VPTA supports the recommendations in this section. Additionally, we acknowledge the importance of the Victorian Aboriginal Housing and Homelessness Framework, *Mana-na worn-tyeen maar-takoort*, and its primary importance as a document and strategy created by, and for Victorians of Aboriginal and/or Torres Strait Islander descent.

We are committed to ongoing reconciliation work at the VPTA, and are in the process of recruiting two Aboriginal and Torres Strait Islander Tenant Advocates, as referred to in recommendation 7.6.

Paper 8: Professionalisation of the frontline social housing workforce

The VPTA agrees that the frontline social housing workforce would benefit significantly from increasing in size, pay, and training opportunities.

There is an inherent disconnect between the seriousness of the issues many frontline workers are dealing with day to day, including emotionally taxing issues which can lead to experiences of vicarious trauma, and the lack of a base level of formal preparation for such work.

It is the opinion of the VPTA that this leads to low morale and high staff turnover – both of which are detrimental to all people in the social housing system – to residents who lack consistency in contacts and outcomes, to staff, and to the Department or providers, who bear greater complexity in management of staff and higher recruitment costs.

Additionally, renters themselves may bear the brunt of low morale in teams of frontline workers, which is highly inappropriate – particularly where they themselves have experienced trauma, or have other vulnerabilities.

The VPTA, in particular, strongly supports the suggestion that the size of the frontline social housing workforce must increase. This will allow for the workload of tenancy managers to become more manageable, and also for the introduction of new, values aligned staff, which may have the added benefit of quieting the voices of some existing staff who's approach to the role may not have evolved with the role itself.

In implementing reforms in this area, the VPTA encourages the Panel to consider the implementation of similar reforms in the Family Violence workforce following the Family Violence Royal Commission. In particular, we note feedback from the Family Violence sector which suggests:

- Overnight, a number of more experienced staff became unqualified for their role, leading to a loss of staff.
- The cost of undertaking the new qualification was prohibitive, and not accessible to existing staff based on the wages paid in the sector, or to potential new staff from common recruitment pools, who could also not afford to undertake the qualification.
- Overall lack of alignment between the cost of education and the wage earned in the role.
- Qualification includes an unpaid placement, which exacerbates financial pressures on students, suggesting that training placements should be paid.
- Lack of alignment between time taken to complete the qualification, and timelines for recruitment for other new initiatives.

These are issues Government should seek to avoid recreating when adopting the recommendations in this paper.

Paper 9: Affordable housing

The VPTA supports the Panel’s recommendations in this paper, and notes the significant difficulty in designing a regulatory mechanism for affordable housing at this time.

We support growing the Victorian Housing Register to also function as the waiting list for affordable housing as this tenure type grows as a result of the Big Housing Build.

Using the Victorian Housing Register will prevent the need to develop an additional waiting list mechanism, and also prevent existing Register of Interest applicants – who would likely be eligible for affordable housing properties, and who’s likelihood of receiving social housing is low – from making and managing a second application.

Further, the needs of individuals and households are not static. By holding all applications for access to housing assistance on the common register, applications can easily ‘slide’ in and out of the relevant categories as their circumstances develop.

The VPTA would encourage the Panel to consider making recommendations in their Final Report to clarify the existing legislative definitions of social and affordable housing.

Presently, these two terms are included in a single definition in the *Planning and Environment Act 1987*, and this is inappropriate. The terms “public housing”, “community housing”, “social housing”, and “affordable housing” should each be independently defined.

The lack of clear definition, and the danger presented by including social housing within the definition of affordable housing is that it opens an opportunity for a future Government to curtail access to one or the other, without sufficient parliamentary or public oversight.

Finally, the VPTA is supportive of a design of an affordable housing scheme in Victoria which seeks to avoid issues presented by the design of the National Rental Affordability Scheme – particularly with regard to ongoing assessments of eligibility and the 25 per cent rule that the Panel has referred to.

Paper 10: A social housing regulator: structure and governance

The VPTA supports the creation of an independent social housing regulator and considers that consistent regulation of renter-focussed performance standards with timely publication of results to have a high likelihood of improving outcomes for renters across all types of housing assistance.

