



Thanks again to the committee and staff for your time.

Looking back at the transcript, I realised that I had misunderstood the Chair's original question: *'Is there more you can talk about in terms of the social justice commissioner's report into the kinds of discrimination that particularly women and girls were facing around that space?'*

I now understand Ms Leong's question as asking us to expand on the information in our submission drawn from Aboriginal and Torres Strait Islander Social Justice Commissioner June Oscar's Wiyi Yani U Thangani (Women's Voices) report. During the hearing I thought there was a request for extra information, and suggested we might be able to collect specific case studies from our member services. In hindsight it was overly ambitious to offer that within a week, so with apologies to the committee we're not able to provide new case studies.

Later in the hearing I somewhat answered Ms Leong's question:

'The section of the Wiyi Yani U Thangani report that we quote has a lot of—the Aboriginal and Torres Strait Islander Social Justice Commissioner, June Oscar, did this fantastic report about four years ago and did a lot of regional engagements with Aboriginal and Torres Strait Islander women and girls in the places where they live. The overwhelming consensus that she reported in her report was that Aboriginal and Torres Strait Islander women experience a significant amount of anxiety about that happening and have experienced it and it's quite widespread. It was widespread to the extent that it was unequivocal in that report that this is a systemic structural problem of the rental market, experienced not just in New South Wales but across Australia.'

To add to this, here are passages from the report directly relevant to the question:

- Women reported direct discrimination from neighbours, landlords and real estate agents who assumed they would be disruptive tenants and unable to pay rent. Women expressed their frustrations with the structures limiting their agency to protect themselves from this. (p287)

- In 1986, the [Women's Business Report³⁸](#) identified a number of key issues and barriers frustrating Aboriginal and Torres Strait Islander women's realisation of their human right to housing in Australia. These included:
 - racism, discrimination and stereotypes in accessing private housing (p288)
- **(e) Discriminatory housing access (p297-299)**

A critical factor in the accessibility of existing housing stock is that it be equally available to Aboriginal and Torres Strait Islander peoples without discrimination. However, some women and girls reported that they continued to experience direct and indirect discrimination in attempting to access housing in the private market and in social housing.

Much of the discrimination I heard about was systemic. Women and girls reported that they were discriminated against in applying for private and social housing because of the size of their families, being a single mother, having inadequate references, or for being on social welfare.

*Buckley's [chance] to get a house in town because they only want people that are white, two-person family and both work, 1-2 kids ... you are not going to get it because of who you are. **Kempsey women***

Previous research has documented the nature of systemic discrimination in the housing system.⁷² This research demonstrates how seemingly neutral policies are discriminatory against Aboriginal and Torres Strait Islander families because they are based on Western-centric ideas of what a family household should be. Some of the women I met with continue to be adversely affected by policies that fail to give regard to Aboriginal and Torres Strait Islander cultural norms.

*My problem is that housing came up, but when I spoke to the people they asked if I would have a lot of people coming over. And I said, 'Yeah, I'm Aboriginal, it's likely with a big family'. But the neighbours don't want it. They don't want too many people coming and going. **Sisters Inside submission***

Women told me they often experience discrimination because neighbours, landlords, real estate agents and housing management bodies assume they will be anti-social or disruptive tenants; will not be able to pay rent; will have family members staying all the time; or will abuse addictive substances and damage the property.

*The CEO from [organisation] said to my daughter. 'You Aboriginal people should not be living in these houses if they cannot afford to pay electricity'. **Coober Pedy women***

The current state of tenancy laws in every state and territory, except for Tasmania, allows for 'no grounds evictions' after the fixed term, meaning that landlords and housing management bodies can terminate leases and remove tenants without cause or reason.⁷³ This makes it exceptionally difficult for women to protect themselves against direct and systemic discrimination.

In March 2020, the Australian Prime Minister

Scott Morrison announced a number of measures, agreed to by the National Cabinet (the body representing the Federal Government, territories and states), to protect the rights and welfare of Australians at the onset of the COVID-19 pandemic. The Prime Minister stated that the most significant of these measures was a moratorium on evictions for commercial and residential tenancies in financial distress.⁷⁴ All states and territories have since enacted laws with a range of measures protecting tenants impacted by COVID-19 and restricting landlords from increasing rents and evictions due to rental arrears. The national moratorium is set

to expire at the end of September 2020; however, Victoria has extended their moratorium laws until the end of 2020.⁷⁵

Tenancy advocates are encouraging all governments to extend the moratorium and to keep in place the range of mechanisms introduced to support tenants most impacted by COVID-19 and experiencing financial difficulties.⁷⁶ I am very concerned that once the moratorium

is lifted, individuals and families, who may have lost work during this period, could face eviction.

Throughout the *Wiyi Yani U Thangani* consultations, women expressed their fear of being evicted because of discrimination. For example, one woman reported that her neighbours had filed a noise complaint about her children crying, and that she feared she could lose her house as a result. Discrimination within the housing sector can leave vulnerable groups of people within our population with insecure tenancies. Many of the mechanisms introduced to support vulnerable tenants during COVID-19 are necessary to support many of our people and families to find, and remain in, secure housing.

Women with additional vulnerability factors, such as young mothers, women with a criminal record and women living in poverty, are even more likely to experience greater impacts from structural discrimination. A submission from Sisters Inside detailed a case study from Queensland in which a temporary, involuntary absence from social housing breached tenancy protections and nearly resulted in a permanent loss of housing.

