



Welcome Home Webinar 1 – Case Study 2

Danny's agreement

Supporting informed consent

Danny was moving out of home for the first time to live in a 1-bedroom SDA apartment. He went through his SDA agreement with the SDA provider and agreed that he understood all the terms and conditions.

After only 4 months, Danny suddenly announced that he was moving back home because living on his own was not what he had imagined. Within 2 weeks he had left the apartment. The SDA provider was taken completely by surprise. They told Danny they felt they had “bent over backwards” to make sure everything would be right for him.

The SDA provider was unsure what compensation they could seek from Danny. The SDA agreement included information about the 90 days' notice the provider was required to give Danny if they wanted him to leave the dwelling but it did not say anything about the conditions for a tenant to terminate the agreement or details about penalties.

The SDA provider tried to discuss the situation with Danny but when the conversation broke down, the provider threatened to charge Danny rent until the vacancy was filled, which could take months. Danny complained he had never seen or agreed to that condition and accused the SDA provider of bullying.

Q. What did Danny need from the SDA provider in this situation?

A. A. An easy to understand factsheet about the relevant residential tenancy laws

Tenancy terms and conditions are challenging for anyone to understand so easy to understand material should be available to all tenants regardless of their communication or decision-making support needs. Many people will refer to this material rather than their agreement so it is worthwhile committing time to developing quality information resources.

- Provide information about the minimum tenancy terms outlined in the SDA Practice Standards for Service Agreements.
- Focus on providing practical information such as response times for addressing particular tenancy issues and staff contact details.
- Provide links to external information sources such as the NDIA, the NDIS Commission, the tenancy regulator in your state/territory and the Public Advocate or Guardian's Office in your state/territory.

A detailed information statement covering all terms and conditions in the SDA agreement

An information statement providing additional details about all tenancy terms and conditions should be provided to a tenant along with their SDA agreement. For an example, have a look at the [Victorian information statements](#) that accompany the SDA tenancy agreement and the SDA residency agreement.

These are likely to be long documents with lots of details but a tenant and their supporters have a right to have this information.

An opportunity, after discussing the SDA agreement, to come back with questions or issues

Face-to-face or direct communication will strengthen a person's understanding of their tenancy conditions and their legal rights and responsibilities.

- Always aim to follow up the provision of written material with a conversation or direct communication using an appropriate format.
- Make sure you provide enough time for a tenant to consider the information you have provided before you discuss any issues.
- Encourage and suggest questions or issues a tenant should consider before you next meet – always aim to have more than one conversation about an SDA agreement.