



Finding a Place

Final Report of the Implementation and Monitoring Committee

for the Section 80 Implementation
and Monitoring Committee of the
Inquiry into the Existence of
Discriminatory Practices in Relation
to the Provision of Public Housing
to Aboriginal People in Western
Australia.

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Abbreviations Used

AHURI – Australian Housing and Urban Research Institute

EOA – Equal Opportunity Act 1984 –The Act

EOC – Equal Opportunity Commission

HAM – Housing Appeals Mechanism

HART – Housing Advisory Round Table

HSO - Housing Services Officer of the Dept of Housing

OMI – Office of Multicultural Interests

PSO - Property Services Officer of the Dept of Housing

REIWA – Real Estate Institute of WA

RTA – Residential Tenancies Act 1987

Statement of the Commissioner for Equal Opportunity

It is six years since I released the Report “Finding a Place”: An Inquiry into the Existence of Discriminatory Practices in Relation to the Provision of Public Housing and related Services to Aboriginal People in Western Australia.

During this time joint statements have been made by myself and the Directors General of the Department of Housing on the progress of the implementation of the recommendations made in that report. It is now appropriate at this formal end of the project to provide a more comprehensive overview of what changes have been made within the Department, and the outcomes of those changes for Aboriginal people.

This report will also comment on the emerging issues within the “social housing” sector which directly impact on the provision of housing in Western Australia and the consequences for Aboriginal people in, or seeking to obtain, public housing.

Throughout this time many individuals have been involved in working to ensure that the provision of public housing and the associated services have been improved for Aboriginal people. The Directors General of the Department I have worked with during this time have all had a strong commitment to the progression of the recommendations of the Report. They have each taken a constructive, and at times a hands-on approach, to ensure the Department has more readily scrutinised policies and practices which limited housing opportunities and amended these accordingly to promote greater access for Aboriginal people. Bob Mitchell held the position of Director General for the period 2006-2007, Jonathon Coles from 2007-2009 and currently Grahame Searle. Many other officers of the Department have worked diligently on this project.

Whilst many officers of the Equal Opportunity Commission have been involved in the project, particular mention needs to be made of Cathryn Groves who has been involved with this work since the inception of the Inquiry and who took on the implementation for the period mid 2007 to mid 2009 in addition to her role as Manager of the Substantive Equality Unit.

Particular thanks go to the many members of the Implementation and Monitoring Committee who have been able to guide the work of the project and provide the perspective of the Aboriginal community as many of them work directly with clients and tenants of the Department. As there have been so many, the following pages provide the full list of the people and organisations which have participated on this Committee.

Through joint collaboration, the Department of Housing and the Equal Opportunity Commission have been able to work through the difficulties and the challenges of implementing the recommendations. There is now a better understanding of how multiple layers of disadvantage and cultural difference can impact on the needs of the client group and how the service provided needs to be adjusted accordingly. Although this project is technically completed, we will continue to work together through the *Policy Framework for Substantive Equality* to ensure positive and equal outcomes for Aboriginal people.

All of those involved have expressed their strong desire for this work to continue. The Commission will convene six monthly forums which will include all the bodies which have been involved to date and it intends to broaden to include more advocates and housing groups, particularly those which represent Aboriginal clients of the Department. The Department and the Commission will report on their continuing work and this Report identifies the specific matters which will be highlighted at the forums.



Yvonne Henderson
COMMISSIONER FOR EQUAL OPPORTUNITY

Section 80 Implementation and Monitoring Committee

REPRESENTING ORGANISATION	MEMBER	REPRESENTING ORGANISATION	MEMBER
Community Members	Anne Annear Ron Attwood John Ballard Jeanine Purdy	National Network of Indigenous Women's Legal Services	Denese Griffin Deborah Rose
Aboriginal Legal Service of WA	Dennis Eggington Kate Allingham Tonia Brajich Tammy Solonec	Roebourne – Women for Stronger Communities	Deanna McGowan Robyn Churnside
CPSU/CSA	Lea McKay	Shelter WA	Karel Eringa Paul Pendergast Heidi Stewart Jim Anthony Bronwyn Kitching
Indigenous Women's Congress	Helen McNear	Telethon Institute for Child Health Research	Colleen Hayward
Jackaranda Community Centre- Victoria Park Youth Accommodation	Marie Austen	Tenancy Advice Service WA Inc	Donna Bannister Rob Spinks John Perrett Kate Allingham
Katanning Aboriginal Community	Meryl Hansen Hazel Hansen Bev Eades	WACOSS	Lanie Chopping Alan Carter Lynn MacLaren Irina Cattalini
Kimberley Community Legal Service Inc.	Murray Jones Rosemary van Keppel Annie Wilson		

Government Agencies

REPRESENTING ORGANISATION	MEMBER	REPRESENTING ORGANISATION	MEMBER
Equal Opportunity Commission	Yvonne Henderson (Chair)	Department for Community Development	Helen Miskell
	Cathy Groves		Wendy Dawson
	Marque Raymond	Department for Child Protection as of 2007	Martin (Kuzi) bin Rashid
	Diana MacTiernan		Katy Rafferty
			Mark Rich (Strong Families)
			Leah Bonson (DCP)
			Suzanne Magna Johns (DCP)
			Marlene Hamilton (DCP)
			Jenni Collard (DCP)
			Bruce Loo (DCP)
Department of Housing	Steve Parry	Department of Consumer and Employment Protection	Tammy Solonec
	Terry Daly		Maxine Chi
	Leanne Fotakis		Wayne Bynder
	Shane Hamilton	Department of Commerce as of 2008	Shanti Graham
	Scott Campbell		
	Suzanne Healy		
CPSU/CSA	Lea McKay	Shelter WA	Karel Eringa
			Paul Pendergast
			Heidi Stewart
			Jim Anthony
			Bronwyn Kitching
Disability Services Commission	James Morrison	Department of Indigenous Affairs	David Pedler
	Tim Doncon		Samantha Williams
			Anthony Galante
			Rory Whitelaw

Executive Summary

This report is a summary of the work which has been undertaken in the period 2005 to 2010 in implementing the recommendations of *Finding a Place*, the report of the Inquiry into the Existence of Discriminatory Practices in Relation to the Provision of Public Housing and Related Services to Aboriginal People in Western Australia.

As many documents, organisations and individuals are referred to in the course of this report, there is the issue of trying to ensure consistency in terminology: this is not always possible when there are direct quotes from other sources. Reference to Aboriginal People is meant to be an inclusive term for all people of Aboriginal and Torres Strait Islander origin. The term Indigenous People may be used but only when citing a reference which has used such terminology. The Department of Housing use the term ATSI (Aboriginal and Torres Strait Islander) in its data reporting and this is reflected in a number of the tables used in this report.

The use of the term “the Department” refers to the entity currently known as the Department of Housing but which was known at the time of Inquiry as the Department of Housing and Works. Historically the Department for many tenants was known as, and is still referred to as Homeswest. For this reason, the term Homeswest was also used in many of the recommendations of *Finding a Place* and as these recommendations are frequently cited, that term will be found in that context in this report.

In all there were 165 recommendations in *Finding a Place* and for the purpose of this report they have been grouped into five areas of reform:

- Staffing Issues including promoting a culture of awareness and understanding of issues faced by Aboriginal people, staffing roles and the role of Aboriginal Staff;
- Communication and consultation with Aboriginal people;
- Review of Departmental Policies and Practices to reasonably account for the specific needs and circumstances of Aboriginal people;
- The provision of good standard housing and maintenance services to Aboriginal tenants and fair tenancy management procedures; and
- The need for a fair and equitable appeals mechanism.

Within each of these sections there is an overview of the issues raised in *Finding a Place*, a summary of the changes which have occurred in policy and practices and also where necessary identification of the issues which still need to be addressed. In some instances further recommendations have been made where the Implementation and Monitoring Committee considers there is a need for reform beyond what was identified in *Finding A Place*. The Committee has also identified “monitoring points” in areas of the Department’s activities where ongoing information needs to be provided to the new regime of six monthly forums which have been established. A full listing of the recommendations arising from this report can be found in Appendix 1.

While much has been achieved in terms of reforms for the Department's policies and practices, over the past five years social, economic and political factors have heavily influenced and affected the availability and provision of public housing in Western Australia. This report seeks to identify those issues which have had, or potentially will have, an impact on public housing for Aboriginal people and includes Emergency Housing, Revision of the Public Housing Waitlists, Disruptive Behaviour Strategy and Community Housing.

Chapter 1 Overview of Inquiry, Recommendations and Implementation

Background to inquiry

In the period 1998 - 2002 many claims of discrimination by Aboriginal tenants and applicants against the public housing authority were filed with the Equal Opportunity Commission (EOC). As a result Acting Commissioner, Moira Rayner, set up an Inquiry¹ examining the policies and procedures of the Department of Housing and Works (hereafter referred to as the Department) and their impact on Aboriginal people in the area of public housing and related services, and whether there was indirect discrimination.

Indirect race discrimination is where a condition or requirement results in greater difficulties for some people to comply with than others because of their race.

Commissioner Yvonne Henderson, who came to the position in 2003, established a reference group chaired by Dr Pat Dudgeon and Associate Professor Ted Wilkes (Deputy Chair) which progressed and oversaw the consultation and research of the Inquiry.

The Commissioner also established and chaired an internal committee of EOC staff to guide the Inquiry. Both the Reference Group and the internal Inquiry Committee were aware that lack of input into decision-making was a particular concern for Aboriginal people. It was therefore determined that one of the main sources of information gathering would be getting first hand experiences of the people who were either tenants or applicants for public housing. Officers of the Commission convened consultations in metropolitan and many regional and remote areas to explain the purpose of the Inquiry and to take submissions directly from Aboriginal people who wished to make them. The submissions were taken in a range of formats including written, oral recorded by hand, audio taped and video recorded.

The regional consultations were held in the Great Southern (Albany and Esperance), Southwest (Bunbury) Goldfields (Kalgoorlie), Midwest/Gascoyne (Geraldton), Pilbara (Roebourne, Port Hedland and Wickham) and the Kimberley (Derby and Broome). Metropolitan consultations were held in Armadale, Gosnells, Mandurah, Mirrabooka, Rockingham and South Lakes. The submissions in these areas were gathered with the support and assistance of many Aboriginal Elders, community groups and advocates.

The Inquiry found there were many areas where the policy and practice of the Department tended to provide greater difficulties for Aboriginal people in either gaining or maintaining tenancies compared to other tenants. These difficulties in policy and practice could be more accurately categorised as indirect discrimination where the standard conditions applied to applications and tenancies were unable to be complied with by a large proportion of Aboriginal People or households. For example households characterised by overcrowding due to responsibility to large extended families would be affected by the policies of income to rent, tenant liability for damage and anti-social behaviour which often resulted in breach notices and sometimes escalated to eviction. For some Aboriginal people regular periods of upheaval due to premature death of

¹ See <http://www.equalopportunity.wa.gov.au/pdf/findingaplace.pdf> and <http://www.eoc.wa.gov.au/> for more information.

relatives, chronic disease and disability, and neighbourhood disputes about cultural issues and obligations unknown to most Australians also seriously impacted on their tenancies.

The final report of the Inquiry *Finding a Place* was released in December 2004. Many of the stories collected through the consultation process were included in Chapter 13. With the assistance of Dr Martin Mhando of Murdoch University a DVD was produced to accompany the report.

There were 165 recommendations dealing with the wide range of issues which had been identified as affecting Aboriginal people's access to public housing or their tenancy once they managed to secure a house. A full list of the 165 recommendations can be found at Appendix 2, with the annotation of its implementation status.

Identified areas of reform

The 165 recommendations of *Finding a Place* were listed under the specific areas they sought to deal with. For the purpose of this report the recommendations have been broadly categorised into the following five areas of reform:

Staffing Issues including promoting a culture of awareness and understanding of issues faced by Aboriginal people, staffing roles and the role of Aboriginal Staff

The need for the Department to communicate and consult with Aboriginal People

The need to review Departmental Policies and Practices to reasonably account for the specific needs and circumstances of Aboriginal people

The provision of good standard housing and maintenance services to Aboriginal tenants and fair tenancy management procedures

The need for a fair and equitable appeals mechanism

This report provides an overview of what identifiable changes have been made in each of these areas since the release of *Finding a Place*.

The implementation and monitoring committee

The first recommendation of *Finding a Place* was the establishment of a committee to oversee the implementation of its recommendations. The inaugural meeting of the Implementation and Monitoring Committee (the Committee) was held in 2005. The Committee had a broad membership which included government agencies, community and non government organizations which deal with the issues of housing and tenancy and individual community members.

The State Government agencies represented included the Department of Indigenous Affairs, Department for Child Protection (formerly Department of Community Services), Department of Commerce (Division of Consumer Affairs), Disability Services Commission and Strong Families. The community and non-government organisations included Aboriginal Legal Service of WA, Indigenous Women's Congress, Jacaranda Community Centre, Katanning Aboriginal Corporation, Kimberley Community Legal Service, National Network of Indigenous Women's Legal Services, Tenants' Advice Service, Thungula Goothada Family Support Legal Centre, Shelter WA, Western Australian Council of Social Services, and more recently Daydawn Advocacy Service. The individual members on the Committee were Ms Anne Annear, a long time community advocate acting on

behalf of Aboriginal people and Mr. John Ballard: both individuals have been involved since the time of the Inquiry.

In 2005 State Cabinet approved funds for the employment of staff to implement the recommendations of the Report. This funding also provided the ability for regional members of the Committee to actively participate in the meeting by video link. These members have expressed the view that this allowed them to have meaningful input into the meetings which would not be achieved by standard teleconferencing.

From 2007 the Department officially joined the Committee which made a considerable difference for the other members to be able to hear firsthand how developments within the Department impacted on the implementation of the recommendations.

Since its inception the Committee has met every two months to discuss progress on the implementation of the recommendations and also to monitor other developments within the Department which impact on the provision of housing for Aboriginal applicants and tenants. Examples of such matters include the emerging issues of the extended waiting time for those on the priority list, the projected increase in public housing being moved to the community sector and the State Government's "crackdown" on what is described as anti-social behaviour.

Working arrangements between EOC and department of housing

The Commissioner established with Bob Mitchell, Director General in 2006, bi-monthly meetings to follow-up on the issues and matters which arose from either the Committee meetings or generally from the implementation of the recommendations. These meetings were scheduled between meetings of the Monitoring Committee. Senior staff of the Department and the project officers of the Commission also attended these meetings.

It was also determined as early as 2005 that in order to practically work through the recommendations and their implementation, designated officers from the EOC and the Department would need to be assigned responsibility. Throughout the years of the project various personnel of both organisations filled these roles.

The approach taken by officers initially working on this project was to work with the recommendations by groupings based on theme and approaching the implementation on that basis.

In 2008 however a new five stage approach was developed and endorsed whereby each recommendation was given an implementation rating according to the evidence available to establish its status. This was to ensure that if a recommendation was to be considered to be implemented, there needed to be evidence to that effect. The later stages of the process required that such changes to policy and or practice needed to be monitored to ensure the revised process was being adhered to. Ultimately there is the need to have a process of evaluation to measure the effectiveness of the changes.

Chapter 2 Reform Areas

Reform Area 1 - Staffing Issues

Revision of the roles of departmental staff

At the time of the Inquiry the position of Accommodation Manager within the Department had the most significant daily interaction with tenants. *Finding a Place* found the role of Accommodation Manager had a heavy emphasis on tenancy enforcement such as inspections and rent collection. The relationship between the tenant and the Accommodation Manager was therefore often characterised by conflict, making it difficult for the tenant and Accommodation Manager to work together to deal with issues which were undermining the tenancy. The conflict would be exacerbated where tenants had maintenance issues and often the Accommodation Manager would not have the technical expertise to assess whether there was a maintenance issue or whether maintenance work which had been undertaken had been satisfactorily completed.

One of the key changes since the release of *Finding a Place* was the revision of the role of Accommodation Manager. The Department had an internal review into the scope and operation of these front line positions. The first major change was that the aspects of the role involving technical assessments on maintenance issues were given to Property Service Officers (PSO). The major objective of this change was to allow the newly termed Housing Services Officers (HSO) to concentrate on tenancy support. For example the HSO is able to liaise with the tenant when a tenancy issue, such as rental arrears, may be arising and to try to work with the tenant to resolve the problem when it is only a minor issue.