Further, we are strongly supportive of the exclusion of the publicly owned and managed tenure type from additional financial oversight from the new regulator, as well as the continuation of the existing prudential regulation of the community sector which is currently provided by the staff of the Housing Registrar.

We support the direction the Panel has indicated for the development of such a body, particularly with regard to an independent Board. The VPTA would advocate strongly for the Regulator to also maintain a formal avenue for lived experience feedback in real time – either by requiring a number of Board positions to be held by someone with lived experience, the creation of a separate tenant advisory council, or both.

The VPTA's preferred structure for the Regulator is either a stand-alone body, or a body that is closely aligned with the Essential Services Commission ('ESC'), in recognition of the centrality of housing to human need.

However, if aligning the social housing regulator with the ESC, the following issues will need to be addressed in the design process:

- Housing issues are significantly more personal, and arguably, more primal than other issues which the ESC deals with currently, the approach of staff and the user experience of accessing the regulator will need to reflect this,
- Whether embedding the regulatory function for social housing within the ESC limits the ability for a Board, statutorily appointed CEO, and lived experience involvement in the regulatory process.

Regardless of the structure ultimately selected, the VPTA is strongly of the view that the regulatory system, particularly the side which engages with residents and social housing applicants be undertaken through a user-centred design process.

The ultimate success of this element of the regulators work requires the body to be accessible and approachable, and undertaking to design the process this way alongside the people who will eventually use it, is the best way to guarantee that this is delivered.

Additionally, it will be important for the Regulator to have a sufficiently close relationship with the complaints, appeals and dispute resolution body to enable information sharing, but not so close a relationship that the independence of each is inappropriately blurred.

Finally, the design of a regulatory scheme for social housing is a task which cannot be rushed, and which would benefit from greater, more focussed consultation. Recent experience has seen significant blowouts in the timeline for establishing the new Social Services Regulator.

The VPTA considers that work will need to continue on this point beyond the life of this Regulatory Review, and would encourage the Panel to establish a mechanism for this work to be continued in a structured, productive way.

Appendix B shows a diagram of how the VPTA anticipates an independent regulator would interact with a complaints, appeals and disputes body and the Victorian Ombudsman.

Paper 11: Regulation of public housing and Homes Victoria

The VPTA is supportive of proposals to centralise:

- Responsibility for policy setting in key areas to the relevant Minister with requirements for consultation,
- Oversight and monitoring of implementation to a Regulator,
- Operationalisation of policies and asset management to the Director of Housing in the case of public housing, and to providers in the case of community housing, and
- The role of overall system growth strategy, and community housing contracting powers to Homes Victoria.

Further, the VPTA concurs with the Panel's recommendation that the Regulator hold additional statutory powers, which allow it to compel immediate action on behalf of providers to resolve serious breaches or issues quickly.

Paper 13: Growth and innovation II: emerging models

The VPTA remains opposed to the registration of for-profit entities, as well as to for-profit organisations, bodies corporate or Special Purpose Vehicles attaining funding to deliver social housing.

We understand further that, to date, organisations created for the purpose of tendering for a Big Housing Build program have been required to be not-for-profit organisations. This is an arrangement that should be maintained.

Notwithstanding our strong opposition to the introduction of for-profit entities to the delivery of any kind of social housing in Victoria, we acknowledge that if this is to be the case, it is critical that the regulatory scheme apply to them.

Paper 14: The role of regulation in sector growth

The VPTA agrees that beyond the Big Housing Build, ongoing and substantial growth in safe and affordable long-term housing stock will be critical.

We acknowledge the ongoing work on behalf of Homes Victoria to develop the 10 Year Social and Affordable Housing Strategy, and our ongoing advocacy for that document to commit the current, and future, Victorian Government to growth in

publicly owned and managed housing that is at least equal to growth in other tenure types.

We strongly encourage the Panel to include an impetus for growth in publicly owned and managed properties in their Final Report recommendations.

Paper 15: Regulatory approach

The VPTA is particularly supportive of centring the experiences and voices of renters in the new regulatory approach, as outlined in the first section of the table beginning on page 87 of the Interim Report.

