ANTAR

ANTAR

Submission: Inquiry into the Worsening Rental Crisis in Australia

With thanks: This submission was authored by Ms Jessica Johnston, ANTAR Research & Policy Officer.

© ANTAR 2023

Email: hello@antar.org.au
Phone: 02 9280 0060
PO Box 77
Strawberry Hills NSW 2012

ANTAR is proud to acknowledge and pay our respects to First Nations Peoples as the traditional owners of the lands on which we work across the continent.

About ANTAR

ANTAR is a national advocacy organisation working for Justice, Rights and Respect for Australia's First Nations Peoples. We do this primarily through campaigns, advocacy, and lobbying.

ANTAR is working to mobilise Australians to vote YES at the referendum for a First Nations Voice to Parliament enshrined in the Constitution, and for this to be complemented with a Makarrata Commission to drive agreement making and truth-telling processes across Australia.

We also engage in national advocacy across various policy and social justice issues affecting Aboriginal and Torres Strait Islander communities, including cultural heritage protection; justice reinvestment, over-incarceration and raising the age of criminal responsibility; anti-racism campaigns, native title and land rights, and closing the life equality gap.

ANTAR is a foundational member of both the Close the Gap Campaign and Change the Record Campaign Steering Committee, and an organisational and executive committee member of Just Reinvest NSW. ANTAR has been working with Aboriginal and Torres Strait Islander communities, organisations and leaders on rights and reconciliation issues since 1997. ANTAR is a non-government, not-for-profit, independently funded and community-based organisation.

"To get a rental house – it's almost impossible for an Aboriginal person… there's proof of income, there's good tenancy records… you have got to compete with about 30 or 40 other people …. in all reality, except for black housing and subsidised NSW Housing, you wouldn't have a house, you just wouldn't have a house."

Middle aged male, Aboriginal Medical Service Western Sydney staff[1]

Introduction

Thank you for the opportunity to provide commentary on the worsening rental crisis in Australia.

It has been widely acknowledged that Australia is in the middle of a worsening housing crisis, with capital cities recording the largest ever annual rent increases and record-low vacancy rates across the country leading to significant power imbalances between landlords and tenants and a chronic lack of appropriate and affordable rental housing. More households are in housing stress, and severe housing stress, than at any other time in our history.[2] The Australian Bureau of Statistics recently found that almost three-quarters of private rental properties had experienced a rent increase in the year to February 2023, with a quarter of these properties experiencing an increase of more than 10 per cent.[3]

Safe, secure housing is both a human right and a crucial determinant of health and wellbeing. Access to appropriate and affordable rental accommodation is important for the wellbeing of renter households.[4] As such, it is imperative that meaningful and immediate action be taken by the Government to reduce rent or limit rent rises, increase supply of affordable rentals and ensure improvements to renters rights.

---

[1] Melanie J. Andersen et al. "There's a housing crisis going on in Sydney for Aboriginal people": focus group accounts of housing and perceived associations with health. *BMC Public Health* 16, 429 (2016): 4.
[2] 'Brutal Reality: The Human Cost of Australia's Housing Crisis', Everybody's Home. 24 July 2023.
[3] New Insights into the Rental Market, Australian Bureau of Statistics, 24 April 2023.
[4] ibid

As a non-partisan advocacy organisation working for justice, rights and respect for First Nations peoples, ANTAR is particularly concerned about the impact of the worsening rental crisis on Aboriginal and Torres Strait Islander communities, who are already overrepresented among people who are homeless and those seeking assistance with housing.[5]

Policy Context

On the whole, First Nations peoples and non-Indigenous peoples have considerably different experiences of housing and housing pathways across their lifetimes.[6] Aboriginal and Torres Strait Islander individuals have much lower rates of home ownership than the general Australian population, meaning a far greater proportion (around 60%) live in rental accommodation compared to non-Indigenous people (30%).[7] In addition, First Nations peoples face considerable barriers to entering the property market and are disproportionately affected by discrimination in the private rental market.[8]

First Nations households are particularly over-represented in the social housing sector due to difficulties experienced in accessing private rental accommodation, which include racial discrimination, challenges meeting criteria for rental properties and a lack of appropriate and good quality housing.[9]

A major concern raised by women and girls in the whole-of-life Wiyi Yani U Thangani (Women's Voices): Securing our Rights, Securing our Future Report led by Social Justice Commissioner June Oscar was inadequate maintenance and repair of social housing.[10] The report found "[t]he chronic shortage of social housing stock across Australia has left Aboriginal and Torres Strait Islander women and their families struggling in overcrowded and inadequate living conditions, unable to keep themselves and their families safe and secure, and

