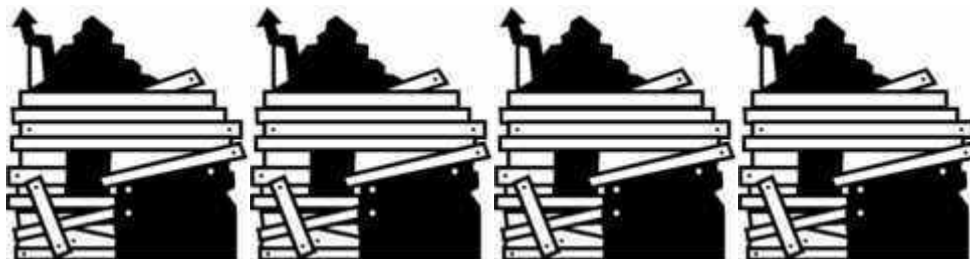


**Community Organisations  
Report on  
Housing  
In  
Western Australia**

**10 January 2000**

**THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS**



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**Note from the Editors**

Creating this paper has been extremely exciting and disturbing. It has been exciting to be part of a collaborative process with multiple voices with the aim of creating a document that is presented to the United Nations on THE RIGHT TO ADEQUATE HOUSING for the people of Western Australia. The energy and assistance that we have received from the contributors has been fantastic and has highlighted that there is great concern about the housing situation in WA. However, it has been disturbing to hear and read the plight of people that are excluded from the RIGHT TO HOUSING and it is these people whose voices and needs we have tried to reflect through this paper.

This paper also has a second aim, which is to be a resource to those working in the field of housing. We hope that it can be used to identify housing issues and gaps in Government resources and research. We also acknowledge that this paper does not cover all housing related issues and we invite others to critique and make reference to any gaps that we have left, with the aim of providing an understanding of ways that better housing conditions for those in need can be provided.

## Summary

This Western Australian Housing report is part of a national coordinated effort to produce an alternative report to the United Nations on The International Covenant on Economic, Social and Cultural Rights to which the Australian Government has committed to report every 5 years.

This report critiques the trend of the Commonwealth State Housing Agreements move away from Housing as a right toward housing being available to only the most needy. The government is increasingly seeing its role as one of providing funding to agencies and individuals to move into the private housing market either via rental subsidy or home purchase. However as this report points out, this leads to many problems for the 'have-nots' of our society who access these services. Problems such as:

- The lack of security of tenure for those who are forced into the private rental market and increasingly those who have fixed term tenancies with Homeswest.
- The increasing number of tenants who are evicted from both the public and private sector many of whom have children and aged family members, and have very few alternative accommodation options.
- The increasing number of people on the waiting lists for social housing. It is claimed by Homeswest that most people are housed within 12 months, however for the majority of people the lack of services in many areas mean that even if they are housed the social isolation can cause distress to both the individual and the family unit. Many people who require access to hospitals and other Government services and so need to live in the inner city may need to wait up to 5 years for Homeswest accommodation. Many of these people are in crisis or semi crisis situations. There has also been a major downturn in the amount of cheap boarding houses in the inner city: it has been estimated by housing agencies that up to 75% of the lodging houses that existed 10 years ago have disappeared.
- Aboriginal people are amongst the most disadvantaged. There is much anecdotal evidence to suggest that Homeswest actively discriminates against Aboriginal tenants, stories of issues such as the allocation of substandard housing and in some cases housing that is planned for demolition. Housing that is provided to Aboriginal tenants was also found to be culturally inadequate and in disrepair.
- Many women and children who are escaping from domestic violence are forced to stay in women's refuges for lengthy periods because of a lack of transitional supported housing. They are often unable to enter the private market because of a lack of references and financial resources. There are no lodging houses for single women, nor are there any detoxification centres or hostels for women addicted to drugs and alcohol. There is also a serious lack of medium to long term accommodation for large families, which impacts on particular cultural groups.
- There is a critical lack of accommodation services for young people. Reports such as that by Judge Jackson in 1998 stated that up to 83% of young people looking for accommodation would not be able to be accommodated because all services were full. Young people with mental health and other problems were further disadvantaged by the lack of accommodation. Similar issues affect those with disabilities and psychiatric disorders: there is a severe shortage of accommodation for these people, some of whom are living with elderly parents and some in substandard accommodation (by health and safety standards).

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A report to the United Nations Committee on Economic, Social and Cultural Rights, December 1999.

***SUBMISSION BY NON-GOVERNMENTAL ORGANISATIONS WORKING IN THE FIELD OF HOUSING IN THE STATE OF WESTERN AUSTRALIA***

**COMMENTS ON THE REPORT BY THE GOVERNMENT OF AUSTRALIA**

This submission addresses Article 11 of the Covenant with respect to the right to housing.

**SECTION A**

**1.0 INTRODUCTION**

This is a joint submission of the ASERP WA working party to the United Nations Committee on ICESR. The working party comprises a range of non-governmental organisations working in the field of housing in the State of Western Australia (for details see Annex).

**1.1 Aims of this Report**

The aim of the report is to provide the Committee with an accurate picture of the observance of the right to housing in Western Australia. The report comments on Australian Federal and State policy and provides statistical information about the housing situation in Western Australia. It locates the state of housing in Western Australia in a human rights perspective and identifies the international and commonwealth (i.e. national) agreements to which the federal government is signatory. The report highlights the deficiencies of government policy and service provision with regard to housing for Indigenous people and other socially excluded members of our society. It also provides case histories of how poor housing policies and a critical lack of housing resources impact on people's lives.

**1.2 General Comment On The Australian Government's Report**

The section of Australia's report dealing with the right to housing (pages 41 - 43) is seriously deficient. Despite the claim in the Introduction to the Report (page 1), the material provided responds to virtually none of the requests set out in the revised general guidelines for reporting (E/C.12/1991/1). In addition, the report addresses virtually none of the issues in the Committee's General Comment 4, which expands on the content of the right to housing.

The only issue addressed even minimally in the report is the issue of affordability of housing. Information provided on the rights of tenants and on building codes is of little value, as it refers only to the stated content of these standards, with no indication at all as to how the standards are implemented. Even there, the references to standards are vague and non-specific, without provision of supporting documentation as required in the guidelines.

A serious problem in the information provided about Government programs is that it is without any reference to, far less analysis of, the housing needs of disadvantaged people. In this respect, the report blatantly disregards the request in the Guidelines for information on the numbers of homeless persons, the numbers inadequately housed, the numbers evicted, the numbers unable to afford housing, the numbers on waiting lists and so on.

