TENANTS ADVICE SERVICE

SUPPLEMENTARY SUBMISSION

Comment on the Ministry of Housing response to TAS' original submission

Tenants Advice Service's (TAS') comments in relation to specific issues raised in the Ministry of Housing's[1] response follow. First, however, TAS would like to address the Ministry's serious allegation that TAS "has been a trenchant and irrational critic [of the Ministry] for some time. Most of the allegations made in the submission are not factual."

Invitation to be on the Homelessness Taskforce

TAS is very surprised by these allegations. The Minister for Housing and Works, the Honourable Mr Tom Stephens MLC, contacted the Co-ordinator of TAS on July 5, 2001, the day prior to TAS' receipt of a copy of the Ministry's response from this Standing Committee. The Minister invited the Co-ordinator be one of a select few represented on the Taskforce on Homelessness, established to report to the Social Responsibilities Standing Committee of the State Cabinet and to establish the State Homelessness Strategy. In discussing his invitation, the Minister indicated that he was committed to achieving reform in housing provision in this State and that was the basis upon which he sought TAS' involvement.

Apology to Indigenous tenants of the Ministry of Housing

The Ministry's assessment of TAS as "irrational" and as making unfounded criticisms not only appears to be inconsistent with its own Minister's invitation to TAS' Co-ordinator to be on the Homelessness Taskforce, it is also inconsistent with the conduct of the Executive Officer of the Ministry, Mr Greg Joyce. On March 22, 2001, Mr Joyce publicly apologised to Indigenous tenants of the Ministry for its treatment of them over recent years. (A copy of the transcript of Mr Joyce's talk is attached at Attachment 1.)

The housing summit at which Mr Joyce made his public apology was convened by Derbarl Yerrigan, a metropolitan based Aboriginal medical service, some four months after the release of TAS' issues paper "housing for all - a [sub]urban myth". That paper had been widely distributed and contains the same issues as those raised in TAS' original submission to this Standing Committee. Copies of TAS' issues paper had been delivered to senior officers of the Ministry of Housing by TAS on December 4, 2000, and a copy was sent to the then Housing Minister on December 8, 2000.[2] Derbarl Yerrigan based much of its own forum discussion paper on TAS' issues paper. (See Attachment 2.) It is also of note that TAS' Tenant Advocate, Ms Joanne Walsh, was a keynote speaker at the forum.[3] As can be seen from the attached transcript, Mr Joyce did not take the opportunity to dismiss TAS' position as "irrational" and "not factual"; instead he apologised for the Ministry's conduct and in fact appeared to agree to an eviction

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[1] The Ministry of Housing has recently been renamed "The Department of Housing and Works". However, for the sake of consistency with previous submissions and ease of reference we continue to use "the Ministry" in this reply.

[2] A copy was also made available to the present Minister for Housing & Works on February 2001.

[3] Mr Joyce's frequent references to "Joanne" in the attached transcript are in fact references to Joanne Walsh.

moratorium. (Unfortunately the Ministry subsequently denied that Mr Joyce made any agreement for a moratorium on evictions. To date the Ministry has not denied that Mr Joyce gave a public apology to Indigenous tenants for the Ministry's treatment of them.)

Failure to substantiate allegations at HAC and RSSC

It is surprising that after this lapse of time the Ministry is now making such a vehement attack on TAS. After TAS' "[sub]-urban myth" paper had been in the possession of the Ministry for more than two months, it was tabled at the Housing Minister's Housing Advisory Committee (HAC) on February 14, 2001, at TAS' request. A covering memo from Mr Bob Thomas, the Manager of the Homeswest division of the Ministry, does not state that TAS is an "irrational" critic of the Ministry, but in far more temperate language states that Mr Thomas

> found much of information [sic] to be contained in it rather outdated with most comments of a general nature. The Paper does not give due consideration to changes in policy and procedures that have been introduced in recent years.

No detail was provided to substantiate Mr Thomas' claims, however he went on to state that "there are some areas of the report that do make positive comment and which have highlighted areas where improvement can be made." (Attachment 3)

At the HAC meeting at which TAS' issues paper and the covering Ministry memo were tabled, TAS requested details of which parts of the issues paper were outdated. None were provided at the meeting and subsequently TAS followed up the request in writing. (Attachment 4) Mr Thomas responded that he wished to attend the next meeting of Rental Sector Standing Committee (RSSC - a sub committee of HAC) to which the issues paper had been referred. (Refer to Attachment 5.) In spite of the invitation being extended to Mr Thomas to attend and provide details of the Ministry's concerns at the meeting of 28 March, 2001 Mr Thomas did not do so and in fact has not provided such information to any RSSC meeting subsequently.

TAS was therefore surprised to receive the minutes for the RSSC meeting of 23 May 2001,[4] stating that Mr Thomas had responded in writing to TAS in relation to our issues paper "[sub]-urban myth". (Attachment 6) No such response was received by TAS, unless the reference was to Mr Thomas' half page memo referred to above. It seems the Ministry's quite extraordinary position is that TAS should be required to prove that the issues paper was not outdated on the basis of the mere assertion by the Ministry that it was.

It is even more astonishing that the Ministry should submit to this Committee that the matters raised in our original submission can now " be discussed in the appropriate forums, through HAC and RSSC"

The delay in responding

At this Standing Committee's public hearing in Perth in April, Ministry representatives indicated TAS' submission had not been read previously.[5] This was in spite of the submission being available on the Committee's website, and TAS' advice to the Ministry, both at the time the

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[4] Although TAS was represented at the meeting, our representative had only been at TAS for a week and a half at that time, and she assumed that TAS had in fact received a written response from Mr Thomas.

[5] Refer Transcript, pp. 226, 233, 244.

"[sub]-urban myth" issues paper was distributed to the Ministry in December 2000 and when the paper was tabled at HAC in February 2001, that the paper and submission raised the same issues. It is of note that when "[sub]-urban myth" was tabled at HAC it was the Ministry's version which had been copied, including notations in the margins throughout. This Committee granted the Ministry a month to respond to TAS' submission[6] and the Ministry's response was received two months later, on June 24 2001.

In that response, the Ministry implies serious unprofessional conduct on the part of TAS for irrationally misrepresenting Ministry policy and procedure. However, it is of note that the first time the Ministry has seen fit to go on record in relation to substantiating its claims is in its response to this Standing Committee, more than seven months after the Ministry first became aware of TAS' concerns. This delay is of such note because of the substantial reform of Ministry policy and practice which has occurred during that seven month period, and in particular in the month of May 2001. For example, a number of significant Homeswest policy changes were implemented on May 16, 2001, including the expansion of the Priority Assistance policy to include homelessness as a criterion for eligibility. No such recognition of homelessness had been included in Priority Assistance policy since 1997, yet the recentness of this initiative would not be apparent to anyone taking the Ministry's response at face value. In TAS' view that reform took place not only subsequently to, but also at least partly as a result of, TAS' lobbying. Another example of the significance of the delay in responding to TAS' concerns is the 24 hour "help-line" for homeless people, which in fact was only launched on May 18, 2001, and became operational from May 21, 2001. Yet another example of a reform relied upon by the Ministry but which was only implemented subsequent to TAS' submission is the recent review of the Homeswest Appeals Mechanism (HAM) conducted by the Office of Housing Policy.