In regional areas this distinction in the roles is not as clear due to the limited overall numbers of officers and therefore these positions are titled Housing/Property Officers and they carry out both functions.

A secondary issue raised in *Finding a Place* was the number of tenancies allocated to Accommodation Managers. While the revision of the role has reduced the maintenance function, the metropolitan average for full-time HSOs is 350 tenancies. A quick review of property managers in the private sector is a maximum of 300 with the average being about 150-200.² Given the emphasis which is placed on the HSO working with tenants who may have significant issues to support their tenancies, the workload is an issue which requires ongoing monitoring by the Department.

Monitoring Point 1: The average number of tenancies allocated to Housing Service Officers

² REIWA Website (www.reiwa.com.au) – Positions vacant – Property Managers 11 June 2010 and 21 January 2011

The Department also reclassified the positions of Customer Services Officers (CSO) who are the first point of contact with new applicants for housing and also tenants who visit the office with basic enquiries. This is a measure to more readily assist applicants for housing and deal quickly with basic tenancy enquiries to ease the workload for HSOs to allow them to concentrate on more complex tenancy issues.

The role of Senior Customer Service Officer includes as an essential selection criterion “An ability to effectively communicate with Aboriginal people and a knowledge and understanding of Aboriginal culture.” Housing Service Officers have as a Job Related Requirement “Relating to, and working with, people from all walks of life and showing respect for their cultural differences/needs, in particular those of Indigenous people.”

The Committee believes that this criterion or the job related requirement should be included into the role statement of all officers in the Department, or at least those working at the district/regional office level.

Recommendation 1: Include in the role statement for HSOs, Team Leaders, Rental Managers and Regional/District Managers: “Relating to, and working with, all clients and showing respect for their cultural differences/needs, in particular those of Aboriginal people.” This requirement is to be a consideration in each staff members annual performance review.

Employment of Aboriginal staff

At the time of the Inquiry the Department had an objective of having 10% of its staff to be of Aboriginal descent, however the figure achieved was 7.76%. Whilst this figure was high in comparison to other public sector agencies, it was a lower percent than the proportion of Aboriginal applicants and tenants of the Department which at that time was around 27%.

At the time of the Inquiry a number of past and current Aboriginal Departmental staff gave oral submissions and they identified some key issues affecting them as Aboriginal staff. Firstly in their roles, many felt they were frequently in conflict with their own people when enforcing Departmental policy. The majority of these Aboriginal staff expressed that as they were employed at relatively junior levels they felt they did not have the capacity to have any influence if they believed an incorrect decision had been made. These members of staff stated they felt unsupported in the Department when they faced this conflict. A number of recommendations were made to attempt to resolve these issues.

Further the Aboriginal staff also expressed a level of tension with other staff who they felt had very negative views about Aboriginal people generally and particularly Aboriginal tenants.

As at July 2010 the percentage of Aboriginal Staff in the Department is 7.35% and the current level of Aboriginal tenants is 21.74%³.

³ The figures on Aboriginality of tenants are based on self disclosure by tenants when entering their lease.

The following table provides a breakdown of the levels at which these staff members are employed.

Level	Aboriginal and Torres Strait Islander staff	Total Staff at Level	Percentage
L1	2	28	7.14%
L2	28	249	11.24%
L3	32	316	10.13%
L4	2	139	1.44%
L5	8	192	4.17%
L6	7	129	5.43%
L7	9	69	13.04%
L8	1	46	2.17%
L9	0	6	0.00%
L10	0	10	0.00%
Grand Total	89	1184	7.52%

Table 1 - Dept of Housing Aboriginal staff by level as at 30 June 2010 (Source: Dept of Housing Sept 2010)

As a general guide to the levels within the Department structure, Customer Service Officers are L2, HSOs are L3/4, Team Leaders of HSOs are L5, positions of managers of sections at Branch/Regional Office level, can be L5 or L6 and Regional Managers are L8.

This matter of Aboriginal staffing numbers and levels has been the subject of frequent discussion within the Committee. It has been discussed that the most effective means to deal with many of the issues raised in *Finding a Place* is for more Aboriginal people to be recruited and or promoted into more senior positions within the Department. The Committee considers that Staff at senior levels within the organisation can influence decision making, have capacity for relationship building in the community and also be better placed to mentor staff.

This contention is supported by Professor Larissa Behrendt of Jumbunna Indigenous House of Learning at the University of Technology, Sydney. Professor Behrendt proposes that increasing the number of Aboriginal people in the public service who are engaged with developing and delivering Aboriginal policies and program is one of the short-term progressive practical and pragmatic means to “closing the gap”. Whilst

“closing the gap” is the Commonwealth government initiative, at the state level it forms a critical component of current funding arrangements.⁴

The caution is of course not to overload individual officers with responsibilities beyond what is a reasonable workload. Further the work environment can be more supportive for all staff supported by ensuring all non-Aboriginal staff have the professional competency to work bi-culturally.

Recommendation 2: The Department develop effective strategies to recruit, retain and promote Aboriginal staff at all levels and sections within the organisation.

At the time of this summary report there has not been an opportunity to survey Aboriginal staff to ascertain their views whether there has been a discernible difference in how they feel about their roles within the Department and the attitudes of their co-workers. The Committee considers an independent confidential survey of the Department’s Aboriginal staff members would be an effective means to gauge these issues which would also assist the development of recruitment and retention strategies as outlined above.

Recommendation 3: The Department commission an independent confidential survey of Aboriginal staff to ascertain their levels of employee satisfaction, perceived levels of support and perceptions of discriminatory behavior against them or their colleagues.

Training of staff

In submissions made to the Inquiry, Aboriginal people spoke of being treated less favourably by staff of the Department than non-Aboriginal tenants or clients. Aboriginal staff of the Department also expressed views they felt there was no understanding of Aboriginal cultural issues amongst other staff members and in fact they believed there was often blatant discrimination against Aboriginal tenants and applicants.

The Report contained at least six recommendations for cultural awareness training of staff as well as anti-discrimination training and the need to review the effectiveness of such training.

Cultural awareness training

Importantly the recommendations for cultural awareness training were for such training to be conducted in consultation with local Aboriginal leaders to ensure local key issues are identified and covered. The Department has tackled this recommendation seriously and has tried to ensure that the majority of staff at all regional offices have attended the

⁴ Behrendt L. Indigenous Policy – “Three Quick Fixes in Three Minutes” Extract from [More Than Luck: Ideas Australia needs now](#) a publication from the [Centre for Policy Development](#) edited by Mark Davis and Miriam Lyons.

training even if not all officers have participated to date: there is however a commitment to ensure that over time all officers do attend the training.

Such training is not just important for the direct daily interaction between Departmental staff and Aboriginal clients. It is also vital for senior management of the organisation to ensure when they are making policy level decisions, they are cognisant of these cultural issues so as to mitigate any unintended adverse outcomes.

At the time of this report, the policy of the Department is for each staff member to attend Aboriginal Cultural Awareness training (and multicultural training for ethnic minority groups) during their induction or at least within three months of their commencement and a follow up to this within four years. The Committee considers there needs to be both a mechanism to gauge the effectiveness of this training and a review of the intervals between cultural awareness training as it is thought it should be more frequent than every four years. Importantly it also needs to be stated that the concepts of cultural awareness need to be embedded into all operational processes and these subject to monitoring through mechanisms such as performance reviews.

It was noted when the Commissioner had recently raised the issue of monitoring the effectiveness of the training, the current Director General, Grahame Searle, suggested incorporating relevant questions into a client survey, such as the one undertaken by the Productivity Commission. The Committee concurred that a survey would be an effective means to monitor whether the cultural awareness survey was having an impact on service delivery.

Recommendation 4: That the Department undertake a review of the regime for cultural awareness training and also consider means to ensure that such awareness is embedded in operational activities.

Anti-discrimination training

As both staff and Departmental clients had raised concerns about their perceptions of direct discrimination occurring within the Department, it was recommended in *Finding a Place* that training programs be reviewed to incorporate equal opportunity/anti-discrimination components as well as the cultural awareness aspects referred to above. The only equal opportunity training however that is provided within the Department is employment based and not service/accommodation based. The Committee considers this recommendation is still valid and notes that the Department has stated that it supports the recommendation.

Monitoring Point 2: The Department to provide updates of review of staff training programs and also participation in training on cultural awareness and anti-discrimination training to the EOC.

Recommendation 5: That the Department commission an independent survey of Aboriginal tenants and applicants to ascertain whether their interactions with Departmental staff have been positively affected by the training undertaken by staff. The body commissioned to undertake this survey will ensure that the methodology is appropriate for Aboriginal people.

Reform Area 2 - Communication between Department and Aboriginal Tenants and Applicants

Liaison and consultation with local communities

The research undertaken prior to and during the Inquiry showed that a significant issue for Aboriginal people was their lack of voice in the community generally and with bureaucracies in particular. The issue of consultation with Aboriginal representative groups and Aboriginal tenants has been pursued by the Committee as opposed to a specific recommendation of the report.

Recommendation 122 of *Finding a Place* was that the Board of DHW should include Aboriginal members. The Board was disbanded in 2006 and while not fulfilling the same function as the former Board, the Department established a Housing Advisory Round Table (HART) in 2009 which includes representation from a number of the major housing advocate groups.

It was proposed to have a second level consultative group structure to HART for distinct housing client groups including Aboriginal people. When the Department determined in the beginning of 2010 that these groups would only be convened on an issue by issue basis, the Committee stressed to the Department the need to include Aboriginal representatives on HART as the primary consultative group for the Department. At the time of this report the Department of Indigenous Affairs is the representative Aboriginal organisation on HART but is working with the Department to identify the most appropriate representative body.

The Committee also recommended that the Department establish means to consult with Aboriginal groups and tenants at the local district and regional level. It seems this has occurred informally at some local offices, with informal events such as tenant/staff barbecues or gatherings. Whilst this type of activity is recognised as building positive relationships, the Committee stresses the importance of also ensuring a formalised consultative structure in addition to any informal initiatives.

The issue of consultation has also been taken up through the Indigenous Issues Unit of the Service Delivery section of the Department and 176 meetings or open forums have been convened at the regional/area office level in the past three years. These meetings are specifically for Aboriginal tenants to tell the Department what their issues are. Senior management of the local office attend as well as the Aboriginal Liaison Officers. A total of 863 Aboriginal tenants attended these forums in the period 2008- 2010.

Revision of written communications

Letters

The Inquiry found that one of the key problems facing Aboriginal applicants and tenants was the written communication they received from the Department. Departmental letters were frequently convoluted and far from easy to understand for people whose first language was not English and/or English literacy was low.

7. *An independent person/s or organisation with expertise in the use of **plain English** to be contracted by the DHW in consultation with the Implementation Group to review all policies, documents, brochures (written materials) developed by Homeswest to ensure their ready comprehension by Aboriginal people.*

The Department initially engaged a consultant to undertake a review of the standard letters which are issued to applicants and tenants however a review of these found that they had not been modified in a way that met the objective of the recommendation. The Department has now spent considerable staff time in revising the standard letters, and members of the Committee had input into these revised letters at the time of the writing of this report.

Recommendation 18 of *Finding a Place* sought that notices be also re-written in plain English but noted some forms are prescribed under the *Residential Tenancies Act 1987* (WA) (RTA). The revision of letters by the Department is ensuring that when the requisite forms under the RTA are issued to tenants, there is an accompanying letter which clearly explains the purpose and consequence of the notice and what action the tenant may need to take to secure their tenancy. Consideration has also been given to color coding of the letters to indicate their significance. Tenants would need to be advised of such coding in their interactions with HSOs.

The Committee has further suggested the Department consider a process of registering advocates for those tenants who wish to nominate one for their tenancy matters. If the tenant has also given the appropriate permission, the advocate can receive copies of such correspondence, and duplicates should be forwarded to the designated person or organisation.

The Committee as a whole and individual members, who have participated in smaller working groups with officers of the Department, have been able to review the key letters which include: Offer of a Property; Rejection of Offer of a Property; Current Payment Deductions not being received; Rental Arrears Emerging and Notice of Breach of RTA and Notice of Intent to gain Eviction Order. This process of review has contributed to simpler and clearer letters for clients.

Information on policies

Similarly the policies and other forms of information provided to applicants, tenants and tenancy advocates were identified as needing revision to ensure they are more readily accessible to Aboriginal tenants and applicants. In reviewing the Appeal Process (see Reform Area 5), the Committee has emphasised the importance that each policy subject to the Appeal Process should be available to tenants and advocates in a concise and easy to understand format.

The Service Delivery Section has been working on these “fact sheets” over the past year, however given dissatisfaction with the results, they have undertaken to review these again. The sub-committee which reviewed the standard letters has also had the opportunity to review the sheets on Priority Housing, Transfers, What is a Valid Offer of a Property? and the Housing Appeals Mechanism .

Finding a Place at Recommendation 8 specifically identified the need for fact sheets for the issues of “Requirements for Emergency Housing”, “Maintenance”, “Eviction Policies”, “Tenant Liability” and “Urgent Assistance to Victims of Domestic Violence”.

The fact sheets which have been produced are on the subjects of Appeals, Priority Assistance, Tenant Liability, Transfers and Valid offers. To date these have not been reviewed by the Committee or sub-committee.

Monitoring Point 3: As the Department's fact sheets are produced on policies, they are to be conveyed to the EOC.

Department's website

The relevant recommendation for this matter is:

16. Homeswest to engage external consultants to evaluate their website for ease of accessibility by their clients, particularly having regard for literacy and cultural issues that affect Aboriginal people. Homeswest website is to meet minimum government guidelines for accessibility, in any event.

At the time of this report the Department has commenced the upgrading of its website with an expected completion in early 2011. The Committee has reemphasised the need for the website to be upgraded to be readily assessable by tenants and applicants but also acknowledged how vital current and accurate information is for advocacy workers and organisations in being able to represent tenants and clients.

Interpreter services

Whilst there has been the drive for letters and policies of the Department to be made available in more simplified English, *Finding a Place* identified that English is not the first language for many Aboriginal people. For some Aboriginal people, English can actually be the second, third or fourth language. It also identified that at the time there were no qualified interpreters or translators of Aboriginal languages. As this need was considered fundamental it was recommended that Regional Offices be required to source interpreters where the client or tenant was unable to communicate readily in English.

The Commissioner for Equal Opportunity being aware of the difficulties faced by many Aboriginal people whose first language is not English in trying to access essential government services such as Housing, Health and the Justice system, commissioned a study into the need for an Indigenous Interpreter Service in 2007. The report of this study was formally launched in July 2010 and entitled *Indigenous Interpreting Service: Is There a Need? (EOC 2010)*⁵. Following is a brief extract from this report which highlights the complexity of accurately identifying the language proficiency of Aboriginal people.

⁵ Indigenous Interpreting Service: Is There a Need? EOC 2010
http://www.eoc.wa.gov.au/Libraries/pdfs/Indigenous_Interpreting_is_there_a_need?_2010.sflb.ashx

One of the major issues relating to assessing the English language competence of Indigenous people is that accurate quantitative data is not available. The 2004 Environmental Health Needs Survey recorded 94 Indigenous communities within Western Australia where an Indigenous language was the main language spoken. This represents around one-third of communities which participated in the Survey. There were 7,704 people within these communities who indicated that their main language was an Aboriginal language. This represents 45% of the total population of these communities. The table below summarises this data⁶.

Location	ATSIC region	Community population		Community population		Total	%
		No. of people whose main language is Indigenous	% of total community population	No. of people whose main language is Indigenous	% of total community population		
Western Desert	Western Desert	15	65%	2648	80%	2663	80%
Kimberley	Malarabah	68	34%	2230	57%	2298	56%
Kimberley	Wunan	86	33%	1500	39%	1586	38%
Kimberley	Kullari	74	21%	468	17%	542	17%
Goldfields	Mulga Mallee	n/a	n/a	325	45%	325	45%
Pilbara	Ngarda Ngarli Yarndu	7	19%	253	28%	260	28%
Gascoyne-Murchison	Yamatji	n/a	n/a	30	7%	30	7%
Wheatbelt-South West	Country Noongar	0	0%	0	0%	0	0%
Metro Area	Perth Noongar	n/a	n/a	0	0%	0	0%
TOTAL		167	28%	4806	46%	5041	45%

Table 2 - Percentage of people whose main language is Indigenous (Source: 2004 Environment Health Needs Survey)

The above information on these particular communities was not that relevant for the Department up until July 2010 as previously it did not have properties in these communities. With the passing of the *Aboriginal Housing Legislation Amendment Act 2010*, however, the Department has assumed responsibility for the management of properties in a number of communities. The issues associated with the passing of this legislation are raised in the Emerging Issues section of this report.