The Australian Government's report briefly describes several Government programs in the housing area but gives no information as to how these programs compare with the needs that exist, nor the extent to which they achieve or fail to achieve their objectives.

The report has made inadequate effort to provide information on the observance of human rights in some of the State jurisdictions. In the area of housing, **the report provides no information at all on the situation of housing in Western Australia.**

Part of the problem is that there is little evidence of awareness of the right to housing among Australian Governments and policy-makers. This is noticeably the case in the publications and activities of the Western Australian Government housing agency, Homeswest. This report expresses great concern about the operations of the West Australian housing agency, Homeswest.

## **2.0 ABORIGINAL HOUSING**

The Australian Government's report effectively conceals the seriousness of the housing situation affecting Indigenous people in Australia, including Western Australia. This situation is acknowledged in other Australian Government reporting to the United Nations. In its current report to the Committee on the Elimination of Racial Discrimination, the Government notes that "over 20% of Indigenous families live in dwellings that are in need of repair or do not have basic amenities such as toilets, bathrooms and running water". That report does not elaborate on the human rights implications of these failures.

Other statistical information supports the conclusion that Indigenous people in Western Australia are unable to fully enjoy the right to housing:

- the average household size was 4.0 persons for Indigenous households compared to 2.7 persons per dwelling for non-Indigenous households;
- there were 1,063 homeless Indigenous families (based on families living in improvised dwellings and living with other families) in 1996 compared to 940 families in 1991, representing a 13% increase;
- There were 1,353 or 13.8% of Indigenous families living in overcrowded housing (Dane, 1999 cited in Shelter WA 1999)

The majority of Indigenous households (69%) live in rental dwellings compared to 25% of all households (ABS. 1998 cited in Shelter WA, 1999). Rental dwellings are made up of public housing and private accommodation. Access to the private rental market is characterised by low vacancy rates/lack of availability, discrimination, issues of affordability and lack of security of tenure. Therefore, public housing plays a critical role in housing Indigenous families, yet public housing availability for Indigenous people falls well below demand:

- in 1997/98, Aboriginal people made up 22.51% of applications for rental accommodation compared to 19.6% in 1995/96;
- in 1997/98, 19.49% of rental allocations were made to Aboriginal people compared to 15.63% in the previous year and 9.12% in 1995/96. (Shelter WA 1999)

Violations of the housing rights of Indigenous people in Australia have to be seen against the backdrop of the general disadvantage they suffer. Indigenous people fare poorly on almost every social indicator, notably in the areas of health, education and employment, as well as housing.

## **2.1 Discrimination**

The Australian government does not make adequate provisions for the hearing of cases of discrimination against Homeswest. Homeswest complaints procedures and the Equal Opportunity Tribunal are complex and alienating bureaucracies making them inaccessible to most Aboriginal People. However, in the *Mrs Walley vs Homeswest* case (1999) the Tribunal found that “Mrs Walley was treated less favourably than non-Aboriginal tenants would have been treated in the same circumstances”<sup>1</sup>. Many Aboriginal people have cited similar experiences to those of Mrs Walley and yet they either feel intimidated by Homeswest or the Equal Opportunity Tribunal so they do not make a formal complaint. Furthermore, discrimination is difficult to substantiate as the under-resourced victims have to prove the guilt of a well-resourced organisation creating an inescapable injustice within the system. However, victims of Homeswest have been willing to share their experiences with non-government organisations who, in turn, have used them as case studies in this paper while guarding the identities of their clients.

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<sup>1</sup> Equal Opportunity Tribunal; Case Summary June 1999

The operations of Homeswest effectively discriminate against Indigenous people. This is in violation of Article 2 Paragraph 2 of the Covenant and is inconsistent with Paragraphs 6 and 11 of General Comment 4. For example,

Homeswest have created obstacles that prevent Aboriginal people access to housing. For example, people are required by Homeswest to provide increasing amounts of evidence that they are unable to be accommodated within the private rental market. As real estate agents do not wish to appear racist (for fear of prosecution under Australia's anti-discrimination legislation) they are unlikely to give Aboriginal people the necessary written proof that they would not assist an Aboriginal person/family. Homeswest makes no policy consideration for Aboriginal people within such circumstances. In effect Homeswest discriminates against Aboriginal people by obstructing access to government assistance or protection.

(Tenants Advice Service)

- Despite Australia's anti-discrimination legislation, Aboriginal people routinely experience racism when seeking housing through the open market system. For example, an Aboriginal person sought housing advertised as vacant and placed a deposit on the rental property only to find that when their Aboriginality became known to the real-estate agent they were informed that the house was not, in fact vacant. Subsequently, the person found that the house was again listed as vacant.

Mrs A is an Aboriginal woman with a seven-year-old son. She was homeless and her son was in hospital with a broken back. Because she had a debt with Homeswest caused by the violence of her husband she was not eligible for Government housing. In conjunction with a non-Government organisation she approached a private real estate company and was advised that some properties were available. Upon visiting the agency her Aboriginality became known to them and the properties were withdrawn. Due to the forced homelessness her son was taken into the custody of the State.

(Whelligan: Editor)

- Discrimination can also be recognised through the use of labels that enable Homeswest workers to identify and effectively discriminate against Aboriginal people:

In the regional town of Geraldton, tenant file numbers at Homeswest starting with '9' mean that the person is Aboriginal. This enables Homeswest to facilitate actions that are racially specific.