The Ministry has delayed for more than seven months to go on record to disprove TAS' concerns, in spite of ample opportunity to do so. To reiterate:

- the Ministry gave no response either to TAS or publicly after "[sub]urban myth" was delivered to it in early December 2000;
- the Ministry provided no information other than a claim disputing the accuracy of much of TAS' issues paper when it was tabled more than two months later at HAC on February 14, 2001;
- the Manager of Homeswest failed to attend a RSSC meeting in March 2001 at which he was to provide details of alleged policy changes;
- the Executive Officer of the Ministry did not take the opportunity to criticise the issues raised by TAS and adopted by Derbarl Yerrigan at its housing summit, in March 2001, but instead apologised to Indigenous tenants of the Ministry for its treatment of them over the years; and finally
- at the public hearing of this Standing Committee in April the Ministry did not inform the Committee that it regarded TAS as irrational and as making unfounded allegations but instead indicated that TAS' submission had not been read previously and was granted additional time to respond.

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[6] Refer Transcript p.244.

If TAS' criticisms were indeed irrational and lacking any factual basis in Ministry policy and procedure as it was in November 2000, there are a number of questions which arise. Why did it take the Ministry seven months to provide information refuting TAS' concerns? When the Ministry did eventually provide such information, why did it to rely so heavily upon changes to policy and procedure made subsequent to TAS' submission? And finally, and perhaps the most significant question, why did the Ministry see fit to implement so much change to its policies and procedures since TAS' raised its concerns if in fact these concerns were irrational and without foundation?

Whether the Ministry's conduct, in particular the resort to "name-calling", breaches Public Sector Standards is a matter which can be investigated by the Commissioner should TAS not be satisfied with the explanation we intend to seek once we are in a position to provide a copy of this supplementary submission to the Ministry. What is evident, however, is that the Ministry has relied upon changes to policy and procedure which it has implemented since TAS' submission to this Standing Committee to seek to discredit and undermine TAS. It is perhaps ironic that much that the Ministry has achieved recently in seeking to address the critical housing needs of urban Indigenous peoples has been the result of engaging with its critics to improve its services. It is unfortunate that what has been achieved and what might otherwise be regarded as a positive collaboration is now being used by the Ministry in an attempt to discredit its critics.

1.3.2 Public Housing

Recent policy changes

The Ministry claims that it manages its priority lists so that applicants assessed as homeless or suffering from domestic violence are viewed as most in need. As commented above, the recognition of homelessness as a basis for granting priority assistance was only implemented as Ministry policy on 16 May 2001. The "help-line" for the homeless was only launched on May 18, 2001. Both changes were made some six months subsequent to TAS' submission to the Standing Committee and the distribution of our issues paper "[sub]urban myth" to the Ministry and elsewhere. It should also be noted that in any event, the long-term effectiveness of the help-line to address homelessness, like many of the reforms relied upon by the Ministry, are as yet to be assessed and no publicly accessible evaluation process has been proposed.

The Equal Opportunity Commission Report

The Ministry also relies upon a comment in the Equal Opportunity Commission (EOC) Report of November 2000, a copy of which was previously provided by TAS to this Standing Committee. In the "Summary of Findings" in that report it is stated that "For people seeking housing there appears to be little difference in the experiences of Aboriginal and non-Aboriginal applicants." TAS does not believe this summary accurately reflects the data reported.

While it is true, as is noted in the report, that the total of approval and allocation waiting periods for Aboriginal and non-Aboriginal clients may converge, it is evident that Aboriginal applicants often experienced far longer waiting times to obtain approval for their transfer than non-Aboriginal tenants. For example, table 6 reports that on average Aboriginal people wait 31 weeks to obtain approval for a transfer on medical grounds while non-Aboriginal people wait only 6 weeks. Aboriginal applicants for transfer on the basis of threats of violence (that is, in light of the Ministry's claims above, often domestic violence) wait 3 months while non-Aboriginal

applicants wait only 3 weeks. Similarly, referral to an Occupational Therapist facilitates far quicker approval for priority listing on medical grounds, yet Aboriginal applicants were far less likely to be referred to an Occupational Therapist. (Table 7 & p.11)

While it may be the case that the average total waiting periods for Indigenous and non-Indigenous applicants for priority housing converge, in order to obtain this outcome Indigenous applicants also have to comply with far more rigorous processes. For example, 38 per cent of Indigenous applicants had to lodge an appeal to obtain approval, while only 15 per cent of non-Indigenous applicants were required to do so. (p.11) Aboriginal tenants were also far more likely to be required to prove that they cannot obtain a private rental property than non-Aboriginal applicants. (20% compared to 8%, at Table 11) This is particularly ironic in light of the evidence of a senior Homeswest employee in an unsuccessful racial discrimination application against the Ministry in 1997. The employee's evidence confirmed the difficulty Indigenous tenants had in accessing the private rental sector.[7] Moreover, the Ministry's own submission to this Standing Committee acknowledges that "the Aboriginal community does not generally access the private market." (p.43) Mr Joyce's comments in his address at the Derbarl Yerrigan summit provide an explanation as to why this is the case:

> Now historically it has been very difficult for Aboriginal people to access those [private] properties, you are right there is a racist attitude out there and white landlords will not admit Aboriginal people, you see it all the time. (Refer Attachment 1.)

It is astonishing that an agency which appears to be so well aware of the difficulties confronting Indigenous people seeking to access the private rental market should be more insistent that Indigenous rather than non-Indigenous applicants go through the humiliating ordeal of obtaining evidence that no-one else will house them.

Another factor overlooked in the claim that the convergence of total waiting times between application and approval demonstrates that there appears to be little difference in the experiences of Aboriginal and non-Aboriginal applicants is that there are potentially far greater attrition rates of Aboriginal applicants. Not only must such applicants wait for far longer periods prior to approval of their application, but they also must comply with the far more onerous requirements if they persevere.

The Minister for Housing responded to TAS after we forwarded him a copy of the EOC report, and outlined the changes to Ministry policy and procedure implemented since the to the release of the report in November 2000. (Attachment 7) It is of note that the release of that report to the Ministry coincided with TAS' submission to this Standing Committee, although TAS did not receive a copy of the report until June 2001.[8] The EOC report, in TAS' view, provides a statistical foundation for TAS' concerns about the discriminatory outcomes of Ministry practices for Indigenous tenants and applicants, and the changes subsequently implemented by the Ministry similarly acknowledged the need for urgent reform. It is unfortunate that while the Minister states that he welcomes comments and suggestions from agencies such as TAS to

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[7] Transcript *Joan Martin v. State Housing Commission* before the Equal Opportunity Tribunal, 27 June 1997, pp.819-822.