[5] Indigenous Housing, Australian Institute of Health and Welfare, 16 September 2021.
[6] Megan Moskos, Linda Isherwood, Michael Dockery, Emma Baker and Anh Pham, 'What works' to sustain Indigenous tenancies in Australia', AHURI Final Report No. 374, Australian Housing and Urban Research Institute Limited (2022): 2.
[7] Moskos, 'What works', 7.
[8] Wendy Stone et al. 'Think private renting is hard? First Nations people can be excluded from the start', The Conversation, October 19 2022.
[9] Moskos, 'What works', 7.
[10] Australian Human Rights Commission and June Oscar et al. 'Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future', Australian Human Rights Commission (2020): 300.

with the constant threat of homelessness if they cannot find a way to make ends meet."[11]

Of the 19 national socio-economic targets included in the National Agreement on Closing the Gap, housing has for the first time been included. Outcome 9 states: Aboriginal and Torres Strait Islander people secure appropriate, affordable housing that is aligned with their priorities and need.[12] The two housing targets aim by 2031 to a) increase the proportion of Aboriginal and Torres Strait Islander people living in appropriately sized (not overcrowded) housing to 88 per cent; and b) ensure all Aboriginal and Torres Strait Islander households receive essential services that meet or exceed local standards.[13] The Productivity Commission reports that currently, Target 9a shows improvement but is not on track to be met by 2031.[14] The current rental crisis - and cost of living crisis more broadly - is actively working against any efforts to meet Closing the Gap targets and improve the housing situation for First Nations households.

The National Aboriginal and Torres Strait Islander Health Plan 2021-2031 stresses that addressing the social determinants of health - that is, the conditions in which people grow, live and work and which contribute to their health and well-being[15] - is key to achieving health equity for Aboriginal and Torres Strait Islander people.[16] According to the National Health Leadership Forum, the social determinants of health account for 34 percent of the total health gap between Aboriginal and Torres Strait Islander and non-Indigenous health outcomes.[17] Safe, secure and affordable housing is a foundational social determinant of health - particularly for vulnerable groups who disproportionately experience the burden of substandard housing - and

[11] June Oscar, 'Wiyi Yani', 304.
[12] National Agreement on Closing the Gap (July 2020): 30.
[13] ibid
[14] 'Closing the Gap Socioeconomic outcome area 9', Productivity Commission.
[15] Meggie Mwoka et al, 'Housing as a Social Determinant of Health: Evidence from Singapore, the UK, and Kenya: the 3-D Commission', Journal of Urban Health 98 (2021): 15.
[16] Resources, National Health Leadership Forum.
[17] ibid

housing policy is therefore critically linked both to public health policy and broader efforts to close the gap.[18]

It is worth noting that the shortage of affordable housing, barriers to housing access and inadequate attention to tenancy sustainment create a revolving door of housing and homelessness for many First Nations people.[19] The homelessness rate for Aboriginal and Torres Strait Islander people is 10 times that of non-Indigenous people.[20] This link between sustained and successful tenancies and the experience of homelessness is crucial, as minor problems during a tenancy such as a broken fridge or a parking fine can rapidly escalate to a major problem of rent arrears and court appearances, leading ultimately to failed tenancies and homelessness.[21]

First Nations tenants in private rentals and in urban settings experience the least stable tenancies and are more likely than non-Indigenous people to be at risk of tenancy failure.[22] While the issues underpinning tenancy failure for First Nations peoples are numerous and include individual factors, the root causes are largely systemic:

- Discrimination (both direct and indirect) by landlords and real estate agents on the basis of race;
- Experiences relating to intergenerational trauma, cultural disconnection, kin-care obligations and patterns of mobility;[23]
- A lack of affordable and culturally appropriate housing, including long waiting lists for public housing and inappropriate tenancy agreements, which can be tied to the unsuitability of mainstream housing policy to the specific needs and preferences of First Nations tenants.[24]

---

[18] For more on international case studies examining housing as a social determinant of health, see Mwoka et al. 'Housing as a Social Determinant of Health: Evidence from Singapore, the UK, and Kenya: the 3-D Commission', *Journal of Urban Health* 98 (2021): 15–30.

[19] Tually, S., Tedmanson, D., Habibis, D., McKinley, K., Akbar, S., Chong, A., Deuter, K. and Goodwin-Smith, I. 'Urban Indigenous homelessness: much more than housing', AHURI Final Report No. 383, *Australian Housing and Urban Research Institute Limited*, (2022): 2.

[20] Aboriginal and Torres Strait Islander peoples experiencing homelessness, *Australian Bureau of Statistics*, 27 June 2023

[21] Tually, 'Urban Indigenous', 2.

[22] Moskos, 'What works', 2.

[23] Christina Birdsall-Jones and Vanessa Corunna, 'The housing careers of Indigenous urban households', AHURI Final Report No. 112, *Australian Housing and Urban Research Institute Limited*, 2008

[24] Moskos, 'What works', 8.

