



Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

2 June 2022

Dear Committee Secretary

Application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia

Thank you for the opportunity to make a submission in relation to the above inquiry.

For reasons given in our submission we make 7 key recommendations:

1. Aboriginal housing strategies and policies be formulated with Article 21 of UNDRIP at the forefront, recognising that adequate housing is a human right and is central to the improvement of social and economic outcomes for Aboriginal people.
2. The WA Government address the impact of homelessness and overcrowding on Aboriginal families by increasing budget spend on social housing stock in the Kimberley.
3. The Commonwealth Government offer financial support to the WA Government by renewing its National Partnership Agreement on Remote Indigenous Housing with WA.
4. The maintenance reporting system and maintenance contracts for social housing should not be outsourced to a region further than 1000km away.
5. In accordance with Article 21 of UNDRIP, specific mandatory minimum standards should be legislated within the Residential Tenancies Act, placing more responsibility on landlords and the Housing Authority to provide tenants with housing fit for habitation.
6. Bring thermal comfort standards of public housing in line with those the WA Government affords its employees, including a minimum standard requiring the provision of split system or ducted air conditioning to tenants in the Kimberley region.
7. Consult with the community to build housing appropriate to the cultural needs and climate of the Kimberley region.

Please contact us if further information would assist.

Yours sincerely

Grace Dudley
Systemic Change Advocate & Solicitor
Kimberley Community Legal Services

Submission by Kimberley Community Legal Services Inc. to the Senate Legal and Constitutional Affairs
References Committee into the Application of the United Nations Declaration on the Rights of
Indigenous Peoples in Australia

Date of Submission: 2 June 2022

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We acknowledge that we work on Aboriginal land, traditionally the home of the Yawuru people of the West Kimberley and Miriwoong people of the East Kimberley. We pay respect to all elders past and present.

Table of Contents

<u>INTRODUCTION</u>	<u>3</u>
ABOUT US	3
FOCUS AND STRUCTURE.....	3
<u>THE KIMBERLEY: PROFILE.....</u>	<u>4</u>
<u>HOUSING AVAILABILITY</u>	<u>5</u>
INSUFFICIENT QUANTITY OF HOUSES AVAILABLE RESULT IN OVERCROWDING AND POOR ENVIRONMENTAL HEALTH....	5
BARRIERS TO ACCESS SOCIAL HOUSING SYSTEM ARE DISEMPowering AND DISCRIMINATORY.....	6
<u>HOUSING AFFORDABILITY</u>	<u>7</u>
<u>LIVING STANDARDS</u>	<u>8</u>
HOUSING IN POOR STATE OF REPAIR.....	8
HOUSING STANDARDS NOT SUITABLE FOR ENVIRONMENT	9
<u>CONCLUSION</u>	<u>10</u>
<u>APPENDIX A.....</u>	<u>12</u>

Introduction

1. The United Nations Declaration on the Rights of Indigenous Peoples ('UNDRIP'), adopted by the United Nations General Assembly in 2007 and endorsed by Australia in 2009, is a global acceptance of Indigenous Peoples' right to minimum standards for their survival, dignity and well-being.
2. The true value of human rights lies in their implementation through effective legislation and policies across portfolios and at all levels of government. For the purpose of this inquiry, we limit the scope of our submissions to a consideration of **Articles 21 and 23 of the United Nations Declaration on the Rights of Indigenous Peoples**¹ in relation to Australia's present social housing system and its impacts on Aboriginal people living in remote Western Australia.

About us

3. Kimberley Community Legal Services ('KCLS') is an independent, not-for-profit, multidisciplinary community legal centre operating in the Kimberley region of Western Australia. Our services include legal advice and representation on most civil law matters (including family law, child protection, tenancy, credit and debt, criminal injuries compensation and redress), intensive tenancy and family violence social support, financial counselling, and law reform advocacy.
4. We conduct regular outreach from our offices in Kununurra and Broome to Halls Creek, Fitzroy Crossing, Derby, Wyndham and more than a dozen remote communities in the Kimberley. Our practice is client centric, holistic and embedded in the community and region in which we work.
5. KCLS offers free tenancy advice and advocacy for renters, with a particular focus on public housing tenants. 89.1% of our clients are Aboriginal or Torres Strait Islander, 9% are homeless or at risk of homelessness, and 88.5% are living in financial poverty.²