[8] Access to the EOC's study of the Mirrabooka Regional Office had been requested through HAC for more than 12 months before TAS approached the EOC directly for a copy of the report.

address the housing needs of Aboriginal people, and encourages us to continue to be involved in the formulation of Homeswest rental policy, his Ministry has gone on the public record to attack TAS' creditability and integrity for doing so.

Children's needs
The Ministry claims in its response that it takes special regard of the needs of children in assessing tenancies. It is of note that there is little reference to any such consideration in Ministry policy. The overriding interests of children are acknowledged only in the Ministry's Domestic Violence policy, and also in the acknowledgment that allocating housing to applicants who may regain custody of their children if accommodation is available is a priority. However, there is no requirement that consideration be given to the interests of children, for example, when eviction is being contemplated or when, in the absence of regaining custody, housing allocation is determined.

That the Ministry *should* recognise its particular obligations towards children, especially in light of Australia's international law obligations, was only discussed recently by the Applicants and Tenants Support Committee,[9] of which TAS was a member and indeed was a strong advocate of that principle. (Attachment 8) Recognition of the special obligations towards the children of Ministry tenants was rejected as part of the Committee's draft protocols on June 5, 2001, and it was suggested by the Manager of Homeswest that "*if* those matters needed to be included in the Ministry's policies that was acceptable and would need to go through the Housing Advisory Committee". (Emphasis added.)

Favourable treatment
TAS is pleased that the Ministry acknowledges the "greater cultural requirements and needs of Aboriginal people", however the Ministry's claim that Indigenous tenants have ten times the rental arrears of non-Indigenous tenants is hardly an unambiguous demonstration of alleged "more favourable treatment"; indeed it may very well demonstrate the opposite. Certainly in less ambiguous areas where TAS has been able to obtain quantitative data from the Ministry, such as the recently distributed eviction statistics, the Ministry's claim of more favourable treatment of Indigenous tenants is not substantiated. (Refer to 2.1.2 Evictions below.)

1.3.2.1 Community Housing

Client details
As confirmed in the Ministry's response, to be eligible for housing by Community Housing Associations, (CHAs) CHA clients must be eligible for Ministry of Housing assistance. Last year, the Community Housing Coalition of WA (CHCWA) approached TAS, as a tenants representative organisation, for our views on the requirement that CHAs provide client details to the Ministry for Housing in order to assess CHA clients' eligibility. CHCWA was so concerned it also obtained a legal opinion as to whether CHAs could refuse to provide client details to the Ministry.

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[9] A working group established by the previous Minister for Housing, to establish cross-departmental protocols to avoid evictions from public housing.

The standard Community Housing agreements (relevant extracts at Attachment 9) provide that CHAs will be in breach if they sub-let premises to anyone other than eligible persons. (clause 4.6) CHAs are also required to take "all reasonable steps to ensure that the tenants of the premises … do not breach any of the conditions of this Agreement." (clause 4.3) TAS' concern was that a possible reading of this contract could be that such reasonable steps include the requirement to check applicants' eligibility with the Ministry. Also, to TAS' knowledge, client details had in fact been sought from CHAs and we were and remain aware that because of their dependence upon Ministry funding CHAs are often in a difficult position to refuse the demands of Ministry staff.

TAS apologises to both the Ministry and the Standing Committee if we misstated the Ministry's position, but our assertion was based on a genuine belief that the Ministry did require CHAs to provide details of applicants to them in order to ensure eligibility and this appeared to be consistent with one interpretation of CHAs' obligations under the standard contract. We are very pleased that the Ministry has confirmed that it does not require the provision of details for CHA clients, and TAS will accordingly advise CHCWA so it can pass on the Ministry's assurance to their network.

TAS, however, would like to raise a point of clarification in relation to the Ministry's claim that "There has never been a requirement for CHA's [sic] to provide the details of their applicants to the Ministry". The Committee's attention is drawn to the Community Disability Housing Program Guidelines, issued by the Ministry of Housing. At pages 17 and 18 there is a section headed "Provision of Names of Tenants to Ministry of Housing." (Refer to Attachment 10.) The policy requires that the landlord agency provide the names of tenants to the Ministry after the tenant has been in residence for 12 weeks. It also requires the landlord agency to maintain a Tenancy Register listing all tenants names, which may be viewed by the Ministry upon request. The policy provides detail of three main reasons why this is required. These are so that tenants can be removed from Ministry housing lists; so that it can pursue tenants with a debt to the Ministry; and because strata legislation requires that a list of tenants be maintained. In light of these guidelines, it is important that the Ministry's assertion not to be taken to mean that the Ministry never requires CHAs to provide client details to the Ministry.

Maintenance and support funding

TAS does not take issue with the Ministry's claim that it provides infrastructure funding for CHAs. Our point was only that CHAs have insufficient funding for necessary maintenance and support functions, particularly those CHAs which seek to house tenants who cannot find housing elsewhere, including the Ministry, and who may for a variety of reasons be expensive to accommodate.[10] It is also not apparent from the Ministry's response that its infrastructure funding is in fact available to CHAs for only a limited period of time.

With reference to the Ministry's comments about the standard of external doors for CHA properties, while we applaud the policy referred to, TAS' experience has been that there are often major gaps between policy and practice. We would also query whether tenants are being charged

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[10] For example, large families with children may generate high maintenance costs, properties rented to victims of domestic violence are prone to extensive property damage and generate high security costs (where appropriate security is provided), tenants or their family members who suffer from mental illness may generate neighbourhood complaints.

for the upgrade of doors to solid core on their replacement. TAS is aware of at least one instance where a Homeswest tenant, on vacating the premises, was charged the full cost for a security door to replace a 20-year-old fly-wire door.

Ministry assets and finances
TAS accepts that the Ministry must ensure that its assets, including CHA properties, are not being unnecessarily degraded or devalued. However, our concern is that current financial arrangements mean that the Ministry has an over-emphasis on generating profits to the detriment of tenants, and particularly those who, for a variety of reasons, may be "expensive" to accommodate, as referred to above.

For some ten years the Ministry of Housing received no State funding for housing whatsoever, but operated purely on Commonwealth grants paid under the Commonwealth State Housing Agreement and State "matching grants" which were generated out of profits made from land dealings. In TAS' view these funding arrangements have caused the Ministry to focus on the generation of profits (in the 2000/01 financial year estimated to be $42,000,000) so that these monies can be invested in land development in order to generate the next year's State matching grant. [11] Apparently $1.2 billion in unappropriated "profits" has been devoted to this purpose over the years. (Refer Attachment 11.)