(Aboriginal Housing Forum)

- Homeswest does not enforce its domestic violence policy with Aboriginal people:  
The policy says if damage is caused by a perpetrator, the tenant will not be charged if the incident was reported to police. However, even where the police have been called to attend to family feuding incidents in Aboriginal families, the tenants are charged for the damage. When Aboriginal women apply for transfers under the domestic violence policy, they are told they won't be moved because the perpetrator will find them again anyway through kinship networks.  
Key issues identified by the Aboriginal community in relation to domestic violence policy:
  - a) The domestic violence policy recognises only spousal violence.
  - b) Women listed as being priority on the transfer list due to domestic violence can wait 12 months or more for a house. Meantime they move around the refuges.
  - c) They must continue to pay rent for the house they can't live in otherwise they don't qualify for the transfer.
- In some cases rents have been increased for Aboriginal tenants. Although pensions and benefits are supposed to be inalienable, Homeswest requires tenants to pay their rent directly from their statutory benefits, as a condition of their tenancy. Rent should not be more than 25% of the household income, but Homeswest reserves the right to take up to 30% as rent plus other payments such as water charges and "tenant liability". Unfortunately, there have been a number of problems with this system including:
  - One of the biggest problems is with Homeswest taking more than 30% of a tenant's income for rent. While tenants sign up to a particular amount, there is a clause in the direct debit form, which allows Homeswest to vary the amount deducted without reference to the tenant.
  - There is a problem with Homeswest deeming the total household income. For example, if there is a 16 year old in the family Homeswest assumes that they are receiving a youth allowance. As many young Aboriginal people do not apply for this allowance (due to the attached conditions) the family is penalised because the system extracts a greater amount of rent based on a deemed income. This can be more than the family's total income, leaving the family in housing related poverty and at risk of eviction on the grounds of rent arrears.
  - There are situations where there can be considerable wear and tear on the old Homeswest houses, this is not through any negligence or deliberate intent, but is the result of large families' daily living in a fifty year old wooden framed home. For example, door handles and cupboard doors coming off, cracks and holes in the old walls, broken glass in windows that need to be slammed to shut. The cost of fixing such damage is added to the tenants Homeswest account. The only way to contest such charges is in the Court system, but for historic and financial reasons Aboriginal tenants are extremely reluctant to do this. If the families fail to pay such debts they will be evicted.

(Tenants Advice Service)

## **2.2 Social Exclusion**

Social stigma occurs due to Homeswest circulating selected (often low maintained houses) amongst Aboriginal people. Fund 6 houses are designated for Aboriginal people. They are subject to greater wear and tear because of the large families in them and visiting kinship networks. These houses become stigmatised by local residents, which can often cause neighbourhood conflict and social exclusion of Aboriginal people.

## **2.3 Cultural adequacy**

European assumptions about housing have little relevance in Aboriginal communities, with [some] people abandoning houses for 'sorry business' leaving a house after a person dies and spending 80% of their time outdoors. (Alcorn 1994)

Aboriginal people have a social structure that includes extended families, as well as larger nuclear families. The housing implication is that for Aboriginal persons there is a cultural need for larger houses;

- The majority of Homeswest stock is 2 and 3 bedroom houses with smaller proportions of 4 and 5 bedroom houses and bedsitters. The profile of Homeswest stock has remained relatively stable over the past five years. (Shelter WA 1999)

Many of the concerns relate to the operations of Homeswest. There is a need to focus on the operations of such agencies, because a disproportionate number of Indigenous people are in the rental sector and are far more likely to rely on public housing.

- Although Aboriginal people represent only 3.2% of the population, they represent at least 11% of all Homeswest tenants (and this figure is under-represented due to data collection issues). (Shelter WA 1999)

The information presented in this submission highlights the disadvantage faced by Indigenous people as a group across all housing indicators. The failure of the Australian Federal and State Governments to resolve these problems can only be seen as an example of racial discrimination. Such shortcomings would not be permitted to continue if it were the mainstream community that was affected. In addition, housing policies at the individual level are frequently implemented in a racially discriminatory manner.

## **2.4 Links to other human rights**

In its General Comment 4, the Committee has acknowledged the link between housing and other rights, principally the rights to health and privacy. In the case of Aboriginal people in Western Australia, not only health and privacy are at stake, but also rights to education (educating young people is much more difficult if housing conditions are not conducive), work (as it is difficult to obtain employment without a permanent address), rights associated with the justice system (as the homeless are far more likely to encounter adverse police attention), culture (as it is difficult to maintain culture in the corrosive environment created by poor housing). The indignity that results from poor housing can undermine citizenship rights and lead to social problems such as substance abuse and domestic violence, which have human rights implications. Failure to observe the right to housing can also impinge on the right to life, as low esteem can contribute to suicide rates while any impact on health can add to already excessively high mortality rates.

## **3.0 BACKGROUND**

### **3.1 Australian system of funding**

Australia has a federal system of government, which contributes financially to social housing in Western Australia via an agreement known as the Commonwealth State Housing Agreement (CSHA). The provision of housing however is the responsibility of the State Government and is administered through the state Housing Ministry and the Government instrumentality, Homeswest.

The Commonwealth State Housing Agreement (CSHA) sets out the guiding principles and spirit of the bilateral agreement on housing provision between the Federal and State Government. The agreement is renegotiated every four years and has just been rewritten in 1999. The amendments to this document point to change in housing policy in WA, moving from an approach where housing was regarded as a human right to an approach where housing is now seen only as a welfare issue involving a limited safety net targeted at those in crisis. For example the 1989 agreement states that:

“The primary principle of this agreement is to ensure that every person in Australia has access to secure adequate and appropriate housing at a price within his or her capacity to pay by seeking to:

- Alleviate housing-related poverty; and
- Ensure that housing assistance is, as far as possible, delivered equitably to persons resident in different forms of housing tenure.”

Whereas the 1999 agreement states that:

“The purpose of funding is to assist those whose needs for Appropriate Housing cannot be met by the private market.”

As can be seen in the clauses contrasting the 1989 agreement with the 1999 agreement, the policy and provision on housing for those in hardship shows a growing trend toward government moving away from direct provision of housing in WA. The private rental market is, however, unable to accommodate many low income welfare recipients, and therefore the government is neglecting its human rights obligations as set out in Article 11 of the ICESCR with respect to the right to housing.

### **3.2 Demography and Geography**

- Western Australia currently has a population of just over 1.83 million people, with the majority (73.3%) living in the state capital Perth.
- Between 1997 and 1998 the population of Western Australia grew by 1.86%.
- Projections to the year 2029 are for a population of 2.7 million (ABS 1999).
- The projected population increase will require an additional 17,400 houses per annum.
- In 1998 Western Australia's indigenous Aboriginal population was 58,300 or 3.18% of the total population (ABS, 1999).
- The indigenous population of WA has grown by 21% since the 1991 census.

(ABS, cited in Shelter WA 1999)

## **4.0 PROFILE OF HOUSING IN WESTERN AUSTRALIA**

### **4.1 Housing tenures**

The profile of housing in Western Australia is a reflection of national patterns of housing choice. The main tenure types are:

- Home ownership 68% (people who either own or are purchasing their own home)
- Rental 27.4% (broken down into private rental 22.3% and public rental 5.1%)
- Community housing, cooperative housing, lodging and boarding houses make up the balance of 4.6%.
- Public housing represents 5.1% of all dwellings. Western Australia ranks below the Australian average of 6% (ABS: 1996).