Focus and structure

6. These submissions and our recommendations broadly address the following Terms of Reference:
 - (b) the potential to enact the UNDRIP in Australia;*
 - (f) Australian federal and state government's adherence to the principles of the UNDRIP; and*
 - (i) The current and historical systemic and other aspects to take into consideration regarding the rights of First Nations people in Australia.*
7. Access to adequate housing is imperative to be able to participate in society and maintain personal dignity and wellbeing. In the Kimberley, access to housing is limited by:
 - a. The inadequate amount of social housing available;
 - b. The unaffordable nature of social housing in remote areas; and
 - c. The unacceptable living standards in existing houses.

These key issues form the structure of our submissions – for where housing is not designed, created or maintained in consultation with local Aboriginal communities, systems are created that necessarily inhibit adherence to the principles of UNDRIP. We draw upon several case studies to convey the lived experience of Aboriginal people living in social housing in the Kimberley.

¹ The right to improved economic and social conditions and the right to be involved in developing economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

² Kimberley Community Legal Services (2021), *KCLS Annual Report 2020-2021*, p.7.

The Kimberley: Profile

8. The Kimberley region is twice the size of the state of Victoria, comprised of 4 local government areas and 150 Aboriginal Communities.³ Aboriginal and Torres Strait Islander people make up 41.6 percent of the population,⁴ compared to 3.2 percent of the State population.
9. There are more than 30 different languages spoken in the region.⁵ Many Aboriginal people speak English as only a second or a third language. There is inadequate funding for, and access to, Aboriginal interpreting services in the Kimberley, resulting in major barriers and chronic miscommunication.
10. The Kimberley is one of the hottest areas in Australia. High temperatures can impact daily life and service provision. The 'build up' and wet season (October to April) sees dramatic increases in water, electricity consumption and crime rates. There is an associated increase in demand for social services.
11. Prior to 1967, Aboriginal people lived in family groups on cattle stations on their traditional lands. Aboriginal men and women were made to work as stockmen, musterers, fencers, cooks, station hands, labourers, gardeners, and domestic workers – often in exchange for a small stipend, tea, tobacco, or sugar rations. When equal wages for Aboriginal pastoral workers was introduced in 1968, station owners evicted hundreds of Aboriginal people from the stations and their country. Younger skilled workers and their immediate families were allowed to stay. The result was the sudden and devastating fracturing of family groups and large congregations of squalid refugee camps at Fitzroy Crossing, Halls Creek, Broome and Derby.⁶ All camps were equally impoverished and there was an acute shortage of housing in town for Aboriginal families.

It is with this history that we can understand the development of the present social housing system within the Kimberley.

12. There is little or no private rental accommodation in the Kimberley, other than in Broome, Derby and Kununurra. As of 2016, 43.7 percent of renters in the Kimberley live in housing managed by the government.⁷ Aboriginal people make up 77.7 percent of social housing tenants in the Kimberley.⁸
13. Public housing is managed by the WA State Government under the Department of Communities (Housing) ('the Department'). The Department is also contracted to maintain Aboriginal Housing in several Aboriginal communities across the Kimberley.

³ REMPLAN (online) Kimberley Region. <https://remplan.co/3wZ9KQH>.

⁴ Australian Bureau of Statistics, Kimberley 2016 Census All persons QuickStats, <https://www.abs.gov.au/census/find-census-data/quickstats/2016/51001#:~:text=In%20the%202016%20Census%2C%20there,up%2041.6%25%20of%20the%20population>.

⁵ REMPLAN (online) Kimberley Region. <https://remplan.co/3wZ9KQH>.

⁶ <https://press-files.anu.edu.au/downloads/press/p182561/html/ch08.html?referer=&page=17>

⁷ Australian Bureau of Statistics, 2016 Census of Population and Housing General Community Profile (Catalogue No 2001.0, 23 October 2017) Table GO33.