2.1 Homeswest Policies - Practices, Programs and Appeal Mechanisms

The role of HAC and RSSC
It is not the case that all Ministry policy review and changes are passed through HAC and RSSC for discussion, consideration and consultation. Previous changes to the Priority Assistance policy provide an example of the limited terms upon which HAC may be involved in the review and change of Ministry policies. In 1997, and there was a wide-ranging review of policies. Amongst other things, the Ministry submitted to HAC that the Priority Assistance Policy should be amended by the deletion of the following phrase from the preamble:

> While circumstances relating to an applicants critical housing need will be closely examined it is their viable housing options that will be a deciding factor.

In fact when the reviewed policy was implemented, that deletion was not made. Instead a guideline which stated: "An applicant must have an urgent housing need and no other viable housing options except public rental housing to be eligible" was amended to read:

> An applicant for priority assistance, must be eligible for assistance in relation to all Homeswest eligibility criteria, but have an urgent housing need and no other viable housing options, but public rental housing. (See Attachment 12.)

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[11] The $13 million from State revenue identified in note 7 included in Attachment 11 is not a State contribution to housing costs, but an allocation for the provision of infrastructure for remote Indigenous communities. Apparently Treasury has recently agreed that funding from State Consolidated Revenue will be used to contribute towards the cost of the State matching grant for the current financial year. It seems the downturn in the housing industry has had an adverse impact on the profitability of Ministry enterprises.

Significantly this meant that applicants who were critically ill or victims of domestic violence, for example, would be excluded from priority assistance if they owed a debt (including a bankrupt debt) to the Ministry.[12]

We are pleased that at other times the Ministry has been prepared to act on recommendations from HAC and after 10 years the Bankruptcy Policy was suspended on 16 May 2001, although even then it was not the first time that recommendation had been made by HAC. That policy had seen applicants with a bankrupt debt to the Ministry excluded from public housing unless the debt was agreed to be repaid. The Ministry after many years of community sector lobbying and a number of test cases which had been settled just prior to litigation, eventually acted on a HAC endorsed discussion paper which highlighted community sector concerns that the policy was contrary to Commonwealth bankruptcy laws.

HAC's Aboriginal Representative

We note that although there is a position on HAC for an Aboriginal representative as highlighted in the Ministry's response, it is not in fact the case that the Aboriginal community are represented on HAC. The previous Minister's nominee has not attended any HAC meetings for at least the past 18 months - another example of the significant divergence that can exist between the Ministry's principle and practice, and of the Ministry's failure to acknowledge the significance of this divergence.

Shelter WA

TAS acknowledges that Shelter WA sought approximately $140,000 from the Ministry of Housing for 2001/02 and that Shelter WA is an organisation which represents the views of low-income housing consumers. We also advise that TAS is a voluntary member of Shelter's management committee.

TAS notes, however, that the Ministry in fact only granted $127, 615 in funding to Shelter WA, and not the amount claimed in the Ministry's response. Unlike other organisations funded by the Ministry, such as the Community Housing Coalition of WA which represents housing providers' interests, this grant effectively subjected Shelter to a cut-back by fixing its funding to last year’s level.

Staff training

Finally on this topic, TAS notes that although the Ministry has responded that training for its staff is scheduled in 2001 it does not specify when formal training was last conducted. As noted in our original submission, (see 2.1) TAS' concern is that the benefits of positive policy changes have been lost through the lack of formal training of Ministry staff, and it is our understanding that prior to the current round of training, none had been conducted for a number of years. TAS is pleased to note that it is our understanding that at the time of drafting this supplementary submission, formal training is being undertaken to ensure Ministry officers are at least aware of the very significant policy changes that have been implemented since TAS wrote its original submission.

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[12] This policy was subsequently changed again, on 16 May 2001, so that any decision to deny priority assistance should automatically be referred for reconsideration under the Discretionary Decision Making Policy.

2.1.1 Eligibility Criteria

Indirect discrimination

The Ministry states that it applies its eligibility criteria to all applicants and hence "is in no way discriminatory towards Indigenous tenants". Unfortunately the Ministry does not appear to grasp the nature of indirect discrimination - where the same "rules" are applied to all, but one group is adversely affected by those rules in an unreasonable way. Until the Ministry provides statistics in relation to the impact of its eligibility criteria it will not be able to effectively refute concerns about the disproportionately adverse impact of these policies on Indigenous applicants.

The Ministry's viability

Again the Ministry highlights its concerns to ensure the "ongoing viability of the [public housing] system". Again TAS' concern is that the viability at issue is of a public housing system that is expected to operate at a profit. (See 1.3.2.1 above) We believe it is this requirement to generate a profit which has resulted in the harshness of previous Ministry policies relating to debt recovery, as cited in our original submission and including the recovery of bankrupt[13] and bad debts, and debts raised as tenant liability on houses which were to be demolished under redevelopment schemes. TAS is pleased that some of the harshest aspects of these policies have been ameliorated since our original submission was made. We are also pleased to be advised that the Ministry is currently reviewing all policy settings for re-admittance to public housing and acknowledge that the Ministry has been prepared to be more flexible in re-admitting tenants under its recent Homelessness help-line project, although TAS also notes that the Ministry continues to simply refuse to house certain homeless applicants. TAS is pleased to currently be represented on a subcommittee of RSSC, which is conducting a review of all debt recovery polices.[14]

While TAS believes that such reforms and reviews are very positive we do not accept they provide the Ministry with any basis for accusing TAS of being an irrational critic or lacking a factual basis for its criticisms. In fact, quite the opposite, with the plethora of recent reviews and reforms indicating the validity of TAS' concerns as raised more than seven months ago.

2.1.2 Evictions

The Residential Tenancies Act

TAS does not dispute that the Ministry, like any landlord, may only lawfully terminate a tenancy due to a breach of the *Residential Tenancies Act*. This however should not be read as meaning either that the *Residential Tenancies Act* is always complied with nor that the Ministry does not write its own particular terms into tenancy agreements, such as a prohibition against keeping an unlicensed vehicle. TAS' concern is that the Ministry should not simply conduct its business like other housing providers - it does after all receive millions of dollars per year under the terms of the Commonwealth State Housing Agreement to house people in need. It is TAS' view that the Ministry needs to take into account not only the likely consequences of being evicted from Ministry housing - homelessness or overcrowding of other Homeswest tenancies - but also the

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[13] WA appears to be the only public housing authority in Australia that required the repayment of bankrupt debts. See Shelter (WA), *Homeswest's Bankruptcy Policy: Legal and Social Implications*, April 2001.

[14] The sub-committee was convened on 23 May 2001.

serious diminution of opportunities for the children who are evicted along with defaulting tenants.

Policy and practice

The Ministry's reference to there being no eviction of tenants without referral to support services ignores the reality that many tenants - in both private and public rental accommodations - leave tenancies on receipt of breach and termination notices without being aware that they are entitled to occupy the premises until eviction is ordered by a court. Although TAS is pleased that the number of bailiff evictions by the Ministry is in decline, the reality is that the small number cited would not reflect the number of tenants who believe that they are compelled to leave Ministry rental accommodation.