While the Department will have an increasing need to effectively communicate with the new “tenants” in the remote communities, the issue has always been a factor in the regional areas.

⁶ Environmental Health Needs Coordinating Committee, 2005 Environmental Health Needs of Indigenous Communities in Western Australia. The 2004 Survey and its findings. Government of Western Australia

The 2006 Census provides information for Indigenous People specifically on Language Spoken at Home by Proficiency in Spoken English/language for the major statistical divisions in the state which includes the cities and major towns in each of these areas which are more indicative of where the Department's tenancies are based.

Region	Population	Speak English only	Speaks English and Aboriginal language well ⁷	Speaks Aboriginal (language) but does not speak English well
Perth	21,323	18, 856	724	140
South West	3,715	3,495	120	-
Lower Great Southern	1,713	1,526	53	-
Upper Great Southern	838	792	6	-
Midlands	2,187	2,087	39	3
South Eastern	4,966	3,082	1,316	246
Central	6083	5185	263	46
Pilbara	5631	3,427	1669	199
Kimberley	12,324	7,906	3,190	671
Total	58,780	27,500	7,380	1165

Table 3 - Indigenous people by language spoken at home by proficiency English/Aboriginal language by WA statistical divisions (Source: ABS 2006 Population and Housing Census)

The Department records Aboriginal tenants by its own Regional Office structure which can be related more generally to the regions provided in Table 3.

⁷ This is a category used by the ABS and refers to distinct Aboriginal languages

Region	Total Properties	Number of Aboriginal Tenants*	Aboriginal Tenants as % of All DH Tenants
Perth Metro	25389	3231	12.73
Midwest	1711	784	45.82
Pilbara	1511	929	61.48
Kimberley	1598	1132	70.84
Goldfields	1109	507	45.72
Wheatbelt	1093	537	49.13
Great Southern	1130	318	28.14
South West	2409	377	15.65
Total	35950	7815	21.74

Table 4 - Dept of Housing property numbers per region similar to Table 3 and Aboriginal tenants* per region (Source: Dept of Housing 2010). * Tenants who have identified as Aboriginal or Torres Strait Islander

The correlation between Tables 3 and 4 shows that where there is a higher percentage of Aboriginal tenants in a region there is also a higher percent of those who speak an Aboriginal language at home, and a higher rate of those who record they do not speak English well. This would seem to be particularly the case in the Kimberley and the Pilbara.

When the Department's offices in the Pilbara and the Kimberley were requested as the beginning of 2010 to respond to the extent to which they were complying with Recommendation 14 of *Finding A Place* which promoted the use of Interpreters, the Committee was informed this was happening in varying degrees but with no particular detail. The recommendation is recorded as being supported by the Department.

The Committee considers the need for Aboriginal Interpreters remains as significant as it was in 2004 and the Department supports the initial recommendation. In recognition of the dearth of such services there needs to be systematic collection of information to accurately record the use and unmet need for interpreting services.

Monitoring Point 4: To monitor the availability and use of Aboriginal Interpreters, Regional Offices of the Department are to report quarterly on their use of Aboriginal Interpreters and also the times in which they believe an interpreter was needed but not available. (This will provide information as to the availability of interpreter services in the Regions.)

Reform Area 3 - Revision of Policies and Practices

As outlined in the background, a review of policies and practices was one of the key recommendations of the Inquiry. Within any bureaucracy, policies may be written to give effect to statutes or government policy and therefore may often reflect a fairly well defined position which may not necessarily be suitable for all intended recipients. Such limitations in written policies transfer to variations in practice and ultimately influence the outcomes for those whom the services are intended.

The key relevant recommendations of *Finding A Place* for this section were:

5. *All Homeswest policies are to be reviewed to ensure that they do not directly or indirectly disadvantage Aboriginal tenants or prospective tenants in their content or their practice.*
6. *All Homeswest policies to be made transparent and accessible so that decisions that may adversely affect prospective or existing tenants are able to be challenged with the full knowledge of the processes that were applied by the decision maker. The principles of natural justice be applied at all levels of decision making to prospective or existing tenants.*

The most significant changes arising out of the review of policies over the past five years have been in the following areas:

Applications for housing

Identification: The need to show identification to support an application for housing through documentation such as bank accounts, passports, driver's licence (which many Aboriginal people do not have) has been revised to accept alternate means of identification such as statements from Elders or more readily available means of identification to the circumstances of Aboriginal people. This is now made clear in the application form which states that a letter from a community Elder is acceptable.

Old Debts: One of the biggest implications of old tenancy debts is the potential exclusion from further tenancy. Schemes are in place which allow previous tenants to pay off debts and provides them with the opportunity to gain a tenancy when they are in need of such accommodation. Old debts which have partially been paid can be reduced if the applicant reaches an agreement with the Department through the debt discount scheme. This scheme is advertised on the brochure for applying for a house.

When the issue of statute of limitations was raised, the Department conceded its inability to pursue rental debts which are over six years old where it has not previously sought to recover the debt. As a result of this change, a significant number of statute barred debts were quashed.

Annual Survey Forms: The previous practice of annually writing to housing applicants to get confirmation they wished to remain on the waiting list and removing them if there was no response has been replaced. The revised process requires officers to make a number of attempts to make contact with the client in various ways. The recommendation of the Report suggested the following:

20. Where no response is received by Homeswest to a letter that has a potentially serious outcome, for example, removal of a client from a waiting list, Homeswest is to utilise a trained officer, preferably Aboriginal, to make face-to-face contact with the tenant or potential tenant before any action is taken. Homeswest to develop and provide specialised training for persons to act in this role.

As the recommendation identifies, if an applicant is in a transitory housing situation, sending mail to a fixed address is highly problematic. The revised process is contained in the Department's Service Delivery business rules and requires that:

Clients must be contacted through three different means before their application can be withdrawn. Some suggestions are;

- Telephone
- Check Caretaker to see if the client's name appears elsewhere as a part of another household and contact
- Call a next of kin
- Write to the client if the above aren't successful⁸

The Committee has further suggested that applicants be able to nominate an advocate who can respond to the survey on their behalf.

While it seems this process has become standard practice there have been reports from advocates, especially in regional areas, that this revised process was not being followed and applicants were being removed from the list when only one letter was sent to the original mailing address.

Since this issue was raised with the Department in early 2010, the Business Rules have been reemphasised to the Regional/District offices. The Department has also stated it is practice that a client who has been taken off the list as a result of not being contacted is able to be placed back on the list, with their original application date, if they contact the Department within two years.

Priority housing

Well documented disadvantage faced by many Aboriginal people in Western Australia including real or perceived effects of intergenerational disadvantage, contribute to Aboriginal clients' greater need for public housing. In many cases the application will be for priority assistance as the individual or family are enduring some form of homelessness or crisis.

Finding a Place identified a number of issues relating to the processing of priority applications. There has been considerable revision of the Department's requirements for eligibility for priority housing.

⁸ Dept of Housing Business Rules –Applying to Customer Service Officers

Secondary Homelessness

One of the fundamental issues for Aboriginal clients at the time of the Inquiry was that their state of homelessness was not recognised by the Department as they may be staying with family or friends.

The Department's Rental Policy Manual now states:

Generally only clients who are experiencing **primary homelessness** will be approved for Priority Assistance. However, secondary or tertiary homelessness may be considered grounds for priority assistance where it is confirmed with supporting documentation that the applicant's accommodation arrangement cannot continue and where other factors prevent the applicant from accessing other viable housing options.⁹

The Committee considers further recognition needs to be given to the fact that secondary homelessness i.e. staying with family or friends is still a state of homelessness and allocation of priority housing is required without proof that the existing arrangements will not be ongoing, especially when it is at another Departmental tenancy.

The reality for the Department is that secondary homelessness frequently impacts on other tenancies as families provide assistance as a cultural obligation to those that have no fixed place to live. The issues which were alive at the time of the Inquiry continue in that many of these situations result in overcrowded tenancies which often become subject to complaints by neighbours and an increased requirement for property maintenance. It is acknowledged that the Department does recognise the systemic nature of viable housing options and place many of these people on the priority assistance list, however the written policy needs to be amended to reflect such practice so applicants enduring secondary homelessness are not disadvantaged.

Recommendation 6: The Department amend its Rental Policy Manual in the area of Priority Assistance to remove the distinction in consideration between primary and secondary homelessness.

While the extended times on the priority list are acknowledged as not being able to provide the short or medium term solution to those who do not have adequate housing, the list provides the Department and Government (both State and Commonwealth) with a real measure of the level of housing required.

The Department reports around 40% of properties offered on a priority basis for the period 2005 – 2008 were to Aboriginal and Torres Strait Islander clients.

⁹ Priority Assistance Program Guidelines of Dept of Housing Rental Policy

Current state of priority housing

At the time of the release the report *Finding a Place*, the average number of people on the priority waiting list was around 700 and the average waiting time to be placed in a dwelling was approximately four to six months. Due to the Department's review of preconditions for approving applications for priority housing, and the increased number of overall applications for public housing generally due to the concurrent pressures in both the private rental market and home ownership, the current number of applicants on the priority list is over 3000 and the average waiting time is now in excess of two years.

In light of the exponential expansion of this list, the Department is considering further revision of the waiting list assessment process and this issue will be discussed in more detail in the Emerging Issues section of this paper. Given the significance of the waiting time for those on the priority list, the Committee has indicated that average wait times by regions and dwelling type be reported to the six monthly forums.

Monitoring Point 5: The Department to provide a half yearly report on the average wait times for priority waitlist by regions and dwelling type.

Application to private rental market

The requirement for Aboriginal people to show that they have tried to access the private rental market before being considered for priority housing has been abolished. *Finding A Place* showed the experiences of Aboriginal people in trying to access the private rental market was not only unrealistic in many circumstances due to the relatively high cost, it was humiliating for them to face often blatant discrimination from agents or owners. A further EOC inquiry undertaken in 2008/2009 into whether there is race discrimination the private rental market by the Commissioner which was released in June 2009, found there was evidence to indicate that there was such discrimination against Aboriginal people and people from distinct ethnic minority groups.

The Department will still recommend to clients who are accepted for public housing, whether for wait-turn or priority, that they may need to consider private rental given the protracted wait times for Departmental housing. Bond assistance is available for such clients from the Department and they may also be eligible for rental assistance through Centrelink.

Reform Area 4 - Maintenance and Tenancy Management

Maintenance

For those Aboriginal people who were able to access public housing, it was revealed in *Finding a Place* that they frequently believed they were allocated sub-standard housing to begin with and when problems occurred requests for maintenance were not acted upon within reasonable timeframes, or not responded to at all.

Failure to carry out timely repairs was a major area of dispute and coupled with a sense of unfairness about the burden placed on tenants to bear the costs at the end of their tenancies.

The Department has committed to ensure that it meets its obligations as a property owner under the RTA and only allow a tenant to move into a house that is in good repair and clean. This is obviously a legal requirement for the Department and whilst it should be seen as such the Committee considers that adherence to the RTA means Aboriginal people have their right to access a good standard of housing fulfilled.

The process of maintenance is stated to generally coincide with the cycle of the tenancy – i.e. the overhaul at time of vacation, programmed maintenance for items such as painting, checking smoke alarms etc throughout the tenancy. These requirements are all dealt with through the Maintenance Standards documents which all PSO's and HSO's should be aware of and the standards therefore adhered to.

In 2009, the Department undertook a comprehensive review of its entire maintenance service. As a result a number of major changes in processes have now been made, some of which relate directly to the recommendations of *Finding a Place*. These include the manner in which contractors are expected to liaise with tenants and the contracts for maintenance services provide the period allowed for completing standard (i.e. non-urgent or emergency) works is extended to 14 calendar days. In regional and remote areas this may be extended even further in given circumstances. There has been ongoing discussion of contract requirements to specifically promote employment of Aboriginal people by being trained and retained by contractors to provide not only better employment opportunities but also to provide better and more timely service to these areas by having locally skilled workers. The Department has built in some of these requirements into the service contracts.

The revised system also builds in a process of the tenant to sign off that the maintenance work has been undertaken and when the work is in excess of \$400, it is to be checked by a PSO that the work has been adequately completed.

Other initiatives which build on rights and responsibilities include the production of plain English fact sheets. One of these fact sheets provides a clear delineation of emergency, urgent and non-urgent maintenance issues which attempts to not only assist the tenants to accurately make requests for information but also for contractors.

The issue of timely responses to requests for maintenance however remains a challenge for the Department. The Committee has made a number of suggestions to the Department about the most effective ways of recording requests for maintenance. As identified in *Finding a Place*, Aboriginal tenants frequently brought maintenance issues to the attention of a Departmental Officer with the understanding that by doing so a request

had been made. As this was not recorded as a formal request for maintenance, it was not acted upon and frequently an initial problem would be exacerbated resulting in increased tenant liability.

The maintenance review has instigated a centralised telephone number for registering maintenance requests. While this system potentially deals with some of the identified issues of ensuring maintenance requests are recorded and also those maintenance issues detected in routine inspections, there was still a problem of maintenance requests which arise in other situations being dealt with adequately. The Committee when meeting with staff from the Maintenance Branch made a range of suggestions on this issue such as that officers always carry *pro forma* maintenance requests.

A further concern about the new centralised maintenance system has come from a regional advocate who has said that Aboriginal tenants in his area feel that ringing “*an anonymous person on a 1300 number*” is culturally alien and too indirect.

The further complication is that whilst the line is toll free for fixed lines, it is not for mobile phones which for many Aboriginal tenants, particularly in regional and remote areas, is their only form of telecommunication.

As a consequence it is speculated that as these tenants may not have faith in the service, they may not use it and the issues of property maintenance and tenant liability may continue to arise.

Tenancy management

Directly connected to the issue of maintenance are property inspections and also the property standard requirements established at the commencement of the tenancy, irrespective of the standard of the property leased.

Some tenants at the time of the Inquiry had reported that they had found the six monthly/yearly inspections of their homes were often conducted in a judgmental and belittling manner. The issue of property inspections, including the initial report with new tenants, has been earmarked as the Department’s service delivery area for assessment under the Policy Framework for Substantive Equality for the 2010- 2011 year. This assessment should be completed in June 2011 and thus the recommendations should be able to be reported to the second of the six monthly forums in 2011.

The Department has been very clear with staff who deal directly with tenants that the emphasis of their work is to sustain tenancies and thus the five following principles have been established and codified in the Service Delivery Procedures:

1. **Good Tenancy Management** is the way in which the Department manages its tenancies to ensure the tenant meets his or her tenancy obligation and that the Department also honours its obligations as a landlord.
2. **Fostering Positive Relationships** is our ability to engage with our client and other government and non-government agencies. As an organisation we live and die by the ability of our staff to develop and foster these relationships.

3. **Early Intervention and Proactive Solutions** is proactively monitoring our tenancies to enable us to identify where a tenancy may be starting to falter. We need to be attuned to seeing where our tenancies are not functioning properly and being prepared to proactively engage with the tenant in an effort to ensure it remains on track.
4. **Tenancy Support and Interagency Responses** is linking our clients in with appropriate support services to assist them to deal with their tenancy issues.
5. **Timely and Consistent Legal Action** is about using our existing legal processes to help drive our sustaining tenancies approach while ensuring that we provide our tenants with the opportunity to deal with their tenancy issues.¹⁰

These concepts have been incorporated into most of the Service Delivery procedures which detail the processes which Departmental staff, starting with how the HSOs are to follow up with tenancy issues.

Evictions and termination of tenancies

The termination of a tenancy at the initiation of the Department, whether through the tenant leaving after receiving a notice to vacate, a court order being issued or the bailiff forcibly removing them, is the major tenancy issue given the severe impact on the tenant and their family.