⁸ Australian Bureau of Statistics, *2016 Census of Population and Housing Aboriginal and Torres Strait Islander Peoples Profile* (Catalogue No 2002.0, 23 October 2017) Table 10.

14. The Commonwealth government invested in 80 communities across Western Australia in 2018 via the National Partnership Agreement on Remote Housing. This funding was not renewed, ultimately leading to worse Aboriginal housing outcomes.⁹ Rent Assistance, offered to low-income households and individuals in the private rental market, is fully funded by the Commonwealth. This is not sufficient to support individuals in receipt of Centrelink payments to access the high-priced private rental market in remote regions.

Housing Availability

Insufficient quantity of houses available result in overcrowding and poor environmental health

15. There is insufficient social housing stock in the Kimberley to support the health and wellbeing, and social and economic goals of Aboriginal people. In 2021, 1207 people were homeless in the Kimberley,¹⁰ three times the WA state average. The average wait time on the priority waitlist is one year in WA, but in our experience many clients wait more than 2 years on the priority list in the Kimberley. Tenants can expect to wait up to 10 years on the general list.
16. During this time, there are few affordable housing alternatives available. Low-income households, of which a majority are Aboriginal households, are priced out of the private rental market. As of May 30, 2022, there are 7 properties for rent in Kununurra, with only one property listed below 450.00 per week, and 2 properties listed for rent in Broome.
17. The median fortnightly Aboriginal household income is \$920.¹¹ Consequently, many Aboriginal people find themselves experiencing primary or secondary homelessness. In 2021 Shelter WA found that homelessness rates in the Kimberley are three times the WA Average,¹² and over 60% of those who are homeless in the Kimberley and the Pilbara are staying in severely overcrowded dwellings.¹³
18. Overcrowding in substandard conditions presents significant environmental health concerns¹⁴ increasing the risk of preventable diseases and chronic illness.¹⁵ The Aboriginal population across Australia have higher levels of chronic illnesses such as diabetes, rheumatic heart disease and communicable diseases.¹⁶ The rate of avoidable deaths in the Kimberley region is 2.5 times higher than the WA average. Avoidable death rates for diabetes, renal failure, rheumatic and other valvular heart disease, and suicide are significantly higher than the rest of the state.¹⁷

⁹ Fernandes & Cox, SBS News (online), *Why is no one talking about Aboriginal community housing in this election?*, 11 May 2022 <https://www.sbs.com.au/news/article/why-is-no-one-talking-about-aboriginal-community-housing-in-this-election/vcorxcfb1>

¹⁰ Shelter WA, 2016, Unlock Housing, Heat Map Summary- Homelessness and Housing Stress 2021, p.5.

¹¹ Compared with a median fortnightly non-Aboriginal income of \$2014. Australian Bureau of Statistics, 2016 Census of Population and Housing General Community Profile (Catalogue No 2001.0, 23 October 2017).

¹² Shelter WA, 2016, Unlock Housing, Heat Map Summary – Homelessness and Housing Stress 2021, p.3, p5.

¹³ Shelter WA, 2016, Unlock Housing, Heat Map Summary- Homelessness and Housing Stress 2021, p.5.

¹⁴ National Aboriginal and Torres Strait Islander Health Plan, P.12

¹⁵ Lander, J Breth-Petersen, M, Moait, R, Forbes, C and Stephens L, Dison M (2019). Extreme heat driven by the climate emergency: impacts on the health and wellbeing of public housing tenants in Mildura, Victoria, Report prepared by Mallee Family Care.

¹⁶ Australian Institute of Health and Welfare, *Cardiovascular disease, diabetes and chronic kidney disease – Australian Facts: Aboriginal and Torres Strait Islander people* (Report No CDK 5, 25 November 2015).

¹⁷ WA Country Health Service, 2018, Kimberley Health Profile, p.41.