We welcome these changes.

Paper 16: Performance reporting for transparency and accountability

The VPTA continues to vehemently oppose regulation of and comparisons of financial information between public and community housing.

Many of the key sources of difference between the two tenure types stem from different financial arrangements. In particular, the ability of publicly owned and managed properties to be let at the most affordable rental calculation, and the capacity of the Government to allocate properties without regard to the level of household income.

These are significant strengths which accrue as a result of the Government having a different financial context, and therefore greater tolerance of these differences.

We are deeply concerned that side by side financial comparisons will encourage a negative, and stigmatising viewpoint of public housing and the people who live in it, leading to an overall diminution of rights, protections, equity of access, and affordability over time.

The VPTA would support re-framing on performance standards, or a new section of standards, in consultation with social housing residents, to be reflective of what residents themselves consider to be the most critical things for their housing to provide, and measure these elements.

Appendix A: Table of Interim Report Recommendations

Reference	Interim Report Recommendation	VPTA comment
1.1	<p>Include in the <i>Housing Act 1983</i> an explicit objective for the regulatory system. This objective could be:</p> <p>‘to protect and safeguard the interests of current, prospective, and future tenants.’</p>	<p>Support, we encourage the Panel to consider options to prevent the needs of current and future social housing renters being traded off against each other.</p>
1.2	<p>Establish a charter outlining the service standards that tenants can expect from their public or community housing landlord.</p>	<p>Support, we further recommend that this charter also includes the policies where consistency can be attained between the two social housing tenures, in a ‘model rules’ style approach. The Charter should be included as a schedule to a piece of primary legislation, such as the <i>Residential Tenancies Act</i>, rather than placed in subordinate legislation.</p>
1.3	<p>Clarify that the <i>Charter of Human Rights and Responsibilities Act 2006</i> applies to registered community housing agencies insofar as their functions are of a public nature for the purposes of the Act.</p>	<p>Support, and encourage the Panel to go further and recommend strongly that Government also amend the <i>Charter of Human Rights and Responsibilities Act</i> to specify housing as a human right.</p> <p>Further, the VPTA would also recommend that VCAT or a similarly accessible jurisdiction be able to hear Charter related matters, to ensure a reasonable opportunity for residents to enforce their Charter rights, and so that all providers are able to test Charter matters.</p>
2.1	<p>Apply a uniform set of service delivery and asset management standards to public and community housing, combining best practice elements from both sectors. Existing arrangements for the</p>	<p>Support, these should take the form of model rules and be included in the Charter the Panel refers to in recommendation 1.2.</p>

	oversight of public housing governance and financial management would remain. However, greater transparency coupled with the ability of the regulator to comment on areas of improvement of best practice would benefit the system as a whole.	
3.1	<p>Embed tenant involvement in policy and regulatory development and decision making. This could include:</p> <ul style="list-style-type: none"> • Formally requiring tenant involvement in the policies and processes of the regulator, such as through tenant advisory panels, • Strengthening guidance on best practices, • Requiring plain English approaches to regulation, reporting and policy documents. 	<p>Support. There should be a number of different avenues for tenant involvement that ensure participation from a diverse range of tenants, including from younger social housing residents.</p> <p>‘Resident involvement’ may be a more appropriate term for this.</p>
3.2	<p>Adjust the tenant involvement standard to place a higher requirement on providers to involve tenants in decision-making processes affecting tenanc management. This could include a requirement to:</p> <ul style="list-style-type: none"> • Support tenants to be involved in the decisions of their housing organisation, • Have a publicly available tenant involvement strategy and to demonstrate the effects that tenant involvement has had on 	Support.