Over the time of this project a number of changes in Departmental procedures have been made to reduce some of the instances in which evictions previously became automatic and/or mitigate the impact of an eviction:

- Tenants are not to be evicted solely as a result of a criminal conviction if the charge does not relate to activities on the property;
- Tenants with custodial sentences of up to six months not to be evicted but rent to be continued to be paid. Tenancy may be assigned to another member of the household or sublet with the Department's approval;
- If an eviction is to occur, then the Department will make every attempt to convene a meeting of all the relevant government agencies, including Strong Families where there are children in the tenancy, to put in place appropriate alternate accommodation.

Finding a Place considered the broad area of evictions from public housing. At the time of the Inquiry evictions occurred primarily as a result of allegations of anti-social behaviour and debt to the Department. There were no recommendations specifically under the heading of eviction, but these issues which were considered to be primarily causal to evictions of Aboriginal tenants, were subject to a range of recommendations.

An analysis of the major reasons leading to evictions pointed to the potential existence of both direct and indirect discrimination in the Department's policies and practices and as such the recommendations dealing with anti-social behaviour and debt management stressed the need to ensure there was revision of all of these.

¹⁰ Department of Housing Service Delivery Procedures 2009.

Some of the interviews and submissions made to the Inquiry went to the issue of how Aboriginal tenants felt that they were dealt with in relation to allegations of anti-social behaviour. Examples of where people felt that they were unfairly treated were that:

- Neighbours would report trivial matters such as children running across lawns;
- The neighbours' position was always believed over that of the Aboriginal tenant;
- Many matters were reported to the Department (as the Property owner) which would be unlikely to be reported if the tenant was in a private rental property;
- Neighbours often complained just because of the number of visitors at a tenancy which did not necessarily mean anti-social behaviour was occurring.

During the past six years, the Department has reviewed its practice in dealing with these issues which may lead to eviction and has revised the policy manual for HSOs who generally are the officers of the Department who initially deal with such matters. The emphasis on tenancy support as outlined in the Tenancy Management section above is a major shift in the approach of the Department in how it deals with allegations of anti-social behaviour.

In relation to allegations of anti-social behavior, the aspects of the recommendations of *Finding a Place* which have been incorporated include the stated procedures is as follows:

- Clearer definition of what constitutes anti-social behaviour and what does not (specifically not to include trivial matters);
- Anti-social behaviour is considered to be behaviour which persistently or intentionally causes a nuisance that interferes with the peace, comfort and privacy of neighbours
- The Department not to intervene in matters which are personal rather than tenancy issues;
- Ensuring that the tenant concerned is informed of the allegations (although not who has made the allegation) interviewed and provided with the opportunity to respond.

Debt

The issue of rent arrears and debt in *Finding a Place* was found to arise from a range of factors: failure to complete income survey forms; rent to income policy where rent is based on the assumption that tenants who are eligible for a statutory payment have applied and are receiving it; expectations to support extended family and the Department's "viable housing option" policy and the increase in rent which flows from this policy and the limited experience of some tenants to manage limited income and many expenses.

As with anti-social behaviour, the Service Delivery Procedures have been written from the basis of sustaining the tenancy.

Sometimes financial difficulty can be symptomatic of a deeper problem such as substance abuse or domestic violence. You are not qualified to help with these problems but you should be sensitive to them and make yourself aware of community support agencies that are able to provide assistance...

It is important that you do not allow rental and other arrears to accrue. Allowing the client to accumulate large debt is not conducive for them financially. The Department should not encourage nor should we stand by and do nothing while it happens.¹¹

Debt management process

The Department pursues debts in accordance with the provisions of the RTA, but it states it always prefers to come to an arrangement to repay a debt, rather than take legal action to pursue the matter through the courts.

- HSOs are directed to check at least once a week each tenancy account for lapses into arrears.
- Personal contact is to be made to rectify the situation as early as possible.
- Unanswered calls or visits are to be followed up with letters outlining the debt and the need to make contact.

Notwithstanding the change in procedures, the Department considers the primary reason for evictions still arises from debt (arrears and or tenant liability) there are also issues of anti-social behaviour, illegal activity on Departmental property, poor property management and ineligibility.

Further, irrespective of the reason for eviction, the rates for Aboriginal households at the time of the Inquiry were, and remains, disproportionately high compared to non-Aboriginal tenants.

The following table provides an overview of the Department's properties in each region and the number and percentage of Aboriginal tenants in each region. This table is cited at this point as the base comparator for the tables which follow which provide data on overall eviction numbers and for Aboriginal tenants.

¹¹ Department of Housing Service Delivery Procedures – Debt Management 2009

Region	Total Properties	No. of Aboriginal Tenants*	% Of Aboriginal Tenants
North Metro	11463	1243	10.84
South Metro	6822	758	11.11
South East Metro	7104	1230	17.31
Great Southern	1130	318	28.14
South West	2409	377	15.65
Goldfields	1109	507	45.72
Midwest	1711	784	45.82
Pilbara	1511	929	61.48
Kimberley	1467	1008	68.71
Halls Creek	131	124	94.65
Wheatbelt	1093	537	49.13
TOTAL	35950	7815	21.74

Table 5 - Dept of Housing property numbers and Aboriginal tenants per its Regions (Source: Dept of Housing 2010)

Below is a summary table of the bailiff evictions for Aboriginal and non-Aboriginal households for each calendar year between 2006 -2010.

Year	Bailiff Eviction		
	Non-ATSI	ATSI	Total
2006	45	25 (35%)	70
2007	64	61 (49%)	125
2008	63	56 (47%)	119
2009	41	39 (49%)	80
2010 (to end June)	11	19 (63%)	30

Table 6 - Total annual bailiff evictions for each year 2006 - 2010 (Source: Dept of Housing 2010). Rounded to nearest 1%.

The following table provides a breakdown of reason for bailiff eviction by Aboriginal tenant compared with non-Aboriginal tenants for the period 1 January to 30 June 2010.

Region (% ATSI tenants)	Bailiff Evictions										
	Tenants Evicted by Bailiff		Reason for Bailiff Eviction				Section of RTA				
	Non- ATSI	ATSI	Arrears	Disrupt Behav- iour	Illegal Activities	Other	S62	S64	S72	S73	S77
North Metro 10.84%	4	1	4	0	0	1	5	0	0	0	0
South Metro 11.11%	3	3	3	2	0	1	6	0	0	0	0
South East Metro 17.31%	3	10	12	0	0	1	13	0	0	0	0
Great Southern 28.14%	1	1	2	0	0	0	2	0	0	0	0
South West 15.65%	0	1	1	0	0	0	1	0	0	0	0
Goldfields 45.72%	0	1	0	0	0	1	0	0	0	1	0
Mid West /Gascoyne 45.82%	0	0	0	0	0	0	0	0	0	0	0
Pilbara 61.48%	0	1	1	0	0	0	0	0	1	0	0
Kimberley 94.65%	0	0	0	0	0	0	0	0	0	0	0
Wheatbelt 49.13%	0	1	0	0	0	1	0	0	0	0	1
Sub-Total	11	19	23	2	0	5	27	0	1	1	1
State Total	30		30				30				

Table 7 - 2010 bailiff evictions (until June) by Region by Aboriginal/non-Aboriginal by reason of termination of lease. (Source: Dept of Housing 2010)

Over an extended period of time, the Committee expressed a view that these eviction figures do not provide a full picture of the rates of termination of tenancies at the initiation of the Department.

The study “Evictions and Housing Management” (AHURI 2006) led by Andrew Beer, found:

- Very few evictions (7 per cent, n=10) are the result of bailiff or police action and only four percent (n=6) result from formal magistrate court or residential tenancy tribunal orders.
- 32% (n=47) of tenants reported they left their tenancy prior to any formal action by their landlords due to dispute and expected eviction.
- 44% (n=64) of tenants reported that they left their tenancy on receipt of a formal request to vacate.
- The main reason for eviction, common to private and public tenancies, is ‘rent arrears’ (45 per cent, n=103 of evictions). ‘Complaints from neighbours’ (15 per cent, n=35 of evictions) and ‘property not maintained’ (13 per cent, n=29 of evictions) are less prevalent reasons.¹²(Beer 2006)

As evictions logically follow-on from the process of termination of the tenancy at the initiation of the Department, the Committee had requested the Department to provide a breakdown of the number of termination notices issued per region and the main reason for the issuing of the notice.

These figures are not readily available on the Caretaker System (the Department’s database of applicants and tenants) and the following figures for 2010 have only been able to be produced by manual calculation.

¹² Note this research did include Western Australia however its samples were from three other states. It also included case studies from the private rental market. It has been cited here as it is the only relevant piece of research to outline the causes of terminations of tenancies. It is also consistent with the figures in above tables in this section which show rent arrears as the major area.

Region	No. of Termination Notices Issued	Tenants Vacated After Termination Notice	Reason for Termination Notice				Section of RTA				
			Arrears	Disruptive Behaviour	Illegal Activity	Other	S62	S64	S72	S73	S77
North Metro	311	5	2	1	2	0	3	2	0	0	0
South Metro	116	4	2	0	0	2	3	0	0	1	0
South East Metro	554	2	0	0	1	1	1	1	0	0	0
Great Southern	45	0	0	0	0	0	0	0	0	0	0
South West	45	1	1	0	0	0	1	0	0	0	0
Goldfields	37	0	0	0	0	0	0	0	0	0	0
Mid West /Gascoyne	122	5	2	2	0	1	4	0	0	0	1
Pilbara	119	10	9	1	0	0	0	0	5	0	5
Kimberley	119	1	1	0	0	0	1	0	0	0	0
Wheatbelt	50	4	4	0	0	0	4	0	0	0	0
Sub- total			21	4	3	4	17	3	5	1	6
State Total	1518	32	32				32				

Table 8 - Termination notices issued by Region and resulting vacations by reason 1 January to 30 June 2010 (Source: Dept of Housing July 2010).

The figures for breakdown of “reason for termination” have only been supplied for those tenancies where the tenant vacated the property after receiving the termination notice. If it can be assumed that the reasons for termination are proportionally similar for all tenants who received a termination notice then rental arrears would be the most common reason for termination of the lease. This suggests that more attention needs to be given to addressing the factors which contribute to rental arrears and to the debt recovery process earlier in the process.

Clearly, to also have information on the numbers of tenants who are subject to the process of breaches for anti-social behaviour would assist in analyzing the major causes and the best approach to dealing with the issues. The Committee believes that the information which has initiated the Disruptive Behaviour Management Strategy is a reaction to particular cases and not informed by overall consideration of all factors which may contribute to such behaviour.

Recommendation 7: The Department develop a means to record and maintain termination notices, vacation rates arising from termination notices, applications to the Magistrate’s Court under sections 62, 64, 73 and 77 of the RTA by main reason, by region and by Aboriginal/Non-Aboriginal tenancy.

Recommendation 8: That a priority area of ongoing work between the Department and the EOC be an analysis of the existing policies and practices which lead to eviction and their impact on Aboriginal tenants.

Reform Area 5 - Appeals

The Housing Appeals Mechanism (HAM) is a system which was set in place by the previous Commonwealth State Housing Agreement. While the process has changed a number of times, even since the Inquiry, the major objectives have remained as follows:

- policy is applied in a fair and equitable manner, taking all relevant factors into account;
- decisions made under policy are transparent; and
- officers are accountable for their decisions.

Notwithstanding the above, *Finding a Place* identified a number of key issues which meant the appeals system was not fully accessible to Aboriginal clients and tenants. These included the lack of knowledge that a decision could be appealed, information on how the process worked, the ability to have the relevant information on how a decision was made, the right to have an advocate and the appeal being heard by an independent person/s. The first recommendation in this area was for consideration to be given for the appeals to come under the State Administrative Tribunal. Three other recommendations were made to improve the process until such time the first recommendation was considered:

99. In the interim, that the Homeswest Appeals Mechanism be reviewed with a view to establishing a system characterised by its

- *independence from DHW;*
- *informality without prejudice to the principles of natural justice;*
- *expeditious resolution of matters;*
- *the ready access of tenants to all materials in plain English that are required to appeal a decision, for example, all relevant Homeswest policies, procedures, practice manuals, administrative instructions, all documents from their own file together with readily understandable explanations for decisions made;*
- *the HAM to be extended to include all decisions made by Homeswest officers, and the clients right to review an appeal be made explicit with all decisions;*
- *tenants are to be provided with reasons for decisions made on appeal. These reasons to be electronically recorded for later transcription if required.*

100. Ensure that all members of the appeals committees are adequately trained in relevant issues such as the RTA 1987, the Equal Opportunity Act 1984 and are able to demonstrate an understanding of cultural diversity and anti-racism strategies.

101. Access to the Appeals System to be made available to all DHW tenants regardless of any complaints that may have been lodged elsewhere, for example, at the EOC.

Through the period 2005 – 2009 considerable work has been done to enhance the Appeals mechanism to include these issues, however in September 2009, the Minister at the time directed the Department to reconfigure the Appeals mechanism to a two tier system abolishing the third tier which consisted of three people external to the Department. The rationale was to streamline the process.

An interim process was put in place at the time whereby the initial stage of the Appeal process was for the decision to be reviewed by a senior officer within the relevant office. If the client/tenant wished to further pursue the appeal the second tier would be the establishment of a regional level panel with two independent people. Those appeals which were in train at the time of the transition, were dealt with under the new provisions.

The Department also released a discussion paper on the proposed structure in late 2009 and the Commissioner made a submission highlighting the issues which had been raised in *Finding a Place*.

The Commissioner and the Committee have pursued with the Department the need to ensure the training of the persons serving on the Appeal panels as independent people and has gained an assurance that none are ex-Departmental employees and that the above process issues are to be completed.

The one outstanding issue is a comprehensive list of what matters are subject to the appeals process. At the time of this report it is understood that:

- What can be appealed includes:
Any decision concerning applications relating to the provision of public rental housing, bond assistance or priority housing, assessment of tenant liability charges or transfer application outcomes.
- What cannot be appealed includes:
Decisions which have been or are being considered by the State Ombudsman or the Minister for Housing or where current legal action has proceeded to a Termination Notice or which is of general application e.g. Decision to increase all Department of Housing rents.

In the last meetings of the Committee there was considerable discussion of the exclusion in the appeals process of decisions of the Department to issue termination notices. The view of the Committee is there should be the ability to include these decisions as appealable matters.

Recommendation 9: That the Housing Appeals Mechanism be amended to include the ability to appeal a decision of the Department to issue a termination notice to a tenant.

Chapter 3 Emerging Issues

It is to be expected that over a six year time frame many social, political and economic factors will influence an area such as housing and particularly public housing. In the period from December 2004 until the present all these factors have changed significantly. There has been a change of government at both state and federal level, there has been significant growth in the population of Western Australia and its diversity and economic conditions have generally depressed housing availability and affordability in all sectors.

Each one of these factors has had an impact on the provision of public housing in Western Australia and this section seeks to identify the recent initiatives which will impact on the implementation of the recommendations of this report.

Emergency housing

Emergency Housing was distinguished in *Finding a Place* from priority housing as being short term accommodation which could be on the basis of fixed short term lease. The recommendations relating to this were for the Department to provide more accommodation for this purpose however that this not to be taken from the general housing stock for longer term tenancies.

Since the release of *Finding A Place*, the Department no longer has funding or responsibility for the provision of emergency housing: this funding is now provided to the Department for Child Protection. The two Departments have developed a joint protocol for the delivery of Crisis Accommodation Services and Supported Accommodation Program to ensure improved outcomes for people requiring crisis assistance.

The Department of Housing continues to provide the Homeless Advisory Service which is a register of crisis accommodation. This register is updated daily so that people requiring crisis accommodation can be directed to a service which has a vacancy.

Revision of waiting lists - a housing needs register

The Commissioner reports that over the 18 months prior to this report a significant number of the accommodation complaints filed under the Act are concerned with the extensive wait time on the priority waitlist. Complainants allege their severe circumstances of homelessness, chronic illnesses of themselves and or their children or domestic violence are factors of their race and/or impairment and these factors have not been given sufficient consideration by the Department. Therefore the alleged breach of the Act in these circumstances is frequently indirect discrimination on the basis of race and/or impairment.

The current date ordered priority waitlist, provided this is adhered to, provides the Department with a reasonable defence in terms of the process of placing applicants in housing. The limitation of this approach is that the Department cannot then reasonably respond to those who are in fact in greater need.