19. Homelessness also negatively affects safety, employment outcomes and educational outcomes.¹⁸ Families and individuals are left to sleep outdoors, move from house to house and have an increased exposure to drinking and domestic violence. This instability can both produce and exacerbate existing physical and mental health conditions.¹⁹ For example, the Inquest into the deaths of Thirteen Children and Young Persons in the Kimberley Region found that ‘practically all children and young people whose deaths were investigated lived in overcrowded and inadequate housing arrangements.’²⁰

Barriers to access social housing system are disempowering and discriminatory

20. The current housing system was not designed in consultation with Aboriginal people, who are often excluded from accessing social housing without substantial support from community development workers and advocates.
21. There is a disproportionate administrative burden placed on Aboriginal people to make a housing application. The application process requires extensive identification for the housing applicant and their children. This policy fails to account for unregistered births and the fact that many Aboriginal people do not have identification documents. In **Case Study 8** at Appendix A, KCLS workers spent up to 4 months assisting a client to first register 2 of her children, apply for funding to obtain 4 birth certificates at a cost of \$200, and obtain relevant personal identification before being able to assist with a housing application.
22. Postal correspondence from the Department often imposes a time limited response period. Failure to respond within the designated period (usually 30 days) can, amongst other things, result in a priority housing candidate losing their place. This policy does not reflect the transitory nature of many Aboriginal people (particularly those experiencing primary or secondary homelessness). It also operates on the assumption all people have access to a mobile phone, money for phone data or access to free Wi-Fi, levels of reading and digital literacy to manage an email account. This is not the case for many Aboriginal people living in the Kimberley.

Recommendation 1: Aboriginal housing strategies and policies be formulated with Article 21 of UNDRIP at the forefront, recognising that adequate housing is a human right and is central to the improvement of social and economic outcomes for Aboriginal people.

Recommendation 2: The WA Government address the impact of homelessness and overcrowding on Aboriginal families by increasing budget spend on social housing stock in the Kimberley.

Recommendation 3: The Commonwealth Government offer equivalent financial support to the WA Government by renewing its National Partnership Agreement on Remote Indigenous Housing with WA.

¹⁸ Australian Housing and Urban Research Institute, 2017, Research Synthesis of social and economic outcomes of good housing for Aboriginal and Torres Strait Islander People, p.ii, iii.

¹⁹ Ibid.

²⁰ Fogliani, R. V. (2017). Inquest into the deaths of Thirteen Children and Young Persons in the Kimberley Region, Western Australia. Perth: Coroner's Court, page 68.

Housing Affordability

23. As discussed at Paragraph 13, the availability and cost of the private rental market means it is not an option for most people. As a result, the more relevant issue regarding housing relates to the availability of low-income subsidised housing and the affordability of social housing.
24. In Western Australia social housing rent is based on 25% of household income or market rent, whichever is lower.²¹ While this accords with national benchmarks, these benchmarks are not customised to substantial regional variations within Australia and they omit utility costs and individual expense factors.²² This is particularly significant in the Kimberley where the fixed rental calculation formula results in situations of chronic rental stress, increasing hardship and substantial debts for many social housing tenants.
25. In **Case Study 7** at Appendix A, our client had 6 children and was on a parenting payment and her partner worked full time. As a result, she was paying market rent of \$630 on a 4-bedroom social housing home that was more than 20 years old, asbestos clad, had wet walls due to unidentified internal leaking and was situated in an area no other private rentals existed. On top of ongoing rental obligations, our client was also paying \$100 a fortnight for power and an additional \$200 a week for water, rental arrears and tenant liability accounts. Much of the tenant liability charged to our client's account was damage caused by domestic violence. As our client was not in a position to make a police report regarding the violence (and therefore, the damage) due to fear of retribution from her partner's family, she was charged for all damage.
26. Beyond rental costs, social housing tenants are also liable for higher repair and maintenance costs. The process to have a damaged item repaired is expensive, repetitive and prone to administrative error. The *expected* lifeline of a maintenance item, in short, is:
- Social housing tenants call a maintenance hotline based in Perth.
 - A work order is sent to Lakes Maintenance ('Lakes'), a privately owned maintenance company contracted by Community Housing and the Department.
 - Lakes sends a workorder through to a subcontractor in Kununurra.
 - The subcontracted tradesperson attends the relevant home and repairs the damage reported.

