



newsletter

TENANCY REPORT & ABORIGINAL HOUSING LEGISLATION CHANGES May 2010

National Shelter and NATO National Association of Tenant Groups Report

National Shelter and the NATO the National Association of Tenant Organisations presented *"A Better Lease on Life"* to Minister Plibersek on 27 April 2010. The report outlines a reform agenda to improve tenants' rights frameworks across Australia. If the Commonwealth can negotiate better tenant rights with the States we can reduce Australia's high levels of homelessness and improve tenant security.

The report provides a comparison of key aspects of tenancy law across each state and territory of Australia, highlighting concerns of national significance expressed by tenant advocates. It also identifies which concerns, if redressed, have the potential to mitigate homelessness or alleviate a major deficiency in the quality of tenancy protections.

Tenancy law reform is obviously not the sole answer to the growing problem of homelessness in Australia. However, it has a role to play in both preventing homelessness and improving services for people who are at risk of homelessness.

Key recommendations of the report include:

- Preventing arbitrary and unreasonable evictions by removing the ability to evict tenants without any grounds;
- Ensuring adequate and relative notice periods for evictions to allow tenants the chance to find alternative premises before they are evicted;
- Maximising the chances for tenants to rectify rent arrears prior

to eviction and restore the income stream of their landlord;

- Providing tenancy law **protections**, relative to the tenure type, to all Australian renters; and
- Providing timely access to tenancy advice and advocacy to prevent evictions.

Although a range of tenancy law inadequacies were identified including the key issue of varying standards of tenancy protections, the scope of study did not explore those aspects that did not impact directly on the mitigation of homelessness.

A cross-jurisdictional approach to the proposed reforms could be achieved through the establishment of coordination mechanisms between the States, Territories and the Australian Government (e.g. the National Affordable Housing Agreement, National Partnership Agreements or Ministerial council).

A full copy of the report *"A Better Lease on Life"* is available on the National Shelter website: [here](#)

Aboriginal Housing Legislation Amendment Bill WA (2009)

This legislation was passed in Parliament on 18 May 2010.

For the last 40 years, the Commonwealth Housing and Infrastructure Program (CHIP) provided funding for Aboriginal housing organisations to manage their own housing in remote communities. In 2007 CHIP was abolished. The new approach to remote Aboriginal Housing is being driven by the National Partnership Agreement on Remote Indigenous Housing (NPARIH). This agreement provides WA with

\$496 million from the Commonwealth for remote housing and infrastructure.

In return for providing much needed funding, the WA government must become the major deliverer of housing for Aboriginal peoples in remote areas, ensure standardised tenancy management and support for such housing and develop and implement land tenure arrangements to facilitate effective asset management, essential services and economic development opportunities.

In order to facilitate the land tenure arrangements, the Commonwealth have introduced the *Native Title Amendment Bill (No. 2) 2009 (Cth)*. An analysis of that Bill is outside the scope of the Aboriginal Legal Services of WA (ALSWA) paper. In order to progress the WA Department of Housing developing remote land and managing remote housing, the *Aboriginal Housing Amendment Bill 2009 (WA)* has been drafted. The Bill provides the Authority with widened powers and relaxed approval processes for the upgrade, repair and development of housing and associated infrastructure and also management of housing in remote WA, including the ability to enter into joint ventures and agency agreements. Under the Bill the Department of Housing must enter into 'land management agreements' with 'Aboriginal entities'. By signing, the Aboriginal entities agree to allow the Department of Housing to manage the land and enter into tenancy agreements with individual aboriginal community members for nominated houses on nominated lots. By entering such agreements, for the first time the *Residential Tenancies Act 1987 (WA)* will begin to apply in remote Aboriginal communities.

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ALSWA argues that the Bill is drafted so that there is no real choice for the Aboriginal entities or the eventual Aboriginal tenants in the way the housing management agreements and residential tenancy agreements are drafted and that the government has unfair bargaining power. The amendments offer little room for negotiating the terms of the agreements, little in the way of dispute resolution processes and community education and most alarmingly little processes for the effective participation and empowerment of Aboriginal peoples. This is arguably in breach of Aboriginal communities' rights to self-determination and the NPARIH.

