

Submission to the Inquiry into the Disclosure regimes for charities and not-for-profit organisations

This submission will mainly focus upon case studies contributed by recipients of charities and not-for-profit (NFP) organisations, and may contain information of a sensitive nature. Therefore, the names of recipients and the organisations they refer to in their contributions will not be included in order to protect privacy and to avoid any possible repercussions for the recipients.

The first case study is in relation to an ongoing problem which the recipient has attempted to resolve through the usual channels but has been confronted with intimidation and threats of eviction from the managing agent employed by the NFP organisation, and has therefore chosen to accept the less than adequate situation. The case study involves Conflict of Interest within the organisation.

- A family of four, two adults and two young children, live on the top story of a unit complex run by a NFP organisation, situated in an urban environment. There have been complaints by their neighbours, in relation to noise levels. These complaints were passed onto the managing agent of the complex. The family was breached, threatened with eviction, but also was threatened with removal of their children by a child protection agency. These threats were initiated by the managing agent. The family had previously put in request for a transfer for a ground floor unit in a neighbouring unit complex, a much more suitable location for the family, but had so far been refused. The family was then required to front up to the Small Claims Tribunal to fight their case. Fortunately, they were successful in retaining the tenancy, and their children remain in the family environment. It was found later that the managing agent had wished to house a member of the managing agent's family in the property in question. The outcome was that the member of the managing agent's family, numbering one person, was offered a ground floor two bedroom unit in a neighbouring complex, run by the NFP organisation, even though the managing agent and the NFP organisation was well aware of the family's request for transfer, the family was refused offer of the ground floor unit. This represents a clear case of Conflict of Interest.

The current process in dealing with complaints of this nature is an internal process, that is, if a person wishes to complain about their tenancies in any way, they have to approach the organisation or managing agent with their complaint, and if the matter can not be resolved, they are then required to breach the managing agent. Most are reluctant to take the matter to the managing agent or the NFP organisation as they are fear possible repercussions and the possible loss of their residency. An

external independent review body which could deal with cases presented to them in relation to, for example, conflict of interest, would be an avenue for complainants who wish to have their complaint heard without fear or favour. This would encourage more recipients who presently feel too intimidated to voice their concerns. I am aware of the good works of the Tenant Union and the Tenant Advisory Service, but they are not always able to help people with complex situations which require a more selective approach. Specifically, if a person was to complain about the workings of community housing providers, the Union is less likely to intervene.

The second case study involves the accountability of NFP organisations.

- A resident of the aforementioned unit complex (referred to as A) approached another resident (referred to as B), and was displaying a dramatic level of distress, indicating the wish to suicide. B notified the managing agent and the NFP organisation of the situation, asking for assistance in contacting the case manager of A. The managing agent indicated that the case manager would be contacted that day. B left the matter with the managing agent, assuming the situation was in hand. B became aware that the situation had not been dealt with effectively when it was found out that, three days later, A had committed suicide. Further inquiries into the matter revealed that the managing agent had denied prior knowledge of the threat to suicide, when asked by members of A's family and others interested in the proceedings, despite the fact that B had told the managing agent in person of the situation. Should the managing agent and NFP organisation be held accountable?

There had been numerous calls to link support services to the NFP organisation as most of the people housed in the units provided by them require these services. Instead, it is expected that when people are housed, they already have access to outside support services. This is rarely the case. A shareholder of the NFP organisation mentioned that during a shareholders meeting, the organisation stated that 'they only build houses, and should not be expected to provide support services as well'.

It would be highly advisable, when considering accountability and transparency of charities and NFP organisations, to include statements from the recipients as this could highlight areas for discussion which may not necessarily be tabled. Funding bodies and donors should be aware that their funds are not always utilised in the most effective way, and that by enlisting an independent investigative body to oversee the workings of these organisations, matters like the above mentioned may have a very different outcome. It would also be highly advisable to empower the independent body with the right to investigate accusations of impropriety and possible corruption.