

Aboriginal Peak Organisations Northern Territory

An alliance of the CLC, NLC, CAALAS, NAAJA and AMSANT

Ms. Rachelle Towart & Mr. Robert Griew
Expert Panel Co-Chairs – Remote Housing Review
Department of Prime Minister and Cabinet
PO Box 6500
Canberra ACT 2600

Via email: thereview@pmc.gov.au

Monday, 9th January, 2017

Dear Ms Towart and Mr Griew,

Re: National Partnership Agreement on Remote Indigenous Housing (NPARIH) Review Submission

The Aboriginal Peak Organisations of the Northern Territory (APO NT) welcomes the opportunity to make a written submission to the Expert Panel of the Remote Housing Review. APO NT wrote to the Panellists on 14 December 2016 raising our concerns with the 'swift process and timing of the NPARIH/ Remote Housing Strategy Review.' APO NT was initially given 10 days to prepare written submissions and given the complexities of remote housing in the Northern Territory (NT), we believed this to be inadequate. Although APO NT is grateful for a brief extension to provide this submission, we remain concerned about this rushed process and our inability to engage extensively with remote constituents.

APO NT is an alliance comprising the Central Land Council (CLC), Northern Land Council (NLC), Central Australian Aboriginal Legal Aid Service (CAALAS), North Australian Aboriginal Justice Agency (NAAJA) and the Aboriginal Medical Services Alliance of the NT (AMSANT). Since its establishment in 2010, APO NT has been working to develop constructive policies on critical issues facing Aboriginal people in the Northern Territory and to influence the work of the Australian and Northern Territory Governments. As representatives from peak organisations in the NT, we share the aim of protecting and advancing the wellbeing and rights of Aboriginal people and communities.

As you are well aware, housing is a major issue for Aboriginal people in the Northern Territory. The significant shortage of housing and the consequent overcrowding will continue to plague future generations if both the Northern Territory and Australian Governments fail to commit to the urgent action and investment that is required. Overcrowding and the lack of local community control in the

planning and implementation of housing construction, management and maintenance is an ongoing concern. There are limited opportunities for local employment and capacity building of local and regional Aboriginal organisations and businesses. Both these factors impact on long term maintenance of houses and the ongoing tenancy standards for tenants. In the NT, the diversity of Aboriginal communities, the cultural differences and the remote context requires housing policies and services that are flexible and housing providers that are adaptive and locally responsive. It is clear that what has been occurring is not working.

An example of the dire situation of housing disrepair at the community of Santa Teresa is provided in the attached paper outlining the results of a housing survey undertaken by the Australian Lawyers for Remote Aboriginal Rights and the Central Australian Aboriginal Legal Aid Service.

Equally important is the need to focus on real investment for the social benefits of Aboriginal people and organisations by engaging in good home maintenance/home care services programs. Such programs have existed in the past, but have diminished over the years due to changes in government policies and funding arrangements. The former CDEP program allowed for many Aboriginal organisations and communities to develop, design and implement housing programs and activities to address these issues.

Also, support is required for good tenancy management and property maintenance in our own Aboriginal community housing sector; otherwise the sustainability of capital investment will always be mismatched to the accountability of Government. The opportunity for our sector to re-build its capacity and shoulder the responsibility to manage and govern future housing investment should be front and center in any future policy and funding decisions.

In 2015, APO NT held an Aboriginal Remote Housing Forum in Darwin, which was attended by approximately 200 Aboriginal community leaders and representatives from communities and organisations across the NT, interstate and New Zealand. The purpose of the forum was to consider the future direction of housing delivery in remote communities. NPARIH was on the agenda and was discussed at length. Forum participants expressed:

- *Tenants were not involved or consulted about SIHIP upgrades and offered no flexibility for tenants needs.*
- *Contractors are not accountable. They do shonky jobs and nobody checks. The loss of the Community Development Employment Projects program (CDEP) has had a huge impact on local people doing repairs and maintenance (R&M) jobs in their own communities.*
- *Where is the rent money going? Houses are getting older but rents are going up.*
- *Housing Reference Groups also need to be supported and treated with respect from the Government.*
- *The removal of CDEP took away the potential economic base for communities. Excluding local communities from being considered in tender process for R&M is yet another indication of the Government's lack of commitment for Indigenous Economic Development.*
- *Not enough houses – almost all houses are overcrowded.*
- *No support from government to ensure Indigenous people are mentored on the job*
- *Community has lost its voice in housing decisions.*

- *Design – costing, consultation – we need more than 4 designs.*
- *Repairs and maintenance is too slow, dysfunctional.*
- *Employment and enterprise has gone backwards*
- *Separation of tenancy and maintenance is causing issues - needs to be one entity.*
- *Too many levels of governance: slow process, cost ineffective, no local control.*

This discussion has been captured in the Aboriginal Remote Housing Forum Report and is essential reading for the Review Panellists.¹

One of the key recommendations from the forum was to establish an Aboriginal community controlled housing body to provide a voice for Aboriginal people in the NT, which has been non-existent since 2008. As a result of this key recommendation and overwhelming support from Aboriginal communities and organisations to establish an Aboriginal housing body, APO NT has established the Aboriginal Housing NT (AHNT) Committee and provided ongoing support since its formation. The Committee has Aboriginal representation from 13 Aboriginal communities, homelands, outstations and regional centres of the NT.