ALSWA has provided a series of recommendations in their submission that urge a more balanced playing field and greater participation of Aboriginal peoples in the design, development, maintenance and management of Aboriginal housing in remote WA.

The following is a summary of issues identified by ALSWA not forming part of the submission

MAIN CONCERNS:

- The Bill has not been thought through and is being rushed through Parliament.
- The Bill has far reaching consequences (the most radical overhaul in remote community housing in 40 years)
- The Bill does not adequately consider or cater for differences in cultural practices in remote communities.
- The Bill will see the application of the Residential Tenancies Act in remote communities for the first time ever and the RTA is not being amended to cope with this nor does it adequately consider or cater for diversity or differences in cultural practices in remote communities.
- The Bill significantly disempowers Aboriginal peoples and infringes on their control of their land and housing and their rights to self-determination.
- The Bill is a result of the National Partnership Agreement on Remote Indigenous Housing which has

been examined by the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples in August last year and is of international concern in regards to disempowerment of Indigenous peoples.

- The Bill offers people in remote communities little to no choice with regards to housing and will create enormous obligations on the WA government which will last long after the 10 years of Commonwealth funding runs out.
- The money negotiated by the WA Government (\$496 million out of a possible \$5.5 billion) is not nearly enough to repair existing houses, build new ones (they say the money will only contribute to about 200 more houses) and overhaul housing management. At the time of the sunburnt country review referred to in the submission, WA had more Indigenous Community Housing Organisations than any other state.
- The National Partnership Agreement provides funding for remote communities only and because of the large number of remote communities in our state, the vastness of the state and the difficulties in reaching these communities (distance, poor roads and lack of associated infrastructure), we should have negotiated a much greater share than just 10%.

WISH LIST:

- The creation of an Aboriginal Housing advocacy body to be in a position to provide legal advice in regards to Aboriginal Housing (to govt and those involved in the industry), policy reform and advocacy, community legal education etc
- Greater funding for existing tenancy advocacy bodies such as the Tenancy Advice Service of WA, Community Legal Centres, the Aboriginal Legal Service of WA and the Department of Commerce to be able to provide services to these tenants in culturally appropriate and accessible ways.
- Long term strategies put in place to empower non-government Aboriginal housing organisations to

be in a position to offer real alternatives to state housing in these communities (we are told there is space in the Act for this to happen, we would like this to be more clear).

- Amendments to the sections on joint ventures and agency agreements in the Bill which provide for preference to be given to Aboriginal organisations and companies and which require local empowerment, training and employment.
- Incorporation in the amendments to cater for diversity in communities and cultural practices in remote communities including the practice of vacating a house after someone passes away and the practice of moving between communities for lore and other business.
- Consideration of amending the Residential Tenancies Act to cater for the diversity and cultural practices and to perhaps consider a staggered implementation of the RTA - and a quarantining of s.64 of the RTA.

Source: ALSWA 2010 Submission to WA Parliament re Aboriginal Housing Legislation Amendment Bill.

A copy of Aboriginal Housing Legislation Amendment Bill 2009 is available [here](#)

See the ALSWA submission [here](#)
See Lynn MacLaren's parliamentary speech [here](#)

The State of Supply Report

The Minister for Housing, the Hon Tanya Pliibersek MP launched the National Housing Supply Council's 2nd State of Supply Report in Melbourne on 27 April 2010.

The report identifies major concerns with the current and projected shortfall in the number of residential dwellings in Australia, with WA consistently having the longest average timeframe for construction (June 2009: 8.8 months compared to Australian average 7.7 months), with a lack of 30,200 dwellings at end 2009 underlying demand.

WA has one of the highest proportions of unoccupied homes with 8% vacant

in Perth and 17.6% vacant in the rest of the State. WA has the 2nd highest rate of unoccupied residential dwellings in Australia with 10.7% overall vacant compared to Tasmania at 12.8% and Vic and SA 10.3% unoccupied.

