ANTAR

Submission: Developing the National Housing and Homelessness Plan

With thanks: This submission was authored by ███████████, ███████████████████████ ████████████████████ ██████████████████.

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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 campaigning for the implementation of the Uluru Statement from the Heart, now focused on the establishment of a Makarrata Commission to oversee national agreement making and truth-telling. We are also actively supporting State and Territory-based voice, treaty and truth-telling processes.

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.

"Well, the home is the base ... You can't go to school if you don't have a home. You can't go to work. You need to be grounded, you need to be stable, for you to go out and venture into education or employment ... for you to be able to go out and live your life."

Participant 20[1]

Introduction

Thank you for the opportunity to provide comments on the National Housing and Homelessness Plan Issues Paper in development of the Plan to create a shared national vision to improve housing outcomes and help address homelessness. We acknowledge and support the endeavour to help more Australians access safe, affordable and culturally appropriate housing and appreciate the opportunity to contribute to the discussion of short, medium and long term reforms needed to address the significant housing challenges faced by many Australians.

As a non-partisan advocacy organisation working for justice, rights and respect for First Nations peoples, ANTAR is particularly concerned about the impact of these housing challenges - including, most notably, the experience of homelessness - that disproportionately affect Aboriginal and Torres Strait Islander communities, who are overrepresented among people who are homeless and those seeking assistance with housing.[2]

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[1] Tess Lea, Liam Grealy, Megan Moskos et al. AHURI Final Report No. 368 Sustainable Indigenous housing in regional and remote Australia (2021). *Australian Housing and Urban Research Institute Limited (AHURI)*, 57.
[2] Indigenous Housing, *Australian Institute of Health and Welfare* (September 16, 2021).

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As the Issues Paper points out, access to safe, suitable and affordable housing has many benefits. Housing keeps us safe and healthy. It helps us have stronger and safer communities, leading to better economic outcomes.[3] The UN Special Rapporteur has highlighted that globally, First Nations peoples face significant barriers to their enjoyment of the right to housing compared with non-Indigenous peoples. They are more likely to suffer inadequate housing and negative health outcomes as a result, they have disproportionately high rates of homelessness and they are extremely vulnerable to forced evictions, land-grabbing and the effects of climate change.[4]

These findings are, unfortunately, reflected in the stories and statistics on housing here in Australia. Aboriginal and Torres Strait Islander people face more housing inequality compared to non-Indigenous Australians. First Nations peoples are half as likely to own their home, 9 times more likely to be homeless and 3 times more likely to experience overcrowding.[5]

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 also particularly over-represented in the social housing sector due to difficulties experienced in accessing private rental

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[3].National Housing and Homelessness Plan Issues Paper. *Department of Social Services* (2023): 9.
[4] Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context, *United Nations General Assembly* (2019): 2.
[5] National Housing and Homelessness Plan, Issues Paper, Summary: *Department of Social Services*, 9.
[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.

accommodation, which include racial discrimination, challenges meeting criteria for rental properties and a lack of appropriate and good quality housing.[9]

For First Nations peoples, the right to adequate housing is deeply interconnected with their distinct relationship to their right to lands, territories and resources, their cultural integrity and their ability to determine and develop their own priorities and strategies for development.[10]

As pointed out by the Lowitja Institute in their 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.[11] This means that if we want our housing and homelessness policies to be inclusive of and effective for Aboriginal and Torres Strait Islander peoples, we must expand our definitions of housing to be reflective not only of the history of colonisation and dispossession that continues to play out in modern Australia, but of the many relationships and responsibilities - to kin, Country, place, languages - that are central to many First Nations conception of housing and home.

The Lowitja Institute submission explains:

> "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..."[12]

[9] Moskos, 'What works', 7.

[10] Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context, United Nations General Assembly (2019): 4.

[11] National Housing and Homelessness Agreement Review Submission to the Productivity Commission, The Lowitja Institute (March 2022): 4.

[12] Ibid: 5.

Under international human rights law, the right to housing is not understood narrowly as the right to four walls and a roof, but is instead interpreted broadly to mean the right to live in peace, security and dignity.[13]

Likewise, the UN Special Rapporteur points out that homelessness with respect to First Nations peoples should not be defined narrowly as lacking a place to live. Instead, it must be defined in a way that resonates with First Nations peoples and the multiple deprivations they experience, including the isolation of individuals, families and communities from their land, water, place, family, kin, each other, animals, cultures, languages and identities.[14]

We have approached this submission with these wider and more inclusive definitions in mind, and encourage the development of the National Housing and Homelessness Plan to proceed in a similar manner.

Homelessness

How can governments and community service providers reduce homelessness and/or support people who may be at risk of becoming homeless in Australia?

"Before colonisation, there was no concept of 'homelessness' in Australia. Everyone had a place to call home. Home was with kin, on Country, practising culture."

Tina Pickett, Managing Director, Noongar Mia Mia[15]

There are many contributing factors to homelessness, including poor literacy, education, interaction with the criminal justice system, exposure to domestic

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[13] Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context, *United Nations General Assembly* (2019): 22.

[14] Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context, *United Nations General Assembly* (2019): 10.

[15] Tina Pickett, 'Why Aboriginal Homelessness Needs a Cultural Approach', *Parity Magazine.* (June 5, 2022).

violence and poverty. For many First Nations peoples, these contributing factors include experiences such as racism, dispossession of land, profound economic disadvantage and cultural oppression, which are characteristics of the larger colonial structure that has been designed and developed toward their erasure. ANTAR notes that the Issues Paper does not include factors such as racism, discrimination and dispossession of land in their discussion of contributing factors to homelessness on page 24 and believes this to be a significant oversight.

According to the 2021 Census, Aboriginal and Torres Strait Islander people are 8.8 times more likely to be homeless compared to non-Indigenous Australians (307 compared with 35 per 10,000 population).[16] As recognised in the Issues Paper Summary, First Nations peoples from remote and regional areas are also more likely to have periods of homelessness due to lack of access to health, housing, employment and education services, as well as to attend to cultural and family responsibilities away from their home.[17]

The 2021 Census also found that 60% of First Nations peoples were living in severely crowded dwellings, while 19% were in homeless supported accommodation and 9% were living in improvised dwellings, tents or sleeping rough.[18] The remainder were either staying temporarily with other households, living in boarding houses, or living in other temporary lodgings.

A report commissioned by the University of South Australia and University of Tasmania observed that Government and community services currently tackle First Nations homelessness through a Western lens, as opposed to with a culturally sensitive approach.[19] Solutions to First Nations homelessness must be led by Aboriginal and Torres Strait Islander perspectives and aligned to Aboriginal values focused on safety and understanding. Homelessness policy

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[16] Health Performance Framework. Housing. *Australian Institute of Health and Welfare* (2023).
[17] National Housing and Homelessness Plan, Issues Paper, Summary. *Department of Social Services*: 9.
[18] Health Performance Framework. Housing. *Australian Institute of Health and Welfare* (2023).
[19] University of South Australia. 'Aboriginal homelessness requires a different cultural approach' (August 10, 2022).

and funding need Aboriginal and Torres Strait Islander input. There is no one-size-fits-all solution.[20]

We echo the Productivity Commission's assessment that the growing levels of homelessness, particularly as they disproportionately affect Aboriginal and Torres Strait Islander communities, are concerning evidence of national policy failure. The Commission's 2022 report in review of the National Housing and Homelessness Agreement put matters very simply:

> "If governments want to reduce homelessness, they need to address the structural factors that lead to housing unaffordability. Otherwise, more people will become homeless and services will continue to face barriers to supporting people out of homelessness. Governments need to make social housing more accessible to people who need it, increase the supply of housing, and help people to pay for housing when needed".[21]