The Committee has provided advocacy, advice and support to both levels of government in relation to remote and Aboriginal housing issues over the past twelve months. APO NT fully supports the AHNT Committee and the NT Government working together under the current NT Review to develop strategies and plans to establish an NT Aboriginal community controlled housing body and community housing sector. For this strategy to achieve success, there needs to be alignment with Australian Government housing policy and investment. There is an important opportunity provided by the Commonwealth Review to ensure the Australian Government fully supports the NT Government pursuing the development of an Aboriginal controlled housing body and Aboriginal housing organisations operating under a community housing model. This in turn will ensure that post-NPARIH investment maximises the housing, employment and economic growth outcomes for Aboriginal communities.

It is imperative that the Commonwealth ensures that the replacement for NPARIH is adequately funded to enable the unmet housing needs to be addressed through building sufficient new houses to meet current and future need. NPARIH and related Commonwealth housing funding to date has not been enough to sufficiently increase the overall housing stock and reduce overcrowding. The overall increase in housing stock has been limited due to the need to replace old housing. At the same time further need is being generated through growth in population.

As mentioned above, the housing situation in the NT is in crisis. We need the Northern Territory and Australian Governments to work more closely with Aboriginal people and organisations of the NT to

¹ See pages 11-26 for 'Assessing the outcomes of NPARIH' in APO NT Aboriginal Remote Housing Forum Report 2015 http://www.amsant.org.au/apont/wp-content/uploads/2015/02/APONT-Housing-Forum-12-13-March-2015-Report_LOW_RES.pdf

identify more innovative and effective ways to improve the current housing policies and arrangements. We understand both Governments are looking for better solutions to improve local employment and capacity building of local communities and we fully support and endorse these objectives. We would urge both Governments to work in partnership with our people and organisations to address some of the challenges, opportunities and future planning to develop a housing system that is truly appropriate and relevant for the NT. Housing is one of the underpinning factors in the health and wellbeing of our communities and families. If we can succeed in improving the current housing system for Aboriginal people in the NT it will inevitably improve the social and economic circumstances for our communities and provide a brighter future for younger generations to come.

We hope our submission will inform the Review report and recommendations. While the short timeframe has limited the level of detail we have been able to include, we would be happy to provide further information should it be required.

APO NT and the AHNT Committee look forward to the outcomes of the review.

Yours sincerely,



Dr. David Cooper

Acting CEO

AMSANT

On behalf of

David Director CLC	Ross	Joe Morrison CEO NLC	John CEO AMSANT	Paterson	Eileen Van Iersel CEO CAALAS	Priscilla CEO NAAJA	Collins
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Attachment A



Australian Lawyers for Remote Aboriginal Rights

Australian Lawyers for Remote Aboriginal Rights (**ALRAR**) represents remote tenants in Santa Teresa and Yuendumu, seeking redress under the *Residential Tenancies Act* for the failure of the Northern Territory Department of Housing to carry out adequate repairs and maintenance in accordance with statutory time frames.

ALRAR has also assisted Central Australia Aboriginal Legal Aid Service to survey premises, and to seek instructions from remote tenants, allowing them to represent remote tenants in the community of Papunya and the town camp of Larapinta Valley.

In all, our organisation has now surveyed close to 200 houses in the Central Australian region, and the situation we confront is depressingly similar across premises and communities.

What we find is that houses are overcrowded and underserved, with requests for repairs and maintenance going unanswered for months at a time, and in some cases persisting for years. We find tenants that are disempowered and unable to produce any response from the system, who are misinformed as to their rights, and even their rental obligations.

We see a system that is in disarray and failing to provide safe, healthy and habitable housing. In our view this system routinely operates outside of the basic legal requirements owed by a landlord to tenant.

Case study: Santa Teresa

In January 2016 we commenced legal action on behalf of 70 tenants in Santa Teresa, representing 75% of the community. At the time of filing:

- Every house we surveyed had at least one Emergency Repair, as that term is defined in the Residential Tenancies Act;
- 78% of tenants' households did not have fully functioning facilities required for personal hygiene and the safe removal of human waste;
- 61% of tenants' households lacked infrastructure required for the safe storage and preparation of food;
- 41% of premises reported leaking roofs causing electrical faults, with electricity shorting out during rain; and
- We requested over 600 repairs be urgently attended to in the community.