

To: BBS Readers

Re: House of Representatives Standing Committee  
on Aboriginal and Torres Strait Islander Affairs

Re: Response to TAS

I am writing to you as the Tenant Advocate from the Pilbara Community Legal Service, based in South Hedland, Western Australia.

I have been in this position for nearly a year now. My position is shared with co worker Nita Cant located in our Roebourne office. Our service covers areas including Port and South Hedland, Newman, Marble Bar, Karratha, Roebourne and Onslow.

I can only give you a very brief outline of some of the issues that confront urban dwelling Indigenous people in this area of Western Australia.

This is an extremely modest reply to your call for submissions; much could be written if researched properly with adequate time and funding.

**The Tenants Advice Service Inc WA have submitted an excellent paper, of which this should be seen as a small attachment.**

97% of my clients are Indigenous, mainly women and men who live predominantly in SOUTH HEDLAND, followed by Port Hedland. Some of my clients have come from the Tjalka Warra Community also known as 12 mile and is located 12 miles from Port Hedland. This is a 'half way' spot for those people seeking to relocate to town from remote communities and are awaiting public housing allocations.

### **Housing Options:**

Port Hedland is a major mining town and port/shipping terminal. There is an extremely diverse population resident in the towns. As a town economically dependant upon mining interests, there is also a wild boom and bust cycle. At the height of this cycle housing becomes very expensive and in high demand.<sup>1</sup>

Mining workers are very well provided for through BHP – in Hedland and Newman, with Hamersly Iron and Robe River operating out of Karratha and Wickham. Government workers are offered subsidised housing via the GEHA (Government Employees Housing Authority) option. Non

government agencies, (ie community legal services), council workers and other providers like small business operators, are left to fend for themselves. Difficulties occur in making this area an attractive employment option.

A disparate economy is created between those that have excellent company benefits including housing, cheap loan schemes, travel benefits, power and water subsidies, to those on an income with no benefits. Even 'cheap' private housing is unattainable for those on Centrelink benefits, as getting the references, 1 weeks letting fee, 2 weeks rent and 4 weeks rent/bond together, plus connecting facilities will require a lump sum payment of over one thousand dollars.

Ie. on a rent of \$180.00 per week a total of \$1260.00 cash component will have to be paid out as a lump sum to secure a tenancy.

As Homeswest, under The Ministry of Housing in Western Australia, is the main provider of housing to the Indigenous population my notes will highlight **some** of the issues faced by this group of clients.

Some issues affecting Indigenous access to housing:

#### **Waiting List and Application:**

Previous debts suddenly emerge from within the Homeswest system after a number of years, thus barring a prospective tenant from applying for housing until the debt is addressed. The debts are rarely substantiated and clients will 'believe' that the computer is right without seeking to investigate the claim. Clients have little to no understanding as to how the debts have been calculated or that it can be appealed under the Homeswest Appeals Mechanism.

This is a time consuming exercise for people usually seeking housing with little time to wait.

The Indigenous population is highly mobile and families will often leave town for varying amounts of time to attend funerals or visit families in other regions of the state. If tenants or waiting list applicants do not respond to Homeswest letters within a certain time they are removed from the waiting list. Low literacy and numeracy skills add to people's confusion when receiving Homeswest communication.

### **Priority Housing:**

There is no choice offered to applicants awaiting a priority allocation. Families are usually in a desperate situation at this time and will accept a property that is poorly maintained. Thus taking on further liabilities that will be charged back to them at the end of a tenancy.

A single mother, had refused the property that she was offered because the neighbors were drinkers and gamblers causing her to worry about her safety if she had accepted the house. There had also been a tragic death of a premature birth in a ditch behind the house.

Cultural reasons and personal safety were not accepted as a reason to refuse the 'reasonable' offer of housing. Once again, clients can access the Homeswest Appeals Mechanism.

### **Maintenance:**

Maintenance is an ongoing and chronic problem that is compounded by numerous factors.

The age of some properties goes back to 1970. This is a typical 3br, fibro home on stumps. 30 years may not seem that long and the 'life' of a house in this area has **not** been subject to any kind of analysis.

However the nature of some tenancies, (multiple family units), creates stresses on already unmaintained properties, with some 30 year old properties becoming a health and safety hazard.

