



Shelter SA
Housing: a basic human right

Submission to the South Australian Cooperative and Community Housing Act Review

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Shelter SA is the peak body for housing in South Australia funded through the State Government's Housing Minister's Advisory Fund. Shelter SA is a member organisation and members consist of a diverse range of stakeholders including Government and non-government agencies, private industry and interested individuals. Shelter SA's brief is to advocate for policies and services that address housing affordability, especially for people on low incomes who may also be living with disadvantage, including people who are older, younger, Aboriginal, from culturally and linguistically diverse backgrounds and with physical or mental health issues. The Shelter SA membership includes community housing organisations who are not-for-profit landlords and we recognise the tensions inherent in advocating for tenants when landlords are our members, monitoring government policies and outcomes and participating in the public realm to raise awareness about housing issues, in a way that is fair and reasonable to all of our stakeholders.

This submission relates to the review and proposed changes to South Australian legislation that applies to cooperative and community housing, rather than the National Regulatory Code, seeking to comment specifically on tenant engagement and participation in arrangements for the transfer of stock from Housing SA to not-for-profit, community housing organisations.

Shelter SA understands there are potential tensions between the aspirations for growth of smaller housing cooperatives and associations and some of the larger not-for-profit housing providers who may also provide a range of other social services. It is the larger providers that are more likely to fulfil the requirements of participating in stock transfer from Housing SA and achieving growth in their housing portfolios because of their greater capacity to manage risk and optimise funding. It is recommended that these tensions are transparently teased out in public forums, in order to address any apprehensions held by stakeholders, acknowledging the value of small, medium and large organisations in their provision of housing that is appropriate to their target groups. Understanding that the National regulatory framework will provide strong safeguards around public assets, Shelter SA is in agreement with aspects of Dr. David Kilner's submission to this review, in particular the need to protect public investment as an imperative. It is recommended that the protection of public investment is guaranteed through legislation, without restricting housing organisations in the management of their portfolios of housing. If tenants lose any of their current protections, including the right to tenure, State Government must clearly articulate how these will be protected if the changes to the Act do not take this into consideration.

Shelter SA is broadly supportive of stock transfer from Housing SA to not-for-profit housing organisations and an aspirational goal of increasing affordable housing through this activity, but would like to comment on how current and future tenants will be engaged in the process, particularly if the transfers are compulsory. The proposed changes to the Act do not prescribe any requirements for tenant participation or engagement however these are set out in the National Regulatory System for Community Housing draft Evidence Guidelines which include "supporting tenant and resident engagement" as one of their performance requirements. Tenant participation is one aspect of achieving accreditation under the National Community Housing Standards anecdotally a small, but important part of the process. Large stock transfers in the United Kingdom were all based on tenant participation, engagement and/or community ownership. Scotland in particular, placed political emphasis on community empowerment, community control and community ownership over housing stock, demonstrating a politically driven requirement to involve citizens in a democratic process. Without the same political emphasis, tenant participation may not be viewed

as an integral aspect of stock transfer in Australia. Ideally, tenant engagement standards will also be explicitly included in the Act to ensure they remain embedded in evidence guidelines and standards. Housing organisations should also be encouraged to report tenant participation outcomes using publicly available websites and documents such as annual reports.

Participation and engagement occur on a continuum, with simple, one-way provision of information at the beginning of the scale and true engagement, the sharing of power and participation in decision-making at the other extreme. For engagement to be achieved, Government and non-government organisations must grapple with the notion of sharing power with citizens and transparently demonstrate this publicly, otherwise participation will remain tokenistic. A philosophical commitment to accurately identifying and engaging all those with a stake in public and community housing is required to underpin tenant engagement work. Shelter SA has established a number of community development principles to guide their work and a stakeholder engagement policy and strategy (see below) that reflect organisational aspirations to engage all those with a stake in housing, and these are put forward as an example that others may wish to emulate using this intellectual property (with due acknowledgement).

