Legal Aid NSW

Housing and Homelessness Team

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Acknowledgement of Country

The Larrakia people, who are acknowledged as the Traditional Owners and Custodians of the Darwin and Palmerston region

I pay my respect to their elders past, present and emerging

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Social Housing system - NSW

Multi-provider system that works fairly for all tenants in social housing

A **two-tiered system**, where tenant rights and outcomes vary significantly depending on the provider.

- community housing providers policies are often **less favourable** to tenants than government policies.
- community housing providers are **not bound** by the Model Litigant Policy.
- There is **limited oversight**: the NSW Ombudsman cannot investigate community housing providers, and the Registrar of Community Housing can only enforce seven broad clauses of the National Regulatory Code—which doesn't focus on tenant policies or outcomes.
- community housing providers decisions are **not subject to judicial review**. Tenants can only appeal to the Housing Appeals Committee, which can make **non-binding recommendations**.

Challenges faced by individuals navigating the NSW social housing system

- Consistency
- Transparency
- Accountability



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Inconsistent Policies

- Approved absence from dwelling
- Negative Classifications – **a Hidden Barrier to Housing Access**





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Appeals

- Process
- Right to information
- Case study



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Balance the scales

Oversight and Accountability

- Develop a Code of Practice for social housing providers that is overseen by the Registrar of Community Housing



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Improved system to improve housing outcomes

Recommendations

1. Developing standardised ‘best practice’ policies and guidelines for all social housing providers, in consultation with key stakeholders, which should clearly define:

- best practice social housing provider policies
- baseline customer service standards, and
- minimum conduct expectations during legal proceedings

2. Strengthen processes relating to second-tier review

- Publish a Practice Note to address identified issues and amend the Housing Appeals Committee Charter

3. Increase powers of the NSW Ombudsman or the CH Registrar to improve CHP tenant experience and strengthen oversight

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