	<p>organisational decision making. This would affect both public and community housing through a common standard.</p>	
3.3	<p>Investigate learning and development approaches to improve tenants' capacity to engage with providers, and providers' capacity to engage with tenants.</p>	<p>Support.</p>
3.4	<p>Create a dedicated representation and advocacy function for community housing tenants:</p> <ul style="list-style-type: none"> • This function should cover both public and community housing. • This could involve rebranding the existing public housing advocacy agency (VPTA), adapting its constitution and Board membership, and resourcing it appropriately, • Alternatively, a new body could be resourced to advocate for public and community housing tenants. 	<p>Support. We strongly advocate that the new body should be an expansion of the existing role of the VPTA, or an organisation comprising of the existing staff and resources of the VPTA.</p>
4.1	<p>Develop a stronger standard on sustaining tenancies:</p> <ul style="list-style-type: none"> • The Review is undertaking further work on how such a standard could be designed, • The Panel wishes to explore the feasibility of a 'no 	<p>Support. The VPTA would also support work which seeks a greater understanding of early social housing exits which many also be negative, and similarly detrimental to the health and wellbeing of the resident/household, with a view to preventing such exits into the future.</p>

	<p>evictions into homelessness' policy, where a tenant would be transferred with conditions, or alternative accommodation found with appropriate supports provided (akin to the supported transition approach in the education system). Such a policy would be best paired with a whole-of-system approach, and may require the power for providers to move tenants.</p>	
4.2	<p>Provide greater guidance to registered housing organisations on best practice approaches to sustain tenancies by the Housing Registrar, in conjunction with tenants and the sector, including on:</p> <ul style="list-style-type: none"> • Alternatives to eviction and ways to detect and manage actions and behaviours that put a tenancy at risk, • What support should be offered by housing providers and what the role of tenancy managers and housing providers is in sustaining tenancies. 	Support.

5.1	Amend the <i>Residential Tenancies Act 1997</i> to require all properties to be compliant with minimum standards in the <i>Residential Tenancies Regulations 2021</i> by January 2024.	Support. This amendment should ensure that the minimum standards do not apply at a 'point in time', but that amendments to the minimum standards in the future also apply to social housing dwellings.
5.2	Identify obstacles to meeting minimum standards by January 2024.	Support.
5.3	Review public housing maintenance contracts, service delivery standards and processes. Consideration should be given to maintenance being provided in-house.	Support.
5.4	Amend the performance standard requiring social housing providers to keep information on the energy efficiency of their housing stock, as well as heating and cooling facilities, as part of their requirement to maintain an accurate and current list of properties owned and managed.	Support.
5.5	Establish the extent of heightened fire safety risks in social housing, identify specific drivers, and agree on necessary actions.	Support.
5.6	Conduct an immediate assessment of the costs and benefits of mandating for new social housing: <ul style="list-style-type: none"> • Provisions for the installation of sprinkler systems (on class 1 buildings) and auto cut-off switches on cooking appliances. • Prohibiting the use of combustible cladding on any building type. 	Support. The VPTA strongly supports the introduction of fire sprinklers in residential properties.

5.7	Require all social housing providers to undertake disability modifications, to be accompanied by funding from the Victorian Government where otherwise not funded.	Support.
6.1	<p>Task a single body with resolving complaints across public and community housing. This could include:</p> <ul style="list-style-type: none"> • A new independent body, such as a Social Housing Commissioner, • An existing body, such as Consumer Affairs Victoria with oversight be the Commissioner for Residential Tenancies. 	<p>Support, with a new independent body to handle complaints, appeals, and also have a dispute resolution function – which may include a quasi-judicial capacity designed to relieve the high workload of VCAT in the area of residential tenancies.</p> <p>The VPTA supports the Victorian Ombudsman maintaining their current role with regard to public housing, and expanding this role to clarify jurisdiction over community housing also.</p>
6.2	Apply generally available principles of dispute resolution, such as the Australian Government’s Key Practices for Industry-based Consumer Dispute Resolution.	Support, though note that certain types of issues are not suitable for traditional forms of alternative dispute resolution, such as mediation and conciliation, as listed in the response to paper 6.
6.3	Establish robust information sharing arrangements between the complaints body and the regulator to allow the regulatory to continue to identify and address systemic issues.	Support.
6.4	Establish a single-entry point to help tenants to navigate the complaints and disputes pathways and link them with available support. This function could be performed within the body established in 6.1.	Support.
6.5	Investigate options to resolve intra-tenant disputes in a non-confrontational and cost-effective way through a tenant-drive process. This	Support, noting our response to recommendation 6.3.