Over 2008-09, the average monthly rate of housing construction decreased by 5%, but WA builders increased the rate of multi-unit developments by 10%. The shift was more marked when taking a longer term quarterly view – with the increase in house construction averaging 5% and the increase in unit construction for the 10 years 1997-2008, compared to 2008-2009 averaging 47%.

This shift in building volume for units is welcomed in WA, where the proportion of units in relation to separate houses is very low compared to other states, and our need for smaller, well located single person dwellings is growing. The only other state to have seen a larger growth in unit construction was South Australia who saw a 58% increase in the quarterly volume of unit developments last year when compared to the 10 years previous.

For the full Report see [here](#)
For the National Shelter Media Release click [here](#)

Homelessness in WA

The latest report from the National Data Collection of Australia (NDCA), (formerly SAAP) is the first report to be

released under the initial 6 months of the new National Affordable Housing Agreement (NAHA).

The NAHA arrangement combines funding for Homeless Services and Public Housing and was one of the first major reforms from the CoAG agenda of the new Rudd Government.

WA data reveals that this state is comparatively well resourced with services for women with children escaping domestic violence, and overall reasonably well for young people (although with major regional gaps in the locations of services), but services for single men and families (particularly male single parent families, and CALD families are very scarce.

WA data shows that the number of nightly accommodation support periods available on a monthly average fell from a high of approximately 710 'places' in July 2008 to a low of around 610 in June 2009.

That WA only provides between 610 and 710 crisis accommodation places across the whole state on any given night, and this number has been static for decades is one of the reasons service providers have such difficulty finding emergency accommodation, and agency workers are stymied in their efforts to support clients.

To see more startling details and read the entire Australian or State reports, see the AIHW website [here](#)

National Community Housing Standards Regulation and Growth of the Not-For-Profit Housing Sector: Discussion Paper and Consultation

On the 25 September 2009, Housing Ministers agreed to the development of a public discussion paper to consider community housing regulation and growth. The Discussion Paper was informed by advice from State and Territory governments and other key stakeholders.

The Paper puts forward options for potential reforms of not-for-profit housing in Australia, looking at ways to better support and sustain the future growth of the sector. The release of the Paper marks the start of a comprehensive public consultation process.

Individuals and groups are encouraged to provide their views on the issues raised. All feedback will be carefully considered in the development of the Government's response.

For a copy of the discussion paper and information regarding making a response/submission visit the FaHCSIA website: [here](#). The closing date for receiving submissions is **Friday, 4 June 2010**

Conferences and Events

- **WA Family Pathways Conference** 24-26 May
Email: michelle.rowe@legalaid.wa.gov.au
- **Planning Institute of Australia**
'The Economics of Development' [Course](#) 20-21 May
- **Community Legal Centres of WA Conference:** 26-28 May
- **AHURI National Homelessness Research Network**
[Conference and Workshop](#) (Sydney) 28 May
- **Civil Aviation Authority**
Alcohol and Other Drugs
Comprehensive Assessment Workshop 29 May
James Sorrelle ph: (02) 6217 1296
James.Sorrelle@casa.gov.au
- **Practical Resilience Training** for Youth workers
[Workshop](#) 2 June

- **Australia New Zealand Third Sector Research [Conference](#)**
(Sydney) 15-16 Nov
- **[Family Violence Inquiry](#)**
Australian Law Reform Commission
Submissions Due: 4 June
- **Lifeline Community Forums**
Suicide Intervention and Prevention
(Toodyay) 20 May
(Broome) 1 & 2 June
Contact Sally Hedderwick (08 9261 4416 or
sallyhedderwick@lifelinewa.org.au)
- **Aged Care Assoc. Australia (WA)**
Aged Care in an Election Year [Seminar](#) 8 June

- **Learning Centre Link & Anglicare**
Results Based Accountability **Training** 8 or 9 June
Ph: 9263 2122 e: rto@anglicarewa.org.au
- **Men's Advisory Network**
Conference Seminar: 9 August
- **Australasian Housing Researchers** **Conference:**
(Auckland) 17-19 Nov
- **6th National Homelessness** **Conference**
(Brisbane) 1-3 Sept
- **The 20th Mental Health Services** **Conference**
(Sydney) 14-17 Sept
- **Suicide Prevention** **Conference** (Brisbane) 17-20 Nov
- **International Social Housing** **Summit**
The Hague (Netherlands) 13-14 Oct