Overcrowding

Outcome 9 of the National Agreement on Closing the Gap states that Aboriginal and Torres Strait Islander people are able to secure, appropriate, affordable housing that is aligned with their priorities and needs, with Target 9a focused on increasing the proportion of First Nations people living in appropriately sized (not overcrowded) housing to 88% by 2031. According to the Productivity Commission's review, this target shows improvement but is currently not on track to be met.[22]

The Issues Paper acknowledges that increasing estimates of homelessness between 2006 and 2016 were largely driven by increases in severe overcrowding, with people living in severely overcrowded dwellings still forming the largest proportion of people experiencing homelessness – 39% of all homelessness in 2021.[23] The Issues Paper also states that most Aboriginal and

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[20] Pickett, 'Why Aboriginal Homelessness Needs a Cultural Approach'.
[21] "In need of repair: The National Housing and Homelessness Agreement Study report", *Australian Government Productivity Commission* (2022): 204.
[22] Closing the Gap Information Repository, 'Socioeconomic area Outcome 9', *Australian Government Productivity Commission* (2023).
[23] National Housing and Homelessness Plan Issues Paper. *Department of Social Services* (2023): 23.

Torres Strait Islander peoples experiencing homelessness are living in severely crowded dwellings.[24]

Policy discussions that involve overcrowding, particularly for Aboriginal and Torres Strait Islander peoples, require 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.[25] In some remote communities, high household occupancy has even been associated with better emotional wellbeing in Aboriginal children.[26]

As such, official definitions of crowding do not always correspond to the experiences and cultural expectations of First Nations households.[27]

Still, some research shows that Aboriginal people in urban contexts prefer living near but not with extended family, particularly as available housing is often built to accommodate smaller families and is not designed for multi-family households.[28] 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.[29]

Given the importance of kinship and cultural responsibilities to Aboriginal and Torres Strait Islander culture, being able to live in buildings that are culturally safe and appropriate is an essential dimension to solving homelessness issues, particularly for the 60 percent of First Nations peoples living in overcrowded dwellings.[30]

While the Canadian National Occupancy Standard (CNOS) is the suggested benchmark to use for assessing occupancy and overcrowding by the Australian

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[24] Australian Bureau of Statistics, Census of Population and Housing: Estimating Homelessness, 2023.
[25] Andersen et al. 'There's a housing crisis', 8.
[26] 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).
[27] 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.
[28] Anderson et al, 'There's a housing crisis', 7.
[29] Memmott et al, 'Australian Indigenous house crowding'.
[30] Health Performance Framework, Housing, *Australian Institute of Health and Welfare* (2023).

Institute of Health and Wellbeing (AIHW), the AIHW does issue the caveat that this benchmark should not apply to First Nations and other culturally diverse populations where multi-generational living and other cultural obligations may affect household numbers in the short and long term.[31] As noted in the Issues Paper, CNOS is based on Western cultural norms and is therefore not necessarily appropriate to apply to First Nations households.[32]

Still, this should not deter better planning for culturally relevant and inclusive housing that is able to accommodate the culturally specific needs of First Nations peoples. Perth's Aboriginal-owned and operated Community Housing Provider, Noongar Mia Mia, point out that First Nations households are all-too-often acting as a "hedge" to the housing market, keeping their kin off the street where Australia won't.[33]

Place-based solutions

It is crucial that governments pivot away from 'one-size-fits-all' homelessness policies and toward place-based solutions.

In Boorloo (Perth), for example, there is a significant Aboriginal population experiencing homelessness and living in parks, including those receiving medical treatments which are unavailable in their regional and remote communities, and those supporting family members receiving treatment.[34] There is a constant risk to their health and safety, as well as pressure to 'move them along' as they are considered to be an undesirable presence in the park.

A similar crisis has been noted in Katherine, NT, where First Nations people from remote communities are experiencing homelessness due to a shortage of short-term accommodation options available to them while receiving medical treatment.[35] Apart from a single hostel in Katherine with limited beds that is

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[31] Australia's Youth. Homelessness and overcrowding. *Australian Institute of Health and Welfare* (2019).
[32] Dockery M, Moskos M, Isherwood L, and Harris M, "How many in a crowd? Assessing overcrowding measures in Australian housing", *AHURI* (2022)
[33] 'Culturally responsive property management helps avoid evictions', *Noongar Mia Mia,* nd.
[34] Robyn Martin, et al. "We Don't Want to Live Like This": The Lived Experience of Dislocation, Poor Health, and Homelessness for Western Australian Aboriginal People. *Qualitative Health Research* 29, 2 (2019), 159-172.
[35] NT Shelter Supplementary Submission on the National Housing and Homelessness Plan, *NT Shelter* (2023), 9.

constantly running at capacity, there is no short-stay accommodation facility at all, nor funding for its operations and services, resulting in approximately 100 First Nations sleeping rough while seeking medical treatment.[36] In this context, affordable short-term accommodation solutions near major hospitals for First Nations patients and their families would enable better health outcomes and alleviate their temporary homelessness.

ANTAR echoes the Lowitja Institute's call for State, Territory and Federal governments to prioritise infrastructure and housing availability for Aboriginal and Torres Strait Islander peoples.[37]

We also echo the NT Shelter's urgent call for a transition to needs-based funding.[38] This is supported by Recommendation 9 from the Final Report of the House of Representatives Standing Committee on Social Policy and Legal Affairs' Inquiry into Homelessness in Australia, which states:

> "The Committee recommends that the Australian Government, in consultation with state and territory governments, develop a needs-based funding methodology to be applied to future inter-governmental housing and homelessness funding agreements, to be completed no later than June 2022."[39]

Homelessness Services

Research shows that Aboriginal and Torres Strait Islander peoples are the predominant users of Specialist Homelessness Services in Australia, with use of these services on the increase (5.3%) annually over the 11 years to 2021–22.[40]

The 2021 House of Representatives Standing Committee Inquiry into Homelessness acknowledged that Aboriginal community controlled housing services were the most effective and appropriate avenue for addressing the

[36] Ibid
[37] National Housing and Homelessness Agreement Review Submission to the Productivity Commission, *Lowitja Institute* (March 2022): 6.
[38] NT Shelter Supplementary Submission on the National Housing and Homelessness Plan, *NT Shelter* (2023): 10.
[39] House of Representatives Standing Committee on Social Policy and Legal Affairs, 'Final Report: Inquiry into homelessness in Australia', Canberra (July 2021).
[40] Ibid.

housing needs of Aboriginal and Torres Strait Islander peoples, including those accessing homelessness services.[41] The report also recognised that a national integrated approach rooted in the principle of First Nations self determination should be adopted when tackling the issue of housing and homelessness for First Nations peoples.

ANTAR supports the Lowitja Institute's call for housing and homelessness policy decisions to be made holistically and in consideration of the many intersections of homelessness with other socioeconomic and cultural factors, as opposed to the siloed approach that is often taken.[42] For example, policies regarding housing and homelessness services should also look at climate change and health policy to ensure cohesive interaction.[43] Further, they should consider the Intersectionality of their client base.[44]

Designing culturally supportive services

In Boorloo (Perth), Noongar Mia Mia provides strengths-based housing provision, property management and tenant support to local First Nations individuals in need.[45] They also partner with Wungening Aboriginal Corporation to form Boorloo Bidee Mia and Moorditj Mia services. These services provide pathways away from rough sleeping towards stable accommodation and successful long-term housing experiences.[46] In addition to service provision, Noongar Mia Mia engage in research and advocacy, culminating in the Noongar Housing First Principles and Cultural Framework which is a much-needed cultural adaptation of the Housing First Principles of Australia.