	could include a restorative justice type approach.	
7.1	Embed cultural safety in performance standards that apply to social housing providers and encourage the regulator to continue to build on the commitment demonstrated by the Housing Registrar to embedding cultural safety awareness and practices within its Office.	Support.
7.2	Provide for the establishment of culturally safe service charters by each social housing provider.	Support.
7.3	Provide for culturally sensitive, plain English information about the regulator, including its roles, services and complaints mechanisms, and for each social housing provider to provide the necessary information to support tenants and housing applicants.	Support.
7.4	Require all social housing providers to ask and record whether housing applicants identify as Aboriginal and/or Torres Strait Islander, to report the number of Aboriginal and Torres Strait Islander tenants they house and the services that they receive to the regulator; and require that the regulator collate and report those data.	Support, providing that residents and applicants have an opportunity to respond with 'prefer not to say' or similar.
7.5	Ensure that data reports on system-wide performance indicators are made available to the Aboriginal community and relevant Aboriginal governance and community forums, and that the data reports include metrics such as Aboriginal tenant demographics, Victorian Housing Register waiting list and allocations, and social	Support.

	housing exits (including evictions).	
7.6	Establish an independent tenant advocacy function that assists Aboriginal people to navigate their way through the social housing system and guides people on complaints and dispute processes. This function would be staffed by Aboriginal identified people.	Support. The VPTA is in the process of recruiting two Aboriginal and/or Torres Strait Islander Tenant Advocates, to begin to meet this recommendation.
7.7	Ensure navigable and culturally safe complaints and dispute processes that provide a clear pathway from the social housing provider to the regulator and to VCAT.	Support.
7.8	Establish an alternative dispute resolution mechanism that is culturally safe and includes informal and community-based complaints processes. Respected Aboriginal community members would form part of the dispute resolution process.	Support, noting our comments in response to recommendation 6.2.
7.9	Provide appropriate resourcing to establish and maintain a culturally safe pre-registration team within the regulator to undertake active outreach with ACCOs and require the regulator to develop model policies and templates to facilitate ACCO registration. This would include a 'Board information pack' to assist ACCO Boards to consider the pros and cons of registration for their community and their strategic goals, thereby building on the initiatives implements to date by the Housing Registrar. As part of the registration process, the regulator will be required to support ACCOs to develop action plans that map out the first year of registration and the actions needed to meet	Support.

	the first annual compliance review.	
7.10	Require that information on the broader social housing system and social housing regulation is actively provided to ACCOs and the Aboriginal community.	Support.
7.11	Ensure information on landlord responsibilities and the <i>Residential Tenancies Act 1997</i> is provided in an accessible and readable format to ACCOs and community by the Commissioner for Residential Tenancies.	Support.
7.12	Investigate mechanisms to enable recognition of the multiple accreditation and regulatory requirements that ACCOs already meet.	Support.
7.13	Wind up provisions should ensure that Aboriginal resources remain in Aboriginal hands.	Support.
7.14	Ensure regulatory performance standards are flexible and recognise the strengths of ACCOs and their delivery of housing, knowledge of family and community circumstances, and approaches to managing arrears and evictions.	Support.
7.15	Establish 'Indigenous Governance Principles' that value, respect and inform how ACCOs may meet housing regulatory governance standards that are developed and agreed in partnership with the Aboriginal Housing and Homelessness Forum, and that those standards are integrated into the performance framework and provide a strength based, culturally appropriate alternative to mainstream governance standards.	Support.