Aboriginal and Torres Strait Islander communities are also facing a housing crisis in remote areas, with research from the Australian National University revealing the crisis is caused by poor housing, extreme heat and energy insecurity.[25] Most houses in remote communities are old, poorly constructed and poorly maintained, with tenants often living in dilapidated houses with no refrigerators, proper doors, windows or insulation, and relying on prepaid power cards that result in extreme rates of electricity disconnection.[26]

First Nations peoples living in remote areas are less likely to own their own home than non-Indigenous people in non-remote areas (11% compared with 36%) and more likely to live in social housing than First Nations peoples in non-remote areas (71% compared with 25%).[27] A report from the Australian Institute of Health and Welfare found that in 2018-19, First Nations households in remote areas were more likely to live in dwellings with structural problems than those in non-remote areas (46% and 31%, respectively).[28] As such, it is crucial that Government housing policy and programs pivot away from a one-size-fits all approach and reflect the diverse and place-based needs of First Nations peoples facing unique challenges in both urban and remote contexts.[29]

Housing as human right

The right to appropriate, safe and affordable housing is well established in international human rights treaties, including in Article 11 of the International Covenant on Economic, Social and Cultural Rights and Article 17 of the International Covenant on Civil and Political Rights.[30]

---

[25] 'Indigenous Communities facing housing crisis', *Australian National University*, 17 June 2022.
[26] Simon Quilty et al, 'Climate, housing, energy and Indigenous health: a call to action', *The Medical Journal of Australia* 217 (1), (2022): 9.
[27] Figure 2: Indigenous Housing, *Australian Institute of Health and Welfare*, 16 September 2021. (Figure 2)
[28] ibid
[29] AHURI research shows that a 'one size fits all' approach 'is one of the principle factors in the ongoing failure of governments and agencies in the provision of appropriate housing for Indigenous Australians'.
[30] International Covenant on Economic, Social and Cultural Rights, *United Nations Office of the High Commissioner*.

Article 21 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) articulates First Nations peoples right, without discrimination, to improve their economic and social conditions, including housing.

Further, Article 23 outlines the right to determine and develop priorities and strategies for exercising their right to development, including housing.[31]

The UN Special Rapporteur on housing states that despite being increasingly viewed as a commodity, housing is a social good:

> "... housing is most importantly a human right. Under international law, to be adequately housed means having secure tenure—not having to worry about being evicted or having your home or lands taken away. It means living somewhere that is in keeping with your culture, and having access to appropriate services, schools, and employment."[32]

Further, it states that the right to adequate housing must include security of tenure, affordability, availability of services, cultural adequacy (in other words, it must respect and take into account the expression of cultural identity) and equal and non-discriminatory access to adequate housing.[33]

In the context of First Nations communities in Australia, the importance of appropriate housing to improving the health and wellbeing of Aboriginal and Torres Strait Islander peoples is well established, and acknowledged in the inclusion of a housing target in the National Agreement on Closing the Gap.[34]

As such, it is clear that the Australian government is under various obligations - both with respect to international law and the National Agreement on Closing the Gap - to take immediate action aimed at ensuring Aboriginal and Torres Strait Islander peoples have proper access to affordable, secure and appropriate rental housing and to removing the structural barriers that stand in the way of this. It should be noted that for many First Nations people, a

---

[31] United Nations Declaration on the Rights of Indigenous Peoples, *United Nations*.
[32] 'The human right to adequate housing', Special Rapporteur on Housing, *United Nations Office of the High Commissioner.*
[33] ibid
[34] 'Youth Justice and Child Wellbeing Reform Across Australia', Submission to the Australian Human Rights Commission, *Change the Record* (June 2023): 8.

successful tenancy transcends housing and results in health, social and intergenerational benefits to tenants and their family.[35] In some cases, this includes access to their traditional lands and other cultural determinants such as revitalisation and promotion of language and cultural practices, protection from removal/relocation, and cultural expression and continuity.[36]

It is ANTAR's recommendation that in order to support and ensure successful tenancies for Aboriginal and Torres Strait Islander individuals and families, meaningful and sustained partnerships between government departments and First Nations community-controlled organisations to co-design culturally appropriate housing policies and programs are invested in and sustained. In the short term, it is crucial that the immediate housing needs of Aboriginal and Torres Strait Islander peoples are addressed by prioritising the housing targets in the Closing the Gap Agreement and ensuring they are on track to be met by 2031.

Aboriginal and Torres Strait Islander people know what is best for protecting their peoples, their lands and their children. To effect positive, lasting outcomes in housing reform, governments must ultimately consistently and genuinely be led by, and invest in, Aboriginal and Torres Strait Islander solutions.[37]

It must be considered a matter of urgent priority to invest heavily and consistently in First Nations community-controlled organisations, as per Outcome 17 b) of the 2020 Closing the Gap agreement, so that they may deliver high quality services to meet the needs of Aboriginal and Torres Strait Islander people across the country.[38] These solutions will be based on lived experience and culturally responsive, thus enabling them to be more impactful and lasting.