Housing First is a set of internationally recognised principles designed in the United States to assist those experiencing homelessness. These principles have been adopted by Homelessness Australia and aim to provide ongoing

41 Specialist homelessness services annual report 2021–22. *Australian Institute of Health and Welfare* (2023).

42 National Housing and Homelessness Agreement Review Submission to the Productivity Commission, *The Lowitja Institute* (March 2022): 19.

43 Ibid: 5.

44 Ibid: 19.

45 Noongar Mia Mia, no date.

46 Boorloo Bidee Mia, *Noogar Mia Mia*, no date.

support for those experiencing long-term homelessness with high support needs.[47]

In designing and implementing culturally supportive homelessness services, it is helpful to consider elements of best practice internationally. One such example is a project led by the Coast Salish, Nuu-Chah-Nulth and Kwakwaka'wakw First Nations of Vancouver Island who together with the Aboriginal Coalition to End Homelessness opened the province's first Culturally Supportive Housing developed on a Dual Model of Housing Care (DMHC). Differing from provincial supportive housing models, the DMHC integrates cultural support and decolonized harm reduction into housing and service provision and provides pathways to healing that are deeply rooted in culture, land-based programming and family reunification.[48] The model has so far seen positive results, with research from the University of British Columbia suggesting the model can be adapted and scaled to better serve First Nations peoples at risk of homelessness elsewhere.[49]

Early intervention approaches

The importance of early intervention services to anticipate and prevent First Nations homelessness cannot be overstated.

Research on intergenerational homelessness in particular points to the fundamental importance of preventative and early intervention homelessness programs for children and young teenagers in relation to parental domestic violence, alcohol and drug use problems and entry into out-of-home care arrangements.[50] This is a critical area of policy development for First Nations peoples, as they experience disproportionately higher rates of intergenerational homelessness (69% for Aboriginal and Torres Strait Islander peoples compared to a rate of 43% among non-Indigenous participants).[51]

[47] Rosie Dodd, Natasha Rodrigues, Tamara Sequeira, Leah Watkins. "Housing First Principles for Australia". *Homelessness Australia* (2020).
[48] Indigenizing Supportive Housing: The Dual Model of Housing Care, *University of British Columbia*.
[49] Lauren Brown et al, 'Indigenous-led supportive housing can be transformative', *The Conversation*, June 29 2022.
[50] Paul Flatau, Elizabeth Conroy, Catherine Spooner, Robyn Edwards, Tony Eardley and Catherine Forbes, "Lifetime and intergenerational experiences of homelessness in Australia", AHURI Final Report No. 200, *Australian Housing and Urban Research Institute* (2013): 3.
[51] Flatau et al, 'Lifetime', 2.

According to the Intergenerational Homelessness Survey carried out by the Australian Housing and Urban Research Institute, First Nations respondents are much more likely than were non-Indigenous respondents to experience primary homelessness in childhood, with around half of all respondents experiencing their first spell of homelessness prior to the age of 18. Early onset of homelessness is most prevalent in the case of couch surfing and use of crisis accommodation services.[52]

In Sydney, the Aboriginal Corporation for Homeless & Rehabilitation Community Services (ACHRCS) provide early intervention support to rough sleepers and First Nations clients in public & social housing who are at imminent risk of homelessness often due to cultural misunderstanding, poor maintenance of housing, difficulty navigating outreach services and employment and education challenges.[53]

In Newcastle, Aboriginal and Torres Strait Islander community organisation Wandiyali employs a place-based community approach to early intervention through their Going Home Staying Home (GHSH) Program. GHSH is an early intervention program that supports young Aboriginal and Torres Strait Islander people aged between 14 and 24 years in the Newcastle, Lake Macquarie and Port Stepsons communities who are currently homeless or at risk of homelessness.[54] The program endeavours to keep families together by resolving issues leading to homelessness. Where this is not a viable option, they provide support in accessing and maintaining crisis and short term or long-term accommodation to assist the young person to live independently.

Evidence suggests that place-based, collective impact approaches that look beyond crisis accommodation - like the ones taken by ACHRCS and Wandiyali - to coordinate whole communities and support services to respond collectively and connect people early to appropriate supports are highly effective, and

[52] Ibid, 2.
[53] Aboriginal Corporation for Homeless & Rehabilitation Community Services (2023).
[54] "Going Home Staying Home", *Wandiyali (2023)*.

particularly important in early intervention strategies for First Nations youth and young people.[55]

Aboriginal and Torres Strait Islander Housing

How can governments, across all levels, best work with communities to support better housing outcomes for Aboriginal and Torres Strait Islander peoples?

Expanding definitions of housing to reflect First Nations understandings

We note that the Issues Paper acknowledges 'Cultural values' along with 'Mobility' and 'Climate' in its section on the unique housing experiences of Aboriginal and Torres Strait Islander peoples, stating that First Nations understandings of housing are not limited to shelter and include links to traditional lands and connection to Country.[56] While this is an important starting place, the Paper does not expand on this point except to say that policies related to Aboriginal and Torres Strait Islander housing must "take these considerations into account".[57]

We would go further in stating that until and unless policies related to Aboriginal and Torres Strait Islander housing are grounded in First Nations understandings of housing as well as ways of knowing, being and doing, we will continue to see an inadequate and stubborn level of progress. Policies on improving Aboriginal and Torres Strait Islander housing - and, by extension, the National Housing and Homelessness Plan - must consider and be inclusive of the potential barriers facing First Nations peoples in being able to access their traditional lands and waterways including land tenure, as well as their protection from removal/relocation, kinship responsibilities and cultural and social needs.

Research on housing issues increasingly acknowledges the incompatibility between Western norms and structures utilised and reinforced by governments

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[55] David MacKenzie, Tammy Hand, Adam Dean, 'Early intervention strategies to prevent youth homelessness', *Australian Institute of Family Studies* (2020). For more examples of best practice with place-based, collective impact early intervention service delivery for youth at risk of homelessness, please see Kids Under Cover and My Foundations Youth Housing

[56] National Housing and Homelessness Plan, Issues Paper. *Department of Social Security* (2023): 38.

[57] Ibid: 39.

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.[58] This must change.

To improve housing outcomes 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.[59]

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.[60]

Cultural, social and economic factors impacting First Nations housing

When considering how to improve housing outcomes for Aboriginal and Torres Strait Islander people, governments and providers must first understand housing as existing in a constellation of cultural, social and economic factors, as well as its place within a broader structure that continues to be underpinned by deep-rooted systemic and institutional racism.

It is also critical to understand housing as a key social determinant of health. It is widely agreed by several peak Aboriginal and Torres Strait Islander

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[58] June Oscar, 'Wiyi Yani U Thangani First Nations Women's Safety Policy Forum Outcomes Report", *The Australian Human Rights Commission* (2022), 287.
[59] 'Creating culturally sensitive housing for remote Indigenous communities', *AHURI*, (August 2, 2018).
[60] 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*. (June 1, 2022).

organisations, including the Lowitja Institute, the Coalition of Peaks and the Close the Gap Steering Committee, that safe and secure housing is a crucial determinant of health and wellbeing.[61]

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.[62] Unstable housing and eviction of children into homelessness are strongly linked with later involvement with the criminal justice system.[63] 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.[64]

There is also an alarming connection between unstable housing, gender and First Nations child removal. First Nations women, particularly those experiencing poverty and/or who are victims of domestic violence, often live in low-income neighbourhoods and in unsafe conditions and are at increased risk of experiencing homelessness. The lack of access to adequate housing can and has then been used as a reason to apprehend Aboriginal and Torres Strait Islander children and place them in out-of-home care. Under current legislation, inadequate or insecure housing or unsafe homes including exposure to domestic violence are reasons for removal of children.[65]

Limited housing pathways puts First Nations women at significant risk of having their children removed. Reunification is also compromised if long-term stable housing cannot be secured within, generally, a 12-month timeframe.[66] Aboriginal and Torres Strait Islander children are 10 times more likely to grow up in out-of-home care than non-Indigenous children.[67] As stated by the

[61] National Housing and Homelessness Agreement Review Submission to the Productivity Commission, *The Lowitja Institute* (March 2022), 5.
[62] Commonwealth Closing the Gap Annual Report 2022, *Australian Government* (2022), 49.
[63] The Link between Housing and Youth Justice, *WA Justice Association*, (December 30, 2022).
[64] Morgan Liotta, 'Overcrowding leads to poorer health outcomes for Aboriginal and Torres Strait Islander peoples', *newsGP (*February 19, 2018).
[65] Policy Evidence Summary. " The missing link—housing and Indigenous domestic and family violence". AHURI (August 2019), 2.
[66] Ibid: 32.
[67] Family Matters Report 2018. S*ecretariat of National Aboriginal and Islander Child Care (SNAICC) – National Voice for our Children, the University of Melbourne and Griffith University* (2018): 15.