7.16	Consider the Australian Governance Institute toolkit as a model to be adapted for housing regulation.	Support.
7.17	Ensure the regulatory framework incorporates Aboriginal housing perspectives into operational processes and service delivery, and that regulation is proportionate and suited to the scale of the organisation.	Support.
8.1	<p>Undertake a workforce development strategy for the social housing sector. This should be done by a group constituting public and community housing sectors, the regulator, government (Homes Victoria, DFFH and others as appropriate), union/s and any other expertise as required. The strategy should include but not be limited to:</p> <ul style="list-style-type: none"> • A review of the workforce capability framework, • An induction program, • A program for ongoing professional development, • Appropriate accreditation mechanisms, • Consideration of a minimum qualification (such as a Certificate IV in Community Services of Social Housing). 	Support, noting the importance of learning from implementation issues following similar recommendations from the Royal Commission into Family Violence.
8.2	Require all social housing providers to embed a culture of ongoing professional development for frontline housing staff and managers that supports them to access and participate in formal	Support.

	training opportunities, as well as informal, workplace-based professional development.	
8.3	Develop a framework for a sector wide code of conduct observable by all social housing providers. Providers' individual codes of conduct should be consistent with the framework.	Support.
8.4	DFFH senior leadership group to demonstrate its commitment to providing ongoing support and recognition of the vital role played by its frontline housing officers by, in the first instance, creating a centre of excellence that engages central office and operational divisions' housing officers with central office and operational divisions' senior leadership to share knowledge and experience and promote development.	Support.
8.5	DFFH to engage with Worksafe Victoria and the group formed in 8.1 above to develop tools to support and equip frontline housing staff across the social housing sector who are at risk of, or have been subjected to, occupational violence and aggression.	Support.
9.1	Where affordable housing receives a government subsidy, an accountability mechanism must be in place to ensure that the investment partner delivers on the agreement.	Support.
9.2	Consider establishing an allocation mechanism for affordable housing within the Victorian Housing Register	Support.
10.1	Establish the regulator as an independent statutory body, governed by a board, with a Chief Executive Officer (CEO)	Support.

	whose responsibilities are outlined in the legislation.	
10.2	<p>Strengthen the regulator's independence by:</p> <ul style="list-style-type: none"> • Confining grounds for its removal to misconduct, incapacity, failure to perform duties, proven incompetence, insolvency and like matters, • Confining the Minister's power to give directions to broad matters of regulatory policy, and requiring any Ministerial directions to be given in writing and published, • Providing for regulatory staff to be employed by the organisation's CEO (staff with appropriate skills would continue to be seconded from public sector agencies). 	Support.
10.3	<p>Include as responsibilities of the board:</p> <ul style="list-style-type: none"> • Appointing the CEO and approving the strategic plan, • Developing organisational structure and key policy documents. <p>Regulatory functions and decision making would ordinarily be delegated to the CEO and appropriate management positions within the regulator's office. The CEO would report to the board.</p>	Support.

10.4	Require that minutes of board meetings be published along with the regulator's planning documents, policies, standards, processes for decision making, regulatory decisions and reasons for decisions.	Support.
10.5	Align the regulator with the Essential Services Commission to maximise opportunities for synergies, cross learning and sharing of support services. The governance implications of possible approaches to alignment to be explored further. Consideration should also be given to cross member board appointments, to enhance co-ordination between these bodies.	Support in principle, the VPTA is not opposed to alignment with the ESC, but does query how this can be delivered while maintaining an independent Board and statutorily appointed CEO, as well as building in lived experience advice at high levels. Regardless of the positioning of the independent regulator, the VPTA considers that a strong, user centered design process at the outset is key to success.
11.1	Transfer responsibility to the regulator for monitoring compliance by all social housing providers with the applicable regulatory standards.	Support.
11.2	Transfer additional statutory powers to the regulator to monitor and enforce compliance with the standards applying to both public and non-public sector social housing providers. For example, the regulator could be given powers to issue improvement notices requiring corrective actions to be taken within a specified time and to issue fines and public censure statements where has been flagrant breaches of standards.	Support.
11.3	Require that the regulator has full visibility of all DFFH contracts (including for public housing management transfers). Require information	Support.