It is understood that as part of the State Affordable Housing Strategy (a whole of State Government plan to deal with generic housing issues including all public and social housing which is now anticipated to be released in early 2011) a major restructure of the wait list process is to be undertaken. This may be known as a Housing Needs Register

which will attempt to gauge the housing needs and capacity of applicants for housing both within and outside the public housing system.

The revision of the priority waitlist was an issue given considerable attention in the Review Report of Dr Nola Kunnen in 2008 (Strategic Direction for Housing Service Delivery in Western Australia); a report the Commissioner endorsed in principle, however has also expressed caution about the process of establishing and assessing whose housing needs are greatest.

For the Commission and the Committee the fundamental concern in this concept is that the administration and allocation of people on the list, is done with due consideration to substantive equality principles. *Finding a Place* dealt extensively with the issue of allocations from the waitlist and it summarised previous detrimental policies which had been changed by the time of the Inquiry. Arising from the submissions a concerning number of stories were told of perceptions of decisions on the allocation of housing being made on the basis of these earlier policies. (*Finding A Place* 2004 pp 161-165).

It will be critical in reframing the criteria for the waitlist (both priority and wait turn) that there is broad consultation with the groups who advocate on behalf of disadvantaged groups together with researchers such as Dr Kunnen. The Committee strongly recommends the Commission have input into the criteria for the revised waiting list.

Clearly one of the biggest challenges in an exercise to change the criteria for the waitlist is how to manage the transition of the current list. A change in criteria for existing applicants may mean some are accelerated up the list but the corollary of this is that others will be displaced down the list with even longer wait times than they already have experienced.

Recommendation 10: That the Commissioner for Equal Opportunity be included in the process for the development of the Revised Waitlist Process and/or Housing Needs Register.

Disruptive behaviour management strategy

In late 2009, the Minister for Housing announced that there would be a review into the manner in which anti-social behavior was to be dealt with by the Department. The proposed strategy as stated is a response to the “community concerns regarding ongoing disruptive behaviour by a small proportion of public housing tenants”.

The Commissioner responded to the call for submissions to this strategy and identified the following concerns:

Where it is proposed to provide a legally enforceable means to terminate a tenancy as a result of anti-social behaviour the EOC believes this needs to be balanced against:

1. The rights of children and the Department’s obligations as a result of the ratification of the *Convention on the Rights of the Child* by the Federal Government in 1990.

The EOC believes it is unconscionable for any government agency to render children homeless as a result of anti-social behaviour of their parents or visitors to their household. Clearly the needs of children need to be addressed before any eviction occurs.

2. The Department's special position as the houser of last resort.

The expenditure of public housing for the least advantaged in the community is premised in part on the unacceptability of families living in the streets, in cars, in the bush in a developed western democracy such as Australia.

The Department needs to be cognizant of this to ensure that some alternative is always sought before a family or individual is evicted. This may require clearer liaison with non-government bodies which provide housing and other assistance to those in need in part as a result of public funding.

3. The difficulty faced by women in situations of domestic violence.

Where partners are verbally and often physically abusive it may result in complaints of anti-social behaviour. The involvement of the police and possible transfer to alternate housing should be considered here.

4. Special consideration where anti-social behaviour may be attributable to intellectual disability or mental illness.

Families having one or more members with disabilities particularly mental disabilities which result in challenging behaviour are often subject to complaints of anti-social behaviour. The engagement with other specialist agencies is recommended here before any eviction occurs.

This submission was endorsed by the Committee. At the time of this report it is the understanding of the Committee that the strategy has not been finalised and the Department advises there are a number of components to the strategy which are still being researched and developed.

Recommendation 11: That the Department ensures any strategy adopted to deal with the issue of anti-social or disruptive behaviour takes into account the considerations outlined by the Commissioner for Equal Opportunity in her submission of February 2010.

Community Housing

At the time of this Report it is understood there are moves for the Community Housing, or not-for profit, sector to be given greater responsibility for housing people who would otherwise have been accommodated by the Department of Housing.

It is acknowledged that both Commonwealth and State Governments are attempting to deal with the significant stresses on the public housing sector through this move to bolster the community sector. There is concern however that the issues of substantive equality, particularly for Aboriginal people, need to be considered when effectively moving the housing stock, and its oversight, from the public housing sector to the community sector.

The community sector has provided housing assistance to tenants from the public waiting list through the Department's head lease program for a number of years. Whilst it is recognised that such tenancies are those which require significant support, the reported experiences of some Aboriginal people who have been in such tenancies, suggests that regulation and compliance may sometimes be more onerous than that required by the Department.

The Committee considers the work which has been achieved through the cooperative work of the Department and the EOC in the revision of policies, processes and practices has assisted the Department in providing a better service for all applicants and tenants. In particular it has improved the situation for Aboriginal applicants and tenants of public housing and thus improved the general relationship between these tenants and the staff of the Department. These improvements could be undermined if the contractual arrangements with the Community Housing sector do not require them to meet similar standards.

Chapter 4 Other Issues Arising from Finding A Place

Data collection

One of the key issues faced by the Committee and the officers of the Commission working on this project has been the Department's inability to provide relevant data on application and tenancy matters.

As identified in the eviction section of this report, trying to gain baseline information on the number of tenancies which have been served notices for court orders for evictions under the *RTA* by reason and by district is information that cannot be ascertained from the Caretaker system.

In discussions with the current Director General, he has stated his understanding of the limitations of the system and has commenced investigation of a replacement system and has invited the EOC to discuss the requirements it has identified with the project managers.

Recommendation 12: The Department to ensure it has an electronic system of collecting, recording and maintaining information which can readily report on possible inequalities, including factors that may be the cause of differential housing outcomes. Regular and systematic analysis of such data will remain the measure of success and establish whether such measures are succeeding.

Legislative changes

Finding a Place identified two areas of legislative reform required to deal with issues raised in the report. The first was an amendment to the *Equal Opportunity Act 1984* to change the test for indirect discrimination, on all grounds, to be identical or similar to that of Commonwealth's *Sex Discrimination Act 1995* and the *Age Discrimination Act 2004*. These amendments were also called for in the Review of the Equal Opportunity Act 2007 and the *Accommodating Everyone* Report 2009. There is no indication from the Government that such amendments will be made.

The second legislative changes recommended required the review of the *RTA* to account for the issues raised in this report. The long awaited amendments to the *RTA* are not anticipated to be introduced into State Parliament until early 2011.

Private rental market

Finding a Place reported that some Aboriginal people had very negative experiences when they attempted to access the private rental market. The implementation of the recommendations relating to the Department's requirement to demonstrate attempts to access private rental are reported above. In 2008 the Commissioner commenced an inquiry into whether persons from minority groups (in particular Aboriginal people and people from distinct culturally and linguistically diverse backgrounds (CaLD) experience discrimination (direct or indirect) on the basis of their race in the private rental housing market.

The Inquiry was conducted through submissions from organisations who deal regularly with issues of tenancy and through stories of the individual Aboriginal and CaLD people who believe they suffered less favourable treatment in the private rental housing market due to their race. The Commissioner also invited comment from any other interested persons or groups, including representatives from the real estate industry.

The Inquiry examined the possible causes and appropriate remedies for addressing any race-based discrimination identified in the private rental housing market, including liaison and consultation with the private rental industry where appropriate. Since the release of the Report *Accommodating Everyone* in 2009, a monitoring committee convened by the Office of Multicultural Interests (OMI) with representation from both State and Federal Government agencies, the EOC and community organisations and the Real Estate Institute of WA (REIWA) has overseen the progression of most of the recommendations. Most notably, Property Managers in the industry now have equal opportunity/anti-discrimination training as a compulsory component of their professional development program.

Housing management agreements for remote Aboriginal communities

The Aboriginal Housing Legislation Amendment Act 2010 came into operation on 1 July 2010. This legislation established a new framework to facilitate ongoing housing reforms in remote Aboriginal communities while meeting Federal Government requirements. The Act has no impact on current land tenure and does not create an interest in the land.

The framework as cited by the Department consists of the following five agreements and a protocol:

1. A Housing Management Agreement (HMA), which must be in place before the Department of Housing can assume management of the letting and leasing of housing on Aboriginal land on behalf of an Aboriginal entity.
2. An Agreement to Construct between the Department of Housing and the relevant Aboriginal entity is required to cover the construction of new housing at a specific location. This new housing will then be managed under an HMA.
3. A Tenancy Agreement then establishes the legal rights and responsibilities of the Department of Housing and the Aboriginal tenant.
4. A Service Level Agreement is the agreement under which the Department of Housing engages contractors to carry out obligations under the HMA Tenancy Agreements such as property maintenance.
5. A joint venture or other arrangement to enable the same suite of activity on freehold land owned by an Aboriginal Entity.

The Committee notes the Department has committed to work closely and respectfully with stakeholders to ensure the new legal framework is beneficial for all concerned. The Committee considers it is vital that all the processes for the implementation of rent collection, asset protection, tenant support and governance arrangements be consistent with the standards which have been established over the past six years to improve housing standards and underpin sustainable housing outcomes for the residents in remote indigenous communities.

Chapter 5 Ongoing Consultation and Implementation

Community consultation

In 2007, the Commissioner for Equal Opportunity undertook a program of visits to both metropolitan and regional Western Australia. This provided an opportunity to report back to these communities on the implementation of the recommendations and to also gain feedback from the Aboriginal community as to whether they considered there had been progress on the matters.

The Committee considers it is vital for the Department to ensure that it has the mechanisms in place where it can liaise with its Aboriginal tenants and their advocates to enable there to be a capacity to understand the issues they face in maintaining their tenancies.

The Committee itself has agreed on a process of six monthly forums to be held to include a broader number of employees from the agencies currently on the Committee and a broader group of advocate organisations. Identified throughout this report are a number of issues which the Department and the EOC have been requested to report to these forums on.

Importantly the forums will also be the opportunity for the community (individuals, groups and organisations) to be able to relay their views of current issues to both the Department and the Commissioner.

The Commissioner and the Director General have also agreed to continue to meet to discuss issues which have emerged over the six month period between the forums and from the ongoing work between the two organisations.

Need for embedded departmental processes

The key issue for the Department is to have in place the mechanisms to be able to both report as required to these forums, but more importantly the ability to deal systemically with the issues raised. That is, in addition to the officers who have the liaison role with the Equal Opportunity Commission to provide the relevant information and to attend the forums, there needs to be an internal mechanism for the issues raised in the forums to be dealt with and addressed in a timely manner.

These internal mechanisms are necessary within the Department to ensure it is able to consistently and comprehensively address its operations and policies to remove any barriers and the consequential problems which arise from these. The types of activities would include the routine assessment of quantitative data, supplemented by qualitative information from tenants and their advocates describing unmet need, perceptions of service quality and obstacles to receiving services need to become standard practice in line with the principles of substantive equality.

Conclusion

The Commission and the Monitoring Committee recognise that whilst much progress has been made in the implementation of *Finding a Place*, a lot more work needs to still occur despite the designated life of the current arrangements ceasing on 30 June 2010. The EOC is currently liaising directly with the Department about the way it can continue to work with them directly on implementing the recommendations and believe that the Policy Framework for Substantive Equality is the most appropriate means for this. This report has identified a number of recommendations which will guide that work for the next year.

This reform and review process is also an on-going learning strategy that continues to be put in place. The measure of success will be how well the Department's policy, funding, and practices can be monitored, assessed and reviewed so they do not result in less favourable outcomes for Aboriginal people.

Appendix 1 Summary of Recommendations and Monitoring Points

Recommendations

Recommendation 1: Include in the role statement for HSOs, Team Leaders, Rental Managers and Regional/District Managers: “Relating to, and working with, all clients and showing respect for their cultural differences/needs, in particular those of Aboriginal people.” This requirement is to be a consideration in each staff members annual performance review.

Recommendation 2: The Department develop effective strategies to recruit, retain and promote Aboriginal staff at all levels and sections within the organisation.

Recommendation 3: The Department commission an independent confidential survey of Aboriginal staff to ascertain their levels of employee satisfaction, perceived levels of support and perceptions of discriminatory behaviour against them or their colleagues.

Recommendation 4: That the Department undertake a review of the regime for cultural awareness training and also consider means to ensure that such awareness is embedded in operational activities.

Recommendation 5: That the Department commission an independent survey of Aboriginal tenants and applicants to ascertain whether their interactions with Departmental staff have been positively affected by the training undertaken by staff. The body commissioned to undertake this survey will ensure that the methodology is appropriate for Aboriginal people.

Recommendation 6: The Department amend its Rental Policy Manual in the area of Priority Assistance to remove the distinction in consideration between primary and secondary homelessness.

Recommendation 7: The Department develop a means to record and maintain termination notices, vacation rates arising from termination notices, applications to the Magistrate’s court under section 62, 64 73 and 77 of the RTA by main reason, by region and by Aboriginal Non-Aboriginal tenancy.

Recommendation 8: That a priority area of ongoing work between the Department and the EOC be an analysis of the existing policies and practices which lead to eviction and their impact on Aboriginal tenants.

Recommendation 9: That the Housing Appeals Mechanism be amended to include the ability to appeal a decision of the Department to issue a termination notice to a tenant.

Recommendation 10: That the Commissioner for Equal Opportunity be included in the process for the development of the Revised Waitlist Process and/or Housing Needs Register.

Recommendation 11: That the Department ensures any strategy adopted by to deal with the issue of anti-social or disruptive behaviour takes into account the considerations outlined by the Commissioner for Equal Opportunity in her submission of February 2010.

Recommendation 12: The Department to ensure it has an electronic system of collecting, recording and maintaining information which can readily report on possible

inequalities, including factors that may be the cause of differential housing outcomes. Regular and systematic analysis of such data will remain the measure of success and establish whether such measures are succeeding.

Monitoring Points

All these matters will be reported to the six monthly forums.

Monitoring Point 1: The average number of tenancies allocated to Housing Service Officers.

Monitoring Point 2: The Department to provide updates of review of staff training programs and also participation in training on cultural awareness and anti-discrimination training to the EOC.

Monitoring Point 3: As the Department's fact sheets are produced on policies, they are to be conveyed to the EOC.

Monitoring Point 4: Regional Offices of the Department are to report quarterly on their use of Aboriginal Interpreters and also the times in which they believe an interpreter was needed but not available. (This will provide information as to the availability of interpreter services in particular regions).

Monitoring Point 5: The Department to provide a half yearly report on the average wait times for priority waitlist by regions and dwelling type.

Appendix 2 Recommendations of *Finding a Place* and Implementation Status

<i>Finding a Place</i> recommendations in chronological order	General status within Dept	Responsibility	General Description of extent of implementation as of December 2010
1. An Implementation and Monitoring Group is to be established and adequately funded under the auspices of the Equal Opportunity Commission. This group to include representatives from Aboriginal groups, community advocacy groups concerned with Housing, The Equal Opportunity Commission (EOC), the department of Housing and Works (DHW), Department of Indigenous Affairs (DIA) and other relevant government departments. An executive officer/s is to be appointed to service this group.	Implemented	EOC	
2. The Implementation and Monitoring Group is to determine a programme for the implementation, monitoring and review of the recommendations and to report on this as the first priority or within 6 months of the release of this report.	Implemented	EOC/DH	This Report is the summary of the implementation of the recommendations for the period 2005- 2010. The Implementation and Monitoring Committee ceased to formally meet as of October 2010.
3. The <i>Equal Opportunity Act 1984</i> should be amended so that the test for indirect discrimination, on all grounds, is in terms identical or similar to that in the Commonwealth Sex Discrimination Act 1995 and the Age Discrimination Act 2004.	Not Responsible for Implementation	EOC	Contained in 2007 Review of the Act – still with Attorney General. Commissioner briefed AG when he took office in late 2008. Recommendations repeated in Commission's 2009 Report on the Private Rental Market.
4. That the Statutory Review of the <i>Residential Tenancies Act</i> currently being undertaken by the Department of Consumer and Employment Protection take into consideration the findings of the Equal Opportunity Commission's Inquiry in making recommendations for amendment for the Residential Tenancies Act.	Not Responsible for Implementation	EOC/DOC EP	RTA being amended – however the changes which could be included in relation to the Dept are not those sought by FAP. The Minister's office is seeking means to be able to more readily gain eviction orders for what is deemed to be Disruptive Behaviour.
5. All Homeswest policies are to be reviewed to ensure that they do not directly or indirectly disadvantage Aboriginal tenants or prospective tenants in their content or their practice.	Partially Implemented	EOC/DH	Ongoing through the roll-out of these recommendations
6. All Homeswest policies to be made transparent and accessible so that decisions that may adversely affect prospective or existing tenants are able to be challenged with the full knowledge of the processes that were applied by the decision maker. The principles of natural justice be applied at all levels of decision making to prospective or existing tenants.	Partially Implemented	DH	The Dept is looking at concept of fact sheets to briefly explain policies. New policy and practice manual such as the will be accessible through the Dept's internet site. Full policy is contained in this manual.
7. An independent person/s or organisation with expertise in the use of plain English to be contracted by the DH in consultation with the Implementation Group to review all policies, documents, brochures (written materials) developed by Homeswest to ensure their ready comprehension by Aboriginal people.	Partially Implemented	DH	Review was undertaken by plain English expert, then numerous staff – on going close to finalizing.