[35] Moskos, 'What works', 3.
[36] Culture is Key: Towards cultural determinants-driven health policy Final Report, *Lowitja Institute* (2020): 11.
[37] 'Leadership and Legacy Through Crises: Keeping our Mob safe' Close the Gap Campaign Report (2021): 6.
[38] National Agreement on Closing the Gap, July 2020: 3.

ANTAR notes that there has been some state-based action that acknowledges the need for holistic and culturally responsive housing services, and welcomes these initiatives.

In New South Wales, the Strong Family, Strong Communities framework for Aboriginal social housing presents new models of service delivery, including partnerships with the Aboriginal community housing sector to support tenants to achieve positive housing-related and non-housing-related outcomes.[39] The new framework moves beyond a singular focus on new supply of social housing to consider Aboriginal and Torres Strait Islander housing as a means of improving the lives and housing independence of First Nations families and their communities.

Likewise, Queensland's Aboriginal and Torres Strait Islander housing action plan promotes the need for culturally responsive housing services with specific provision of support services to better enable vulnerable cohorts to sustain their tenancies.

As noted by the Australian Housing and Urban Research Institute (AHURI), these policies have the potential to improve tenancy outcomes for First Nations people, but they are in their relatively early stages of implementation.[40] ANTAR strongly recommends that long term commitment and adequate funding to these action plans is continued.

Expanding understanding of housing

While we respect the limited scope of this inquiry into the worsening rental crisis in Australia, ANTAR strongly encourages the Community Affairs References Committee to examine and reflect on the foundational concept of 'housing' in order to better understand the needs of Aboriginal and Torres Strait Islander people who are renting or seeking rental properties in Australia.

---

[39] 'Strong Family, Strong Communities: A Strategic Framework for Aboriginal Social Housing in NSW', Aboriginal Housing Office (2018): 4.
[40] Moskos, 'What works', 8.

As pointed out by the Lowitja Institute in a 2022 submission on housing and homelessness, the dominant cultural conception of 'housing' as something that people live within – as pertaining to shelter, lodging or dwellings – is not the same for First Nations peoples.[41]

The Lowitja Institute further state:

> "Our homes are tied to our traditional lands and waterways, to our connection to Country, culture and our kinship ties. When we think about the future of housing and health, our duties as Traditional Custodians to nourish and protect our traditional lands and waterways are foundational. Being able to access and live on Country is a requisite part of sustaining our culture, identity, health and wellbeing. It is therefore imperative to take a holistic view of housing..."[42]

Research on housing issues increasingly acknowledges the incompatibility between Western norms and structures utilised and reinforced by governments and the preferences and norms of many Aboriginal and Torres Strait Islander people. The Australian Human Rights Commission's 2020 report, Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future, argues that the housing sector generally "preferences a Western-centric idea of a household and disregards Aboriginal and Torres Strait Islander cultural norms", which contributes to discrimination against Aboriginal and Torres Strait Islander tenants.[43]

The tenancy requirements of mainstream rental housing are based on predictable household arrangements that revolve around a nuclear family, rather than the more fluid occupancies, multi-family arrangements and extended visits from relatives based on cultural and kinship responsibilities that characterise many First Nations households.[44]

---

[41] National Housing and Homelessness Agreement Review Submission to the Productivity Commission, The Lowitja Institute (March 2022): 4.
[42] Ibid 5
[43] June Oscar, 'Wiyi Yani', 287.
[44] Habibis, Memmot et al. 2013 as quoted in Kyllie Cripps and Daphne Habbibis, 'Improving housing and service responses to domestic and family violence for Indigenous individuals and families' AHURi Final Report No. 320, Australian Housing and Urban Research Institute (2019): 8.

To provide the best social housing for Aboriginal and Torres Strait Islander households, it is important to create housing that is compatible with cultural practices and inclusive of the diverse cultural, gender, age and extended family structures evident in First Nations communities.[45] There are established place-based models in existence around Australia which have developed guiding principles that can be used by housing and support providers to improve cultural effectiveness of services. For example, Noongar Mia Mia (NMM) - the largest Aboriginal-owned and-operated community housing provider in Noongar country - operates from a community-driven, culturally-secure approach to overcome tenancy risks, resulting in an integrated, intergenerational model of culturally-secure housing provision, property management and tenancy support.[46]