South Australia is the only Australian State without a tenant union, but together a number of different services perform the functions of a union with tenant interests at their core. The Tenant Information and Advocacy Service provides advice and support for private and public renters who have issues that relate to their tenancies, Consumer and Business Services also provide information for tenants and community legal clinics, legal advice. Shelter SA undertakes policy and systems advocacy that reflects the tenancy issues experienced by individuals and to this end will form a consumer network that aims to engage South Australians in policy debates and promote tenant participation and engagement. People on low incomes who are also living with disadvantage may require advocacy to participate in civil society and it is recommended that housing organisations continue to inform their tenants of these types of services as one aspect of their tenant participation accreditation. Shelter SA is committed to working with member organisations to disseminate information about the consumer network to their tenants, regardless of whether or not they participate in stock transfer, and information will be available on the Shelter SA website later in 2012 to assist them in this area.

Part 10, 83 and Schedule 2, 12 of the Act refer to the assistance the South Australian Housing Trust must offer to tenants if action is taken to wind up a housing organisation or an order is made for the transfer or sale of property, respectively. These sections are ambiguous in terms of the type of assistance to be offered. Both could be worded to be more specific about providing comparable housing, tenure and rent calculation method with minimal or no added expenditure or inconvenience to tenants.

Shelter SA awaits the release of the South Australian Housing Strategy after participating in the consultation around the Green Paper late in 2011, where it is anticipated Government plans for stock transfer will be communicated so that citizens are reassured about accountability for public spending and the growth of public and affordable housing. Shelter SA would like to thank Minister Ian Hunter for the opportunity to participate in this review and looks forward to sharing its outcomes with our members and other stakeholders.

Shelter SA Community Development Principles guiding the 2012-2014 Strategic Plan

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Stakeholder Engagement/Public Participation

Stakeholders are people, groups, or organisations that have a vested interest in Shelter SA's activities and outcomes, including consumers who are integral to the decision-making, evaluation, provision, participation and direction setting at all levels of the organisation.

Ownership

Stakeholder and members are actively involved in decision-making and have ownership of the organisation's activities. The organisation works co-operatively and collaboratively with the Board, branches, staff, volunteers, members and the wider public, to generate a range of benefits.

Empowerment

A process that respects, values and enhances people's ability to have control over their lives is put into practice. This process encourages people to meet their needs and aspirations in a self-aware and informed way which takes advantage of their skills, experience and potential. Change and growth occurs through informing and empowering individuals and groups.

Lifelong Learning

Learning is integrated into all aspects of activities, to build and support the personal skills, knowledge, abilities and resilience of people. They develop health, wellbeing and connections to other people through formal and informal pathways in education, employment and self-development.

Inclusion

The diverse contributions that people make are valued, no matter what their background or varying abilities. Individual and local needs are acknowledged and addressed, often through informal interaction. Identifying these needs and issues through a range of methods is instrumental to informing the planning and development of activities and programs.

Access and Equity

Promote a fairer distribution of social and economic resources and power between people by aiming to improve the social, environmental, economic and cultural infrastructures where they live.

Social Action

Internal and external factors that impact South Australians are analysed and relationships between individuals, groups and organisations are transformed through collective action.

Advocacy

In meeting individual and group needs, the organisation acts with, or on behalf of, stakeholders.

Networking

Linking, forming alliances, collaborating and working with individuals, groups, other agencies, government and businesses is crucial, using formal and informal methods to achieve connections within local areas. Individuals are supported in coming together in a group environment to share information, knowledge, skills and life experience.

Adapted from: <http://www.communitylaw.org.au>

Shelter SA Stakeholder Engagement Policy

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1. Purpose

The purpose of this policy is to outline Shelter SA's commitment to stakeholder engagement and to ensure ongoing involvement of stakeholders in organisational activities. Shelter SA understands stakeholder engagement as incorporating differing levels of communication and participation and promotes an understanding of these concepts as interlinked and inseparable in practice (participation is a communicative act). Shelter SA understands participation as occurring along a continuum with differing levels of participation and communication as outlined in the *IAP2 Spectrum of Participation* (discussed in *Stakeholder Engagement Strategy*¹). This policy is based on Shelter SA's Principles of Community Development and seeks to implement stakeholder engagement that attempts to ensure that subjective experiences become the basis on which evidence-based social policy is developed for relevant and successful actions at the government level.

This policy:

- 1.1. Provides direction for stakeholder engagement;
- 1.2. Ensures consistent application of best practice principles of stakeholder engagement;
- 1.3. Pays attention to power disparities that inhere in relationships between different stakeholder groups;
- 1.4. Ensures that stakeholder groups are equitably represented in policy and to government and;
- 1.5. Sets a standard for stakeholder engagement as forming a basis of business practice rather than an afterthought.