	sharing between funder and regulator.	
11.4	Give powers to make regulations governing policy issues such as criteria for access to social housing, categories of priority access, principles for rent setting and frequency of rent reviews exclusively to the responsible Minister and require that any regulations be made following a detailed public engagement process, including with tenants and prospective tenants. This would separate the policy responsibilities of the Minister from the operational responsibilities of the Director of Housing, or Homes Victoria.	Support.
11.5	Homes Victoria to communicate to tenants and other stakeholders their respective roles and responsibilities.	Support.
11.6	The Review Panel to consider the merits of the current Homes Victoria structure during its next phase of deliberations.	Support.
12.1	Review the circumstances in which a registered agency whose mission is to serve a particular community can target applicants from their community from the applicants on the Victorian Housing Register.	Support, noting that community housing providers using the Victorian Housing Register can already do this through the flexibility in their allocation's mechanism. The VPTA would prefer to see a tightening of these rules to require properties to be made to applicants within particular communities that are the most in need, rather than a more general ability to select any applicant from the served cohort.
12.2	Amend the <i>Housing Act 1983</i> wind up provisions to provide certainty that, as far as possible, the assets of a specialist housing agency being wound up will transfer	Support.

	to another registered housing agency that exists to serve the same cohort of tenants.	
12.3	Require the regulator to perform its functions in a way that is proportionate and targeted only to where action is needed, and to work with other regulators to minimise duplication and administrative burden for registered agencies wherever possible.	Support, provided that action is taken on all breaches of regulation, not only the most egregious.
12.4	Prevent funding contracts from duplicating regulatory requirements and enable regulator reports to be provided to the funder.	Support, provided that funding contracts also contain a clause that requires genuine and faithful adherence to and participation in the regulatory scheme.
12.5	Enable the regulator to share information with other regulators of registered agencies and, where feasible, to recognise their approval or be delegated as the primary approver of a regulated agency's generic governance and management arrangements.	Support.
12.6	Replace the requirement for Director of Housing approval for individual land transactions with a requirement to notify the regulator under certain circumstances, modelled on the relevant provisions of the <i>Housing (Scotland) Act 2010</i> .	The Regulator should be required to approve all disposals of public land, including via ground lease or another non permanent model. The Regulator should have clear, public criteria to adhere to when making these decisions, and publish a written record of the decision taken and reasons why.
12.7	Explore enabling organisations to designate assets for the purposes of the regulatory scheme so that they can avoid establishing and operating a specific legal entity for their social housing operations.	Support, provided that all like assets are designated. For example, all housing managed as subsidised rental accommodation must be designated.
13.1	Require registration of any organisation that receives government funding or support for social housing. It is not recommended that any	Support.

	non-registered entity be funded.	
13.2	<p>Augment the regulator’s powers to enable effective regulation of special purpose vehicles and any other novel forms of partnerships or joint ventures involving registered agencies and/or Homes Victoria including by:</p> <ul style="list-style-type: none"> • Giving the regulator full visibility of all legal arrangements involving registered social housing providers and joint venture partners (however structured), • Providing for the publication of minutes of meetings of boards of all registered entities, • Introducing specific requirements for reporting and disclosures of any related entity transactions, multiple entity directorships and senior management appointments and disclosures of conflicts of interest. 	Support, noting the VPTA’s strong recommendation that for-profit bodies should not receive funding to manage social housing dwellings under any circumstances or structures.
13.3	Introduce requirements for disclosure of board and executive salaries and other forms of remuneration for all registered social housing providers.	Support, noting the VPTA’s strong recommendation that for-profit bodies should not receive funding to manage social housing dwellings under any circumstances or structures.
13.4	Give the regulator clear monitoring and inspection powers including to conduct	Support, noting the VPTA’s strong recommendation that for-profit bodies should not

	regular scheduled and random inspections, audits and to demand a wide range of documents.	receive funding to manage social housing dwellings under any circumstances or structures.
13.5	Review the regulator's step-in powers and whether the regulatory system should require ringfencing, through the lens of SPVs and corporate groups.	Support, noting the VPTA's strong recommendation that for-profit bodies should not receive funding to manage social housing dwellings under any circumstances or structures.
14.1	Encourage registered social housing providers to do all they reasonably can to address social housing need, to fully realise their objects as charitable or community housing providers.	Support.
14.2	Impose a statutory obligation on all registered agencies to develop short, medium and long-term strategic plans that articulate their plans for growth in social housing stock, and regularly measure and report to the regulator. The regulator to publish progress reports.	Support.
14.3	Homes Victoria to undertake system wide policy and planning with a long-term horizon in mind, including publishing data regularly on housing need across the state and actively commissioning social housing to ensure that state funded growth is steered towards identified areas of social or affordable housing need.	Support.
14.4	The Community Housing Industry Association Victoria to take the lead in sector development focussed on supporting registered agencies to grow their stock and enter into strategic partnerships for this purpose, with the support and active engagement of Homes Victoria.	Support, noting that a similar requirement should apply to the Director of Housing to ensure that growth in publicly owned and managed stock also remains a priority.
15.1	Strengthen the tailored approach to regulatory risk	The VPTA supports the introduction of a program of