<i>Finding a Place</i> recommendations in chronological order	General status within Dept	Responsibility	General Description of extent of implementation as of December 2010
8. Homeswest to produce clear simple brochures/fact sheets setting out their policies. Priority in the production of these brochures to be given to issues highlighted in this report, for example: - access to priority assistance - requirements for emergency housing - access to transfers – maintenance - eviction policies - tenant liability - appeals mechanisms - urgent assistance to victims of domestic violence.	Recommendation Supported	DH	Maintenance sheets to be available for Looking After your home If something breaks down What repairs do you pay for Improving your Home Annual Inspections Moving In Moving Out
9. These brochures/fact sheets are to be widely distributed and all clients to be given relevant brochures when attending a DH office for assistance.	Recommendation Supported	DH	See above. Will be made available on-line – Dept considers that considerable number of tenants have access on-line. The traditional means of distribution to still be followed plus ensuring that contact with advocacy and community groups is maintained.
10. Each fact sheet or brochure to be clearly titled, numbered and regularly updated.	Recommendation Supported	DH	As above
11. Language, distribution and cultural considerations are to vary according to the region.	Recommendation Supported	DH	This recommendation associated with language policy recommendation
12. Policy information to be available in various formats to enable accessibility. For example by means of: - CD/Video - Information booths within offices where clients can watch a monitor using a touch screen to display short videos outlining Homeswest policy. These videos to be kept up to date.	Not Currently Addressed	DH	
13. Regional offices are to be provided regularly with updated policies. Regular training is to be provided to all Homeswest staff on policies and policy changes. Adherence to Homeswest policy across Western Australia by all officers is to be regularly monitored for consistency.	Recommendation Supported	DH	Changes to major manuals, - Housing Services and Maintenance are updated on line and staff informed through intranet and memo of most recent updates. Monitoring processes yet to be developed.
14. The Inquiry notes that there are no recognised government interpreters in Aboriginal languages. Regional Offices of Homeswest to provide interpreters where needed, for example, where English is not the first language of the client.	Recommendation Supported	EOC/DH	The EOC has made a case for a state wide Aboriginal Interpreter Service and released this report in July 2010. Regional offices in the Pilbara and Kimberley reported in early 2010 that they endeavor to use interpreters where they are available. Since this time the interpreter service in The Pilbara has closed. The Committee recognizes the limited services however stress the need for the Dept to attempt to source Aboriginal interpreters were required and to monitor the times that such services are not available.

<i>Finding a Place</i> recommendations in chronological order	General status within Dept	Responsibility	General Description of extent of implementation as of December 2010
15. Opportunities to be provided by Homeswest so that Aboriginal clients can be interviewed in private about their housing needs, rather than at a public counter.	Partially implemented	DH	<p>This practice is considered to be generally followed.</p> <p>Private interview rooms are booked for priority applications, transfer applications, and sign-ups. The practice guidelines state that a room should be booked when tenant requests appointment and if one not available alternate meeting times offered.</p>
16. Homeswest to engage external consultants to evaluate their website for ease of accessibility by their clients, particularly having regard for literacy and cultural issues that affect Aboriginal people. Homeswest website is to meet minimum government guidelines for accessibility, in any event.	Recommendation Supported	DH	Website currently under redevelopment
17. All standard letters are to be re-written in plain English and to give contact persons by name and telephone numbers.	Partially Implemented	DH	<p>This initially was contracted out but the results were not deemed to be suitable. Internal group established and most of the letters have been rewritten but not finally endorsed.</p> <p>Sub-committee of Monitoring Committee have had the opportunity to review these.</p> <p>Close to finalisation.</p>
<p>18. Notices to be redrafted in plain English and, where forms are prescribed under any Act (for example, the RTA), to provide clear information describing the:</p> <ul style="list-style-type: none"> - content and effect of the notice; - what the consequences are of doing or failing to do certain acts and; - the right of the tenant to challenge any notice if this is applicable to be provided. <p>Such notices to provide regularly reviewed and updated lists of community advocacy and/or tenancy advocacy services, including any Aboriginal support services, from which clients can seek assistance in understanding their rights about such notices.</p>	Partially Implemented	DH	The letters which accompany the notices (many of which are prescribed under the RTA), have been revised as part of the above exercise.
19. All letters advising of a decision by a Homeswest officer to refer to the appropriate policy and the method by which the tenant can seek a review of that decision together with appropriate fact sheets in relation to the relevant policy and mechanisms for appeal. Full details of the form in which an appeal should be submitted, matters required to be addressed and information about how the appeal will be processed to be provided to the tenant.	Partially Implemented	DH	Tenant liability letter does provide this.

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21. Eligibility criteria to be reviewed so that these criteria reflect the reason for the existence of a public housing authority in Western Australia, that is, to provide housing to those most in need.	Recommendation Supported	DH	Social Housing Taskforce recommendation relating to Housing Needs Register goes to this issue. Commission needs to have input into any revised criteria. Affordable Housing Strategy likely include this recommendation
22. Homeswest to amend its policy on "Eligibility Relating to an Applicant with a Poor Tenancy History with Homeswest – such as Debt, Anti-Social Behaviour, Poor Property Standards."	Not Currently Addressed	DH	
23. Homeswest to ensure that requirements for personal identification for people under 18 years of age reflect the reality that many young people do not hold a Driver's Licence or a passport and that these requirements be amended accordingly.	Recommendation Supported	DH	Identification requirements have been amended – Applicants generally need to have a id from Category A and Category B which can include letter from Government dept, legal notices (including court notices) birth extract, bank accounts, apprenticeship papers, telephone bills. Consideration will be given to accepting just from Category B when there is more than required points.
24. Homeswest is to review its redevelopment program to ensure that the stock of public housing is increased in order to reduce the waiting list. The building program is to be tailored to reflect the needs of those on the waiting list. Homeswest to collect data and utilise this data about the housing needs of those on the waiting list.	Recommendation Supported	DH	Social Housing Taskforce Report, Direction Statement Housing 2020 and the Cth incentive package deals with these issues in very broad way. There are recommendations to cater for the needs of larger families but also recognise the needs of the changing demographic i.e. increase in ageing population.
25. The 'sensitive allocations policy' is to be abolished.	Recommendation Supported	DH	The Department supports this to the extent that no such policy exists although it recognises that issues such as feuding may have a bearing on allocation.
26. In allocating housing to persons on the waiting list, the basic principle to be adhered to is that the next client on the list is to be offered the next available suitable property.	Recommendation Supported	EOC/DH	When Regional offices were asked to outline practice in early 2010, there was a mixed response to this question. Most offices which responded state that they follow the policy. Others have stated that the pressure of the priority list and the need of those awaiting housing – the policy has been used as the next suitable house is provided to the next best matched person on the priority list. Practice for wait-turn /priority listing had been one for one however due to significant increase in priority waitlist Dept state as of December 2010 80% of allocations are from the Priority list.
27. The only factor to be taken into account in allocating houses to Aboriginal tenants is to be need.	Recommendation Supported	DH	

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28. Reference to any other irrelevant matters to be discontinued and ultimately be deleted from the file. For example, past recovered debts; previous tenant liability matters that have been resolved; anti-social behaviour complaints unless these allegations have been properly investigated in accordance with the principles of natural justice and found to be substantiated; racial background of neighbours and their preferences regarding the racial makeup of the tenants in nearby properties.	Not Currently Addressed	EOC/DH	
29. Review policy where applicants are removed from waiting lists for declining an offer of accommodation.	Recommendation Supported	DH	Current policy is that applicant is given opportunity to explain why they decline the house offered. If valid reason, then there to be no exclusion from the waitlist.
30. Factors to be considered as valid reason for declining an offer of a property to include: - the condition of the property including lack of security, particularly for victims of domestic violence and older tenants or tenants with children; lack of heating, which could exacerbate a medical condition; incomplete maintenance with no evidence of when maintenance will be completed; inability to access the property or an essential part of the property due to disability.- proximity to facilities for medical treatment; cultural obligations where applicable, for example, son-in-law not permitted to reside with mother-in-law, previous deaths in the house, pest infestation etc. - property inappropriately located as a result of family circumstances such as housing Aboriginal families who are in conflict required to live next door to each other.	Recommendation Supported	DH	<p>The reasons for declining are in category of Property type Medical and location.</p> <p>Property type should be minimal as property should comply with RTA standards. Security however is issue for cases of known domestic violence..</p> <p>Medical is that the property is too far from required treatment and/or physical layout of house unsuitable for medical condition.</p> <p>Location issues are also included.</p>
31. Applicants to be given information, in writing, about the reasons accepted as valid for declining a property before they are required to provide a reason for declining the property.	Partially implemented	EOC/DH	Letter of offer explains what reasons are accepted as valid for declining a property.
32. Homeswest policy as to what constitutes a valid reason for declining an offer to be published in plain English and made freely available in pamphlet form.	Recommendation Supported/Partially implemented	DH	A pamphlet has been developed for this purpose – may need to be reviewed to ensure it is clear.
33. Applicants are to be encouraged to bring a support person or advocate when they inspect a property and before making a decision as to whether to accept or decline a property.	Recommendation Supported	DH	This is current practice and is included in letter of offer.
34. Where the reason for decline of the offer relates to the condition of the property, the matter to be referred to the building inspection unit for an inspection to be carried out and a report prepared	Not Currently Addressed	DH	

<i>Finding a Place</i> recommendations in chronological order	General status within Dept	Responsibility	General Description of extent of implementation as of December 2010
35. Applicants are to be given three working days following the inspection of a property in which to decide whether to accept or decline an offer of housing.	Partially implemented	DH	This is policy and applicants advised as such.
36. Persons on the waiting list to be entitled to decline two properties and be offered a third property before being removed from the list.	Not Currently Addressed	DH	
37. Where a tenant is to be removed from the waiting list for declining a valid offer this decision is to be reviewed by a more senior officer and the tenant is to be advised of their right of appeal against this decision. DH officers to be required to provide the tenant with the details of relevant policies and their right of appeal and to note this on their file.	Partially implemented	DH	This matter is on the appeal list and right to appeal is included in letter not accepting the decline of the property as valid. All adverse decisions are reviewed by a senior officer
38. More stock is to be allocated for emergency housing in line with the findings of the Gordon Inquiry	Not Currently Addressed	DH	The Department does not provide emergency housing as such. The responsibility for emergency housing lies with the Dept for Child Protection. The extent of emergency housing is for situations such as tenants whose home has been burnt down.
39. Stock allocated for emergency housing not to come from current housing stock, hence increasing the waiting lists. It is recommended that new funding be earmarked to build emergency housing with the capacity to accommodate large families.	Not Currently Addressed – no longer applicable to Department	DH	See above
40. Where people have been assessed as in need of priority assistance that housing assistance to be provided within three months.	Not Currently Addressed	DH	Clearly not being met; wait times for priority 29 weeks to 18 months. Specifically addressed in Social Housing Task force however unlikely to ever be done in 3 months.
41. Noting that the DH's current practice of DH accepting residence with family or friends as a viable housing option has led to: - overcrowding. - increased tenant liability arising from wear and tear in proportion to the number of residents in the household. - an increased likelihood of complaints of anti social behaviour from neighbours. - loss of privacy for tenants. - interruption of schooling for children and ultimately a greater likelihood of eviction. - increased risk to the health and safety of children. The Inquiry recommends that: The condition of residing with friends or relatives, which was accepted by the Homelessness Taskforce as constituting secondary homelessness, be accepted by the DH as satisfying the criteria for priority listing and is not to be identified as a viable housing option.	Recommendation Supported	DH	Understanding that all homelessness is taken into account for priority assistance although this is not articulated in information/brochure. Distinction between primary and secondary homelessness still made and impacts on decision as to whether priority assistance is granted.

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42. Where tenants applying for priority listing produce evidence of urgent housing need, for example, a child at risk of sexual abuse, domestic violence etc, then the tenants are not to be required to explore alternative housing options such as renting in the private market.	Recommendation Supported	DH	The Dept no longer has the requirement to prove application in the private rental market however it may be suggested as an option to an applicant when it is known that priority housing will not be available for some time.
43. Where urgent need is established, as above, prior debts and history to the DH are not to be taken into consideration in determining the listing for, or the allocation of emergency and priority housing.	Recommendation Supported	DH	Policy states that tenants can accrue time on the waitlist where they have a debt to the Department however they must enter into an arrangement to repay the debt. Where the applicant is listed priority, they will be offered a property when one is available regardless of whether the debt is paid in full or still being paid off.
44. Where the housing policy of a woman's refuge, for example, precludes male children of a family from residing with the mother, the DH is to take particular account of this in order to keep the family together, such as seeking to house the family urgently to prevent family break-up.	Not Currently Addressed	DH	See pamphlet on housing applications for victims of domestic violence.
45. Assumptions that all Aboriginal people prefer to live with extended family be explored, and advice sought from appropriate Aboriginal research centres in tertiary institutions and elsewhere to incorporate the outcomes of such research into staff training.	Not Currently Addressed	DH	Policy to accept all forms of Homelessness indicates that this is no longer the perception. There is a need to ensure these matters are dealt with in training.
46. The DH to take into account that many Aboriginal people on the DH housing waiting lists need to seek temporary accommodation with family and friends resulting in frequent changes of address, and that this often affects their ability to receive and respond to correspondence from the DH. The DH to recognise this need to frequently move house reflects the temporary nature of the accommodation, which should not be considered as a 'viable housing' option.	Recommendation Supported	DH	Business rules referred to Rec 20. Put in place opportunity to nominate advocates/ relatives with permanent addresses.
47. Homeswest establish a process for maintaining contact with transient applicants.	Recommendation Supported	DH	The business rules referred to in Rec 20 relate to this recommendation also.
48. Aboriginal people have reported that living in overcrowded extended family situations often increases the risk of sexual abuse of children. The DH is to take this into account in urgently housing those in need.	Recommendation Supported	DH	See comments on Rec 41
49. It is recommended that Homeswest incorporate into policy a statement to the effect that in all decision making, the interests of children will be paramount in accordance with the Convention on the Rights of the Child (CROC).	Recommendation Supported	DH	Preamble to Eligibility Policy includes following statement: The Dept must also comply with the <i>WA Equal Opportunity Act 1984</i> when dealing with customers and the interests of the child will be paramount in all decision making in accordance with the International Convention of the Rights of the Child.