(Shelter WA 1999)

## **4.2 Household and housing differences**

While an overview of housing tenures provides a general picture, it does not capture important differences between households. These differences, that include income, location, family type and employment, impact on housing choice in a number of ways. There are important differences in the tenure types of different family groupings. The following statistics compare the tenure types across all households, couples with children, one-parent families and lone person households. It shows that:

Those who are more likely to be disadvantaged are highly represented within the rental market:

- one parent family (45.9%)
- lone person (36,2%)
- couple family households (17.2%)
- compared to all households (27%)

Home ownership is more predominant among couple family households (79%) compared to one parent family households (50.5%) lone person households (54.7%).  
(Shelter WA 1999)

## **4.3 Housing Stocks**

In the last five years Homeswest's presence has declined as a percentage of total housing stock. Between 1991 and 1996 Homeswest's presence decreased from 6% of total dwellings to 5.4%. Homeswest stock numbers have declined from 36,151 in 1993/94 to 35,457 in 1998/99. However in this period the total number of dwellings in Western Australia has increased by more than 15% (Homeswest, 1996) and the waiting list for Homeswest housing has fluctuated between 11,799 (1995/96) and 14,326 (1998/99) applicants (Ministry of Housing, 1999). Homeswest's presence varies across the State, ranging from 4.7% in the North Metropolitan region to 24.2% in the Kimberley. (Shelter WA 1999)

## **4.4 Waiting Lists**

Waiting lists can be a poor measure of housing stress since eligibility criteria and the frequency with which the authorities review the list condition their size. Many young people, people with disabilities and people in areas where there is no public housing, do not apply since they do not expect to be housed (Industry Commission, 1997, p. xxi).

Nevertheless, Homeswest's waiting list provides a partial measure of unmet housing need. The rental waiting list for 1998/99 has 14,326 applicants waiting for housing. Of these 57.6% of applicants are families, 14.1% are seniors and 28.3% are 1-bedroom applicants.

The waiting list for 1998/99 represents an increase of 13% compared to 1997/98, which is the sharpest increase since 1994/95. The most significant increases were for one bedroom applicants (17%), and two (18%) and three (13%) bedroom families. Senior couples were the only applicants where there was a decrease (21%). This may

be explained by a higher rate of allocations to applications for seniors compared to other customer types.(Shelter WA 1999)

Ministry of Housing statistics in their 1998/99 Annual Report suggest that the average waiting period was 11 months. Thirty four percent of applicants who occupied rental accommodation in 1998/99 were housed within the first month of application, 71.25% within one year and 8.66% after more than 3 years (Ministry of Housing, 1999)<sup>2</sup>.

However, Homeswest (June 1999) Waiting Times statistics state that the areas that are in the greatest demand by those of low income and high need for access to employment, health services and public transport such as Perth inner city have waiting lists up to 8 years with the shortest being 5 years. This crucial shortage means that people are located in outer suburbs with very little infrastructure (public transport, health services and government welfare departments), social and familial support systems.

These statistics, together with the change in housing policy from a rights-based approach to one involving a limited safety net and the inability of the private sector to meet housing needs, demonstrate what the Committee, in its General Comment 4 (paragraph 11) describes as a 'general decline in living and housing conditions'. As there are no accompanying compensatory measures, the situation in Western Australia shows that Australia is failing to meet its obligations under the Covenant.

## **5.0 SPECIFIC ISSUES AS SET OUT IN GENERAL COMMENT NO.4 OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **5.1 Homelessness**

According to the ABS report *Counting the Homeless* Western Australia had the third highest homeless rate in Australia on the night of the 1996 census.

The report states that:

- There were 12,252 homeless in Western Australia on census night.
- Of the 12,525 homeless people in Western Australia there were 1,923 residing in boarding houses (with no legislation to protect their rights and no security of tenure); 6,498 people staying with families (53%); 2,461 people in improvised dwellings (20%); and 1,370 people accommodated in the SAAP program (11%).

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<sup>2</sup> Cited Shelter WA 1999:

The following statistics on homelessness derive from people that access Supported Accommodation Assistance Program (SAAP):

- Approximately 70% of homeless people have been without secure accommodation for 6 months or longer;
- The statistics found that Western Australia had higher rates of homelessness due to reduced SAAP funding to Western Australia. WA contains 11.6% of Australia's homeless but receives only 9% of the SAAP funding.
- SAAP estimates for unmet demand for services indicate that in 1997 there were approximately 10,060 support periods that were not met. Assistance to obtain independent housing was the most often reported unmet need (constituting 11% of unmet requests).
- The majority of clients accessing SAAP were female (64%). Females aged 18-24 accounted for the largest age group of 23% whilst aboriginal people accounted for 30%. Overall two thirds of clients were aged under 35 years.

Although useful, statistical evidence still does not highlight the full extent of homelessness within Western Australia. The homeless are often transient and therefore difficult to identify through data collection methods.

## 5.2 Youth homelessness

There is anecdotal evidence to suggest that the figures quoted in the government ABS 1996 statistics for young people that are homeless highly understates the actual number of homeless youth in WA. A report by Judge Jackson in 1998 stated that up to 83% of the young people looking for accommodation were unable to receive assistance because all services were full. As shocking as these facts are, many young people do not even try to access accommodation services, as they know that they cannot accommodate them. Thus many youth are not even represented in the statistics. As an example:

A young person in Karratha has been effectively homeless for most of his life. He is now 18. In 5 months, he has moved house about 12 times. This has included several short stays at a youth refuge, several stays with three different sets of relatives, and a short time at college accommodation. His cousin, also 18, has been in a similar situation, but is currently in hospital in Perth suffering from alcohol problems. He is thus in settled accommodation for the first time in several months.

(Armadale Youth Accommodation)

Other issues for youth include:

- There is no available accommodation for youth with mental health issues;
- Very little accommodation for youth with drug or other addiction problems;
- Little medium to long term supported accommodation for youth with behavioural problems;
- The cultural inappropriateness of youth refuges for Aboriginal youth needs to be recognised;
- There is an ongoing cycle of homelessness as many of these young people were born into homelessness and are now having children themselves;
- Homelessness means that regional homeless youth are denied other social, economic and cultural rights such as access to education, security, health services and employment;
- A substantial decline of new funding from the CSHA agreement has led to a crisis in the funding and provision of new services.