Plumbing blockages seem to be a frequent problem due to old pipes, nature of soil types and overcrowding. Particle board cupboards have lost their veneers and are impossible to clean, have become swollen when wet and can no longer close keeping out cock roaches and assorted vermin. Ceiling fans hang from electrical wiring, bathrooms with no floor drains, kitchen sink tiles missing or falling out and with no grout are also hard to keep clean, no smoke alarms installed and windows jammed into warped window frames are just a few of the trade person's delights. The lack of secure fencing means that it is often hard to secure a property and trespassing is often a problem. People are unwilling to lodge a complaint against a neighbor because of the consequences they will have to face.

Work carried out by contractors is rarely checked.

The nature of public housing maintenance is reactive (when it does happen) and not proactive as the Homeswest response is that there is no money left in their budget.

Homeswest attitude to Local Government Health and Safety regulations is of concern as they think that as a state body they are exempt.

Many clients are frustrated at the demand from Homeswest when they fall behind in their rent, but that their request for maintenance is delayed or not responded to. “Homeswest’s practice is to undertake non-essential repairs only when tenants are up to date with their rent.”<sup>2</sup>

Water bills add to the householders already limited budget. The water in the Hedland area is extremely calcareous, leading to a build up of salts around tap fittings, cisterns and faucets causing slow leakages and a use of excess water.

Add to this, the rigorous physical climate with an average daytime temp. at 33.1 degrees C, while maintaining a temp. of over 30 degrees for 258 days a year and maximum wind gusts of over 74 km/h and up to 208 km/h in the cyclone season.<sup>3</sup>

Because of the water charges for the Hedland area and the intense heat, it is extremely hard to maintain a garden in the typical sense.

A client had asked me to help inspect her property prior to occupation. The yard was nothing but a bare patch of dust with clumps of weed. Her young nephew had run halfway into the yard and started screaming. When we picked him up his feet were streaming with blood from being cut and punctured by three corner jacks or ‘double dees’ as they are also known. Part of the terms of a Homeswest Tenancy Agreement relating to Repairs and Maintenance is:

“ 12.1 The tenant must maintain the premises having regard to the state of the premises at the commencement of this agreement, fair wear and tear excepted. Where damage is beyond fair wear and tear, the tenant is responsible for any repairs.”

My point is that tenants are only maintaining the original poor standards that they are given example to. A property condition report is a long and awkward document which, if filled out in detail, should act as a safe guard to the tenant to document the condition of the property prior to tenancy.

### **Tenant Liability:**

Homeswest calls this ‘repairs considered vacated tenant liability’ and is calculated after a tenant has left the property. Although an inspection is meant to be carried out with the tenant prior to ‘vacation’, this rarely happens. My experience is that households have left in crisis.

Tenant liability rarely takes into account the **substandard** condition of the house as it was at the start of a tenancy as the in going Property Condition Report will often have listed everything in 'good' condition. Poor literacy and numeracy skills impact on the command and understanding of written and spoken English. English is often a second language for indigenous people in this area. They may have signed an agreement with little understanding of the longer term implications for them.

Maintenance work that has been requested is often not carried out, thus coming back as tenant liability. Accommodation managers change at a high turn over rate, effecting a continuity of service, no follow up and what seems like a chronic lack of planned maintenance. Clients often have no phone or access to transport. If contact can be made with Homeswest they have to leave a message with 'someone' in the office as the accommodation manager is 'out of the office' or just 'not available'.

### **Transfers:**

Many people are aware of the problems around them and they want to do something about it. Tenants can apply to Homeswest for a transfer. If not meeting the strict criteria for this, Homeswest can refuse to grant a transfer request. See attached.

Indigenous cultural concerns are just not taken into account.

Family feuds/disputes and harassment leaves families, often women, depressed, worn out and in further financial hardship from these demands.

One client has recently asked to be transferred to a 4 bedroom property. She has 5 children in her care and 2 others are away but come back for school holidays. She also has a significant water consumption bill that has been accrued over the last few years. I was told by a Homeswest officer 'you could appeal, but it's not worth your while'.

The same officer also said that ' I can't help it if she's having too many children' !!!

Homeswest proceed to refuse client transfers on numerous grounds including having any kind of debt with them, not maintaining a debt free account for the past 12 months, and, if any complaints have been recorded against a tenant by the neighbors.

It is a small community in which word travels fast.