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50. The DH to acknowledge that enforced living in overcrowded situations can lead to breaches of cultural norms such as 'avoidance relationships' that exist in some Aboriginal groups between certain persons as part of intricate cultural marriage regulations.	Not Currently Addressed	DH	
51. The Inquiry notes that Aboriginal families have become de facto emergency housing providers for family and friends as a result of the lack of adequate housing stock and that this may result in increased tenant liability, alleged anti social behaviour and a lack of privacy for Aboriginal tenants.	Not Currently Addressed	DH	
52. The Inquiry noted that many submissions referred to the existence of racist attitudes in the private rental market and the effect this has on the capacity of Aboriginal prospective tenants to gain housing. The Inquiry recommends that DH conduct training sessions to raise awareness of this.	Recommendation Acknowledged and Supported	DH	Cultural awareness training covers the issue of race discrimination although the issues in the private rental market are not necessarily covered.
53. In view of the frequency with which Aboriginal people report race based discrimination in accessing the private housing rental market, the DH to cease the practice of requiring that Aboriginal prospective tenants make multiple attempts to access the private rental market before the DH will list these tenants for priority housing.	Recommendation Supported	DH	Policy manual states that there is no requirement to provide evidence of seeking private rental. Given current shortage of public housing, private rental may however be suggested as an option whilst applicant on waitlist. Bond Assistance offered.
54. That all DH officers, including regional officers, be made aware of and required to follow the new policy of not including a requirement to provide evidence of trying to obtain private rental housing before being considered for priority assistance.	Recommendation Supported	DH	As above
55. In establishing the 'market rent' of a house, consideration be taken of: - the age of house. - the condition of house at the time of entering into the lease. - the location of house in relation to services, amenities etc. - any maintenance requested but not performed on the house, in order that the 'market value' more closely reflects an accurate assessment of what the house could be rented for in the private market.	Partially implemented	DH	Valuation is undertaken by an external party – Valuer General's Office.
56. That Homeswest cease the practice of deeming occupants of a DH house to be in receipt of Centrelink benefits in order to increase the rent chargeable to the tenant.	Not supported	DH	Clarification of this as it seems DH will not agree to this position. Also may be a condition of Cth funding and Cth income management program.

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57. Where additional adult residents are living in a DH tenancy and these residents are applicants for DH assistance, income of these temporary residents not to be taken into account in determining the rent payable by the tenant.	Not supported	DH	The income of additional residents only comes into consideration after 8 weeks. There is discretion to extend this period in circumstances such as when the visitor is receiving medical treatment.
58. Before any rental subsidy is removed from a tenant as a result of a non-lodgement of a form, a face-to-face meeting is to occur between the tenant and the DH.	Recommendation Supported	DH	Regional staff are required to make every effort to contact the tenant prior to the subsidy being cancelled.
59. That Homeswest cease the practice of automatically cancelling and backdating a rent increase if a subsidy form is not returned on time.	Not Currently Addressed	DH	Comment: This is where a lot of tenant debt accrues and position needs to be formed soon in relation to this and below recommendation Housing Officers do have discretion to back date subsidy.
60. Recipients of the Commonwealth Development Employment Program (CDEP) or other assisted employment scheme benefits not to be disadvantaged by comparison to Centrelink benefit recipients in the calculation of their income for rental purposes.	Not Currently Addressed	DH	Check Centrelink policy on CDEP.
61. The choice of the means of paying rent by a tenant should not be interpreted as indicating a negative attitude on the part of a tenant who declines to utilise direct debit.	Not Currently Addressed	DH	In sign up process, direct debit (DD) or Centrelink deductions are encouraged but other processes of payment not negatively recorded. New Cth government policy of automatic deductions potentially will have significant bearing on this issue.
62. The form by which tenants can choose to have rent regularly deducted from their Centrelink payments at source to be amended to prevent the deduction of amounts without the agreement of the tenant for items other than rent. These amounts are to be separately billed to the tenant with a clear explanation of each item.	Recommendation Supported	DH	The Form is itemized and the tenant receives separate bills for any arrears. They also receive a quarterly statement which includes all credits and debits.
63. All requests for transfers to be recorded with the date on which the request is made whether made orally or in writing, by telephone or face to face with a DH officer.	Not Currently Addressed	DH	Current policy remains as at the date the formal request is made.
64. Where the request for a transfer is based on a serious and significant reason, for example, domestic violence, normal requirements in relation to outstanding debts are to be negotiated in favour of the tenant.	Recommendation Supported	DH	If transfer approved on priority grounds then the debt does not need to be cleared before he transfer – however arrangement must be entered into.
65. Where a tenant has requested a transfer and anti social behaviour has been alleged the alleged breach must be investigated and substantiated prior to declining an application for a transfer.	Recommendation Supported	DH	This process is part of policy and practice. The issue of when it is known that visitors to the tenancy are creating the problem should also be considered as a reason that a transfer may address the issue.

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66. Where tenant liability relates to maintenance, which has resulted from lack of prompt response to a request for maintenance, this is not to be used as a reason to decline an application for transfer. It is recommended that the method of investigation be reviewed and changes made to ensure that the principles of natural justice are adhered to.	Partially implemented	DH	This type of tenant liability is now subject to t to the appeal process. If appeal upheld it should flow over to the transfer policy. If reasons for priority transfer are accepted then the debt will not stop transfer however repayment arrangements will need to be negotiated.
67. The DH to ensure that where an Aboriginal family has applied for a transfer as a result of racial harassment by a neighbour, normal requirements of clearance of outstanding debts etc to be waived in order to protect the family from ongoing harassment.	Not Currently Addressed	DH	If transfer approved on priority grounds then the debt does not need to be cleared before he transfer – however arrangement must be entered into
68. Training to be provided to DH staff who conduct inspections to ensure that they are sensitive to the possibility of the inspection process creating feelings of humiliation, degradation, worthlessness etc, and that officers be instructed as to appropriate standards of non-judgmental behaviour that are to be adopted. This training is to be to of an accredited standard and evaluated on a regular basis.	Recommendation Supported	DH	Currently being assessed under Substantive Equality (SE) NIA as Department's current service area
69. No inspections to be conducted without reasonable notice to the tenant. Such notice is not to be the leaving of a card or letter without confirmation of its receipt. Routine inspections are not to be conducted at more frequent intervals than every six months.	Recommendation Supported	DH	Policy and practice state that notices are sent in accordance with the RTA 1987
70. That Homeswest officers be sensitive to the power imbalance between themselves and their tenants when seeking to inspect with the agreement of the tenant at the time or immediately before, the time of entry as provided for by RTA 1987, S46(1)(h).	Recommendation Supported	DH	SE As above
71. Property condition report forms to be revised. Full details of any defects to be noted and photographed and copies provided to the tenant. Any hand written material to be legible and if the tenant is unable to read it, it will be typed and provided to the tenant. All inspections to be conducted jointly, at a time convenient to the prospective tenant and the DH, and the prospective tenant is to be encouraged to bring a support person or advocate with him or her	Partially Implemented	DH	SE As above

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<p>72. The DH to review what is considered necessary to meet 'property standards' to ensure that account is taken of:</p> <ul style="list-style-type: none"> - the age of the property. - the condition of the property when it was first let to the tenant. - any maintenance that has been performed during tenancy. - any maintenance requested by the tenant which has not been performed. - whether maintenance performed was inspected. - whether the tenant made any complaint about the standard of maintenance performed. - the number of adults and children living in the property. - any disabilities or medical conditions of any of the tenants or their dependants 	Not Currently Addressed	DH	SE as above
<p>73. Any maintenance required that is identified at inspection to be carried out within 14 days.</p>	Partially Implemented	DH	<p>Maintenance is divided into four major categories:</p> <p>Emergency – 3 hour response time</p> <p>Priority – 48 hour response time</p> <p>Routine – 14 days</p> <p>Planned maintenance – e.g. external painting, renewal of floor coverings, etc. will occur on cyclical basis</p>
<p>74. The DH to establish a property inspection unit to be staffed by persons who are qualified to inspect and report on technical issues relating to maintenance carried out. A person from this unit to inspect each property on all vacated tenancies at the point of vacancy and prior to a new tenancy being entered into, and to carry out property inspections from time to time.</p>	Partially Implemented	DH	Ingoing and outgoing inspections done by newly created PSO positions.
<p>75. All Aboriginal tenants with debts are to be made aware of the existence of the Debt Discount System and how it operates.</p>	Recommendation Supported	DH	<p>Tenants are advised of scheme however:</p> <p>This is not available to tenants with a debt in their current tenancy – which includes transfer to new property.</p> <p>A debt is deemed to be an old debt when it is not related to a current tenancy.</p>
<p>76. Tenants who had not been previously notified be given the benefit of backdating of the discount.</p>	Not Currently Addressed	DH	The scheme only operates from the time the tenant contacts the Department.
<p>77. Any debts that are statute barred are not to be revived by the DH. Such old debts should not form any part of the consideration of an application for assistance from a tenant or prospective tenant and details of such old debts to be removed from the current or prospective tenants file.</p>	Partially Implemented	DH	Agreed that this is in place – need to be clear that it relates to debts that have not been attempted to be recovered.

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78. The DH is to provide sufficient funds for the proper, regular and adequate maintenance of its properties. Routine maintenance on all properties are to be scheduled.	Not Currently Addressed	DH	Annual Report figure on maintenance Maintenance Review dealing with this issue. Review to be finalized in June 2010.
79. All applications for maintenance, whether by telephone, in person or in writing, are to be documented on the tenant file with details of maintenance requested.	Recommendation Supported	DH	The Call centre, Housing Direct which is in pilot mode works on the basis of requests being lodged on the phone.
80. Where Homeswest fails to respond to a request for maintenance in accordance with its policies, a record of this is to be kept in a register that will be available for inspection.	Recommendation Supported	DH	Covered by new Maintenance Model – auditing/compliance process is being put in place
81. That Homeswest comply with S42(1) of the RTA 1987 in relation to "Owners responsibility for cleanliness and repairs".	Recommendation Supported	DH	Department policy is that properties are not to be let until they are fixed to the appropriate standard under their statutory obligations.
82. If maintenance required is requested and is not carried out then tenants are not to be charged tenant liability in relation to this matter.	Partially implemented	DH	Tenant liability, particularly in such circumstances is now included as appellable matter.
83. Homeswest to institute a system that provides for impromptu inspections of maintenance carried out to ensure adequate standards of work by contractors. Maintenance contractors who fail to meet these standards to be removed from the list of contractors utilised by the DH. Contractors to be required, as far as possible, to match floor tiles, paintwork on cupboards, wall tiles etc to existing materials. Where general maintenance is required, which non-licensed persons are able to do, the DH will endeavour to concurrently complete as many outstanding items as possible, such as, by utilising multiskilled maintenance contractors.	Recommendation Supported	DH	This matter is being addressed in the Maintenance review Routine checks of completed work is to occur on jobs over \$400
84. Where a tenant or their representative complains either verbally or in writing of the standard of workmanship of repairs that have been performed, a person from the technical inspection unit is to conduct an inspection of the work carried out. Tenants are to be made aware of their rights in relation to this when they enter into a lease.	Not Currently Addressed	DH	This matter is being addressed in the current review
85. Maintenance is to be conducted according to need and is the landlord's responsibility under the RTA. It is not to be delayed as a result of other factors relating to the tenancy.	Recommendation Supported	DH	This matter is being addressed in the current review
86. No house is to be leased that does not meet minimum local government standards in relation to health; state of repair and environmental hazards.	Recommendation Supported	DH	Department policy is properties are not to be let until they are fixed to the appropriate standard under their statutory obligations.

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87. The DH to be encouraged to examine forming partnerships with Aboriginal organisations, including CDEP, to provide maintenance services to the DH properties.	Not Currently Addressed	DH	As part of the current maintenance review, conditions will be built into contracts for maintenance providers for them to have a target of Aboriginal apprentices, trainees and workers.
88. The DH to review its procedures for assessing tenant liability taking into account the condition of the property at time of entry, and fair wear and tear based on the number of occupants.	Not Currently Addressed	DH	This issue covered by the SE review of inspections
89. Tenant liability claims made by the DH to the tenant to be written in plain English with clear explanation for any codes used and a clear indication of any allowance made for: - age of item/s - fair wear and tear and depreciation of item/s.	Partially Implemented	DH	Tenant liability letters included as part of re writing exercise.
90. The DH to develop a formula for fair wear and tear which takes into account the number of occupants of a house whether paying rent to the DH or not, number of children, age and expected life of household items.	Not Currently Addressed	DH	
91. The DH is not to be able to charge rent for persons living in a tenancy that is not their own and who would otherwise be homeless if this is a result of: - persons awaiting allocation of housing by the DH. - they have an outstanding debt to the DH that they are in the process of paying off but which precludes them from being housed until they are eligible.	Not supported	DH	Rent to Income Policy will generally apply as it relates to additional resident. Some discretion to waive this are extend threshold time in certain circumstances.
92. DH is to ensure that: - full and detailed notes and/or photographs are taken of a leased property at the commencement of occupation and a copy of these to be given to the tenant. - a full and complete record of all maintenance performed on the property to be kept and provided to the tenant on request. - a final inspection, full notes and/photographs to be taken at the time of departure from a property with a copy to be given to the tenant.	Not Currently Addressed	DH	This recommendation should be covered by the Needs and Impact Assessment.
93. No tenant to be charged tenant liability except where damage is caused by misuse, neglect or is wilful as provided for by the RTA 1987.	Recommendation Supported	DH	Refer to policy and right to appeal certain issues
94. A central database in relation to tenant liability to be established to include age of property, number of previous property tenancies, maintenance performed on the property, age of items being charged for etc.	Not Currently Addressed	DH	
95. Tenant liability decisions are to be subject to the third level of the appeal process.	Recommendation Supported	DH	Appeals process now only has two tiers and Tenant liability appellable to both tiers.

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96. That Homeswest comply with its insurance policy in relation to accidental damage (for example, a football through the window). Tenants to be made aware of Homeswest insurance policy.	Recommendation Supported	DH	This is covered by current policy.
97. Regular statements/accounts to be sent to all tenants showing amounts paid with a clear indication of the content of charges to the tenant and what monies paid by the tenant have been used for. The use of symbols and combinations of letters as a legend on tenant liability accounts to be discontinued.	Not Currently Addressed	DH	Letters have been revised but statements have not been
98. That consideration be given to developing a review capability within the State Administrative Appeals Tribunal to hear appeals against Homeswest decisions.	Not currently addressed	DH	The revision of the Appeals process in late 2009 did not include mechanism to appeal externally.
99. In the interim, that the Homeswest Appeals Mechanism be reviewed with a view to establishing a system characterised by its: <ul style="list-style-type: none"> - independence from DH. - informality without prejudice to the principles of natural justice. - expeditious resolution of matters. - the ready access of tenants to all materials in plain English that are required to appeal a decision, for example, all relevant Homeswest policies, procedures, practice manuals, administrative instructions, all documents from their own file together with readily understandable explanations for decisions made. - the HAM to be extended to include all decisions made by Homeswest officers, and the clients right to review an appeal be made explicit with all decisions. - tenants are to be provided with reasons for decisions made on appeal. These reasons to be electronically recorded for later transcription if required. 	Partially Implemented	DH	All issues relating to appeals overshadowed by review in 2009. EOC submission into review made reference to all aspects of this recommendation and the majority are included in the process.
100. Ensure that all members of the appeals committees are adequately trained in relevant issues such as the RTA 1987, the Equal Opportunity Act 1984 and are able to demonstrate an understanding of cultural diversity and anti-racism strategies.	Partially Implemented	DH	Training of all external panel members has been undertaken and specific training on equal opportunity and anti-discrimination matters yet to be held.
101. Access to the Appeals System to be made available to all DH tenants regardless of any complaints that may have been lodged elsewhere, for example, at the EOC.	Not Currently Addressed	DH	EOC requested this in its recent response to the Dept

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102. That the DH definition of “anti social behaviour” be amended so that it that does not include trivial matters, for example, numbers of visitors at a property where this does not unduly impact upon the neighbour and would not normally be investigated by a landlord in the private sector. It is noted that some issues that have been described as anti social should not fall within this definition, for example, the tidiness or cleanliness of a tenants own house where this is not a public health issue.	Recommendation Supported	EOC/DH	Disruptive Behaviour Management Strategy has included these definitions for vexatious and trivial.
103. That DH consider transfer before eviction.	Recommendation Supported	EOC/DH	Dept states eviction is last resort. Transfer policy to be considered.
104. The DH is to be cognisant of the rights of the tenant to the quiet enjoyment of their property free from constant enquiries from the DH in relation to trivial complaints	Recommendation Supported	EOC/DH	As stated against Rec 102, definition of trivial complaint included in Behavior Management Strategy which also identifies issues between neighbors which should be dealt with by other authorities.
105. The DH to discourage and not record trivial complaints from neighbours regarding issues such as children running across verges and cutting corners, balls thrown over fences, loud music, etc. The DH to refer these complaints to appropriate bodies, for example, excessive noise to the local authority; disputes in relation to children's behaviour to appropriate local mediation services etc.	Recommendation Supported	DH	As for Rec 102
106. The DH not to offer advice that could be construed as encouragement to a neighbour wishing to complain about a tenants behaviour, for example, as to whether that person should go to the Police, should gather a petition against the tenant, approach a local Member of Parliament etc.	Recommendation Supported	DH	
107. Where a complaint is of a sufficiently serious nature as to require investigation, the DH is to conduct a complete investigation, including seeking the response of the tenant to the allegations.	Partially Implemented	DH	This is covered by the stated policy.
108. The DH to remove from a tenant's file any reference to anti social behaviour claims that were not found to be substantiated after investigation by the appropriate authority, or in any event after three years.	Not Currently Addressed	DH	Advice is required from the State Records" Office as to the ability to implement this recommendation given requirements of State Records Act.
109. The DH is to engage independent mediators to assist in disputes between neighbours.	Recommendation Supported	DH	The Department states that will provide the resources to fund independent mediators should tenants wish to participate in mediation. Comment Issue may be facilitating the parties to get to mediation.