Intersectionality of housing

A holistic view of housing demands that we understand it - particularly for Aboriginal and Torres Strait Islander peoples - in terms of its intersections with other key socioeconomic indicators; most notably, an ever-increasing gap between First Nations health and life expectancy outcomes and those of non-Indigenous Australians, and the over-representation of Aboriginal and Torres Strait Islander individuals in the criminal justice system. Understanding and addressing this 'clustering of vulnerabilities'[47] is key to improving the tenancies and housing experiences of Aboriginal and Torres Strait Islander peoples.

i. Housing as a key social determinant of health

Social determinants of health are the non-medical factors that influence health outcomes, including poverty, education, unemployment, food insecurity and housing.[48] It is widely agreed by several peak Aboriginal and Torres Strait Islander organisations, including the Lowitja Institute, the Coalition of Peaks and

[45] 'Creating culturally sensitive housing for remote Indigenous communities', *AHURi*, 2 August 2018.
[46] For more on The Noongar Housing First Principles and case studies, see 'Reimagining Housing First Through a Cultural Lens: The Noongar Housing First Principles', *Homelessness Australia*. 1 June 2022.
[47] Tually, 'Urban Indigenous', 2.
[48] 'Social determinants of health', *World Health Organization*.

the Close the Gap Steering Committee, that safe and secure housing is a crucial determinant of health and wellbeing.[49]

Housing is also recognised as a social determinant in the National Aboriginal and Torres Strait Islander Health Plan 2021 Priority 5 which states that the intersection of key risk factors across the social determinants, such as housing, must be addressed in developing cross-sector solutions.[50] The plan refers to 'safe, secure and culturally responsive housing' as a key factor to good environmental health, and thus particularly vital to Aboriginal and Torres Strait Islander people due to their deep cultural connections to Country and all lands, seas and waters.[51]

There is a direct relationship between housing and health outcomes. For example, it has been shown that chronic disease and heat stress combine to exacerbate morbidity and mortality.[52] In many remote First Nations communities in Australia, most houses require prepaid power cards and rates of disconnection are extremely high, making people with chronic diseases who depend on cool storage for heat-sensitive medications and electrical equipment particularly vulnerable.[53]

Likewise, the 2022 Close the Gap Campaign Report outlines that inadequate housing and infrastructure increase the risk of experiencing family and domestic violence, infectious disease, and other adverse health impacts resulting from natural disasters, such as climate change and pandemics.[54] According to the Department of Health, 1 in 3 Aboriginal and Torres Strait Islander people are living in houses with major structural defects or plumbing and electrical issues.[55] These issues cause a range of health ailments including

[49] National Housing and Homelessness Agreement Review Submission to the Productivity Commission, *The Lowitja Institute* (March 2022): 5.

[50] National Aboriginal and Torres Strait Islander Health Plan 2021–2031, *Australian Government Department of Health*, (2021): 38.

[51] Ibid 46

[52] For more, see: Layton JB, Li W, Yuan J, et al. 'Heatwaves, medications, and heat-related hospitalization in older Medicare beneficiaries with chronic conditions' (2020); and Gasparrini A, Armstrong B, Kovats S, Wilkinson P. 'The effect of high temperatures on cause-specific mortality in England and Wales'. Occup Environ Med (2012): 69: 56-61.

[53] Simon Quilty et al, 'Climate, housing', 9.

[54] 'Transforming Power: Voices for Generational Change: Close The Gap Campaign Report 2022' Report prepared by the Lowitja Institute for the Close The Gap Steering Committee. (2022): 20.

[55] Aboriginal and Torres Strait Islander Health Plan 2021-2031, 46.

skin infections, rheumatic fever, eye infection such as trachoma and spread of infectious and childhood diseases.[56] Studies of the health of Aboriginal children living across urban, regional and remote areas have found associations between reported housing problems and ear, skin and chest infections.[57]

Case study: Acute rheumatic fever (ARF) amongst First Nations peoples in Australia.

Australia has one of the highest rates of acute rheumatic fever (ARF) in the world, seen almost exclusively in Aboriginal and Torres Strait Islander people.[58] Current research suggests Australia will need to spend at least $344 million in direct health care costs if no action is taken to eliminate ARF by 2031.[59] ARF is caused by Streptococcal A (Strep A) throat and skin infections that can trigger an autoimmune response, with recurring infections leading to rheumatic heart disease (RHD).

Reducing overcrowded housing and improving access to functional health hardware (taps, showers, and toilets) can reduce high rates of Strep A infections and progression to ARF.[60] Cross-sector collaboration between national, jurisdictional and local governments and communities to increase stock of new and culturally appropriate dwellings and ensure proactive repair and maintenance of existing housing to reduce overcrowding and improve living conditions is necessary to properly address the root cause of ARF and RHD.[61]

Innovative co-design approaches have been used in New Zealand to develop a sustainable supply of housing interventions that would reduce high rates of ARF in Māori and Pacific Islander communities. In 2013, the New Zealand Government launched its Healthy Homes Initiative (HHI), engaging with Māori and Pasifika with lived experiences of ARF and RHD to reduce household

[56] National Housing and Homelessness Agreement Review Submission to the Productivity Commission, *The Lowitja Institute* (March 2022): 8.
[57] Melanie J. Andersen et al, "There's a housing crisis going on in Sydney for Aboriginal people": focus group accounts of housing and perceived associations with health. *BMC Public Health* 16 (2006): 2.