2. Definitions

Stakeholder: People, groups or organisations that have a vested interest in Shelter SA's activities and outcomes. Shelter SA's stakeholders are diverse and may have different levels of involvement and require different engagement strategies. Shelter SA's stakeholders include:

- 2.1. Shelter SA members, board members and branch members;
- 2.2. People on low to moderate incomes, people living with disadvantage and households of all tenures;
- 2.3. Providers of services to people who are homeless and/or living in unaffordable, inappropriate or inadequate housing;
- 2.4. The people who develop and implement public policy and programs, politicians and public servants;
- 2.5. The general public and;
- 2.6. Organisations that contribute to research and discussion of public policy issues, such as university research centres and other peak bodies.

¹ Please note that the *Stakeholder Engagement Strategy* is a document that guides operational practice.

3. Policy

- 3.1. Shelter SA believes that sound stakeholder engagement that is based on the principles of community development is the basis of relevant and effective relationships.
- 3.2. Shelter SA seeks to realise a commitment to stakeholder engagement by involving stakeholders in organisational activities at a range of levels as outlined in the *IAP2 Principles of Participation*.
- 3.3. Shelter SA meets its commitment to stakeholder engagement through the organisational Strategic and Operational Plans.
- 3.4. Shelter SA is committed to pursuing continuous improvement within its stakeholder engagement procedures.
- 3.5. In planning and implementing activities, Shelter SA staff must abide by the DCSI Master Agreement.

Stakeholder Engagement Strategy²

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Introduction

The *Stakeholder Engagement Strategy* document outlines the principles driving stakeholder engagement, the theoretical background, benefits and procedures for engaging with stakeholders.

Principles

The principles and practices of community development inform Shelter policy and operations and include: stakeholder engagement/public participation; ownership; empowerment; lifelong learning; inclusion; access and equity; social action; advocacy and; networking (see Shelter SA *Strategic Plan* and *Community Development Principles*). Shelter SA's policy on stakeholder engagement is outlined in the *Stakeholder Engagement Policy*. In addition to this Shelter SA promotes ethical engagement with stakeholders and complies with *the National Statement on Ethical Conduct in Human Research*, as well as outlining ethical practice in the *Governance Ethics Policy* and in the *Ethical Conduct of Research Policy*.

Background

Shelter SA's focus on stakeholder engagement reflects an organisational desire to effect real and sustainable change on the housing problems and issues faced by low income and disadvantaged groups of people and all South Australians more broadly. Shelter SA recognises that change cannot be foisted on people, but that people themselves must be engaged, complicit and willing partners in that change. Furthermore, any changes must be relevant, acceptable and needed by the people among whom change is desired. Multi-layered stakeholder engagement is the only way to achieve this.

It is important to note, as Jim Iffe did during a keynote address at the Strengthening Communities Conference, "People, Place, Partnerships" in 2003 that:

Community development that does not occur within a broader analysis of why some communities are disadvantaged is as inappropriate and conservative as 'blame-the victim' social welfare policy, and is just as likely to exacerbate inequalities rather than address them. In this way community development can readily serve a conservative agenda, de-contextualising a community's problems and placing all the blame on the community itself, without addressing the system that creates and exacerbates the problems the community is facing.³

This is an important issue underlying the practice of community development and the misappropriation of the label to legitimate practices and projects that are not commensurate with

² Please note that this is a document that guides operational practice.

³ <http://info.humanrights.curtin.edu.au/local/docs/StrengtheningCommDevelop.pdf>

community development ideals. Shelter is trialling the use of performance-based accountability to highlight the importance of contextual factors in problems that are inscribed on individuals.

