

Our Ref: 13/035

FOI Act, s41

Dear FOI Act, s41

I refer to your application under the *Freedom of Information Act 1989* (the FOI Act) received by the Community Services Directorate on 1 May 2013, with the following request;

"..A copy of all documents which state or which taken together indicate:

- The number of Housing ACT tenants currently in rental arrears;*
- The current level of overall rental arrears;*
- The number of Housing ACT tenants currently subject to a conditional termination and possession order (CTPO);*
- The number of Housing ACT tenants who have been subject to two or more CTPOs; and*
- The amount Housing ACT has spent on external legal services (contracting out of matters to the ACT Government Solicitor Office and Counsel) in connection with representation in residential tenancy matters in the ACT Administrative and Civil Tribunal in the last financial year (2011-2012) and in the respect of the current financial year from 1 July 2012 to the present date.... "*

I am the officer authorised under Section 22 of the FOI Act to make a decision in respect of your request.

The following report was extracted from the Housing ACT database and has been identified for partial release;

- HRA021 – Overall performance summary for all Business Units

In reference to Dot Point 1 and 2, your request seeks '*a copy of documents which state or which taken together indicate the number of tenants currently in rental arrears*'. I understand Ms Whichelo, Housing ACT has clarified with you that you are requesting the number of tenants who are currently in arrears and not the documentation from each tenant's file.

The Performance Summary report provides the number of Housing ACT tenants in rental arrears and the level of overall rental arrears as of 22 May 2013. The report is broken down into 4 Housing ACT tenancy regions Central, Northern, Southern and Housing Initiatives. The combined overall figure for Housing ACT tenancies in rental arrears is 1421 and the total amount of rental arrears is \$1,399,492.30. It is important to note redactions have been made to this report due to the data being collated as an overall summary of performance for each region, information that is not applicable to your scope has therefore been removed.

In reference to Dot Point 3 and 4, Housing ACT does not currently specifically collate a report to provide the number of Housing ACT tenants currently subject to a conditional termination and possession order (CTPO) or the number of tenants who have been subject to two or more CTPO's. For the purpose of this FOI request it would be unreasonable to manually search each of Housing ACT 11,000 plus tenant's records to extract this information.

In regard to Dot Point 5, the amount Housing ACT has spent on external legal matters contracted out to the ACT Government Solicitor Office (GSO) and Counsel for representation in residential tenancy matters in the ACT Civil and Administrative Tribunal (ACAT). Housing ACT pay the ACT GSO a retainer for legal services in connection with representation in residential tenancy matters in ACAT.

In the last financial year 2011-2012 the retainer paid including GST was \$88,000.00, in the current financial year 2012-2013 the retainer paid including GST was \$110,000.00. In addition to the retainer the GSO are paid for disbursements which can include engaging external legal services or counsel for residential tenancy matters but are not necessarily limited to these types of matters. Housing ACT does not have access to a report that breaks down the disbursements paid into specific categories. Therefore, Housing ACT is unable to provide these figures.

Decision

It is my decision to release the information to you, however where a current report is unavailable from Housing ACT's data base, this information has not been provided. Where the requested information is collected by Housing ACT as a bulk figure, an expenditure figure has been provided with redaction to the spreadsheet.

Review rights

My decision is appealable under the FOI Act. This means that if you are dissatisfied with this outcome you have the right to seek a review under the FOI Act, section 59. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to:

Executive Director
Policy and Organisational Services
Organisational Governance
GPO Box 158
CANBERRA ACT 2601

You have 28 days from the date of this letter to seek a review of the outcome or such other period as the Executive Director permits.

Under the FOI Act, section 54, you also have a right to complain to the Ombudsman if you are concerned about the processing of your request or related administrative matters. The Ombudsman may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

All complaints or enquiries about the processing aspect of your request that relate to the Health Records Act can be made to the Human Rights Commission on 6205 2222.

If you have any queries in relation to this matter, please contact Ms Jenny Whichelo, Manager Complaints and Information, Community Services Directorate on 6207 8778.

Yours sincerely



David Matthews
Senior Director
Governance, Advocacy and Community Policy

6 June 2013