[58] Maida Stewart, Healthy Housing Programs, University of Queensland.
[59] ibid
[60] ibid
[61] 'Our Vision', END RHD.

crowding and the subsequent transmission of Group A Streptococcus.[62] The project saw several policy and system improvements, including amendments to the New Zealand Residential Tenancies Act 1986 and the introduction of the Healthy Homes Guarantee Act 2017 and the Healthy Homes Standards.

A 2019 outcomes evaluation of the HHI found there were around 1,533 prevented hospital admissions, 9,443 fewer GP visits, 6,101 hospitalisations of reduced severity, and 8,764 less pharmaceuticals dispensed, with these reductions expected to result in savings in direct medical costs of $30 million.[63]

There is increasing evidence that First Nations-led place-based solutions such as HHI are effective in addressing the housing and health needs of Aboriginal and Torres Strait Islander communities. In NSW, a 10-year review of Housing for Health projects - led by NSW Department of Health in partnership with the Department of Aboriginal Affairs and working with the NSW Aboriginal Housing Office - found that those who received the Housing for Health intervention had a significantly reduced rate of hospital separations for infectious diseases – 40 percent less than the hospital separation rate for the rest of the Rural NSW Aboriginal population without the Housing for Health interventions.[64] It is crucial that adequate and ongoing funding is allocated to initiatives like these in order to ensure that National Partnership Agreement on Closing the Gap outcomes are met.

In a recent study on the perceived relationship between housing and health with clients and staff of an Aboriginal community-controlled health service, the Aboriginal Medical Service in Western Sydney, researchers identified five overarching themes, all related to the worsening rental crisis. They were: the battle to access housing, secondary homelessness, overcrowding, poor dwelling conditions, and housing as a key determinant of health.[65] Participants associated their challenging housing experiences with poor physical health and poor social and emotional wellbeing and indicated that most Aboriginal people

[62] 'Healthy Homes Intitiatives - Auckland' Co design: testing ideas to make homes warmer and drier, *The Southern Initiative*, (2018): 4.
[63] Stewart, 'Healthy housing programs'.
[64] Closing the gap: 10 years of Housing for Health in NSW, *NSW Health* (2010): 5.
[65] Ibid, 1.

living in Sydney had limited housing options, with housing affordability described as a constant and pressing concern for many.[66]

This lack of affordability, together with structural racism and poor condition of available housing, are the key barriers that lock First Nations peoples out of private rental housing pathways from the start and perpetuate cycles of disadvantage and disempowerment, particularly when it comes to the much-discussed gap in health outcomes.[67]

ii. Housing as protective factor against family violence and over-criminalisation

Many Aboriginal and Torres Strait Islander people and their families experience disadvantage across the domains of housing, education, health, disability, violence prevention, employment, poverty, and justice.[68]

In particular, a widespread lack of adequate, affordable and culturally responsive housing is a significant driver not only of chronic health concerns but also of exposure to family violence and contact with the criminal justice system. Unstable housing and eviction of children into homelessness are strongly linked with later involvement with the criminal justice system.[69] Overcrowded and poorly maintained housing is also a key contributor to adverse educational and emotional outcomes for First Nations children living in remote communities, and increases the risk of distress and violence in the home.[70] We know that children involved with the criminal legal system disproportionately face marginalisation and hardship, including experiencing or being at risk of homelessness and housing instability.[71]

---

[66] Ibid, 3.
[67] Stone, W.M., Goodall, Z.A, Peters, A. and Veeroja, P. Aboriginal Private Rental Access in Victoria: "Excluded from the Start", A Report Commissioned by the Consumer Policy Research Centre, *Swinburne University of Technology*, Melbourne (2021): 13.
[68] Commonwealth Closing the Gap Annual Report 2022, *Australian Government* (2022): 49.
[69] The Link between Housing and Youth Justice, *WA Justice Association*, December 30 2022.
[70] Morgan Liotta, 'Overcrowding leads to poorer health outcomes for Aboriginal and Torres Strait Islander peoples', *newsGP*, 19 February 2018.
[71] 'Youth Justice and Child Wellbeing Reform Across Australia', Submission to the Australian Human Rights Commission, *Change the Record* (June 2023): 3.