*Recently, Sisters Inside supported an Aboriginal woman from a regional community to maintain her public housing. The woman was being evicted for under \$400 in rent arrears as well as a policy that women cannot be 'absent' from their homes for a period of more than 8 weeks in 12 months (even if the absence is involuntary, as a result of imprisonment). Loss of housing would have trapped this woman in prison and caused loss of her children from her care. **Sisters Inside submission***

Aboriginal and Torres Strait Islander women are understandably frustrated at the lack of legal protections for marginal renters and those in social housing. At one major city engagement, women highlighted the importance of tenancy advocates and support services in helping women to understand their rights.

I am helping a niece in [place] with six kids. [Got a] termination notice and the department of housing there, instead of addressing the issue—court order and get her out. They said she consented, but [she was] pushed. Lodged an appeal. Second court order—evicted. First hearing, magistrate says 'yes, terminate'. I helped her file an appeal in the district court. She goes along and stands up in court and speaks her mind. Two appeal[s] to terminate a residential notice. I am teaching her to be strong. I read the law. I know what it says, and I am teaching her.

*Technicalities. You can file appeal notices, and you don't need a lawyer ... Still in the house because she has appealed. **Perth women***

In some locations, women felt that real estate agents were discriminating against Aboriginal and Torres Strait Islander applicants without directly saying so, but through the constant awarding of successful applications to non-Aboriginal applicants. Some women told me they felt that the only way to secure a lease was not to identify as Aboriginal or Torres Strait Islander.

*Racism is an issue in our community, definitely with real estate and housing. There is judgement. I think they lie to you, they say, 'yeah, yeah, yeah, it's going through'. And then another family comes in, and they give them the house. **Kempsey women***

*Renting is also really hard. When people know you are Aboriginal, they won't want to rent to you. Me and my friend used to rent, and we never told the real estate that we were Aboriginal ... because we had trouble with that in the past. **Nowra women and girls***

Acknowledging the different cultural and social needs of Aboriginal and Torres Strait Islander families is critical to ensuring that Australia is fulfilling its obligations to provide an equal standard of living to the most vulnerable members of our society.

We also referred to an [AHURI report](#) about discrimination in the rental market. This passage is also directly relevant to the Chair's question (p38):

Displacement of and discrimination against Indigenous Australians in housing has a long history, from invasion onwards. Anderson et al. (2016; 2018) conducted focus groups with Indigenous people accessing a health service in western Sydney to explore their housing experiences.

Participants described a landscape in which their housing experiences were materially affected by their Aboriginality and inextricably linked to racial discrimination, poverty, marginalisation, the lack of social and affordable housing and disempowerment, all with negative implications for their psychosocial wellbeing. (Anderson et al. 2018: 635). Participants in the focus group reported profound experiences of racism in seeking rental housing through private real estate agents. These experiences were especially the case for those who 'looked black' or were most readily identifiable as Aboriginal (Andersen et al. 2018). Discrimination took multiple forms, such as being told there were no properties available; submitting high numbers of applications with no success; and not securing rental leases despite having a good income and work history.

Andersen et al's focus group report of 2016, ***“There’s a housing crisis going on in Sydney for Aboriginal people”***: focus group accounts of housing and perceived associations with health, is open access and features First Nations folks speaking about their experiences of housing discrimination:

<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-016-3049-2#:~:text=Participants%20indicated%20that%20most%20Aboriginal,and%20rarely%20discussed%20by%20participants.>

The focus groups focussed mainly on challenges faced by people living in social housing in Western Sydney, with the report noting 'Sydney's private rental market was considered inaccessible to many Aboriginal people' due to cost and discrimination:

'Participants indicated that most Aboriginal people living in Sydney had limited housing options, with housing affordability described as a constant and pressing concern for many. Home ownership was described as unfeasible for most of the Aboriginal community and rarely discussed by participants. Sydney’s private rental market was also considered inaccessible to many Aboriginal people, particularly young people, due to prohibitive costs and/or their uncompetitive tenancy or work histories. Discrimination from real estate agents and landlords was repeatedly described as another key barrier. Some participants recounted being falsely told there were no rental properties available, others submitted countless unsuccessful applications.

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

Middle-aged male AMSWS staff'

This evidence clearly shows the systemic and persistent nature of housing discrimination in NSW and Australia. It can occur before or after securing a tenancy, in private rental and in social housing. It can be perpetrated by landlords or agents, and the risk of discrimination by landlords and agents can be leveraged by perpetrators of

family violence. The reports also cite examples of racist neighbours attempting to weaponise poor rental protections to drive First Nations residents and other marginal renters out of neighbourhoods.

We'd encourage the committee to think intersectionally about housing discrimination - recall that, for example, First Nations people are more likely to be living with disability, or to be a carer to a person living with disability, than non-Indigenous people. Recall too, that First Nations women and children experience higher rates of family violence. The committee will have heard from disability and women's advocates about discrimination and power imbalances facing those cohorts. Discrimination and marginality compound when they're experienced together, exposing people who experience racism, ableism and misogyny together to even greater risk of discrimination and harm.

We hope this is helpful to the committee.

Kind regards,
Damiya