Similarly the Ministry relies upon its procedures manual to deflect TAS' concerns about evictions on the basis of neighbour complaints. Once again, however, TAS' concern is with practice and not necessarily Ministry policies. The Ministry may well regard itself as having substantiated a neighbour complaint of "nuisance" by listening to a tape of a woman being violently assaulted by her estranged partner (refer to TAS' original submission, p.14), but TAS believes that the application of Ministry policies in those circumstances is problematic.

Eviction statistics

Again the Ministry's comments reveal that it does not properly grasp the complexity of indirect discrimination and appears to conflate it with notions of intentionally and knowingly acting to the detriment of a particular group. The Ministry's own eviction statistics, recently released to TAS after numerous requests were made at both HAC and RSSC, form a sound basis for construing indirect discrimination.

Ministry data indicate that at June 2000 there were 35,556 units of accommodation and its own estimation is that there are approximately 7,752 Indigenous tenants in Ministry properties. (Attachment 13) Indigenous tenancies therefore constitute approximately 22 per cent of all Ministry tenancies. However, the most recent eviction statistics provided by the Ministry indicate that in 2000:

- 42.6 per cent of termination notices were issued to Indigenous tenants;
- 44 percent of court orders were issued against Indigenous tenants;
- 44 per cent of restored tenancies were Indigenous; and
- 42.5 percent of bailiff evictions were Indigenous.

All of these statistics, like those available in the EOC Report referred to previously, show the grossly disproportionate impact of existing Ministry policies and procedures on Indigenous tenants. The available eviction statistics, going back to 1996, demonstrate that this degree of disproportionate impact on Indigenous tenants is not anomalous. (Attachment 14) As TAS stated in its letter to the Standing Committee of 11 June 2001, this is not to stigmatise all employees of the Ministry as deliberately racist. Indirect racism is a symptom of embedded and institutionalised practices which may not only appear neutral but also be applied in a neutral manner. The statistical evidence that apparently neutral conduct disproportionately impacts on a

particular group is a warning sign that such conduct needs to be re-examined to ameliorate disproportionately adverse outcomes. This is particularly the case in the context of housing, where the adverse outcomes for Indigenous peoples are so devastating.

Ministry stock numbers

While TAS welcomes the decline in the number of termination notices and evictions in recent years, it should also be noted that the number and kinds of tenancies available through the Ministry has also altered in recent years. In June 1996, the Ministry held 39,195 units of stock. By June 2000 this had declined to 35,556, that is a reduction of some nine per cent. The largest stock loss was in the 3-bedroom range – over 1,700 properties. Although there was a slight increase in the proportion of stock numbers with 4 or more bedrooms over the same period, this involved only 334 units. The impact of the loss of more than 1,400 larger units during that five year period is likely to have adversely impacted Indigenous households who constitute more than 20 per cent of Ministry tenancies, and are known to be on average larger than non-Indigenous households.

With the increasing stringency of re-entry eligibility, such as subjecting priority assistance to meeting all other Homeswest eligibility criteria, it may be thought not surprising that the number of termination and eviction notices have declined, with those most unlikely to find alternative accommodation also being effectively excluded form Ministry housing. It is of note that recently the Minister responsible for housing at the Commonwealth level, Senator Amanda Vanstone, was reported as saying that the public housing eviction rate in WA was one of the highest in Australia.[15]

Equal Opportunity Commission Occasional Paper

The EOC has recently released an Occasional Paper entitled, "Aboriginal Participation within the Complaints Process". A copy of the foreword to that paper is attached at Attachment 15. In her foreword, the Commissioner highlights the high rate of claims of discrimination by Aboriginal complainants and the fact that Indigenous Australians are almost entirely reliant upon public housing. In particular, the Commissioner noted that although outside the formal objectives of the project, whether Homeswest's eviction practices constituted indirect discrimination had emerged as an issue.

2.1.3 Public Housing Stock

Loss of stock

It may be the case that the Ministry has maintained its total housing stock at the Australia-wide norm of five per cent social housing, but it is evident that levels of social housing have significantly declined within WA. The Ministry's own response indicates a decline of more than 3,000 stock units between June 1995 and June 2000. Given the expanding population in WA it can be assumed that as a proportion of total dwellings in WA, Ministry stock has declined significantly. If additional consideration is given to the bedroom numbers for total stock the decline is even more marked - from 88,064 in 1995/6 to just 84,015 in 1999/2000. The Ministry may well have approximately the same number of dwellings at the end of the 2000/01 financial

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[15] *The West Australian*, 9 July, 2001, p.6.

year as it did in June 1993, but in the context of an increasing population and an increasing demand for low-income rental that hardly seems an achievement.

Aboriginal Housing properties

TAS apologises if we underestimated the number of Aboriginal Housing properties scheduled for construction or completion in 2000/01. However, we were relying upon the Ministry's Capital Works Program 2000/01 publication and that does not indicate that any of the 13 dwellings scheduled for construction were either 5 or 6 bedroom properties. (Refer extract, Attachment 16.) The figures quoted in the Ministry response for general construction figures differ significantly from those included in the above publication (81 x 4-bedroom; 20 x 5-bedroom and nil x 6-bedroom properties) (Also at Attachment 16.)

TAS welcomes the undertaking from the Ministry to construct significantly higher numbers of larger properties (50-60 x 5 or 6-bedroom properties) in 2001/02. Again, however, this is difficult to reconcile with the Ministry's allegation that TAS is an irrational critic or that TAS' criticisms lack a factual basis. If TAS' criticisms were irrational it appears to be an odd coincidence that the Ministry is radically increasing its construction program for larger dwellings; if TAS criticisms lacked a factual basis that was because we relied upon information published by the Ministry. It is also interesting to consider why the Ministry intends to triple its construction program for larger properties in 2001/02, if the Ministry's "current month allocation" figures show there is no more of a wait for larger 5 bedroom accommodation that there is for 3 bedroom stock.

Waiting lists

In relation to Ministry waiting lists, while it may be the case that the average waiting time for a priority applicant is 94 days, it is of concern that on data provided by the Ministry in April 2001, 85 of 209 approved applicants on Ministry priority waiting lists (more than 40 per cent) had waited for more than 90 days for housing. (Attachment 17) It should also be noted that those figures refer only to priority applications and not priority transfers. Data provided by the Ministry indicated that as of 31 May 2001 there were in fact 796 waiting on priority lists, including priority transfers, unfortunately, however, no information was provided about the waiting times.

Quality of accommodation

With reference to the Ministry's argument that there is no foundation for TAS' concern that Indigenous tenants may be provided poorer quality accommodation, again we would draw the Committee's attention to the only publicly available independently collated data on this subject, the report of the Equal Opportunity Commission. The report found, at Table 24, that the average age of houses allocated to Aboriginal priority applicants was 23 years, while the average age of housing allocated to non-Aboriginal priority applicants was just 16 years.