Crowded households have been implicated in both domestic and family violence and child abuse.[72] In addition, the risk of incarceration for First Nations peoples is increased for those who live in remote areas, have experienced stressful events such as financial stress, and those living in crowded housing.[73]

It should be noted that the notion of overcrowding - often cited in research on housing policy, socioeconomic and health outcomes for Aboriginal and Torres Strait Islander peoples, and a primary focus of Outcome 9 of the Closing the Gap agreement - requires a careful and nuanced approach. Some suggest that the term 'overcrowding' is inappropriately laden with negative meaning as some First Nations people may have a cultural preference for living in extended family households.[74] In some remote communities, high household occupancy has even been associated with better emotional wellbeing in Aboriginal children.[75]

As such, official definitions of crowding do not always correspond to the experiences and cultural expectations of First Nations households.[76]

Still, some research shows that Aboriginal people in urban contexts prefer living near but not with extended family, particularly as available housing is not designed for multifamily households.[77] This points to the need for culturally responsive and appropriate housing stock that is able to house large, extended and complex family structures beyond small nuclear families.[78]

Safe and secure housing is a strong protective factor against family violence and exposure to the criminal legal system. According to research by the Australian Indigenous Psychologists Association, First Nations access to secure

[72] Wild and Anderson 2007 as quoted in AHURI Final Report No. 320, (2019): 8.
[73] Kerrie Kelly et al, 'Living on the Edge: Social and Emotional Wellbeing and Risk and Protective Factors for Serious Psychological Distress among Aboriginal and Torres Strait Islander People', *Cooperative Research Centre for Aboriginal Health* (2009): 19.
[74] Andersen et al. 'There's a housing crisis', 8.
[75] Silburn S, Zubrick S, De Maio J, Shepherd C, Griffin J, Mitrou F, Dalby R, Hayward C, Pearson G. The Western Australian Aboriginal child health survey: Strengthening the capacity of Aboriginal children, families and communities *Curtin University of Technology and Telethon Institute for Child Health Research* (2006).
[76] Paul Memmott, Christina Birdsall-Jones and Kelly Greenop Australian Indigenous house crowding. Final Report No. 194. *Australian Housing and Urban Research Institute Limited* (2012): 3.
[77] Anderson et al, 'There's a housing crisis', 7.
[78] Memmott et al, 'Australian Indigenous house crowding'.

housing is considered a determinant of social and emotional wellbeing and mental health.[79]

In this context, ANTAR strongly recommends the Committee situate the worsening rental crisis, particularly for Aboriginal and Torres Strait Islander peoples, as a key issue that extends beyond housing and is in constellation with a host of other issues including overrepresentation in the criminal justice system, family violence, inequitable health outcomes and inadequate and overcrowded housing options. In addressing these intersectional issues, solutions to improve housing outcomes for First Nations people across the country must be culturally specific and led by First Nations community controlled organisations and representative peak bodies.

In Victoria, for example, the Victorian Aboriginal Housing and Homelessness Framework centres self-determination in "the development of a highly capable, culturally fit Aboriginal housing and homelessness sector [that] is essential to changing the trajectory away from housing stress and homelessness towards collective and individual ownership of land and housing".[80]

Summary of recommendations

Secure, affordable and culturally responsive housing is the foundation for improving life outcomes for Aboriginal and Torres Strait Islander peoples and for breaking cycles of disadvantage. With this in mind, ANTAR puts forward the following recommendations, with the reminder that many if not all of these recommendations have been published in a myriad of policy reports and research papers on improving housing outcomes for Aboriginal and Torres Strait Islander peoples, many of which we have referenced above. This repetition speaks to the urgent need for governments to transform the many reports and recommendations into meaningful action. Finally, as explicit in the titling of this

---

[79] Kerrie Kelly, 'Living on the edge', 34.
[80] Mana-na woorn-tyeen maar-takoort Every Aboriginal Person Has A Home The Victorian Aboriginal Housing and Homelessness Framework, *Aboriginal Housing Victoria* (2020): 5.

important inquiry, the urgency of these issues requires immediate action from government in order to see the most pressing needs met now.

Recommendation 1: Urgently halt all "without grounds" evictions for periodic and fixed leases.

Recommendation 2: Immediately address the chronic shortage of social and affordable housing for Aboriginal and Torres Strait Islander peoples by

  A. building well-located new rental dwellings that are culturally appropriate and affordable at the scale required to meet need and

  B. improving affordability pathways between social housing and affordable housing.[81]

Both of these processes should be undertaken in partnership and/or co-designed with Aboriginal and Torres Strait Islander housing organisations.

Recommendation 3: Support the establishment and resourcing of a First Nations housing peak organisation and reinvestment into the Indigenous Community Housing sector.[82]

Recommendation 4: Direct investment and support (through adequate and long term funding) into programs designed to sustain tenancies through culturally strong, First Nations focused systems and practices, including wraparound support to meet tenant needs at particular life stages and when in crisis.[83] As part of this funding recommendation, adequate funding should be allocated to Aboriginal and Torres Strait Islander renter households, with priority to First Nations-specific Private Rental Assistance Programs.