Research and Reports

AHURI see full list [here](#)
May 2010

- [Reverse Mortgages and Older People](#)
- [What Makes a Landlord Decide to Invest and Disinvest in Private Rental Housing](#)

April 2010

- [How can Shared Equity Schemes Work to Facilitate Home Ownership in Australia](#)
- [Pathways from Out-of-Home Care](#)

- [Regulatory Schemes and Their Utility for the Not-for-Profit Housing Sector](#)

Australian Bureau of Statistics

- [National Aboriginal and Torres Strait Islander Social Survey](#)
- [Australian Economic Indicators](#)
- [National Regional Profile](#)
- [Consumer Price Index](#)
- [Taxation Revenue 2008-09](#)
- [Building Activity \(Aust\) 2009](#)
- [Construction Activity Dec 2009](#)
- [Housing Finance Dec 2009](#)
- [Migrant Statistics News](#)
- [WA Statistical Indicators](#)
- [Aust Labour Market Statistics](#)

Australian Institute of Health and Welfare

- [State Owned and Managed Indigenous Housing Organisations](#)
- [Public Rental Housing 2008-09](#)
- [Community Housing 2008-09](#)
- [Dementia and the take up of Residential Respite Care](#)
- [Crisis Accommodation Program 2008-09](#)
- Government Funded Specialist Accommodation Services: 2008-90SAAP NDCA Annual Report [Australia](#)
- [Western Australian Supplementary Tables](#)

Shelter WA

Following an extended staffing and structural review, commencing on February 1, a prolonged advertising and recruitment process through March and into April, with Shelter WA's selection panel tested by unprecedented numbers of interested and talented applicants and the office premises badly impacted by the Great Hailstorm of March 22, we have finally welcomed new staff.

From left to right:

Bronwyn Kitching (Executive Officer)
Corinne Mercer (Administration Officer)
Stephanie Bachman seated
(Community Engagement Policy Officer),
Shae Garwood (Research Officer)



Forward Work Plan

For the remainder of 2010 Shelter WA has a number of exciting projects and initiatives to progress.

We will be:

- participating in a National Shelter discussion forum exploring the emerging issues for Indigenous Community Housing Organisations in July
- promoting membership and consumer participation

- working with the Tenants Advice Service WA to update research work we did in 2000, 2002 and 2005 on Boarding and Lodging Houses and the lack of protections for Boarders and Lodgers, this time with a particular focus on International Students – who we know are a very vulnerable group to unscrupulous private landlords.
- Investigating the Regulation of Community Housing Providers and the proposal by the Department of Housing to establish a Not-for-Profit Housing Company.

Whilst we support the need to 'leverage' capital and attract institutional and private investment to grow and supply more affordable accommodation, we are not yet convinced that a State Government entity (albeit at arm's length), in competition with non-government providers is the best way to go.

- Continuing our work on the committees, reference groups and working parties we are a part of and responding to consultation opportunities as they arise. These currently include:
 - The Housing Advisory Roundtable, Dept Housing
 - Centrelink Community Consultative Committee
 - Centrelink Homelessness Reference Group
 - The Tenants Advice Service WA Executive Committee
 - The Equal Opportunity Commission S80 Implementation and Monitoring Committee
 - WACOSS Peaks Forum
 - WACOSS Jobs 2 Communities Reference Group
 - Claisebrook Lotteries House Association Executive
 - Australasian Housing Institute

New Faces with Shelter WA

Public Relations Curtin University Prac



Clothilde Pougnet

My name is Clothilde, I am a third year student at Curtin University. I have been studying public relations for almost three years and I am now doing my 20days professional practice. I am enjoying my prac and being a part of Shelter as I'm from Mauritius, and such an organisation doesn't exist there. I would love to, maybe one day, help start one in my own country. I am enjoying assisting writing newsletters, updating the website, doing a Media Release and helping to promote Shelter WA and the work it does. Look for us on Facebook soon!