TAS supports the Ministry policy which sees Aboriginal Rental Housing Program Houses (Fund 6) allocated a higher annual maintenance budget, as being consistent, for example, with the statistically larger Indigenous family units and hence increased wear and tear. It is of note that on Ministry data, however, only a maximum of one in three Indigenous tenants could be housed under this program in any event. (Attachment 13) TAS would also be interested to know the number of non-Indigenous tenants currently housed in Fund 6 housing.

2.1.4 Maintenance and Repairs

Ministry stock

The Ministry claims that at the time of allocation, all fixtures are fully functional, all vacated maintenance has been completed and the property has been fully cleaned. The Ministry also claims that during the life of a tenancy it attends to all necessary maintenance. Please note that existing Ministry policy makes it extremely hazardous for tenants and their advocates to publicly counter such claims by the Ministry. Incongruously, it is the Ministry's Privacy, Confidentiality and Duty of Care policy that allows it to publish otherwise confidential information about tenants should they or their advocates be seen to be initiating "media coverage". (Clause 4) That policy has been and remains subject to on-going criticism from the community sector and in 1997 resulted in private information being provided to the media about Mrs Joan Martin and her family members, when Mrs Martin initiated action against the Ministry through the Equal Opportunity Tribunal. As a result of that incident the policy was subject to strong criticism in the Public Sector Standards Commissioner's Annual Report of 1997/8, but it continues to remain in place.

The Minister for Housing has declined to exempt information provided as part of this supplementary submission from the provisions of Ministry policy referred to above. (See Attachment 18.) So that TAS' and other tenant advocates' clients and their families will not be subjected to a breach of their privacy in addition to being required to reside in appalling conditions, we rely only upon materials previously available within the public domain. Photographs utilised are provided either with clients' permission or through the Derbarl Yerrigan survey which TAS believes was brought to the attention to members of this Committee during your first hearing to Perth in July 2000.

In response to the Ministry claim that at the time of allocation, all fixtures are fully functional, all vacated maintenance has been completed and the property has been fully cleaned TAS provides an article concerning the condition of a Ministry property at the time of allocation, at Attachment 19. TAS also encloses other photographs, at Attachment 20, for the Committee to see for itself the level of maintenance of Ministry housing for Indigenous tenants. It should be noted that the Ministry no longer conducts scheduled maintenance, although this is a requirement specified in Homeswest's maintenance policy.

At the public hearing of this Committee conducted in Perth on April 23, 2001, Mr Joyce himself acknowledged the need to replace or upgrade approximately 1,000 dwellings occupied by Indigenous tenants in the South-West alone.[16] Going even further, in his talk at the Derbarl Yerrigan summit in March this year, Mr Joyce admitted that there were:

> approximately 1000 properties all within the same condition… that are not acceptable anymore for people to live in… over a period of time we will replace all that old stock and we realise that we have got a significant problem there and that is one of the things I haven't been strong on since I've been CEO to recognise that we have substandard properties, to recognise that we have public housing estates that no-one will live in and to do something about it. … We actually feel we spend a lot of money in maintenance … but clearly we are failing you there. All I can say is that we need to find more money

[16] At p.234.

and we need to do more work on our properties, it is really as simple as that. (See Attachment 1.)

Maintenance expenditure
TAS does not dispute that the Ministry may spend more than private sector owners, but it is an unfortunate reality of low-income rental properties that costs as a percentage of property values are higher than for high-income rental properties.[17] Perhaps that is why the Commonwealth subsidises public housing in Western Australia for more than $100 million per annum.

Job audits
The Ministry may well audit job orders to ensure work has been carried out, but TAS' experience is that the auditing is not effective or adequate, as evidenced by the newspaper article included at Attachment 19. The Ministry audits do not appear particularly effective. Moreover, tenants who contact the Ministry to advise of incomplete and inadequate contractor's work have been accused of damaging Ministry property and been charged tenant liability.

New Living
While TAS does not dispute that New Living programs conducted by the Ministry are improving the quality of properties, the issue which remains however is who benefits from this? To date there has been no study which demonstrates that redevelopment has been to the benefit of public housing tenants generally. (See also 2.2.7 below)

2.2 Management Practices

2.2.1 The Accommodation Manager

Recent reforms
TAS again notes that the Ministry states that the role of Accommodation Managers is *currently* being reviewed. In relation to the recruitment procedure reform cited it is interesting to note that again this reform appears to have been implemented since November 2000, (refer to Attachment 7, p.2) that is, after TAS had made its submission to this Committee and distributed its issues paper.

Budget management
The Ministry's response highlights again the importance of good budget management. TAS does not dispute this. Our concern is, as previously stated, that present financial arrangements dictate that the Ministry must seek to operate at a profit.

Other recent reforms?
We are pleased that the Ministry is seeking to improve tenant access to Accommodation Managers. TAS notes that once more the Ministry has not advised when this reform was implemented. We assume the reference to the "recently introduced … new computer system" in the Ministry's response is yet another reference to a reform implemented subsequent to TAS'

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[17] Office of Housing Policy seminar, "Current Housing research: UK and WA Perspectives", Gavin Woods, Senior Lecturer in Economics, Murdoch University, June 6, 2001.

submission and hope the reform does in fact meet the espoused goal of being "better able to handle all relevant data". In the absence of any information about this reform however it is difficult to evaluate its effectiveness.

2.2.2 Homeswest Computer System

Breach and termination notices

As indicated previously, although the Ministry may be aware that breach and termination notices are the "early stages of default" under tenancy law, the problem remains that many tenants are unaware of this (understandably given the language utilised) and believe that a breach or termination notice ends the tenancy.

We appreciate the Ministry's advice that tenancy breach and termination notices are not issued by the Ministry's computer system but are manually produced. We will make sure to let the tenancy network and our clients know so the next time they are told by Ministry staff that it was the fault of the computer system, as in the example cited in our original submission, we will all know that this is not true. For reasons given before, the issue of a breach or termination notice may not be particularly significant from the Ministry's perspective, but as it is regarded as equivalent to an eviction order by many tenants it can be of significant consequence.

Direct debit

At the RSSC meeting on 22 November 2001, a Ministry officer, Mr Mark Barrett, attended to discuss the operational issues related to the Centrelink direct deduction scheme and amongst other things undertook to investigate how direct debits were being cancelled without the tenant's authority and be recorded as "at the customers' request". (Attachment 21) TAS is glad to have finally obtained clarification on this issue that supports tenants' advice to us. While TAS agrees that the direct debit system can be useful we remain concerned at the late notice given to tenants when changes are implemented without their knowledge.

The Ministry's response in relation to the amount of rent paid ignores TAS' point - that it uses a "deemed" income to calculate the maximum rent payable, although the tenant is not actually in receipt of that amount. Moreover with arrears and other charges the tenant may be paying far in excess of 25 per cent of their income on rent, and as the Ministry itself acknowledges (at 2.2.4 and see Debt Recovery Policy, Guidelines and Practices 6.1) it will accept payments of over 30 percent, an amount recognised in the National Housing Strategy of 1992 as putting families into "housing stress". In one case of which TAS is aware, a woman "agreed" to make payments of $400 per fortnight to the Ministry to prevent being evicted from her home, although this was almost her whole income.