Australian Housing and Research Institute, at the heart of the policy disconnect between child protection and housing is the lack of affordable housing.[68]

By contrast, 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 housing is considered a determinant of social and emotional wellbeing and mental health.[69]

Supporting the First Nations Community Controlled Housing Sector

The key commitment to ensure better housing outcomes for Aboriginal and Torres Strait Islander peoples must come in the form of tangible support for and willingness to be led by Aboriginal community-controlled organisations, such as the National Aboriginal and Torres Strait Islander Housing Association (NATSIHA), Aboriginal and Torres Strait Islander Community Controlled Housing Organisations (ATSICCHOs) that provide culturally appropriate community housing for First Nations people, and other representative peak bodies. This includes the transfer of service delivery to ATSICCHOs, including long-term commitment to funding that is non-competitive with mainstream organisations, as well as long-term commitment to the building of their organisational capacity.

We note that the Issues Paper acknowledges funding and capacity building as two barriers to the growth of the ATSICCHO sector.[70] In addition to implementing the Housing Sector Strengthening Plan under Priority Reform 2 of the National Agreement on Closing the Gap, we believe the National Housing and Homelessness Plan needs to explicitly acknowledge and address the systemic barriers to the growth of the ATSICCHO sector; that is:

a) the fundamental lack of trust from key stakeholders in all levels of government that manifest as stringent requirements facing Aboriginal

[68] Policy Evidence Summary. "The missing link—housing and Indigenous domestic and family violence". *AHURI* (August 2019), 3.
[69] Kerrie Kelly, Pat Dudgeon, Graham Gee and Belle Glaskin, 'Living on the edge: social and emotional wellbeing risk and protective factors for serious psychological distress among Aboriginal and Torres Strait Islander people'. *Cooperative Research Centre for Aboriginal and Torres Strait Islander Health* (2010), 34.
[70] National Housing and Homelessness Plan, Issues Paper. *Department of Social Security* (2023), 43.

Community Controlled organisations (ACCOs) in general, including the need for them to continuously demonstrate their organisational and leadership capacity;

b) the fact that ACCOs and ATSICCHOs are often forced to compete with larger mainstream service delivery organisations for funding and/or short term service contracts which creates a lack of assurance that undermines and disadvantages the Aboriginal community controlled sector.[71]

We echo NATSIHA's recommendation in a prior submission that governments investigate the viability across States and Territories of implementing policies for exemptions from rates and land taxes, to increase the financial viability of the Aboriginal community housing sector.[72]

We note the inclusion of the Housing Policy Partnership in the Issues Paper as a mechanism for First Nations peoples in Australia to have a genuine say in the design and delivery of housing services, as per Priority Reform One of the Closing the Gap National Agreement. The Issues Paper envisages the Housing Policy Partnership will have a role in the development of the Plan to ensure the voices and perspectives of Aboriginal and Torres Strait Islander people are incorporated in stakeholder consultation, and that it will identify strategic priorities for government consideration through shared decision-making.[73]

While we are in full support of shared decision-making power, we wish to note the latest assessment of governments' willingness to do this as reported by the Productivity Commission in their Draft Report of their review of the National Agreement on Closing the Gap. In this review, the Commission points out that all levels of government are taking a largely 'business as usual' approach to their commitments to unprecedented structural and institutional change, and that despite good intentions, shared decision-making with Aboriginal and Torres Strait Islander communities and organisations is rarely achieved.[74] The Commission further notes that both the policy partnerships and the

[71] AFLS, Submission 36, Closing the Gap review, 5.
[72] Inquiry into homelessness in Australia Submission 162, *NATSIHA* (2018), 11.
[73] National Housing and Homelessness Plan, Issues Paper. *Department of Social Security* (2023), 42.
[74] Draft report - Review of the National Agreement on Closing the Gap Agreement, *Australian Government Productivity Commission* (2023), 30.

place-based partnerships are in the early stages of development, and progress has been slow.[75]

In light of this continued government failure along with the infancy of the Housing Policy Partnership, we do not believe it is sufficient for the National Housing and Homelessness Plan to rely on governments' goodwill commitment to the Priority Reforms in the Agreement. As echoed by the Productivity Commission, government agencies tend to focus on consultation (i.e. low levels of participation) with Aboriginal and Torres Strait Islander peoples on predetermined solutions as opposed to meaningful collaboration on defining the problems and co-designing solutions. If this limited approach to consultation underpins the Housing Policy Partnership, there is a real risk it will function as a forum for discussion with little if any authority for shared decision-making on significant policy matters.

Working with First Nations communities and the Aboriginal community controlled housing sector must be based on First Nations aspirations and priorities, within culturally relevant frameworks, processes, contexts and time frames; that is, it must be an Aboriginal and Torres Strait Islander-driven process with government as facilitator/enabler within a framework of First Nations self determination.[76] As the Commission's draft report states, governments need to trust that by relinquishing some control they are contributing to better outcomes for Aboriginal and Torres Strait Islander peoples.[77]

Ultimately, the transfer of real decision making power to ATSICCHOs requires a commitment from governments to implement phased and flexible 'nation to nation' approaches that see governments in a funding and stewardship role with the goal to ultimately surrender government oversight and control in order to fully empower ATSICCHOs. This is supported by the UNDRIP which allows

[75] Ibid, 33.
[76] Janet Hunt, 'Engaging with Indigenous Australia— exploring the conditions for effective relationships with Aboriginal and Torres Strait Islander communities' Issues paper no. 5 produced for the Closing the Gap Clearinghouse, *Australian Institute of Health and Welfare* (October 2013), 2.
[77] Draft report - Review of the National Agreement on Closing the Gap Agreement, *Australian Government Productivity Commission* (2023), 37.

that Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.[78]

Ensuring diverse First Nations voices are included

Words like 'co-design' and 'partnership' are frequently used but often turn out to be empty promises with little practical effect.[79] This tokenistic effect of engagement was noted by the South Australian Aboriginal Community Controlled Organisation Network in the development of the South Australian Government's Aboriginal Housing Strategy 2021–2031. They point out that timeframes for engagement are often slim and unrealistic, with the views expressed during consultations not made publicly available and not given adequate weight.[80]

The Commission also noted that the Coalition of Peaks have indicated that the majority of peaks are not yet receiving appropriate, dedicated and secure long-term funding to ensure they can act as accountable partners and fulfil their roles under the Closing the Gap Agreement. The aforementioned lack of proper time dedicated to First Nations engagement along with inadequate resourcing impedes the ability of ATSICCHOs and other First Nations individuals and communities to participate in partnerships on equal footing with governments.