### **5.3 Availability of housing**

Some people who are unable to obtain housing in the public sector are forced to seek housing in the private sector, but then suffer less security of tenure and experience problems of affordability.

#### **5.3.1 Private Rental Market**

According to the 1996 ABS census of Western Australian households 22.3% were in private rental accommodation, 45.9% of which are one parent families and 36% are single occupants. These statistics point to an over representation of low-income occupants on a long-term basis. (Shelter WA 1999)

The overall representation of one-parent families and sole person households in the rental sector when compared to all households has a further dimension, as these households are far more likely to be in the low-income bracket. According to research by the Australian Housing and Urban research Institute (AHURI), 40% of low-income purchasers and 40% of low-income renters are experiencing housing stress<sup>3</sup> in Western Australia (AHURI: 1998). Low-income households are defined as those with an income of less than \$25,000 per year. This compares to housing burden across all households of 13% for home purchasers and 20% for renters. (Shelter WA 1999)

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<sup>3</sup> Housing stress is defined by the percentage of income spent on housing

### 5.3.2 Community Housing

Community Housing is an adjunct to public housing and provides housing on a non-profit basis to people on low and moderate incomes. But:

- Funding in real terms has declined since 1983;
- Recent Government policy decisions have directed State community housing as being targeted for special needs housing, aged persons and housing of the last resort for clients the ministry finds to hard to deal with;
- Homeswest refuses to house people who experience multiple disadvantage except through a headlease or community housing arrangement. Such tenants require a significant amount of support but Homeswest provides only the bricks and mortar. The community agencies don't have the necessary resources to adequately respond to the issues.
- The State Government has stated that there will be no more funding for new community housing projects;
- In Western Australia Community Housing represents 0.35% of total housing and 6.16% of social housing. (NCHF1997 cited by Shelter WA 1999:10)

### 5.3.3 Boarders and Lodgers

In Western Australia, Homeswest, community housing and private providers manage boarding and lodging houses. Lodging houses in the city have been in a steady decrease over the last ten years, as private operators let their properties languish while waiting for redevelopment opportunities coming from the gentrification of the inner city and the building of the Northbridge tunnel.

Data from PICHA<sup>4</sup> shows that up to 75% of lodging houses have disappeared in the last ten years. Whilst demand grows daily toward a crisis for inner city accommodation. Homeswest or private providers of boarding houses have provided little or no new accommodation to fulfil this growing need. The shocking results of this situation are exacerbated by the emerging trends below;

- 52% of lodging house residents are in the 30-49-age bracket and they are staying in lodging houses longer, 48% stay more than 6 months (PICHA);
- It is estimated that up to 33% of boarding house residents have psychiatric issues.
- This is a growing trend since the closure of some psychiatric hospitals for ex-residents to become long-term residents of lodging houses. Up to 1800 people per year are turned away from one inner city co-operative housing organisation alone (PICHA);
- Due to the closure of many lodging houses, older men who would otherwise use lodging houses are left homeless. (City Housing 1998)
- Boarders and lodgers in west Australia have no legislative protection.
- They are specifically excluded from the residential tenancies act.
- They can be evicted at the owners whim.
- If they suffer any loss because of the owners actions (like throwing all their belongings out into the street) they must take civil action to which they do not have the resources to undertake.

#### 5.4 Security of tenure

Inspections can occur at fortnightly intervals. They can thus be a source of harassment, in contradiction to paragraph 8(a) of General Comment 4 and undermine security of tenure. They can also be a violation of the right to privacy, addressed in paragraph 9 of General Comment 4.;

Aboriginal tenants seem to have no right to privacy. Where there have been allegations by neighbours of "anti-social behaviour" , Homeswest advises them to keep a diary of events which can be used in evidence against the tenants. We had a case of neighbours setting cameras on tripods and taking photos of Aboriginal family members going about their business. Homeswest, instead of discouraging this, required an explanation from the tenant about what the photographs purported to show. I had another case in a redevelopment area where the Aboriginal single mum was the last remaining in a row of townhouses which were being refurbished. A hot water system was stolen from one of the other units and Homeswest employed security guards to patrol the area. When I inquired about the woman's transfer (she was isolated and vulnerable) I was told that there were suspicions of illegal activity at her premises and the security guard had the place under surveillance and was noting the number plates of all her visitors.

Tenants Advice Service

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<sup>4</sup> Cited City Housing 1998

Section 64 and section 72 of the Residential Tenancies Act allow owners of rental premises to terminate a tenancy agreement without giving any reason. These sections are commonly used in the private rental market. There is really no such thing as security of tenure - owners rights always override tenants rights. This has adverse effects on all tenants but particularly Aboriginal tenants, because of prejudice in the private rental market. They can have successful tenancies but if the owner decides to terminate, they face the humiliation of repeated rejections of their applications for alternative housing. Often they end up staying with other family members for periods of time, thus jeopardising their tenancies. It also disrupts the children's educations, risks the children being taken into care when the parents can't provide a home and sometimes ends with large families being split up as members are forced to stay at various places for lengthy interim periods.

In 1997 caravan park dwellers came under the umbrella of tenancy legislation. Many elderly people have invested in permanent structures known as park homes, which are situated in caravan parks - the site being rented under the Residential Tenancy Act. This has caused enormous unforeseen problems. For example, tenancies being terminated under section 64 or 72 and the elderly people being forced to relocate the homes at considerable expense. We recently had contact from an elderly gentleman whose wife was suffering advanced dementia and was going into a nursing home. He wanted to sell the park home but the owner of the park told him if he sold the home he would have to move it off site. (Tenants Advice Service)

## 5.5 Evictions

Homeswest collects statistical information relating to evictions and this provides the basis for monitoring evictions in public housing in Western Australia. However, there is no such information available on evictions in the private rental market.

- In 1998/99 Homeswest issued 3,502 termination notices.
- This represented 9.9% of all public housing tenancies. 40% of termination notices were issued to Aboriginal people and 60% to Non-Aboriginal people.
- In the same period 269 tenancies were restored.
- As Homeswest has a statutory responsibility to provide housing to low income earners. "It is only possible to postulate how and where Homeswest thinks that such evicted tenants could be housed."

