



National Housing and Homelessness Plan
Department of Social Services
GPO Box 9820 Canberra, ACT 2601

17 October 2023

By email only: Housingandhomelessnessplan@dss.gov.au

To the Department of Social Services,

RE: KCLS Response to Issues Paper- National Housing and Homelessness Plan

Kimberley Community Legal Services (KCLS) welcomes this consultation on the development of a National Housing and Homelessness Plan. KCLS is the most remote community legal centre in Australia, servicing communities throughout the Kimberley region of Western Australia with legal, social work and financial counselling support. We are the only legal centre in the region offering tenancy and housing advice and advocacy and are therefore in a unique position to provide feedback from our region about housing reform.

The human right to housing is outlined in the United Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. This right involves access to adequate, affordable, accessible, habitable, safe housing which can provide security of tenure. Unfortunately, many of these rights are not being met in the Kimberley. Housing conditions and outcomes in the region are unacceptable, particularly for Aboriginal and Torres Strait Islander tenants, which create impacts for health and wellbeing and wider social and economic outcomes across the Kimberley. The region has the highest rates of homelessness in regional Western Australia, there is a shortage of housing stock across the region, many of our clients struggle to get their repairs and maintenance issues fixed in a timely manner, and the private rental market is inaccessible.

To date, Closing the Gap targets have not been met regarding reducing homelessness and improving housing and health outcomes in Aboriginal communities. We observe the great need to address these issues. Access to adequate housing is a cornerstone to achieving personal dignity and can allow families to address other legal issues they are facing, such as child protection interventions or family violence issues.

In this brief submission, we seek to address two questions from the Issues Paper around improving delivery of housing in remote and Aboriginal communities, and the need for more sustainable and climate resilient housing. Our evidence and analysis of the housing crisis in our region is provided

through our publication, *Stuck in the Heat*, and two prior submissions we have made to separate inquiries focused on housing issues in the Kimberley.

[How can governments, across all levels, best work with communities to support better housing outcomes for Aboriginal and Torres Strait Islander peoples?](#)

Across the Kimberley region, we observe several issues with the way public housing is administered, delivered, and managed for Aboriginal and Torres Strait Islander tenants, who are culturally and linguistically diverse and are deeply impacted by the effects of colonisation and ongoing systemic disadvantages. We observe a need for governments to collaborate and engage meaningfully and constructively with Aboriginal and Torres Strait Islander people about their tenancies, particularly in the public housing and social housing sector. In our submissions to the Senate Inquiry into the application of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), we speak to the difficulties many of our clients face in accessing the housing system. We will provide the Department with a copy of this submission for their consideration regarding ways to improve the delivery of housing in the region.

In relation to the design of new housing builds, or the development of new homelessness and housing services, particularly in the context of climate change, engagement with communities on the design features and supports they need to develop culturally appropriate, sustainable, and habitable housing is crucial. The climate and context Aboriginal and Torres Strait Islander people live in, in places like the Kimberley, need to be acknowledged and embedded in policy design going forward.

[How can governments and the private and community sectors help to improve sustainable housing and better prepare housing for the effects of climate change?](#)

The Kimberley region is very vulnerable to the increasing risks of climate change impacts at present and into the future. The region is already exposed to extreme temperatures, and these temperatures are set to continue to increase under current climate projections to levels that could threaten the ability of Traditional Owners to continue to live on their lands. Exposure to high temperatures due to inadequate housing and current discriminatory cooling policies (which do not provide public tenants with air conditioning) has subsequent health and wellbeing impacts on an already vulnerable part of the community.

Our report, *Stuck in the Heat: Lived Experiences of Public Housing Tenants in the Kimberley*, demonstrates these concerns through direct conversations and stories with and from local Aboriginal and Torres Strait Islander people who live through 40 degree days, in substandard housing not fitted with good quality cooling. We use this advocacy piece as an example of the systemic issues facing public housing tenants in the region. There is a real need to address the inadequacies in current housing delivery and design in the area to ensure climate resilience can occur.

To further elaborate on and explain our position to the above questions, we attach the following publications and prior submissions by Kimberley Community Legal Services (KCLS). We encourage the

Department to read these documents which focus on the inadequate housing system in remote Western Australia:

1. Stuck in Heat: Lived Experiences of Public Housing Tenants in the Kimberley,
2. KCLS Submission to the Senate Inquiry into the Worsening Rental Crisis in Australia,
3. KCLS Submission to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs (JSCATSIA) into the Application of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

These documents and our ongoing advocacy in the housing policy space indicate the ongoing and urgent need for localised, culturally informed housing policy design and development. This is particularly the case given the humanitarian and environmental crisis that climate change presents to the region. Aboriginal and Torres Strait Islander people in the Kimberley are not getting fair access to a base standard of housing that is required for participation in the community and for better social and economic outcomes for their families and communities. Our service is committed to working with governments to ensure habitable and accessible housing is readily available to communities in the Kimberley.

If the Department has any further questions or requires additional information from our service, please do not hesitate to contact the following KCLS staff:

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We look forward to seeing the development and implementation of the plan.

Yours faithfully,



Christine Robinson

Chief Executive Officer

Kimberley Community Legal Services