Continuum of Participation

Shelter SA understands that participation occurs along a continuum and uses the *IAP2 Spectrum of Public Participation* to understand this⁴:

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:
We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:
<ul style="list-style-type: none"> ● Fact sheets ● Web Sites ● Open houses 	<ul style="list-style-type: none"> ● Public comment ● Focus groups ● Surveys ● Public meetings 	<ul style="list-style-type: none"> ● Workshops ● Deliberate polling 	<ul style="list-style-type: none"> ● Citizen Advisory ● Committees ● Consensus building ● Participatory Decision making 	<ul style="list-style-type: none"> ● Citizen juries ● Ballots ● Delegated decisions

Benefits of Stakeholder Engagement

- Stakeholder engagement leads to better outcomes;

⁴ Reproduced from IAP2:

<http://www.iap2.org.au/sitebuilder/resources/knowledge/asset/files/36/iap2spectrum.pdf>

- Stakeholder engagement increases the level of stakeholder satisfaction;
- Stakeholder engagement contributes to feelings of ownership;
- Stakeholder engagement helps to direct work that reflects stakeholder needs, wants and aspirations;
- Stakeholder engagement contributes to responsive work;
- Stakeholder engagement leads to innovative and creative work.
- Stakeholder engagement increases the level of social capital in the community.

Strategy

Shelter SA undertakes to engage with stakeholders in the following way (based on the *IAP2 Spectrum of Public Participation*):

- 1. Inform:** Informing Shelter SA's stakeholders refers to publicly available documentation including e-bulletins, submissions, letters to the editor, policy positions, media releases, the website and social media. The purpose of such documentation is to provide well-researched information to stakeholders so that they can be well-informed on an issue and of Shelter's position on that issue. Shelter SA will undertake to keep stakeholders well-informed in a timely way. Any **inform** actions must abide by the following:
 - i. All documentation produced by Shelter SA staff must be approved by the Executive Director as outlined in the *Delegated Authorities Policy* before they are circulated externally.
 - ii. The relevant minister must be notified in writing prior to the circulation or release of media work (media releases, radio, television or newspaper interviews) in which they are named or implicated unless a response is urgent and prior communication is impossible as outlined in the *Master Agreement*. In such a case the minister should be informed immediately following the media work.
- 2. Consult:** Shelter SA will consult with stakeholders in organised ways through consultation, forums, focus groups and surveys and also in less organised and more informal ways e.g. hearing concerns via telephone and e-mail. Information garnered in this way feeds into and informs Shelter SA's work. Any **consult** actions must:
 - i. Occur within the parameters of Shelter SA's Strategic and Operational Plans.
- 3. Involve:** Shelter SA involves stakeholders in Shelter's work through consultations, workshops, forums and other meetings. Shelter SA endeavours to ensure that the concerns of stakeholders are directly reflected in Shelter's work and provides feedback on how stakeholder involvement impacts on and shapes Shelter's work. **Involve** may include the production of a report. Any report must:

- i. Be circulated to the attendees of meetings, consultations etc. for review and comment before the report can be circulated more widely.
- 4. Collaborate:** Shelter SA collaborates with stakeholders through the branches and broader networks and through collaborative work with other organisations in the sector (e.g. via projects and participation in working groups, policy groups etc.). Collaboration is a means of incorporating stakeholder advice and recommendations into the decisions and actions of Shelter SA and directs our work.
- i. The *Aboriginal Housing and Homelessness* Branch includes service providers and community leaders who discuss issues and provide advice to Shelter SA and guides Shelter’s activities.
 - ii. The *Agencies Supporting Housing for Refugees and Asylum Seekers* (ASHRA) Branch includes service providers who discuss issues and provide advice to Shelter SA and guides Shelter’s activities.
 - iii. Shelter SA’s Consumer Network (*South Australian’s Talk Affordable Housing*) is comprised of interested individuals who are offered a range of ways to engage with Shelter:
 - 1. By receiving information via e-bulletin and letters;
 - 2. By responding to surveys;
 - 3. By consenting to occasional interviews;
 - 4. Through informal communication (telephone calls, text messaging, online communication, social media);
 - 5. By attending occasional focus groups and;
 - 6. By attending the regular meetings of the *Community Reference Group* – a small group of committed members who meet throughout the year.
 - iv. The *Community Reference Group* is comprised of committed members of the public who meet regularly to discuss issues, provide advice to Shelter SA and guide Shelter’s activities.
- 5. Empower:** We seek to empower stakeholders by informing, consulting and collaborating with them to enable them to meaningfully contribute to and shape consequential actions undertaken by Shelter SA. The goal of empowerment may be realised through discrete projects.

M&E

Shelter SA undertakes monitoring and evaluation of its stakeholder engagement practices in the form of organised and informal communication with its stakeholders.