(Ninyette cited in Shelter WA 1999)

The eviction statistics demonstrate that Indigenous people suffer disproportionately, they are not able to access legal protection against eviction and there is no alternative housing available. This indicates Australia's failure to observe Article 2.2 of the Covenant, Paragraphs 8(a) and (e) of General Comment 4, as well as the general right to housing.

Mr B and Ms C are an Aboriginal couple with 10 children between them, ranging in age from 18 months to 15 years. Their Homeswest home was constructed in the late 1940's. The construction was made of weatherboard and asbestos on timber stumps. It has 4 small bedrooms, is poorly ventilated and the internal walls consist of soft crumbling old plasterboard. All the windows and doors are in substandard condition, coming away from their frames. The windows have been known to literally fall out during strong winds. The plumbing is old and corroded, causing leaks, which run under the floor and pool in the yard where the children play. The timber floors have no coverings and the premises are infested with rats and cockroaches. 3 of the children suffer from acute asthma and bronchitis. Frequent requests for transfer were denied and Homeswest refused to carry out routine maintenance on the property because they maintained the tenants were responsible for its poor condition. Instead the family was evicted.

(Tenants Advice Service)

## 5.6 Affordability

In 1992 the National Housing Strategy established an affordability benchmark that has since provided a general measure of financial housing stress or burden. The benchmark is that no more than 25 – 30 % of household income should be spent on housing costs.

There are however significant numbers of West Australian households experiencing housing burden, particularly among low-income households in the private rental market.

In 1996 the National Centre for Social and Economic Modelling estimated that in Western Australia there were:

- 71,675 (21.1%) people in private rental in before housing costs poverty which is more than the national estimate of 19 percent
- 79,828 (23.5%) people in private rental housing in after housing costs poverty in contrast to 24.6% nationally
- 31,105 (39.7%) people in public rental in before housing cost poverty which is less than the national figure of 44.5%
- 18,191 (23.2%) people in public rental housing in after housing costs poverty in contrast to 25.7% nationally (international year for the eradication of poverty taskforce, 1996).

Rents for housing provided to Aboriginal people in mining industry areas are more expensive because of profiteering in the real-estate market in these areas;

In places like regional Port Hedland when industry is booming there is a high demand for housing and low vacancy rates, rents increased to four or five times the price of the same house in Perth. For the same reasons, Homeswest designates such places as closed towns - you cannot apply to transfer to such areas. This leads to chronic homelessness amongst the local Indigenous populations. It also causes problems when family members have transfer to Perth due to medical or education reasons as they are unable to transfer back to their home towns due to over-inflated costs. Similar problems are anticipated in regional Karatha with the recent announcement of a new industry initiative, which will result in 20,000 jobs during the construction phase. Currently there are some 350 vacant private rental properties in Port Hedland because of the closing of the hot brickette works. However, there are still many local Aboriginal people living in ditches and broken cars outside the township.

(Tenants Advice Service)

## **5.7 Location**

Public housing provided in outer suburbs of the city is without ready access to employment, medical services, schools, shopping facilities and public transport. Directing Indigenous people to move to such areas is discriminatory in that they have a lower rate of motor vehicle ownership because of poverty and hence are less able to overcome the location disadvantages. The result is to reinforce poverty traps.

## **5.8 Redevelopment of Public Housing**

Homeswest's 'New Living' Program is an urban renewal policy that aims to reduce the presence of Homeswest public housing stock in specific localities from between 20-70% to 'one in nine' (approximately 11%). The target is being achieved through the redevelopment and sale of public housing stock with tenants being relocated to other areas. The program is displacing local communities and impacting on the delivery and planning of community and other services and infrastructure.

Issues specific to the redevelopment program in Western Australia include:

- No statistics have been made available by Homeswest on the number of people being relocated as part of the New Living Program. This impacts on planning and delivery of local services.
- The program is contributing to a reduction of public housing stock through the sale and redevelopment of public housing.
- There is anecdotal evidence that some households are being relocated more than once as a result of the redevelopment policy.

(Shelter WA)

## 5.9 Habitability - Maintenance

Homeswest Customer Service Charter (1998) states that:

*“If the problem is a danger to you and your family, it will be fixed within three hours. This urgent service is only used when the problem is very serious. If you have a problem such as no hot water, this is usually fixed within two days. Every-day problems will be fixed within two weeks.”*

This statement is blatantly ignored in many cases. Not only does Homeswest have a poor record in the area of maintenance of property occupied by Aboriginal people, but there are innumerable case histories of indigenous people who have been provided with housing in poor state of repair. Indigenous people have been required to pay rent on these properties, even though Homeswest, the landlord, has failed to observe its obligations to maintain properties appropriately.

Ms B is an Aboriginal single mother of 3 young boys, she experienced ongoing problems with the poorly repaired fence at the premises. Several sheets blew down in a storm, others were cracked from subsidence. One section (which bordered a main arterial road) was damaged by contractors and left unrepaired for months. Another section was in such bad condition, young toddlers visiting with their parents, slipped through and almost drowned in the swimming pool next door. Over several years, numerous letters were sent to Homeswest requesting that they repair the fence in one particularly dangerous area. When it was finally fixed, shortly before Ms B vacated - she was charged for the damage. She now faces the rigours of Homeswest's appeal process where she will again be required to prove she is not responsible.

(Tenants Advice Service)

Some areas of Perth have been designated for redevelopment, ie. the current dwellings are to be demolished and replaced by other structures. However, there is a policy that, pending redevelopment, housing stock will only receive minimal maintenance. This results in added maintenance problems, even though the occupants are still required to pay normal rentals.

Ms A is an Aboriginal single mother of 4 who lived in a Homeswest house for 3 years. The house was in appalling condition with rotting cupboards and floorboards, faulty wiring, deteriorated plumbing, and roof leaks. Homeswest refused to carry out repairs because the house was earmarked for demolition under a redevelopment project.

(Tenants Advice Service)

New tenants receive bills for maintenance because the original work was not carried out properly. Homeswest issues Job orders to contractors. Homeswest does not check that the job is done correctly. Later when the problem reappears and the tenant complains, the problem is fixed and the tenant is charged because Homeswest says the job was already done and the tenant must have caused it to recur. The onus is then on the tenant to prove they are not responsible. Often tenants do not challenge the charge because they fear retaliation by Homeswest, or because they do not have the resources to make written submissions to the appeals mechanism or face questioning at court or appeal hearings.

Homeswest's failures to ensure proper maintenance is inconsistent with Paragraph 8 (d) of General Comment 4 and puts Australia in violation of Article 11 of the Covenant.