Homeswest confidentiality is questionable. In one case the Accommodation Manager had told a tenant where/who the complaint had come from.

### **Accountability:**

In one case a woman had come to me for assistance to decipher her account. For the last 3 years she had been paying off a \$4000.00 debt. She and her family had gone without a lot of things for that time, and they had gone from pillar to post and from remote community to remote community. While the debt existed she could not access Homeswest housing. On investigation her account had been doubled, blowing her original debt from \$2,000.00 dollars to over \$4000.00. By the time she had come in to see me she had actually nearly paid out the \$4000.00!!

On highlighting this to Homeswest, and after their own audit they refunded her the overcharge. Sadly there are many people who do not know that they can challenge and question their accounts, or, that there is a shame attached to accessing services.

Homeswest are often in pursuit of money that is no longer legally recoverable. Some accounts have passed the statute of limitations - 6 years – however Homeswest use their ‘discretion’ policy if they decide to house someone. Homeswest do their best to get clients to start making a repayment on a debt as soon as possible so that it can not be appealed. ‘Poor tenancy history’ has been a line used to barr people from re-applying for housing.

Homeswest is a major housing provider in the town of Roebourne.

The nearest Ministry of Housing office is located 40 km away (80km return trip) in Karratha. There is one working public phone in Roebourne and transport limited. Clients are expected to “flag down” the Homeswest officer as he/she drives past – when ever that is!!

### **Housing design:**

Indigenous housing under the Homeswest model is identified as ‘Fund 6’ housing.

There are many issues concerned with the separation of funds for public housing which effectively designate housing for Indigenous or non – indigenous clients. There are two standards of housing, the difference being housing that is designated Fund 6 is usually of a much poorer standard – older run down housing stock, much of which should be demolished. In saying this though, the replacement should also be on a one to one basis.

There is no consideration given to modifying the basic design of Indigenous housing.

It appears that there is little consultation with Indigenous groups as to the type and style of housing they would prefer. Considering climate

differences, access to breeze ways, ceiling fans, out door cooking and living areas a lot could be done to reduce the bill factor in maintaining a house. On talking to the Homeswest regional manager one day about the new constructions at Newman, there had been comments (by the white neighbors) to the effect that “these people were still sleeping outside”. Yes, because it was cooler! Most housing here is designed to be lived in with some huge air conditioning apparatus attached somewhere to the exterior generating an enormous power bill.

Homeswest have created enclaves of only Indigenous occupancy. The Indigenous population is treated as homogenous, not acknowledging peoples differences and freedom of choice. There is no choice. One ‘suburb’ has been built next to a cemetery.

I had heard of one project where the trendy city designers decided to build rammed earth houses. The community about to receive these properties thought that they were inferior and just wanted what everyone else had. There *are* some new buildings going up by Homeswest made from colour bond / galvanised iron, other wise know as ‘tinnies’ which incorporate a breezeway.

### **Rating:**

One of our more unique expenses here in Port/South Hedland is the cost of housing including council rates.( plus fuel costs, food etc.) A quick check of the local real estate pages (encl.) will show the prices to purchase and/or rent a property. We are not talking ‘3 bedroom, 2 bathroom, water views’ either.

Homeswest, as a property owner is not exempt from the ratable component and their rent formula is based on total household income and the value of the property. One result of this was a Homeswest client being charged market rent which was \$265.00 a week( 3 bedroom fibro home in Port Hedland).

### **Last Word:**

As I have stressed this is only touching the surface of a few of many problems affecting Indigenous households in the Northwest.

All points could be more extensively researched.

There are many points that I have been unable to respond to, not through ignorance, but a shear lack of time and resources. I thoroughly endorse and support the document produced by TAS.

**References:**

<sup>1</sup> Port Hedland Area Planning Study. Ministry of Planning. July 1998

<sup>2</sup> Dogs, Kids & Homeswest: Story of Tjalka Borda Aboriginal Community  
John Scougall and Ricky Osbourne

<sup>3</sup> Climatological Summary for Port Hedland Airport. 1942 – 2000  
Bureau of Meteorology

**Environmental Health Needs of Aboriginal Communities in W.A.**

The 1997 Survey and Its Findings.

**Housing For Health: Towards A Healthy Living Environment For Aboriginal Australia.** Paul Pholeros, Stephan Rainow & Paul Torzillo  
1993.