What often happens instead is:

- the subcontracted tradesperson attends the home and realises the work order to fix a leaking tap is inappropriate, because there is a series of leaking pipes in the home. The tradesperson advises the tenant to call the maintenance hotline again, so the correct workorder can be issued.

²¹ WA Department of Housing, Rental Policy Manual, October 2019, Rent to Income Policy at p.. 72, http://www.housing.wa.gov.au/HousingDocuments/Rental_Policy_Manual.pdf ; WA Department of Housing, Community Housing Rent Setting Policies, December 2009, http://www.housing.wa.gov.au/HousingDocuments/CH_Rent_Setting_Policy.pdf

²² Michelle Gabriel, Keith Jacobs, Kathy Arthurson and Terry Burke with Judith Yates, 'Conceptualising and Measuring the Housing Affordability Problem', Australian Housing and Urban Research Institute (2005) Research Paper 1, 23 <https://www.ahuri.edu.au/__data/assets/pdf_file/0020/2693/NRV3_Research_Paper_1.pdf>; also see: Terry Burke and Liss Ralston, 'Analysis of expenditure patterns and levels of household indebtedness of public and private rental households, 1975 to 1999' AHURI Final Report No 34 (2003) 6-7 <https://www.ahuri.edu.au/__data/assets/pdf_file/0009/2250/AHURI_Final_Report_No34_Analysis_of_expenditure_patterns_and_levels_of_household_indebtedness.pdf>.

- The tradesperson attends the home to fix the leaking tap, but nobody is home. There is no contact number available. The tenant was not advised and is not aware the tradesperson would be attending at that time. The tradesperson leaves and the tenant is required to pay travel and overheads and call the maintenance hotline again.

The result of all this is a system that places a burden on social housing tenants that is not placed on private tenants. Social housing tenants, particularly Aboriginal social housing tenants, are facing extensive barriers to simply have an item repaired. Outstanding maintenance items build up, causing health and security issues.

Living Standards

27. Building quality and design are factors that impact health outcomes.²³ Social housing tenants in the Kimberley are expected to live in substandard conditions, due in part to the poor quality of housing stock and unaddressed maintenance issues.

Housing in poor state of repair

28. A recent Remote Housing review found 'housing construction quality in remote WA was consistently found to be poor, repairs were taking too long to fix and there is no capacity for proactive works.'²⁴ Some research also found that only nine per cent of household faults are caused by tenants, challenging the assumption that Aboriginal and Torres Strait Islander families cause the majority of damage and deterioration to remote Indigenous housing.²⁵

29. The 2014-15 National Aboriginal and Torres Strait Islander Social Survey found that Aboriginal people in remote areas were more likely to be living in a dwelling with major structural problems (37%), lacking basic household facilities (27%), and in dwellings not meeting acceptable standards (31%).¹

30. KCLS lawyers frequently advise clients regarding breaches by the Department of Housing where their rental properties do not comply with Australian building codes, urgent repairs are not conducted within prescribed times²⁶ and/or properties are otherwise not maintained to a reasonable state of repair.²⁷

31. Common maintenance items include broken doors and windows, holes in walls, bathroom and laundry taps, hot water systems and ant infestations. Left unrepaired for excessive periods of time, these items compound and result in issues including mould build up, asbestos exposure, safety and security issues. In KCLS' experience, maintenance is often delayed or only completed partially and/or with poor workmanship.

²³ Australian Housing and Urban Research Institute, 2017, Research Synthesis of social and economic outcomes of good housing for Aboriginal and Torres Strait Islander People, p.ii.

²⁴ R Towart, 2017, Remote Housing Review: a Review of the National Partnership Agreement on Remote Aboriginal Housing and the Remote Housing Strategy (2008-2018). Canberra: Department of Prime Minister and Cabinet, p.5.

²⁵ Ibid.

²⁶ For example: Under the Housing Authority Maintenance Policy Manual (3.3.2 P2 Urgent Work Orders) and the Residential Tenancies Act (s 38) Urgent repairs such water leaks or a blocked toilet must be repaired within 24 hours.

²⁷ *Residential Tenancies Act 1987*, section 42(2).