	assessment and risk management including removal of the current statutory distinction between housing providers and housing associations and putting in place a program of regular and ad hoc inspections.	inspections, but does not have practical expertise to comment on the regulator approach to risk assessment or risk management.
15.2	Provide additional resources to enable the regulator to perform its expanded role effectively, to deal with the changing nature of risks and embed a greater tenant focus and voice (to be determined by an independent review of the appropriate level of resourcing for the regulator to align resources with final decisions about the scope of the regulator's powers and functions).	Support.
15.3	The regulator to raise its profile among tenants and embed direct tenant engagement and co-design of regulatory standards and policies.	Support.
16.1	Apply a uniform performance indicator framework to public and community housing, building on indicators already in use, and with reference to other jurisdictions. This would mean both public and community housing organisations would provide the same set of performance metrics on a regular basis in the same format, including both financial and non-financial indicators. Where possible, public housing performance indicators would be provided per housing office. Additional information on data gaps is in Appendix D.	Partially support, noting the VPTA's strong opposition to the reporting of public housing financial indicators. Notwithstanding this particular point, the VPTA is generally supportive of the application of and reporting of outcomes against, a uniform performance indicator framework.
16.2	Require uniform presentation of performance reporting across public and community housing sectors. With the	Support.

	introduction of a single social housing regulator these statistics should be combined in the same published report. Information provided in the Hough Registrar's agency performance reports to be provided with an online comparison tool modelled on the Scottish Housing Regulator's Landlord Comparison Tool, to allow for direct comparison between social housing providers.	
16.3	Require regular review of the performance reporting framework, with a consultation process that includes sector participants and tenants to make improvements on the current reporting regime.	Support.
17.1	Victoria to focus on improving its own regulatory system and explore options for reducing any burden on regulated entities arising from inconsistencies with the NRSCH.	Support.
17.2	The Victorian Government to initiate discussion with other jurisdictions to advocate for changes to the NRSCH and identify potential for further harmonisation, with a view to joining the scheme once the systems are considered adequately aligned.	Support, noting the VPTA's scepticism that the NRSCH is capable of adequate alignment with the Scheme proposed by the Panel.
18.1	Implement a system of active waiting list management through greater support for applicants on the Victorian Housing Register.	Support.
18.2	Provide dedicated education and guidance to landlords and prospective landlords that emphasises the importance of the role they take on when they make their property available for residential rental.	Support.

18.3	Develop a Code of Practice for landlords and property managers based on best practice principles developed as part of the education and guidance work. Rather than a statement of legal obligations (which is contained in the RTA), the Code would be a positive statement of ethical conduct in the leasing of residential property beyond the legal requirements.	Support.
18.4	Design, conduct and evaluate a trial whereby landlords in the private rental sector opt into the Code of Practice and comply with other specific requirements aimed at tenancy sustainment. These could include for example an undertaking not to issue a notice to vacate to terminate a tenancy, to provide information about financial counselling services, and to engage in a supported process in cases of a dispute, including in relation to rent arrears.	Support.
18.5	<p>Consider establish a register of all residential landlords and properties subject to RTA agreements. The purpose of the register would be to:</p> <ul style="list-style-type: none"> • Improve the standard of rental properties and property management by increasing avenues for rental provider accountability, • Track compliance with the RTA and assist in more active enforcement of compliance with the RTA, • Provide complete information on the 	Support.

	rental stock and other market conditions.	
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