2.2.3 Lack of Accountability

We are pleased if the Ministry is seeking to improve its systems in an attempt to improve accountability. TAS notes that once more the Ministry has not advised when this reform was implemented or any details. We assume the reference to the "recently introduced … new computer system" in the Ministry's response is yet another reference to a reform implemented subsequent to TAS' original submission.

2.2.4 Determining Charges

It remains the case that with deemed income, debt repayments and other charges, tenants' liabilities are often far in excess of 25 percent of actual tenant income. The simple reality is that many tenants are being charged more than 25 per cent of their actual income for Ministry housing - a far from "affordable rent". Moreover, the Ministry ignores that 25 per cent of an income which is below the poverty line is not by any means an "affordable rent". While the Ministry may well be entitled to disclaim any responsibility for the level of benefits available, it should not be so dismissive of the difficulties confronting people attempting to live below the poverty line. (See also 2.2.2 above.)

2.2.5 Direct Debiting of Statutory Benefit

At the RSSC meeting of 22 November 2000 (Attachment 21) the Ministry advised that Homeswest submits tenant details to Centrelink five days prior to the commencement or variation of payments. This includes pay variations made by the Ministry without the tenants' knowledge. While such pay variations may appear "minor" to the Ministry, they may be far from that for tenants living on very minimal income, and being advised after the variation has been implemented can often leave tenants with inadequate funds.

2.2.6 Legal Action as a Management Tool

While the Ministry's position may be quite commendable if it were an ordinary landlord, the Ministry's comments appear to ignore the significance of action to evict public housing tenants. It is not merely inconvenient or worrying for Ministry tenants to be subjected to an eviction order for an extended time, for many there are no alternatives upon eviction other than homelessness. Again the Ministry does not appear to be sufficiently aware of the immense power it wields as a housing provider of last resort.

2.2.7 Redevelopment Projects

Eviction numbers

TAS' claim that evictions have increased in New Living areas is based on our experience as a service provider for tenants over many years and more recently as a Resource Unit for tenancy and other workers handling tenancy issues throughout the State. While it is true that TAS has no statistical data to substantiate our claim, it is of note that the Ministry, which of course has ready access to such data, has not produced any evidence to refute TAS' claim. In relation to other concerns TAS has had about the Ministry's conduct (such as such as indirect racial discrimination against Indigenous Homeswest tenants), once Ministry data has been made available it has substantiated TAS' claims.

Parry-Strommen Report

Additional comments in relation to the Parry-Strommen report are included at Attachment 22. The authors of the report themselves state that they did not have sufficient information to make

any conclusions in relation to the benefits of redevelopment, and in particular not in relation to the Ministry's Indigenous tenants.[18]

It should be noted too, that one of the authors of the report is an employee of the Ministry and the other is Program Manager for an organisation which receives Supported Housing Assistance Program funding, that is, also is in receipt of Ministry of Housing funding. (See TAS' comments in relation to the invidious position of SHAP workers at 2.3 of our original submission.) We also note that like many issues, academic opinion on the benefits of redevelopment projects for tenants is divided. An independent academic working in this area, Associate Professor Jean Hillier of Curtin University WA, described the redevelopment polices of the Ministry of Housing in this State at the Millennium Conference of the National Association of Community Housing Associations as "ethnic cleansing".[19]

2.3 Supported Housing Assistance Program (SHAP)

Conditional re-entry

The Ministry's comment that "Participation in SHAP is occasionally used as a condition of re-entry into the public housing system, however tenants are not forced to comply" once more demonstrates the Ministry's failure to comprehend the nature of its role as a housing provider of last resort in that it appears to believe that people can exercise a choice in these circumstances.

Maintenance

The Ministry states that the reports of SHAP workers are to help to identify any difficulties that may occur in relation to referred tenancies. It also states that these reports are not an appropriate medium through which to address maintenance concerns. In TAS' view, however, maintenance concerns can significantly impact on the status of a tenancy, for example, the lack of adequate security can leave tenancies vulnerable to unwanted visitors or violence which may result in neighbourhood complaints.

SHAP workers' criticisms

The fact that the Ministry is also oblivious to the difficult position some SHAP workers feel they are placed in is symptomatic of its attitude towards criticisms of its own conduct. The Ministry's response to TAS' original submission, in which it resorts to name-calling and a sustained attack on TAS' credibility and integrity, is illustrative of the Ministry's reaction to criticism. It is not surprising those who are dependent upon it for funding are unlikely to raise their concerns with the Ministry. The meaning of the Ministry's comment that a SHAP service would have been negligent in its duties if it was threatened by the Ministry with de-funding for arranging legal representation for a tenant is not evident - unless it is to blame the victim.

[18] Parry-Strommen "'New Living' Report" 2001, pp.11, 12, 144

[19] At Fremantle, 29 November 2001.

2.4 Homeswest's Review and Appeals Mechanism

HAM review

It is interesting that at same time the Ministry claims that its appeals mechanism is "widely recognised as being extremely successful, open and fair" it has also undertaken two reviews in recent years, the most recent being subsequent to TAS' original submission.

The most recent, conducted by the Office of Policy, states that the view gained from "discussions with both external and internal stakeholders… is that the system is a good one but it could work better". TAS is grateful to the Committee for forwarding a copy of this report to us. Although TAS staff constituted half of the number of external stakeholders[20] consulted we had not received a copy of this report and had in fact been told that the consultation was strictly "off the record". We were therefore very surprised not only to see ourselves listed as being consulted, but also to see our views characterised in the above fashion. Even more surprised that it appears that we gave "little support for a return to a Tribunal model, principally because of the legalistic nature of, and time required for, determinations." In fact TAS has argued for the return to a Tribunal model for years because of the lack of independence in the existing model, no matter which area of the Ministry administers it.

It is of note that the Ministry's own Appeals Co-ordinator does not share the Ministry's assessment of the mechanism as extremely successful, and he was reported as saying at a meeting on 16 July, 2001, that the Ministry of Housing agreed that the system was not perfect.[21] It is also the case that the Office of Policy identified far more weaknesses than strengths of the existing system and made 11 significant recommendations for change.

Correspondence

The Ministry's comments in relation to difficulties of tenants understanding Ministry correspondence in relation to appeals is once again symptomatic of the limited understanding of tenant needs within the Ministry, although it claims to have a "commitment to the delivery of quality service to all its customers". It is assumed that difficulties in understanding Ministry correspondence exist only for people who speak other languages, but fails to acknowledge the difficulties for people with poor literacy skills and limited educational opportunities.

Reprisals

The somewhat glib suggestion that tenants who fear reprisals can access the EOC and other complaints agencies is dismissive of the difficulties which confront tenants. The absence of accountability by the Ministry, in failing to provide statistical data on the impact of its polices and procedures has effectively protected it from indirect discrimination actions.[22] Moreover, the practice of the Ministry, to enter into confidential settlements with complainants before the EOC, has enabled Mr Joyce to make claims such as that at the Derbarl Yerrigan forum, that "not

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[20] If a member of the Third Tier Panel is included as "external".