32. Living in substandard housing is a serious risk to the physical and mental health of tenants and their children. Cracks in the walls, mould and poor ventilation lead to health issues like respiratory infections. As discussed at Paragraph 19, poor environmental health is continuously found to impact on the high levels of preventable disease found in Aboriginal communities. Living in substandard housing and dealing with the slow and ineffective maintenance system despair, hopelessness, stress and anxiety for many tenants.

Recommendation 4: The maintenance contracts should not be outsourced to an organisation based in a region further than 1000km away.

Recommendation 5: In accordance with Article 21 of UNDRIP, specific mandatory minimum standards should be legislated within the Residential Tenancies Act, placing more responsibility on landlords (in this case the WA Government) to provide tenants with housing fit for habitation.

Housing standards not suitable for environment

33. The right to adequate housing also includes access to housing that is habitable and ‘protects [occupants] from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors.’²⁸ Public housing tenants in the Kimberley are not currently afforded this right, living through extreme heat for months of the year in overcrowded, poorly designed and maintained homes. Further, WA Housing Authority Climate Control Policy does not recognise the impact of extreme heat on public housing tenants, despite the Kimberley being one of hottest parts of WA.²⁹
34. Under the Climate Control Policy, the Department of Communities (Housing Authority) provide tenants with ceiling fans as the nominated system to deal with extreme heat. The Housing Authority are not required to install or maintain air conditioners or adhere to a minimum standard of the energy efficiency.³⁰ Tenants are expected to purchase and maintain any air conditioners they need and remove it from their property when they leave.³¹
35. In comparison, Government Employee Housing (known as GROH housing), also managed by the Department of Communities, are provided with split system air conditioning and a subsidy to assist with power bills, in recognition of the extreme heat in the region and the financial and health impact it can have.³²
36. This discrepancy is representative of the systemic housing inequities facing Aboriginal people across the Kimberley and does not align with Article 21 of UNDRIP - that Aboriginal people have the

²⁸ Committee on the Economic, Social and Cultural Rights, General Comment No.4, *The Right to Adequate Housing* (Art. 11(1) of *the Covenant*) (sixth session 1991)

²⁹ Audrey Quicke, Heatwatch – Extreme heat in the Kimberley, The Australia Institute, November 2019, p.1; For example in Kununurra, temperatures reach 35 for over half the year.

³⁰ Housing Authority (Government of WA), Housing Authority Rental Policy Manual (Climate Control Policy), May 2022, p.72.

³¹ Ibid.

³² Government of Western Australia (Department of Housing), Government Regional Officers Housing Government Housing Air Conditioning Policy, October 2021, p.8.

right without discrimination to the improvement of housing, health and sanitation. Exposure to temperatures over 35 degrees is unhealthy and dangerous, and has disproportionate effects on those already vulnerable.³³ Without adequate shelter, exposure to these temperature leads to dehydration, dizziness,³⁴ psychological distress, pressure on existing illnesses, and is a threat to older people and young children who are less able to regulate body temperature.³⁵ The effects of extreme heat are significantly worse for people with chronic medical conditions, of which Aboriginal people are overrepresented.³⁶

37. It also has social and economic impacts. KCLS consulted tenants on this issue and the consultation group told stories that indicated they are in a cycle of disadvantage. The consultation group said they do not have sufficient incomes to purchase the efficient cooling systems they require, they experience stress when their housing does not keep the heat out, and their expenditure on power can be up to 10 percent higher than high income households. The lack of cooling impacted on their ability to sleep, to go to work and to manage their health conditions.

Recommendation 6: Bring thermal comfort standards of public housing in line with what the WA Government affords to its employees, including a minimum standard requiring the provision of split system or ducted air conditioning to tenants in the Kimberley region.

Recommendation 7: Consult with the community to build housing appropriate to the cultural needs and climate of the Kimberley region.

Conclusion

38. The right to housing is outlined as a basic right under **Article 21 of the United Nations Declaration on the Rights of Indigenous Peoples**, Article 25 of the Universal Declaration of Human Rights and several other International agreements.³⁷ It is one of 17 targets in the National Agreement on Closing the Gap, with the aim that Aboriginal and Torres Strait Islander ‘people can secure appropriate, affordable housing that is aligned with their priorities and need’ by 2031.³⁸
39. The lived experiences of Aboriginal people in the Kimberley demonstrate current and historic state and federal approaches to remote housing do not adhere to the principles of Article 21 and 23 of UNDRIP. Issues like long wait times, and poor housing standards inhibit the improvement of economic and social conditions.