ANTAR is particularly concerned that diverse Aboriginal and Torres Strait Islander voices, including those with lived experience of housing insecurity and homelessness as well as individuals who are incarcerated, young people, those living with disability, the Aboriginal and Torres Strait Islander LGBTQI+ community and women, will not be adequately and meaningfully included in the development of housing and homelessness policies and programs. These

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[78] Declaration on the Rights of Indigenous Peoples *United Nations* (UN) (2007), 8.
[79] Community First Development, sub. 9, p. 10 as cited in Draft report - Review of the National Agreement on Closing the Gap Agreement, *Australian Government Productivity Commission* (2023), 36.
[80] Draft report - Review of the National Agreement on Closing the Gap Agreement, *Productivity Commission* (2023), 36.

voices need stronger representation. In particular, dedicated space needs to be made to hear from the grassroots organisations who often represent these diverse voices. The Productivity Commission's draft report notes that several First Nations organisations have highlighted that the organisations that governments choose to work with can sometimes be seen as 'creatures of government' by the community they claim to represent.[81]

Underpinning principles

ANTAR strongly endorses the recommendations put forward by the National Aboriginal and Torres Strait Islander Housing Association (NATSIHA) on matters relating to Aboriginal and Torres Strait Islander housing and homelessness.

In their 2018 submission to the Commonwealth in response to its consultation process for refreshing the Closing the Gap framework, NATSIHA outlined a comprehensive list of underpinning principles for responding effectively to the housing needs of Aboriginal and Torres Strait Islander people. Key to these principles is First Nations self-determination and meaningful co-design.[82] These principles identify what is important to Aboriginal and Torres Strait Islander people in the context of housing and are reproduced here:[83]

- Self-determination - as per the United Nations Declaration on the Rights of Indigenous Peoples (Articles 3 & 4).
- The Commonwealth recognising the role and responsibility of the national peak and each jurisdiction's peak and involving them in policy and decision making.
- Recognition that the Aboriginal and Torres Strait Islanders housing sector is a specialist, specific sector that has expertise and strengths which can effectively challenge, inform and influence Governments to make improvements to the housing system and can drive the way to do effective business in future.

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[81] Ibid, 35.
[82] 'Submission on the Closing the Gap Refresh Targeting Housing and Homelessness', National Aboriginal and Torres Strait Islander Housing Authority (August 2018), 4.
[83] Ibid.

- Necessity for a partnership between the Commonwealth, States and Territories and the Aboriginal and Torres Strait Islander housing sector to achieve better outcomes.

- Striving for an integrated housing system in recognition that safe, secure and culturally appropriate housing is critical to social, economic and cultural infrastructure.

- Recognition of the differences across the States and the Territories that requires flexible and tailored policy and program responses that are culturally appropriate.

- Valuing investment and innovation in early intervention and prevention which funds support services to prevent homelessness and sustains tenancies.

- Safe and secure and suitable housing that meets the housing, locational and cultural needs of individuals and families.

- Recognition of the importance of Aboriginal community-controlled delivery of capital works programs and management of housing organisations.

- Investing and exploring innovative and proven housing models which are tailored to meet the needs of Aboriginal people in the environment they're living in, and not settling for a "one size fits all" approach.

- Recognition that policy and program responses need to be long term, with financial commitments which provide delivery certainty to enable outcomes to be achieved.

- Adopt an approach to valuing learnings and core knowledge through a "knowledge repository and clearinghouse" which captures and shares knowledge to draw on for future programs.

- Recognising that the fabric of community infrastructure is more than bricks and mortar and requires relevant government departments involvement in planning and financing 'hard' and 'soft' infrastructure.

Social housing

How can all levels of government, along with housing organisations, institutional investors, not-for-profits, and private industry, improve access to social housing, which includes public housing and community housing?

Social housing, or its lack, is failing hundreds of thousands of Australians right now. This isn't a crisis confined to Aboriginal and Torres Strait Islander communities, but they feel its impacts acutely when the issues of social housing intersect with racism and other social and cultural determinants.

While it is welcome that the Housing Australia Future Fund (HAFF) has the support to proceed in Parliament, its intended delivery of 20,000 social homes and a further 10,000 affordable housing over the next five years is grossly inadequate to meet the current and projected demand.[84] The numbers are even starker for Aboriginal and Torres Strait Islander peoples trying to access social housing to support their families.

Inadequate social housing is inextricably linked to systemic bias and socio-economic exclusion of First Nations peoples. Unsafe and poor-quality social housing conditions, which disproportionately impact First Nations peoples living remotely, has resulted with one in three First Nations peoples living in structurally unsound social homes - with damp walls, major cracks, non-functioning plumbing, extreme heat and energy insecurity. [85] Such structural inequalities place First Nations peoples at higher threat of health issues, illustrating government and housing organisations current failure in sound construction, maintenance and evaluation of social houses.[86]

Culturally suitable housing design

A shortage of culturally-suitable housing and services has exacerbated structural inadequacies and demonstrate the need for government and social

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[84] Brendan Coates, 'The Greens were right to pass Australia's Housing Future Fund bill – the case for further delay was Weak'. *The Conversation* (14 September 2023).
[85] Housing circumstances of First Nations people, *Australian Institute of Health and Welfare,* (September 7, 2023).
[86] Ibid.

housing providers to draw upon First Nations knowledge systems and ways of being when designing social houses and services.[87] Culturally-inappropriate social housing designs have prevented First Nations people from connecting to Country and Kin by limiting diverse outside and indoor living spaces.[88]

Improvements to housing designs would involve extending space for community gatherings, outside activity, and double the general purpose living amenities.[89] Governments and local providers can enhance location suitability by placing social housing near or on an individual's local Country and community.[90] This lessens the social isolation that many First Nations peoples experience when living in social housing that is not connected to Aboriginal and Torres Strait Islander ways of being and Country. Living close to communities strengthens individuals' sense of self and opportunity to engage in culturally meaningful activities.[91]

While the current social housing stock is failing to meet the current and projected needs of social housing tenants and the broader community, there are examples of best practice that point to a sustainable way forward.

Aboriginal Housing Victoria (AHV), for example, has developed beautiful, efficient and culturally informed social housing on a stringent budget in collaboration with Breathe Architecture that has increased density on a single block in suburban Melbourne 14:1, with 14 apartments replacing a single-storey house.[92] The site is on a major bus route, meaning living without car ownership is entirely viable, and all apartments accessible by lift. The design and decision-making processes involved meaningful First Nations collaboration and leadership, with both the process and finished product flexible enough to be replicated according to particular place and needs many times over.

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[87]Helen Davidson & Anna Livsey, 'We are begging for housing: the crisis in Indigenous communities,' *The Guardian,* August 20, 2017.
[88]John Korff, Overcrowded Houses, *Creative Spirits,* October 17, 2023.
[89] Ibid.
[90] Sarah Pollock & Elise Davis, 'Trajectories: the interplay between housing and mental health pathways; Report from Aboriginal and Torres Strait Islander consultations', *Australian Housing and Urban Research Institute Limited and Mind Australia* (2020), 7.
[91] Ibid, 73. .
[92] Nigel Bertram, "Aboriginal Housing Victoria – Affordable Housing Project by Breathe" *ArchitectureAU,* August 15, 2023.

A similar project is underway with AHV in partnership with ClarkeHopkinsClarke Architects to transform existing units on a suburban Dandenong block into culturally appropriate First Nations social housing, funded as part of the Victoria Government's $2.7 billion Building Works package.[93] The project will develop the first medium density apartments developed specifically for First Nations tenants, aiming to help younger populations in particular who struggle for access to social housing because they don't meet the criteria to apply for the majority of housing stock and are at high risk of becoming homeless due to discrimination and unaffordability of the private rental market.