### 5.10 Adequacy of services

- Quality of services is poor in many cases. Public housing frequently lacks heating and cooling.
- In many cases clients are given homes with large gardens they cannot maintain because of disability or age, they are then charged by Homeswest to clean up the garden area, thus further impacting on their lack of finance.
- Homeswest have a policy of maintaining property and gardens at street standard. These standards do not take into consideration poverty caused by social exclusion. As a result people who are reliant on social welfare often become a victim of such policies. For example;

A woman received a knock on the door from an unknown person who identified himself as a Homeswest officer. The officer had been driving down the street and noticed that the tenants kids had built a cubby house under the tree in the front yard (it was school holidays). She was told to remove it immediately or she would receive a formal breach notice (the first step in the eviction process). Another example, which is a common one - tenants receive breach notices because they have an unroadworthy vehicle in the yard, which is visible from the street. The car must be removed or termination action will proceed. Problems with street standards are increasing in redevelopment areas where executive officers note untidy lawns or gardens as they drive around and instruct accommodation managers to issue breach notices (the first step in the formal eviction process). Due to our climate lawns need mowing around every 3 - 4 weeks in winter and as often as every 2 weeks in summer. This is a huge financial burden for low-income families. On the common quarter acre block, it can cost \$30 - \$40 when mown regularly and upwards of \$100 if the lawn is overgrown.

(Tenants Advice Service)

- Through the government creation of quasi markets and privatisation of essential services people are having their gas, water or electrical supplies cut off due to their financial situation. The following case study highlights the despair of a family that had their electricity cut off when they are reliant on it for medical reasons:

A man contacted a worker in the Government department, Family and Children's Services, (F&CS) with a 12year old chronic asthmatic son who intermittently required an electronic respirator. The man reported that his electricity had been turned off because of a lack of payment, he had tried to negotiate a part payment with Western Power, a privatised utility supplier. He was informed that this was not possible and approached F&CS for assistance. However they were unable to help as it did not fit within their criteria. And no other form of redress was available. Therefore the child's health was potentially at serious risk due to a lack of service that is regarded as a basic human right in Australia. There were no Government services or legislation to redress this issue.

(Family & Children's Services Worker)

## **6.0 OTHER RELEVANT ISSUES**

The following issues relate particularly to vulnerable groups within the community. In many cases these will involve multiple factors giving rise to vulnerability.

### **6.1 People with mental health issues**

"A National Human Rights Inquiry into mental health identified that people with mental illnesses experience high levels of homelessness." (Shelter WA 1999)

The inquiry found that: "Some examples of housing or lack of it are a disgrace to our society. People with mental health issues are packed into caravan parks and there are long waiting lists for public housing." (HREOC 1993) This has been created in part by the closure of some psychiatric institutions in the Perth metropolitan area that supported people with mental illness.

"Access to appropriate accommodation is regarded by many as the most important determinant in the success or failure of people with chronic mental illness living in the community." (HREOC 1993). The report found that the evidence considered by the inquiry established that the policy of deinstitutionalisation cannot succeed unless it is complemented by appropriate housing policies and a commensurate allocation of resources. In WA few resources have been made available to assist these people to assimilate into the community and to find long term stable supported accommodation. As a result the Salvation Army Hostel, Lentara, identified a rise from 6% of people with mental illness in its care in 1995 to 33% in 1999. These people are not afforded the right to stable long-term housing and basic health needs.

"The Report of the National Inquiry into the Human Rights of People with Mental Illness (Human Rights & Equal Opportunity Commission (1993), identified that access to appropriate accommodation is

- ...the most important determinant in the success or failure of people with chronic mental illness living in the community. All of the evidence considered by the Inquiry established that the policy of deinstitutionalization cannot succeed unless it is complemented by appropriate policies in housing – and a commensurate allocation of resources (p. 337)

People living with mental illness in the community without appropriate housing and quality care and support are most at most at risk of a recurrent need for crisis services and inpatient treatment. This cycle, from hospital to community and back (and for too many, from hospital to community to prison and back), otherwise called the ‘revolving door’ problem, occurs at considerable health, social and economic cost to the patient, carers, families and the community.

A young man was discharged directly from a ward for people with an acute illness at Graylands Psychiatric Hospital, to an emergency hostel for men in the inner city. This hostel turned the man away on the basis of a concern that staff would not be in a position to help him, and referred the person on to another hostel in the inner city.

By the time the man arrived at the second hostel, he was in a considerable state of agitation. The staff contacted the PET (Psychiatric Emergency Team) for advice, where they were informed that the person had a history of illicit drug use, violence and severe mental illness. At this, the staff member requested that the PET team carry out a psychiatric assessment. An hour later the PET team rang the person, who by this stage was extremely agitated. Half an hour later, PET arrived with the police. The man was handcuffed and taken back to Graylands Psychiatric Hospital. Neither hostel had sufficient staff available, nor staff trained appropriately to deal with the complex nature of this man’s presenting problems.

(Western Australian Association Mental Health)

In Western Australia, rates of homelessness of people living with mental illness are increasing, with Aboriginal mental health support services and hostels in the inner city reporting a marked increase in rates of homelessness over the past eighteen months (Mental Health Accommodation Needs Assessment, unpublished paper, WAAMH, April 1999).

The assessment of housing need is currently not carried out on a systematic basis. Data collection methods are inconsistent, ad hoc and most government authorities responsible do not keep useful data on the accommodation requirements of people living with mental illness.

Policy and planning is underdeveloped, and as a result accommodation tends to be provided on the basis of scant and sometimes incorrect information about housing type, location and level of support required.

There is sufficient comparative and service data, however to suggest that between a minimum of twenty five per cent (25%) and eighty per cent (80%), of all homeless people in WA are people living with a mental illness (Commonwealth Advisory Committee on Homelessness 1998)(Hodder, T. Teesson, M. Buhrich, N.1999)

In addition to problems of homelessness, the health and rights of people living with mental illness are undermined by various property management and unit allocation processes, such as

- Delays and long waiting lists in housing allocations. With this, people with a very urgent need often have the option to be placed in a housing area or type that has a detrimental effect on the person's health and well being in the long term. If the urgent housing offer is taken up, the person loses their place for priority housing in the area of their choice. The loss of choice here often results in the person choosing to remain homeless, rather than to lose a chance to live where they would, in the long term, feel safe and/or supported.
- Housing allocations to areas where the person with an illness finds themselves feeling unsafe, or where essential social support networks and facilities required to minimise the impact of psychiatric disability cannot be accessed;
- Application and appeals processes that are difficult for people who are disoriented by illness or the effects of medication to follow;
- An ability for application forms to be filled out and lodged by home visit to the person living with a psychiatric disability such that they cannot attend the Ministry for Housing office;
- Loss of security of tenure during episodes of illness where the person has been unable to keep up rent payments due to a requirement to pay for crisis accommodation support services or hospital care elsewhere;
- Population based targets for supported housing allocations under the Community Housing Programme to Aboriginal people, rather than the basis of the numbers of Aboriginal people living with a mental disorder who are homeless.”