Shae Garwood (Research Officer)

'I am thrilled to join the Shelter WA team as its Research Officer. I recently completed a PhD in International Relations at the

University of Western Australia. My thesis focused on the role of NGOs in influencing the global garment industry, and particularly the strengths and limitations of anti-sweatshop consumer campaigns in improving labour standards in the industry. Prior to undertaking the PhD, I worked in affordable housing and community development in Charlottesville, Virginia in the US. I coordinated a federally-funded program aimed at increasing the quantity, and improving the quality, of affordable housing in the area. I analysed national and local data, reported on the state of affordable housing, and secured additional funding to incorporate green building techniques and materials into low-income housing.'



Stephanie Bachman (Community Development Policy Officer)

Stephanie spent the last 6½ years in the mental health sector working as the Community Development Officer for the Mental Illness Fellowship of WA (MIFWA) and Perth Home Care Services coordinating a mental health respite program. Stephanie has broad and varied work experience including as an outreach blood borne virus prevention and education worker with women in the sex industry. Stephanie played a key role in 2008 when she organised for Mr Philip Mangano – the former Executive Director of the US InterAgency Council on Homelessness to visit Western Australia for Schizophrenia Awareness Week, and he then went on to be a keynote speaker at the Homelessness Conference that year.

Stephanie says 'I am very excited to be joining Shelter WA and appreciate that solving housing problems for people is usually the first step to overcoming other life concerns. The work that Shelter does promoting more affordable housing and better rights for low-income and disadvantaged consumers is important and resonates with every bit of my experience. I also see that many of the connections and networks I have made in my previous work will be interested in the work that Shelter does and I look forward to partnering and collaborating to improve the housing system for all people'

Calling all Founders and Original Members

Shelter WA was established in 1979 by a group of committed, passionate individuals who recognised the need for a peak body to advocate for a housing system that effectively responded to the needs of low-income and otherwise disadvantaged housing consumers including those who were homeless or at risk of homelessness.

The founders of Shelter WA lobbied the State Government and negotiated with the then State Housing Authority to

contribute to development of policies and procedures in public housing and private rental and boarding houses and night shelters.

Since those early days, several other housing peak bodies and advocacy services were developed, that had their germination in Shelter WA, including the Tenants Advice Service WA and Community Housing Coalition of WA.

We have recently become aware that there are people who have been granted Life Member status, but with the passage of time these records and historical knowledge is lost.

Shelter WA is very keen to reconnect with our Founders and Life Members and those who have played a part in Shelter WA from the early years and encourages our readers to spread the word and get back in touch if you are one of these important people.

Shelter will be Homeless 17/05 – 14/06/2010

Claisebrook Lotteries House (CLH) is undergoing extensive renovations and the construction works requires Shelter WA and other tenant organisations to vacate the building for a period of 4-6 weeks.

Shelter WA will not have an office presence on the First Floor at 33 Moore Street East Perth from Mon. 17 May until Mon 14 June 2010. Telephones will be diverted and out FAX offline for this period. Email and internet access will be unaffected and our output commitments maintained.

Watch this space for a Shelter WA Open-Day Office Warming & Welcome New Staff event planned for later in 2010.

Shelter WA

Shelter WA is Western Australia's peak independent housing organisation. Shelter represents the views of consumers and community groups on major housing issues.

Shelter WA aims to ensure that every person has access to affordable, appropriate, secure and safe housing that is free from discrimination.

We do this through:

- coordinating and representing community sector views to government;
 - developing and responding to policy;
- providing education and information; and
- promoting alternative housing models.

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Apology from the Management Committee

The Management Committee of Shelter WA wishes to advise readers, subscribers, stakeholders and interested parties that the editorial appearing in the first version of the May 2010 Newsletter was not the authorised position of the Management Committee and in no way represented the views of Shelter WA or its Committee Members. The Management Committee wishes to advise Shelter WA readers that processes have been implemented to ensure personal opinions of this nature will not be included in any official public information dissemination in the future. We hope readers will recall the high standard of work usually delivered by Shelter WA, and not let a single poor comment detract from the value of efforts normally sustained.

Join SWA Update – Shelters **FREE** Email Communication List – email: corinne@shelterwa.org.au