Sustaining tenancies

'Conditionality' based rules in social housing follows Western thought traditions and places First Nations peoples at higher risk of being evicted.[94] Complaints from neighbours and tenant managers of 'overcrowding' fail to acknowledge the socio-cultural responsibilities of First Nations tenants. Blanket application of social housing rules heightens the risk of misinterpreting acceptable behaviour.

To minimise eviction of First Nations tenants, social housing providers need to adapt to capacity-building communication between First Nations tenants and non-Indigenous managers.[95] This responsive tactic would strengthen housing organisations' ability to challenge systemic racism in social housing policies, while minimising housing insecurity and associated feelings of isolation for First Nations peoples.[96]

Research on what works to sustain First Nations tenancies suggest that tenancy support programs that are most successful have at least 3 characteristics: i) a flexible approach to service delivery; ii) experienced and dedicated program staff—with the employment of local First Nations workers;

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[93]Tili Bensley-Nettheim, "Reimagining Indigenous social housing" *Australian Design Review* (January 2022).
[94]Daphne Nash, Paul Memmott & Mark Moran, 'House Rules: A Study of Conditionality and Indigenous Social Housing Tenancies in Urban, Regional and Remote Australia', *Indigenous Law Bulletin*, Issue. 30, Vol. 8 (2017): 17.
[95]Ibid.
[96] Pollock & Davis, 'Trajectories'.

and iii) effective links with broader service providers to enable wraparound supports facilitate successful tenancies.[97]

Further elements of best practice in tenancy support include ensuring programs are delivered by Aboriginal-controlled organisations or at least in partnership with them, empowering tenants through education about their rights and responsibilities, and the adoption of early intervention and outreach approaches.[98]

Housing costs, home ownership and the rental market in Australia

What should governments, private industries, the not-for-profit and community sectors focus on to help improve access to housing and housing affordability in the private market?

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. Improving access for Aboriginal and Torres Strait Islander peoples to housing and housing affordability in the private market, particularly for low-income earners, is an essential and urgent component to improving these broader outcomes.

In the short term, ANTAR calls for the immediate increase of Commonwealth Rent Assistance by 40% to better align with rents in local areas and address high rental stress.[99] It 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.[100]

Home ownership

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[97] Moskos, 'What works', 2.
[98] Ibid.
[99] Hal Pawson et al. 'A blueprint to tackle Queensland's housing crisis' *City Futures Research Centre, UNSW* (2023), 94.
[100] 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.

There is a significant gap between Aboriginal and Torres Strait Islander home ownership and that of the broader population. According to the 2021 Census, 42% of First Nations households were owned, with or without a mortgage.[101] While this is the highest rate ever reported for First Nations peoples, having increased steadily since 1981 when it was 25%, it remains around 20 percentage points lower than home ownership rates for non-Indigenous Australians across all birth cohorts and age groups.[102]

We note also that Aboriginal and Torres Strait Islander people living in regional and remote areas have significantly lower home ownership rates (12.9%) compared to non-Indigenous peoples in remote areas (53.8%).[103] These gaps in home ownership are symptomatic of the widespread disadvantage suffered by many First Nations people, as well as the disparity between those living in urban and regional/remote areas.

We note that programs such as The Indigenous Home Ownership Program aim to facilitate home ownership for First Nations peoples by providing access to affordable home loan finance in order to address barriers to home ownership, such as loan affordability, low savings, impaired credit histories and limited experience with long-term loan commitments.[104] While these are important programs to increase rates of Aboriginal and Torres Strait Islander home ownership, we wish to point out that many First Nations peoples live in remote communities that are situated on Commonwealth Crown land or some other form of long-term lease-holding, meaning they lack meaningful land tenure. This often denies these individuals and communities a legal basis for home ownership and prevents them from accessing financing options such as the First Home Owner Grant schemes and the aforementioned Indigenous Home Ownership Program offered through Indigenous Business Australia.[105]

[101] Housing circumstances of First Nations people, *Australian Institute of Health and Welfare* (2023).
[102] Home ownership and housing tenure. *Australian Institute of Health and Welfare* (2023).
[103] National Housing and Homelessness Plan Issues Paper. *Department of Social Services* (2023): 39.
[104] IBA 2021
[105] Kristian Rodd, Jara Romero, Victor Hunter, and Vladimir Martyn Scott.. "Aboriginal Community Co-Design and Co-Build—Far More than a House." *Sustainability 14* (9): (2022): 13.

As such, ANTAR recommends the inclusion and resourcing of other potentially viable home ownership models, including those based on community land trusts, shared equity schemes and rent to buy schemes. Noting that not all Aboriginal and Torres Strait Islander peoples will aspire to home ownership, it is nonetheless important to expand and make more accessible the pathways to ownership for those who desire it.

In considering other models, ANTAR wishes to highlight the work of the Foundation for Indigenous Sustainable Health (FISH) and the Bawoorrooga Community as a model for best practice in establishing culturally relevant and efficient housing supply with reduced building costs based on the principles of co-design. First Nations community members are seldom, if ever, involved in the design, construction, or maintenance of their homes, leading to houses that are culturally inappropriate and in which residents have little sense of ownership or connection to their homes. By contrast, the model piloted by FISH serves as a prototype for sustainable, affordable, culturally relevant, co-designed and co-built remote First Nations housing throughout Australia. It also offers solutions to address known supply chain issues and reduce building costs.

Case study: FISH (Foundation for Indigenous Sustainable Health) Bawoorrooga Community, East Kimberley

Between 2017–2020, Foundation for Indigenous Sustainable Health (FISH) worked with the remote Kimberley Aboriginal community, Bawoorrooga, by facilitating the co-design and co-build of a culturally and climatically appropriate home with community members that incorporated sustainable local/recycled materials, earth construction, and solar passive design.[106]

Virtually every stage of the build, from foundations to finishes, was done by or with the participation of the community members, with only a few specialised tasks requiring a licenced tradesperson—electrical installation and plumbing—completed by local contractors.[107]

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[106] Rodd et al. 'Aboriginal Community Co-Design', 1.
[107] Ibid, 8.

Remote housing is very expensive to construct. Research conducted by the University of Western Australia in collaboration with the Western Australian government Department of Communities notes that the cost of construction in remote areas of Australia is extremely high due to the need to transport materials, manpower and equipment over long distances.[108] Industry cost guides estimate current remote housing construction costs are at least double those of non-remote locations, with operating and maintenance costs three times greater for remote housing than in capital cities.[109]

Keeping this in mind, rammed earth construction was chosen for the project given that earth as a material was abundant, free, non-flammable, non-polluting and has a high thermal mass, making it highly suitable for the hot, arid climate of the East Kimberley.[110] In addition to the choice of building material, the FISH-Baroorrooga model significantly reduces building and labour costs by utilising the labour and skills of volunteer community members who directly benefit from the project either through the use or ownership of the finished house or through participation in the various programs linked with the project (education, training, youth support, justice, etc).[111]

Another considerable benefit of the FISH-Baroorrooga model is the significant reduction of maintenance and repair expenses. The maintenance of conventional remote housing is a major ongoing cost to governments, with expensive contractor services and huge travel times making existing service models financially unsustainable.[112] According to research on sustainable First Nations housing in regional and remote Australia, 75% of the total cost of building and operating a house is related to operating and maintenance costs over time, with construction only a relatively minor component.[113]

[108] Ibid, 5.
[109] Ibid, 18.
[110] Ibid, 4.
[111] Ibid, 18.
[112] Ibid, 19.
[113] Tess Lea et al. Australian Housing and Urban Research Institute AHURI Final Report No. 368: Sustainable Indigenous housing in regional and remote Australia, *Australian Housing Urban Research Institute* (2021): 2.

