



4th September 2006

**Francesca Seith
Project Manager
Accommodation Legislation
Housing Policy and Planning
Level 9 Riverside Building
North Terrace
Adelaide SA 5001**

Dear Francesca,

Thank you for attending the meeting with Community Housing Council of SA and several Community Housing Organisations regarding proposals for regulating accommodation and personal support providers.

It is clear that a number of Community Housing Organisations could be included in the scope of the proposed legislation.

The Community Housing Council of SA supports the existence of well-thought-out regulatory regimes to protect consumers and ensure appropriate standards among accommodation and support providers. It is appropriate that the regulatory regime be enforced at the State Government level to ensure adequate resourcing and uniform standards across the State.

We have a number of concerns about the current proposals:

- Community Housing Organisations are already subject to regulation by a variety of regimes. In some cases these are mandatory, in other cases they are of moral force. Regimes include the South Australian Co-operative and Community Housing Act (administered by the Office for Community Housing), the Residential Tenancies Act, the Service Excellence Framework promulgated by DFC, national disability standards, national mental health standards, national community housing standards, the Food Act, the Community Housing Appeals Panel and boarding house regulations. There is concern that a new regulatory framework could be laid over the top of the existing set of regimes. It is essential that regulatory regimes work together rather than against each other and that where they overlap, only one compliance regime is enforced. It could be argued that Community Housing Organisations are already adequately regulated and scrutinised by various means, particularly the Office for Community Housing.
- There could be significant staffing implications; however on previous experience it is unlikely that additional resources would be made available to assist Community Housing Organisations to implement the new regime.
- It appears that when accommodation and personal support are provided by the same agency then the agency would require licensing under the new legislation. However when the support is provided by another agency that agency would not require licensing. This could lead to varying standards for clients in similar circumstances. For example, it would appear that the

Northern Suburbs Housing Co-operative would require a Level Two license because it provides food at its Broadview House development, whereas if another organisation provided the food only a level One licence would be required and the food provider would not be regulated under these proposals.

- Community Housing Organisations only provide accommodation, as a general rule, with support provided by outside agencies. CHOs do not have control over the standard and amount of support offered. There is concern that CHOs may have to carry the responsibility for the failures of others over which they have no control. For example, how could a CHO control abuse under Standard 1.A.4 when the abuse comes from an outside worker? How can CHOs ensure that residents with complex needs are provided with services that are respectful of their dignity and are the least restrictive alternative, under Standard 1.A.6? The Level One standards should relate to accommodation only, not support issues. It may also not be possible for CHOs to comply with Level 1B standards, which require certain standards of cleanliness because this may be a resident responsibility, not a CHO responsibility.

In all, the proposed standards go beyond the capacity of CHOs to influence outcomes, because CHOs are essentially landlords not service providers.

Our proposal is that CHOs which are registered under the Co-operative and Community Housing Act be exempt from these proposals. If there is still a gap in standards and monitoring, these should be addressed by the Office for Community Housing using its powers under the Co-operative and Community Housing Act.

Yours Sincerely,

David Kilner

David Kilner
Senior Policy Officer