(Lynes: Western Australian Association Mental Health)

## **6.2 People with disabilities**

“Many people with disabilities cannot access the necessary home and community supports to live independently as a part of the community. Many continue to live in impersonal and stultifying institutions and hostels, a number of which are privately owned and poorly monitored. The lack of affordable appropriate housing also ensures inappropriate institutionalisation of homelessness.

Institutionalisation and homelessness can be due to an inability to pursue one's own rights and the lack of appropriate family or organisational supports, and barriers to access in the form of discrimination, physical barriers and the insufficient provision of social housing. People with disabilities assessed by government to be in 'critical' need of housing have been forced to wait in queues for more than a year while they continue to live in poverty, and in some cases, considerable physical and emotional danger. Individuals able to access social housing can experience inappropriate conditions and difficulty in accessing modifications and essential maintenance. People who cannot access social housing are open to financial exploitation, sub-standard conditions and infringement upon their rights as tenants.

In 1998 the Australian Institute of Health and Welfare indicated that across Australia 400,000 Australians with a profound or severe disability are not getting any or enough help to meet their basic living needs. 9700 parents over 65 are still caring for a family member at home. Individuals with disabilities in this situation continue to be denied housing and home supports and the opportunities for development and independence that accompany moving from a family home".

(Regan: People With Disabilities WA Inc1999)

### **6.3 Women's Housing Issues**

These statements have been collected from Women's Refuges from around the Perth metro area. They highlight serious problems in accommodation for women.

- There is a lack of temporary and long-term accommodation for large families. Furthermore, when they are accommodated it is often in cramped conditions.
- There is little or no accommodation for young males between the age of 13 and 16 to stay with their families.
- Due to a lack of funding there is little emergency accommodation for women aged 19-25 especially those with children
- Women with poor tenancy histories in private or public accommodation committed many years ago are discriminated against when trying to find accommodation.
- Indigenous and non-European clients have difficulty accessing accommodation in the rental market due to both gender and ethnic discrimination.
- Private housing for those on Social Security is of very poor quality and in very poor and rough locations. Women are often forced to live too close to the perpetrator of domestic violence and/or away from public transport and other amenities.
- There is a shortage of lodging houses for single women
- There are no safe hostels or detoxification centres specifically for women using drugs/ alcohol.

- Transitional supported housing for women that have left a refuge is very scarce.
- Women who can not enter the private housing market are often located in refuges for extended periods of time while waiting for Homeswest housing. A critical shortage of suitable Homeswest accommodation has created 6 to 12 months waiting lists. This leaves no space for those who need to enter the refuge.
- Women in refuges do not always have access to referees that are crucial for entering the private rental market.

## SECTION B

### Possible questions for and requests to the Australian Government:

- Q.1 Will the Government supply detailed information on relevant legislation, as requested in the guidelines.
- Q.2 Given the decline in public housing stock in Western Australia and an increasing waiting list how does the government plan to address the increasing demand for public housing?
- Q.3 The worsening state of homelessness in WA indicates a failure of the government to ensure the right to housing.
- i. What will the government do to reduce the number of homeless people?
  - ii. What steps will the government take to eliminate the current high rates of homelessness and inappropriate housing experienced by people living with mental illness?
- Q.4 The following Homeswest practices suggest a pattern of racism in the provision of housing for Aboriginal people in Western Australia:
- i. Placing Aboriginal people in poorly maintained properties
  - ii. Breaking up Aboriginal families through relocation programs
  - iii. Placing Aboriginal people in culturally inappropriate housing
- What will the Government do to change these practices?
- Q.5 Will the Government fund test cases to ensure that the illegality of discriminatory behaviour is clearly established?
- Q.6 Will the Government take steps to ensure that a nationwide code of conduct for real estate agents is established so that Indigenous people will suffer less discrimination in the private rental market?
- Q.7 Given that failures in the housing area involve violations of the rights of Aboriginal people in other areas, such as the rights to health, education, work, privacy, culture and rights associated with the justice system does the government have a strategy to holistically address the housing needs of Indigenous people ?
- Q.8 The assessment of housing need is currently not carried out on a systematic basis. Will the government ensure that all government departments that are involved people with mental health issues keep data records that will assist in the planning and provision of housing?
- Q.9 Will the government increase its performance in providing home and community care services and forms of accommodation support funding for people with disabilities?

- Q. 10 Will the government increase its performance in the area of housing and disability advocacy services that safeguard the rights of people with disabilities?
- Q. 11 Will the Government provide safe temporary and long-term accommodation for;
- Large families
  - Young males between the ages of 13 – 16
  - Emergency accommodation for women between the ages of 19 – 25 (with their children)
  - Women with poor tenancy histories
  - Victims of domestic violence
  - Women who are using drugs/alcohol (with appropriate supporting mechanisms for detoxification).
  - Women who have left a refuge (with appropriate supporting mechanisms)
- Q. 12 As part of the Redevelopment program will the West Australian government:
- i. provide detailed information on the new living program to assist in the planning and delivery of community services and infrastructure, including the numbers of households being relocated and their locations?
  - ii. Undertake an assessment of the impact of redevelopment on relocated tenants and households?
- Q. 13 Will the Australian Government supply annually, full and detailed information and statistics in accordance with the Committee's guidelines. In particular, these should address:
- i. The number of homeless indigenous individuals and families;
  - ii. The number of indigenous individuals and families currently inadequately housed and without ready access to basic amenities as described in the guidelines;
  - iii. The number of persons evicted within the period covered by the report and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction;
  - iv. The number of persons who's housing expenses are above a reasonable limit of affordability;
  - v. Information on Government programs in the housing area should be supplemented by information on the adequacy of these programs as compared with the needs and by information on the effectiveness of these programs in meeting their stated objectives.

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