By training community members - including the home's ultimate owners and/or inhabitants - through the process of constructing the house, these individuals acquire many of the skills later required for routine maintenance. Having been intimately involved in the design, planning and construction of the house, the structure itself becomes a significant source of pride and generates far greater motivation to proactively maintain it.[114] This particular benefit could extend beyond a home ownership model to offer a solution to the expense of rental property maintenance, particularly in remote areas, as well as to the challenging maintenance needs of social housing cited in the Issues Paper.[115]

Urban vs regional/remote areas

It is widely understood that the challenges facing Aboriginal and Torres Strait Islander individuals differ in urban and regional/remote areas and intersect with other key socioeconomic indicators. These indicators include an ever-increasing gap between First Nations health and life expectancy outcomes and those of non-Indigenous Australians, the over-representation of Aboriginal and Torres Strait Islander individuals in the criminal justice system, gaps in income and employment, gender and so on. For example, research reveals a direct correlation between the incarceration of First Nations women in Australia and their high rates of homelessness, where upon release from prison, First Nations women are provided with little to no post-release support and fall easily back into experiencing homelessness.[116]

Understanding and addressing this 'clustering of vulnerabilities'[117] is key to improving the tenancies and housing experiences of Aboriginal and Torres Strait Islander peoples.

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[114] Ibid: 19.
[115] National Housing and Homelessness Plan Issues Paper. *Department of Social Services* (2023), 50.
[116] Australian Law Reform Commission, "Aboriginal and Torres Strait islander women", in Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Final Report, No. 133 (Sydney, 2017), 11.
[117] Tually, 'Urban Indigenous', 2.

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.[118] The root causes for this are largely systemic, including

- 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;[119]
- A lack of affordable and culturally appropriate urban 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.[120]

In remote areas, research from the Australian National University reveals the housing crisis facing Aboriginal and Torres Strait Islander peoples is largely caused by poor quality housing, extreme heat and energy insecurity.[121] 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.[122] 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).[123]

Differences such as these must be taken into account when developing housing policy and programs. Governments must pivot away from a one-size-fits all approach toward policy that centers the relationship between people and place, reflecting the diverse and place-based needs of First Nations peoples facing unique challenges in both urban and remote contexts.[124]

[118] Moskos, 'What works', 2.
[119] 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).
[120] Moskos, 'What works', 8.
[121] 'Indigenous Communities facing housing crisis', *Australian National University.* 17 June 2022.
[122] Simon Quilty et al, 'Climate, housing, energy and Indigenous health: a call to action', *The Medical Journal of Australia* 217 (1), (2022), 9.
[123] Ibid.
[124] "Creating culturally sensitive housing for remote Indigenous communities", *Australian Housing Urban Research Institute* (2021). .

ANTAR notes the Australian Government has committed $200 million from the returns from the Housing Australia Future Fund for the repair, maintenance and improvements of housing in remote First Nations communities.[125] Research confirms that in addition to the building of new and sustainable housing stock that is culturally relevant in remote communities, extending the lifespan of existing housing through planned repair and maintenance of existing stock is essential.[126] We know that the median cost of emergency maintenance and repair activities of remote housing is 75 per cent higher than planned activities.[127]

As such, we strongly recommend the Australian Government adopt a sustainable housing approach which is inclusive of life cycle costing (LCC) to this $200 million investment in maintenance, repair and improvements, as well as to the $111.7 million committed to accelerate building of new remote housing in the Northern Territory and other similar investments.

An LCC approach enables maintenance to be understood as a central consideration in the design phase and, as such, should be adopted in the design approach to building new First Nations housing which reflects the principle of 'best value' as opposed to 'best price'. In an LCC approach, the cost of construction is integrated with the planned and budgeted lifespan of a house and associated repair and maintenance schedules. It is considered an investment to protect the value of a public asset, a means of reducing significant costs later in the life cycle, and an essential requirement for improving the health and wellbeing of tenants.[128] Investing in planned maintenance is thus likely to reduce life-cycle costs.

In addition, we strongly recommend that the planning, design and establishment of new Aboriginal and Torres Strait Islander housing - and the policymaking that underpins it - is reflective of the principles of collaborative co-design and co-build, as well as to the emerging Indigenous Design

[125] National Housing and Homelessness Plan, Issues Paper. *Department of Social Security* (2023), 40.
[126] Policy Evidence Summary. "Sustainable Indigenous housing in regional and remote Australia". *Australian Housing Urban Research Institute* (2021), 1.
[127] Ibid, 2.
[128] Ibid, 2.

Movement. There is currently no mention of co-design with Aboriginal and Torres Strait Islander peoples in the Issues Paper.

While we acknowledge that principles of collaborative architectural co-design have so far been limited mostly to commercial and/or large scale community projects, there is no reason they cannot be applied to the design and construction of privately owned as well as social and public housing. For examples on best practice internationally for designers, funders and policymakers, see the Royal Architectural Institute of Canada's work on Co-design and Building with First Nations.[129] For more on applying principles of Indigenous Design in the Australian context and for specific case studies, we recommend Level Crossing Removal Project's Indigenous Design Guidelines report.[130]

While co-design and co-build projects are slower and more complex than conventional models due to the high levels of community engagement, they take a more comprehensive approach to local needs and conditions and often produce superior outcomes across a broad range of areas, including social and emotional wellbeing, house quality and comfort, energy consumption, long-term maintenance, community physical and mental health, and pride and ownership.[131]

Sustainable, affordable, First Nations-led solutions exist and are consistently proven to be successful. It is now time to adopt them.

Rental Properties

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

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[129] Four Case Studies Exemplifying Best Practices in Architectural Co-design and Building with First. *Royal Architectural Institute of Canada*. No date.
[130] Level Crossings Removal Project. "Indigenous Design Guidelines". *Victorian Government* (October 2021).
[131] Rodd et al. 'Aboriginal Community Co-Design', 23.

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of appropriate and affordable rental housing. More households are in housing stress, and severe housing stress, than at any other time in our history.[132]

This housing stress and lack of affordability places a particular strain on Aboriginal and Torres Strait Islander individuals who have much higher rates of living in rental accommodation (60%) compared to non-Indigenous people (30%).[133] According to the 2021 Census, among First Nations households who were renting, over 1 in 3 (35%) were spending more than 30% of their gross income on rent payments.[134] In addition, First Nations peoples are disproportionately affected by discrimination in the private rental market.[135]

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.

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 rental 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.

Further, in order to increase rental housing stability, ANTAR recommends that all "without grounds" evictions for periodic and fixed leases are urgently halted.

Climate change and housing security

[132] 'Brutal Reality: The Human Cost of Australia's Housing Crisis'. Everybody's Home (July 24, 2023).
[133] Moskos, 'What works', 7.
[134] Health Performance Framework. Housing. *Australian Institute of Health and Welfare* (2023).
[135] Wendy Stone et al. 'Think private renting is hard? First Nations people can be excluded from the start', *The Conversation*. (October 19, 2022).

How can governments and the private and community sectors help to improve sustainable housing and better prepare housing for the effects of climate change?

As noted in the Issues Paper, the impacts of climate-related disasters are being felt across the country, with floods and fires already causing wide-scale damage to, and loss of, housing. This is expected to continue as climate change increases the rate and severity of these disasters.[136] Unfortunately, though Aboriginal and Torres Strait Islander peoples have contributed least to the climate crisis, they are more exposed to climate change impacts and risk being most affected.