³³ Nate Seltenrich, ‘Between Extremes: Health Effects of Heat and Cold’ (2015) 123(11) *Environmental Health Perspectives* 275.

³⁴ Nate Seltenrich, ‘Between Extremes: Health Effects of Heat and Cold’ (2015) 123(11) *Environmental Health Perspectives* 275.

³⁵ Victoria Council of Social Service, *Feeling the Heat*, May 202, p. 6.

³⁶ Department of Industry and Resources, *Management and Prevention of Heat Stress* (Document No ZMR002SX, December 1997) 11.

³⁷ 1951 Convention Relating to the Status of Refugees (article 21), the International Labour Organisations 1962 Convention no. 117 concerning Basic Aims and Standards of Social Policy (art 5 (2)), 1966 International Covenant on Civil and Political Rights (art 17), 1979 Convention on the Elimination of All Forms of Discrimination against Women (arts 14(2) and 15 (2)), the International Labour Organisation’s 1989 Convention no. 169 concerning Indigenous and Tribal Peoples in Independent Countries (arts 14, 16 and 17), the 1990 International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families (art 43 (1) (d)).

³⁸ Closing the Gap National Agreement <https://www.closingthegap.gov.au/national-agreement/targets>

40. In KCLS' experience, a lack of access to affordable and liveable housing also compounds other systemic issues in the Kimberley, including the high rates of removal of Aboriginal children by Child Protection and Family Services, poor health and wellbeing outcomes, cycles of family violence, and financial disadvantage.
41. Please see Case Study 6, 9 and 10 to read about health impacts, and Case Study 7 to read about financial disadvantage caused by the current housing system.
42. The success of Australia's endorsement of UNDRIP lies in its implementation in national and state policy. Enacting the principles of Article 21 and 23 of UNDRIP, namely the right of Aboriginal people to housing, means funding the construction of more housing, improving maintenance systems, consulting with the community and delivering a housing system that works for and is in the interests of Aboriginal people in remote WA.

Appendix A

Case Study 1

Ellie is an elderly Miriwoong woman and has been on the priority housing list for a year. She was eligible based on medical reasons – she had 6% renal function and required a house that is hygienic and not overcrowded to receive in home care. Ellie received a letter advising if she did not contact the Department within 30 days of the date of the letter, she would lose her place and be placed on the general list. She was experiencing substantial family violence at the time and battling illness, so she was not able to attend the post office regularly and did not receive the letter. As a result, Ellie was moved to the general list and had to reapply for the priority housing list. Ellie passed away while waiting for a house.

Case Study 2

Beth lives in small Aboriginal community and has been on the priority list since applying in 2018. She experiences significant mental health issues which have resulted in several costly ambulance call outs to her community. It is a 10km walk between her community and town to access hospital and mental health services. Staying in the community is difficult; her son and husband died by suicide at her community home, and she has difficult memories there. Ellie is still waiting for a house.

Case Study 3

Louise is 55 years old, has been on the priority list since 2019 and has been homeless for several years. She is survivor of child sexual abuse and repeated domestic violence perpetrated by former partners and family members. She has depression and anxiety and respiratory illnesses. She moves between different family members houses, and often sleeps outside on the ground. Sometimes she has to stay with her son who is violent towards her and demands money from her. She needs the stability of her own home, to establish routine, reduce reliance on violent family members and manage her health better. She is still waiting for a house.

Case Study 4

Sheryl is 40 years old and has been homeless since vacating her social housing property four years ago. She has a high tenant liability debt due to damage to the house caused by her children. She is trying to maintain her job and get her kids to school while living between her remote community 1 hour out of town and family in town. Her family drink a lot and she has been sober for a long time. She has not applied for housing because her debt will preclude her from eligibility. She cannot access private rentals in Kununurra due to the expense and lack of availability.