Recommendation 5: Immediately increase Commonwealth Rent Assistance by 40% to better align with rents in local areas and address high rental stress.[84] It

---

[81] June Oscar, 'Wiyi Yani U Thangani', 105.

[82] Ibid 106

[83] The Victorian Aboriginal Housing and Homelessness Framework Overview Recommendation 1.4 page 12. For more detail on key principles of best practice in tenancy support, see section 6.1.3 of 'What works' to sustain Indigenous tenancies in Australia

[84] It should be noted that the Australian Council of Social Service has proposed a 50% increase in Commonwealth Rent Assistance, while the Grattan Institute favours a 40% increase. Even the Productivity Commission argued in 2017 for a 15% increase to restore Rent Assistance to its true 2007 value. For more, see Professor Hal Pawson et al. 'A blueprint to tackle Queensland's housing crisis' *City Futures Research Centre, UNSW* (2023): 94.

is estimated that a third of Rent Assistance recipients remain in housing stress even when assisted, while around 18 percent of low-income private renters who need it are excluded because they don't receive one of the government payments to which it is tied.[85]

Recommendation 6: Adopt and support strengths-based solutions that are grounded in self-determination and informed by the lived experience of Aboriginal and Torres Strait Islander people. For example, over time, supporting Native Title and Treaty to grow affordable housing.[86]

Recommendation 7: Prioritise structural change to existing private rental system by working with Residential Tenancy Commissioners to investigate discrimination against First Nations people in the private rental market and advocate for Aboriginal and Torres Strait Islander renters. In addition, provide Aboriginal and Torres Strait Islander tenants, where practical, with the choice of having their tenancy managed by a registered Aboriginal community housing agency.[87]

Recommendation 8: Provide subsidies to support a portion of build-to-rent development being allocated to affordable/below market rent housing specifically for Aboriginal and Torres Strait Islander renters.[88]

Recommendation 9: Increase collaboration between Aboriginal–controlled organisations, government and NGO services, and real estate services, including supporting increased participation by First Nations people in developing and facilitating housing solutions.[89]

Further to these, ANTAR recommends the following reports be considered for comprehensive research and policy recommendations relevant to improving outcomes for Aboriginal and Torres Strait Islander renters:

---

[85] Ong Viforj et al. 2020 as cited in Hal Pawson et al. 'The Town of Nowhere: A blueprint to tackle Queensland's housing crisis', *City Futures Research Centre, UNSW* (2023): 93.
[86] Mana-na woorn-tyeen maar-takoort Every Aboriginal Person Has A Home The Victorian Aboriginal Housing and Homelessness Framework, *Aboriginal Housing Victoria* (2020): 13.
[87] Ibid, 18.
[88] For more on current subsidised build-to-rent trials in Queensland, see page 43 of A blueprint to tackle Queensland's housing crisis
[89] Wendy Stone et al. Aboriginal Private Rental Access in Victoria: "Excluded from the Start" (19 October 2022): 11.

- [AHURi FINAL REPORT NO. 374 'What works' to sustain Indigenous tenancies in Australia](#)
- [Mana-na woorn-tyeen maar-takoort / Every Aboriginal Person Has A Home: The Victorian Aboriginal Housing and Homelessness Framework](#)
- [The Town of Nowhere: A blueprint to tackle Queensland's housing crisis - City Futures Research Centre, UNSW](#)
- [Aboriginal Private Rental Access in Victoria: "Excluded from the Start" - The Aboriginal Private Rental Access Project (APRAP) report](#)
- [STRONG FAMILY, STRONG COMMUNITIES A strategic framework for Aboriginal social housing in NSW - Aboriginal Housing Office](#)

Conclusion

Thanks again to the Community Affairs References Committee for this opportunity to make a submission.

The overwhelming evidence indicates significant barriers to private rental access and opportunities for Aboriginal and Torres Strait Islander peoples, many of whom are locked out of appropriate rental housing pathways from the start. The worsening rental crisis only exacerbates and compounds this disadvantage, resulting in a complicated layering or intersectionality of vulnerabilities that pushes many Aboriginal and Torres Strait Islander renters into inappropriate, unhealthy and unaffordable housing or, worse, into cycles of homelessness. As the APRA report so aptly states, understanding these barriers is critical for resolving them.[90]

Housing is a critical policy area for First Nations peoples' wellbeing. ANTAR commends the Committee for undertaking this inquiry and urges it to commit to involving and centering the perspectives of Aboriginal and Torres Strait Islander peoples so that any future private rental reform is both inclusive and reflective of their needs and lived experience.

---

[90] ibid.