International research suggests that the geography of exposure to climate risk often mirrors the geography of existing social disadvantage.[137] In Australia, studies of projected climate change impacts show that heat risk also coincides with spatial patterns of relative socioeconomic disadvantage, with lower-cost housing often located in areas more exposed to extreme weather events.[138] For example, projections of temperature increases are higher in Western Sydney than in Eastern parts of the city where access to cooling breezes correlates with higher relative socio-economic advantage.[139] These same studies find that insecure, unaffordable and marginal housing significantly increase residents' vulnerability to the health risks arising from climate change.[140]

We know that First Nations regional and remote communities will experience the negative impacts of climate change earlier and disproportionately, compared with most urban Australian settings.[141] Healthabitat data reveals that of the more than 7,500 First Nations houses it had surveyed at the time, 59% regularly reached maximum summer temperatures above 40°C, with 36% not

[136] National Housing and Homelessness Plan, Issues Paper, Summary: *Department of Social Services*, (2023): 7.
[137] Christen Cornell, Nicole Gurran, Tess Lea. 'Climate change, housing, and health: A scoping study on intersections between vulnerability, housing tenure, and potential adaptation responses'. *The University of Sydney, NSW Health, and the NSW Department of Planning, Industry and Environment* (2020): 5.
[138] Ibid.
[139] Cornell et al, 'Climate change', 15.
[140] Ibid
[141] Tess Lea et al, 'Sustainable Indigenous housing in regional and remote Australia', AHURI Final Report No. 368 (2021)

having any active cooling system installed.[142] A Sydney University study showed that current rentals in the market in Walgett, NSW are already unable to cope with the rising heat of summer.[143] Overcrowding puts further pressure on infrastructure to supply adequate cooling.

Sustainable housing

Expanding access to social housing and to affordable, secure accommodation in the private sector is a primary strategy for reducing health related vulnerabilities to climate risk.[144] As such, ANTAR underscores the importance of having dedicated Commonwealth and state housing funding for expanding the social housing sector for Aboriginal and Torres Strait Islander peoples.

It must also be said, however, that housing itself and the manner in which the right to housing is to be realised - that is, the way that new housing stock is designed, built and expanded - also has implications for climate change. It has been estimated that the building and construction sector accounts for 39 per cent of global energy-related carbon dioxide emissions, most of which is concentrated in middle and high-income countries like Australia.[145] Urban sprawl, soil sealing, energy consumption, water use, pollutants, deforestation and loss of biodiversity are all significant consequences of housing that contribute to climate change.[146]

As pointed out in the report of the UN Special Rapporteur on the Right to Housing to the Human Rights Council, a timely and well-devised intervention in the housing sector is urgent and necessary.[147] This intervention must necessarily include steps to improve energy efficiency, incorporating sustainability in building codes and standards, using low-carbon construction

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[142] ibid

[143] Christen Cornell, Nicole Gurran, Tess Lea, 'Climate change, housing, and health: A scoping study on intersections between vulnerability, housing tenure, and potential adaptation responses'. *The University of Sydney, NSW Health, and the NSW Department of Planning, Industry and Environment* (2020)

[144] Cornell et al, 'Climate change', 6.

[145] 'Climate change and the right to housing', *United Nations Human Rights Office of the High Commissioner.*

[146] Balakrishnan Rajagopal, 'Towards a just transformation: climate crisis and the right to housing', *UN General Assembly*, Human Rights Council Fifty-second session 27 February–31 March 2023.

[147] Balakrishnan Rajagopal, 'Towards a just transformation: climate crisis and the right to housing', *UN General Assembly*, Human Rights Council Fifty-second session 27 February–31 March 2023.

methods and materials, making more equitable use of the existing housing stock and integrating climate change and climate resilience into urban planning.

The National Housing and Homelessness Plan must also recognise how the issues of housing, health and climate change are intimately connected and commit to cross-sector coordination of organisations, agencies and policymakers across these fields.

Adapting the built environment through better principles of sustainable and passive design, as well as retrofitting existing housing stock to reduce exposure to rising temperatures and increase their energy efficiency, will become increasingly urgent as the climate crisis worsens. We urge the Government to allocate a portion of their housing budget to cover costs involved with the regular maintenance and retrofitting of First Nations social housing in order to ensure it is resilient to extreme weather events.

There is much evidence-based research on low impact ways to adapt the built environment in order to allow for greater thermal performance (see above the FISH case study), as well as hazard resilience and reduced exposure to increased temperatures. Some of these ideas include: introducing reflective paving and permeable paving, increasing the tree canopy, implementing green and cool (reflective) roofs and walls, and more extensive use of solar panels.[148] Many of these strategies also reduce overall contributions to greenhouse gas emissions by lowering energy requirements.

The Issues Paper acknowledges that while the National Construction Code (NCC) sets out the minimum performance requirements for the design, construction and performance of buildings, it is not applied consistently across Australia.[149] Research on sustainable First Nations housing suggests that despite recent improvements, the NCC's minimum standards are still far from the best practice indicated by other international green building systems, and that basic principles used to reduce energy consumption for cooling (such as window shadings, improved glazing systems, higher insulation levels, improved

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[148] Cornell et al, 'Climate change', 22.
[149] National Housing and Homelessness Plan, Issues Paper, Summary: *Department of Social Services*, (2023): 79.

thermal mass and augmented natural ventilation) are currently not placed at the core of building design practice, particularly for remote First Nations housing.[150]

It is our view that the National Housing and Homelessness Plan must include and prioritise strategies to fund and implement improvements to the thermal efficiency and water harvesting capabilities of housing occupied by people most vulnerable to heat impacts - in particular Aboriginal and Torres Strait Islander peoples in regional and remote areas, those with pre-existing health conditions and Elders. Further, the NCC should follow best practice and include simple passive cooling principles to be applied consistently across the country.

The Issues Paper states that for rental properties, there are limited financial incentives for landlords to invest in more energy efficient infrastructure, particularly with low vacancy rates and energy costs most commonly covered by tenants.[151] A research report produced by The University of Sydney, NSW Health, and the NSW Department of Planning, Industry and Environment suggests that one possibility to address this would be the introduction of low interest loans and or grants for landlords for the purpose of thermal installation or other energy efficiency / climate resilience modifications to rental properties.[152]

Conclusion

We thank the Department for the opportunity to provide commentary on the Issues Paper on Housing and Homelessness in Australia as the Australian Governments works to develop its National Housing and Homelessness Plan.

After a 2006 visit to Australia, the UN Special Rapporteur on adequate housing, Miloon Kothari, reported that the country seemed plagued by a national housing crisis that, despite its persistence for decades and a large number of studies and reports detailing recommendations by non governmental groups,

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[150] Lea et al, 'Sustainable Indigenous housing', 58.
[151] National Housing and Homelessness Plan, Issues Paper, Summary: *Department of Social Services*, (2023): 79.
[152] Cornell et al, 'Climate change', 45.

academics, universities and research centres, seemed to have "largely been ignored by the Australian authorities".[153] Kothari further stated that he was particularly disturbed by the adverse housing conditions in the First Nations communities he visited, noting that there was "an urgent need to establish decision-making processes and institutions that are representative of all communities, and allow for proper self-determination of Indigenous Peoples".[154]

Seventeen years later, as the National Housing and Homelessness Plan is being developed, we urge the Government to take heed of Kothari's concerns, and to centre the principle of First Nations self-determination in the development of all policies and plans related to Aboriginal and Torres Strait Islander housing.

Above all, we urge the Government and its key stakeholders to listen to the voices of Aboriginal and Torres Strait Islander peoples with lived experience of housing stress, housing insecurity and homelessness, as well as those directly impacted by the worsening effects of climate change. It is they who hold the solutions.

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[153] United Nations Special Rapporteur on adequate housing, Miloon Kothari, Mission to Australia 31 July – 15 August 2006 Preliminary observations
[154] ibid