Case Study 5

Margot lives in a very remote community in the East Kimberley, 300km from the nearest town on an unsealed road. This region experiences large rainfall in the ‘wet season’ between December and March. Travel in and out of the community during this time is largely by aircraft, as the road closes. When the rain starts, her roof leaks, causing dampness in the house. The water also leaks on to the fuse box and causes a power outage. This has happened every year for more than 5 years. Margot’s housing officer has advised nobody can fix the problem while the road to the community is closed, and Margot needs to wait for the rain to stop to get the problems fixed. When the rain ends, a contractor fixes Margot’s fuse box. The leaking roof remains unrepaired.

Case Study 6

Kelly lives in Broome, Western Australia with her husband and 3 children. She leases a home from the Department of Housing. 11 months ago, Kelly noticed unidentifiable leaking in her bathroom wall and made an immediate report for this to be repaired. Since that time, her bathroom and laundry walls have softened and holes have appeared in the drywall. Her bathroom and laundry walls are covered in mould. She removes 2-3 rats from her home daily. They come into the house through the holes in

the drywall. Kelly put in several maintenance requests and complaints. To date, the bathroom is not repaired. Kelly has been told the bathroom will take a week to repair. Last year, Kelly's youngest son was flown to Royal Perth Hospital in an induced coma after experiencing severe respiratory issues. Kelly was recently diagnosed with cancer and underwent surgery to remove a tumour. Kelly's mental health has deteriorated due to the state of her home. She instructs she lives in a constant state of anxiety because she is worried about the health impact on herself and her children.

Case Study 7

Peta had 6 children and was on a parenting payment and her partner worked full time. As a result, she was paying market rent of \$630 on a 4-bedroom social housing home that was more than 20 years old, asbestos clad, had wet walls due to unidentified internal leaking and was situated in an area no private rental options existed. On top of ongoing rental obligations, Peta was also paying \$100 a fortnight for power and an additional \$200 a week for water, rental arrears and tenant liability. Much of the tenant liability charged to Peta's account was damage caused by domestic violence. Peta was not in a position to make a police report regarding the violence (and therefore, the damage) due to fear of retribution from her partner's family. Consequently, she was charged for all damage.

Case Study 8

Laura has 3 children and experiences family and domestic violence. She left her partner and urgently needed a house to provide safety to the children and herself. KCLS workers spent up to 4 months assisting Laura register 2 of her children, born in the Northern Territory, obtain 4 birth certificates at a cost of \$200, and obtain relevant personal identification before being in a position to assist with a housing application that consists of substantial paperwork.

Case Study 9

Sarah is 52 years old and has been living in the same public housing property for over 20 years. She had to retire due to health issues, so relies on a Centrelink income. The house is old and not insulated. It gets very hot inside during the day. She has one box air conditioner in her living room. She cannot afford a better air conditioner. Because the house gets so hot, turning on the air conditioner makes no difference. At night she turns it on and sleeps in the living room. She is also worried about how expensive her power bill will be.

"I went to the hospital the other day, they reckon I looked that stressed out and overheated and dehydrated just from sweating. The hospital said why don't you put the air con on. And I said I can't have it on it just won't work - it's not big enough to keep the house cool. Its just so hot I just sweat all the time. I can't go outside otherwise I will start having fits with the heat."

Case Study 10

Jane is 55 years old, she has been renting with the Department of Housing for 10 years. She receives the Disability Support Pension and lives with mental health issues and diabetes. She has one box air conditioner in her bedroom she uses for afternoon naps and overnight at times. Her box air conditioner in the living room has been broken for two years. She cannot afford a new one. She worries about affording her power bills even without another air conditioner. During the hot months of the year her mental health suffers. She copes during the day with the heat by having 2 – 3 showers a day, she also does other things to keep the house cool.

'I open the windows during the day, I mop the floors twice a day, I wipe down the walls with a cloth every day otherwise it gets too hot. I clean the fans. I like to go for a walk during the day, but I have mental health problems, diabetes. At the moment I am just trying to look after myself and keep the house as cool as I can. [The heat] makes me feel anxious and depressed. I start having psychosis during the heat, it makes it much harder to control.'