<i>Finding a Place</i> recommendations in chronological order	General status within Dept	Responsibility	General Description of extent of implementation as of December 2010
110. That a specialised independent mediation service with trained mediators be established to deal with socially based disputes between neighbours to prevent the escalation of these matters. The availability of this service is to be widely publicised amongst DH tenants.	Not Currently Addressed	DH	As above
111. The DH to ensure that all officers receive training to sensitise them to cultural difficulties, for example, preferred socialising etc, which could result in a better understanding of situations that are culturally influenced that could give rise to complaints from neighbours, and that Homeswest use this knowledge to respond to complaints.	Partially addressed	DH	Department policy is that all officers receive Cultural Awareness training as part of induction and then within four years. Monitoring Committee recommends review of the courses and refresher time.
112. Living in a refuge to escape domestic violence should be accepted as a prima facie reason for placement in priority housing regardless of prior debts or other previous tenancy listing matters. The safety and security of women and children in this situation is paramount.	Partially Implemented	DH	This is policy
113. The Department of Community Development (DCD) to consider the provision of support services, including measures to assist perpetrators of domestic violence to find alternative housing, and other support to enable victims of domestic violence and their families to remain where possible in the family home.	Not Responsible for Implementation	EOC	
114. Review the requirement of the tenant to furnish proof of domestic violence such as police reports as a precondition to assistance. The welfare of the victim of violence, including any children involved, should be the paramount consideration in these cases.	Partially Implemented	DH	Is now part of policy
115. A comprehensive review of Homeswest's administrative practices to be undertaken, including a review of decision making, record management and property management processes, by an appropriate authority, particularly in terms of transparency and accountability.	Recommendation Supported	DH	This is policy
116. Policies to be applied consistently, save that discretion to depart from the policy to be exercised only in favour of the tenant or prospective tenant.	Recommendation Supported	DH	
117. Where senior DH officers are required to exercise their discretion, as a result of a priority housing application falling outside existing guidelines, then this discretion is to be exercised in favour of the tenant in order to meet the tenant's urgent housing need.	Recommendation Supported	DH	Issue likely to be impacted upon with change to assessment for priority waitlist

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118. That guidelines for discretionary decision making be established to ensure all relevant information is given due consideration (for example, number and age of children/elderly in the household, health issues, viable housing alternatives etc).	Recommendation Supported	DH	As above
119. A register to be kept of all decisions where a discretionary decision was made and the reasons for this decision.	Not Currently Addressed	DH	
120. Homeswest is to maintain and update a database of comparative data with respect to Aboriginal and non-Aboriginal tenants, and applicants for housing. The data must be in a form that allows a comparison between Aboriginal and non-Aboriginal people with respect to the application of and their compliance with each of the Homeswest policies and procedures. Comments of the Equal Opportunity Tribunal (EOT) about the lack of data to enable it to adequately determine allegations of indirect discrimination are relevant to this recommendation. The absence of the necessary statistical information makes it extremely difficult to determine whether Homeswest in fact discriminates against Aboriginal people or whether the perception held by the Aboriginal community is a 'myth.' The improvement of data collection practices will also enable information to be used by the various agencies in their needs based planning.	Recommendation Supported	DH	
121. The DH is to review its charter and objectives to ensure that the primary goal is to house those in need and that the development and redevelopment of land and housing to be secondary to this.	Recommendation Supported	DH	Social Housing Taskforce goes to the issue of development but for the purpose of creating more social housing.
122. The Board of the DH should include Aboriginal members.	No longer applicable	DH	Board has been abolished no longer exists.
123. Priority should be given to the improvement of the relationship between Aboriginal people and Homeswest staff. Homeswest staff to be trained to be better able to relate to Aboriginal people and to develop a more comprehensive understanding of social influences on Aboriginal people. Present training and development may be inadequate.	Recommendation Supported	DH	

<i>Finding a Place</i> recommendations in chronological order	General status within Dept	Responsibility	General Description of extent of implementation as of December 2010
<p>124. The DH to develop appropriate policies that require that all staff dealing with Aboriginal people to:</p> <ul style="list-style-type: none"> - treat Aboriginal clients with respect and dignity. - be sensitive to Aboriginal cultural issues including kinship obligations. - provide a mechanism for independent review of complaints by Aboriginal people in relation to their treatment by DH officers. - take all the cultural circumstances of a situation into account and to handle them in a culturally appropriate way. 	Recommendation Supported	DH	Cultural Services Policy in part deals with some of these issues.
<p>125. Homeswest is to conduct consultations with relevant Aboriginal people, groups and organisations, and include them in reviewing and developing policies, practices and strategies to resolve these issues. The DH is to consult with the Department of Indigenous Affairs (DIA) as to the method of carrying out these consultations.</p>	Recommendation Supported	DH	Establishment of Stakeholder reference and DIA is now part of this Committee.
<p>126. The use amongst staff of the term 'Fund 6' to refer to Aboriginal people be immediately discontinued. That a management directive in this regard be issued.</p>	Partially Implemented	DH	Fund 6 Housing no longer exists
<p>127. The role of Accommodation Manager to be reviewed to ensure that equal emphasis is given to fulfilling the landlord's responsibilities, for example, maintenance of the property as is given to enforcing the tenants responsibilities, such as to pay rent.</p>	Partially Implemented	DH	The role of Housing Services Officer (HSO) was created in October 2008 and new Property Service officer positions created to delineate these roles as per the recommendations.
<p>128. Performance of Accommodation Managers not to be measured by the levels of outstanding debt, levels of complaint of anti social behaviour regarding tenants from neighbours or other matters outside the direct control of the Accommodation Manager.</p>	Recommendation Supported	DH	Major consideration for performance reviews for HSOs is the ability to sustain tenancies. Level of debt on round will be considered but most importantly how those debts are managed.
<p>129. A career path to be developed for Accommodation Managers, which is to include the completion of appropriate training to carry out their tasks in accordance with the policies outlined above. The Accommodation Manager role is to be documented as a wider role than rent collection, and is to specifically include providing support to Aboriginal tenants to prevent the issuing of breach notices.</p>	Partially Implemented	DH	JDF for Housing Services Officer has emphasis on tenancy support. Monitoring Committee has recommended inclusion in position statement the need to be able to relate to Aboriginal clients.
<p>130. It is recommended that the number of properties managed by each accommodation manager be reduced to provide more time to service clients in accordance with their obligations and their tenants needs and circumstances. This expanded role is considered necessary despite the existence of other programs such as the Supported Housing Assistance Program (SHAP) program.</p>	Recommendation Supported	DH	<p>Current allocation is still around 300 for each FTE</p> <p>Note that since the report however the role has removed the property service duties other than the regular inspections.</p>

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131. The Job Description Form (JDF) for the Accommodation Manager to be changed to reflect this expanded role, including the greater range of skills that will be required. Appropriate training is to be provided for all Accommodation Managers.	Partially Implemented	DH	The JDF for Housing Support Officers does contain a heavy emphasis on tenancy support.
132. Current high turnover rates of accommodation managers are detrimental to the maintenance of a good relationship between Homeswest and its tenants. Homeswest is to develop policies to address this issue to ensure a lower level of turnover.	Recommendation Supported	DH	This data not currently collected – Dept considering how it may be done.
133. It is recommended that Regional Manager positions, in towns with a significant population of Aboriginal people, to be required to meet appropriate standards of local cultural awareness and have a demonstrated ability to work with Aboriginal groups to resolve housing issues prior to appointment to these positions. The following recommendations should be implemented in consultation with current Aboriginal Homeswest staff.	Recommendation Supported	DH	
134. The DH to recruit Aboriginal employees with the aim that the proportion of Aboriginal employees will eventually reflect the Aboriginal proportion of DH clientele. These Aboriginal employees are to be distributed across the whole organisation at all levels. The DH is to be encouraged to use section 50D and section 51 of the EOA to recruit.	Recommendation Supported	DH	Department has developed an Aboriginal Recruitment and Retention Strategy
135. The DH to establish an Aboriginal Employees Network to enable Aboriginal employees to share experiences and to support each other. Two representatives from the network are to attend and participate in corporate executive meetings.	Recommendation Supported	DH	The Department has developed an Aboriginal Recruitment and Retention Strategy which includes an Aboriginal Employee Network however since the time of the Inquiry, the structure of Corporate Executive has changed significantly and this part of the recommendation may not be as applicable.
136. A mentoring scheme is to be developed for Aboriginal Staff, possibly in consultation with the mentoring scheme at the University of Western Australia (UWA) or a similar scheme. All mentors and mentees are to be volunteers, and mentors to be given training for the role of a mentor.	Not Currently Addressed	DH	A mentoring scheme was initially put in place but currently does not exist although it does form part of the Aboriginal Recruitment and Retention Strategy.
137. Training to be provided to all Homeswest staff to enhance an understanding of direct and systemic racial discrimination to ensure a greater awareness of the existence and consequences of unintentional, but institutionalised, racial discrimination.	Recommendation Supported	DH	

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138. The DH staff to be trained by accredited external trainers who are to be required to liaise with local Aboriginal leaders and elders to ensure there is local input to the training and awareness-raising of staff.	Recommendation Supported	DH	As above
139. Training in systemic racial discrimination to be provided to all DH corporate executive members by an Aboriginal accredited trainer and that the success of this training be independently assessed.	Not Currently Addressed	DH	As above
140. Homeswest's training programs be reviewed and that appropriate mandatory training strategies be implemented as a matter of priority with regard to the RTA, the EOA, cultural awareness, anti-racism, domestic violence and disability issues.	Recommendation Supported	DH	As above
141. The establishment of specialist units in all Homeswest regional offices, with officers specially trained and authorised to assess and deal with health, domestic violence and cultural issues.	Not Currently Addressed	DH	
142. JDF's are to be rewritten to incorporate a requirement for a demonstrated understanding and application of the principles of equality and respect for diversity.	Partially Implemented	DH	
143. That DH to produce data to show the provision of funding for the construction of housing that is allocated to Aboriginal tenants on an annual basis, and which is not funded as a result of the Commonwealth State Housing Agreement (CSHA).	Not Currently Addressed	DH	
144. Steps to be taken to ensure that the share of non-Commonwealth funds allocated to the construction and maintenance of housing in Western Australia by the DH be allocated in accordance with the needs of its tenants and prospective tenants in proportion to the numbers from different racial backgrounds. For example, a minimum of 18% of funds expended each year from non-Commonwealth monies should result in the construction and maintenance of housing for Aboriginal persons from the waiting list.	Not Currently Addressed	DH	
145. Where houses are funded under the CSHA for Aboriginal people, a program be instituted to distribute these houses throughout the Perth metropolitan area, which will result in the sale or demolition of some older properties and the purchase of some new sites or houses.	Not Currently Addressed	DH	
146. Homeswest to construct sufficient housing to accommodate young people in need and to liaise with appropriate youth housing services, including any peak bodies, about the appropriate location and style of housing required.	Not Currently Addressed	DH	

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147. Consideration to be given to the development of small clusters of units for young single Aboriginal mothers to enable them to support each other whilst maintaining their independence with some communal facilities, for example, secure play areas for children, in consultation with Aboriginal groups.	Not Currently Addressed	DH	
148. The DH to develop mechanisms to ensure that housing supply is capable of responding to the needs of Aboriginal people especially in relation to large families, kinship, teenage children, singles and single parent households.	Not Currently Addressed	DH	
149. The DH to construct more houses with five or more bedrooms to accommodate the larger average size of Aboriginal families and their cultural obligations in relation to their extended family.	Not Currently Addressed	DH	
150. The DH to increase the stock available for emergency short term housing including housing suitable for singles, couples, families with children, extended families, elderly persons and people with disabilities to ensure that homeless persons are not left unhoused. This stock to be in good condition and well maintained as many persons seeking emergency housing are fleeing domestic violence and require good security.	Not Currently Addressed	DH	See earlier reference to issue of emergency housing – DH not funded for this. Many initiatives occurring however in homeless services.
151. The DH is to liaise with Aboriginal organisations to determine the most appropriate design for houses for Aboriginal people particularly in remote areas.	Not Currently Addressed	DH	
152. The DH to provide in its annual report detailed figures in relation to the numbers of public housing units that are available in 'new living' areas, compared with the numbers that were available prior to redevelopment, and the corresponding overall figures for available public rental properties for the Perth metropolitan area.	Not Currently Addressed	DH	Check annual report
153. That the DH, in addition to their annual new home building program, build new units of housing sufficient to replace all units of public housing 'lost' through the New Living Program (NLP) so that public housing stock in Western Australia increases each year in accordance with demand.	Not Currently Addressed	DH	Stock has not increased in total in recent years however new incentive program to provide additional 2000 and State Govt target of additional 20000 units by 2020 however this is to be broader category of social housing.
154. DH is to provide data regarding the numbers of Aboriginal and non-Aboriginal persons who have been displaced by the NLP.	Not Currently Addressed	DH	

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155. That the DH retain sufficient family properties with four or five bedrooms to enable Aboriginal families who have lived in areas designated for redevelopment to remain in the area they had lived.	Not Currently Addressed	DH	
156. The DH to be cognisant of its role as a public housing authority to provide housing for those in need preferably close to amenities and public services rather than as a land developer of infill housing.	Recommendation Supported	DH	
157. That a Council of appropriate State Government Departments and Authorities be established to ensure that any Government owned vacant properties that become available are allocated for occupation by public housing tenants.	Not Currently Addressed	DH	
158. Promotion of wider understanding of programs Aboriginal people can access, how they can access them and the processes required.	Recommendation Supported	DH	
159. Whilst recognising the value of the various support programs provided, the DH to be cognisant that these programs are voluntary and reluctance by a tenant to participate in a particular program should not be taken to indicate lack of commitment by a tenant to their tenancy. Any remarks reflecting this view to be removed from tenant's files. Participation in these programs not to be made a condition of acceptance by the DH for entry into a housing list nor to be made a condition for the provision of further assistance to the tenant by the DH.	Not Currently Addressed	DH	The non-engagement in services and or programs is frequently cited by the Dept when leases are terminated.
160. The DH to respect the independence of the various community based bodies, which it funds, to provide assistance to tenants and to respect the privacy of tenants utilising these services.	Recommendation Supported	DH	Bodies funded are those operating Stronger Families, SHAP programs
161. Where tenant advocacy services are lacking, the DH to consider providing some support to appropriate existing community groups, which could act as tenant advocates.	Not Currently Addressed	DH	
162. The Inquiry notes that the Tenant Advice Service (TAS) states that 60% of persons contacting the homeless helpline in 2001 received no assistance at all. The DH is to immediately review its practices and report to the Implementation Group on measures to provide immediate assistance to homeless persons.	Recommendation Supported	DH	Funding and responsibility for Homelessness comes under the Department for Child Protection.

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163. All housing support services be funded independently of Homeswest, that funding to Aboriginal support services particularly be increased, and that an Aboriginal Tenant Advocacy Service be established and adequately resourced.	Not Currently Addressed	DH	
164. That before Aboriginal clients be encouraged to apply for home ownership that they be fully informed of the additional costs they will be required to meet in order to achieve home ownership.	Recommendation Supported	DH	Social Housing Taskforce reinforces this recommendation and EOC states it is a voluntary participation
165. That the DH be encouraged to work with local authorities to develop appropriate housing for Aboriginal Seniors in consultation with local Aboriginal leaders and elders.	Not Currently Addressed	DH	

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