[21] Forum "Community Housing Providers and the Residential Tenancies Act", jointly convened by CHCWA and Shelter WA.

[22] The complainant is required to provide the statistical foundation for a indirect discrimination claim in WA, although it is only the respondent which has access to such material: see *Joan Martin v State Housing Commission* (Equal Opportunity Tribunal, Matters 17 & 20 of 1997). The legal position in the UK is reversed, and TAS is lobbying to have the legal position altered in WA, as is the EOC.

once have we been found to have acted racially". (Attachment 1) As indicated in our original submission, the Ombudsman's Office has not proved effective in the past in dealing with public tenants' complaints. When the Public Sector Standards Commissioner tabled an adverse report about Ministry policy in the State Parliament (referred to previously), the Ministry simply declined to act on the Commissioner's recommendations.

2.4.2 Lack of Independent Review of Decision Making

As stated in TAS' original submission we have been advised by Ministry staff that a senior officer of the Ministry has all matters concerning particular families referred to him prior to any decisions being made in relation to those matters, including appeals. It is significant that the Ministry has not denied this in its response.

2.4.3 Lack of Access to Information

TAS congratulates the Ministry on the development of the Aboriginal Tenants Support Service, but again this service has only recently commenced functioning and as noted in the Ministry response is only available in selected country towns.

The over-riding problem remains, however ,that tenants need to be pro-active in ensuring that their rights are respected. An example concerns the recent reform involving the suspension of the Ministry's Bankruptcy Policy, referred to previously. Bankrupt debts still "come up" on applicants' files when they make new applications for public housing. Unless the Ministry staff member handling the application manually checks the file and identifies the debt as a bankrupt debt (as they are supposed to) or the applicant is aware of the change in policy, the effectiveness of this very welcome reform will be lost. Although the Ministry has taken steps to train its employees there has been little attempt to let tenants and those who were precluded from public housing under the old policy know about this policy change.

Conclusion

This reply to the Ministry's response is detailed and has consumed considerable time and resources. As noted in our original submission, TAS acknowledges the difficulties confronting the Ministry and its staff but it is also the case that in contrast to the Ministry, a multi-million dollar operation, TAS has just recently increased in size to an agency which consists of just 7.3 full-time equivalent positions. Until last week we had been largely unfunded for a month due to on-going delays by the State government in making arrangements to release the tenants' interest monies which funds two-thirds of our service. In spite of these difficulties TAS has a strong commitment to seeking to assist this Committee in identifying and addressing the critical housing needs of Indigenous Australians.

TAS is pleased to now be in a position to go on record to welcome the many initiatives implemented by the Ministry since we made our submission in November last year. TAS would also like to thank this Committee for the opportunity to participate in this Inquiry, as we believe the Committee's scrutiny of the needs of urban Indigenous peoples has contributed to the Ministry's preparedness to implement change. We remain concerned, however, that the Ministry

criticises TAS for failing to produce substantiating evidence for our claims while it alone has access to such data and yet makes no commitment to its provision so that Ministry initiatives to be quantitatively evaluated. TAS' concern is not allayed by the Ministry's attempt to rely upon these same (recent) initiatives to undermine the credibility of TAS because we sought to raise genuine concerns in order to address what has and remains a catastrophic situation for many Indigenous families in WA.

The Ministry has implemented changes in the past and yet critical housing needs of urban Indigenous populations in WA remain unmet. In TAS' view, it is unfortunate that the tactics employed by the Ministry in its current response provide no basis for distinguishing what is perhaps this time a genuine commitment by the Ministry to achieving substantive change in the provision of housing for Indigenous people, and what is simply a cynical exercise to silence its critics.

6 August, 2001

Appendices

Attachment 1 - Transcript of talk by Mr Greg Joyce, Executive Officer Ministry of Housing, Housing Forum, Derbarl Yerrigan Perth, March 22, 2001. "Housing 'sorry' to Aborigines", *The West Australian*, March 23, 2001, p.8.

Attachment 2 - Derbarl Yerrigan, Housing Summit briefing papers, distributed March 22, 2001.

Attachment 3 – Memo from Mr Bob Thomas, Manager Homeswest, to the Chairman of the Housing Advisory Committee, reviewing "housing for all – a [sub]-urban myth", 5 February 2001.

Attachment 4 - TAS' letter to Mr Bob Thomas, Manager Homeswest, seeking details of alleged policy and procedure changes, 19 February 2001.

Attachment 5 - Mr Thomas' response to TAS, seeking attendance at the RSSC meeting of 28 March 2001, 8 March 2001

Attachment 6 - Minutes for RSSC meeting 23 May 2001

Attachment 7 - Letter from the Minister for Housing to TAS, outlining Ministry changes implemented in response to the Equal Opportunity Commission Report of November 2000, 29 June 2001.

Attachment 8 - Draft Minutes of the Applicants & Tenants Support Working Party, 5 June 2001.

Attachment 9 - Extract from standard Funding/Lease Agreement between Homeswest and CHAs.

Attachment 10 - Extract from Ministry of Housing, Community Disability Housing Program Guidelines (November 1999), pp.17, 18.

Attachment 11 - Extracts from Ministry of Housing Annual Report 1999/2000, pp. 120, 169.

Attachment 12 - Extract from pre-1997 Priority Assistance Policy; extract from proposed policy changes tabled at HAC 1997 (x 2); proposal for change to Priority Assistance Policy taken to Board and Minister.

Attachment 13 - Letter from Mr Bob Thomas, Manager Homeswest, to TAS advising number of Indigenous tenancies, 29 May 2001.

Attachment 14 - Eviction statistics 1996 to 2000.

Attachment 15 - Extract from Equal Opportunity Commission Occasional Paper No 2, (2001) *Aboriginal Participation within the complaints Process*, pp1-3.

Attachment 16 - Extract from Ministry of Housing *Capital Works Program 2000/2001*, undated, pp. 14, 17.

Attachment 17 - Letter from Robin Williams, Manager Rental Operations, to Applicant and Tenant Support Committee, re Priority Applicants, 23 April 2001.

Attachment 18 - Fax to TAS from Minister for Housing re the application of the Ministry's "confidentiality" policy to materials in TAS' supplementary submission, 3 August 2001.

Attachment 19 - Penny Rackhan, "Contractor trouble forces long wait", *North-West Telegraph*, July 25, 2001, p.3.

Attachment 20 - Photographs of occupied Homeswest tenancies.

Attachment 21 - RSSC minutes of meeting 22 November 2000.

Attachment 22 - TAS' preliminary assessment of the Parry-Strommen "'New Living' Report" (Attachment E to the Ministry's response); Shelter WA's preliminary assessment of the Parry-Strommen "'New Living' Report".