

## Submission

---

### Managing Housing Health Risks in WA Discussion Paper

---

18 December 2019

The Aboriginal Health Council of Western Australia (AHCWA) is pleased to provide a submission to the WA Department of Health's (DOH) Discussion Paper (the paper) on Managing Housing Health Risks in WA.

AHCWA is the peak body for 23 Aboriginal Community Controlled Health Services (ACCHS) providing comprehensive primary health care across diverse regional, rural and remote locations in Western Australia. AHCWA exists to support and act on behalf of our 23 Member ACCHS, with our principal vision for Aboriginal people in Western Australia to enjoy the same level of health and wellbeing as all Western Australians.

AHCWA's member ACCHS consistently witness the impacts of poor and inadequate housing on the health and wellbeing of Aboriginal people and their communities as extensively detailed in the paper. Responding to environmental health issues is a key part of primary health care for Aboriginal people, and ACCHS employ Environmental Health Workers to deliver essential prevention programs in Aboriginal communities.

AHCWA and its member ACCHS continue to be very concerned about poor health and wellbeing outcomes as a result of inadequate housing, and supports the DOH's intention of integrating minimum standard housing requirements under the *Public Health Act 2016*. AHCWA supports the paper's preferred option (Option C) for achieving this through the development of new, updated regulations under the Act.

This submission outlines its support for the DOH's proposal while providing additional background to housing and environmental health issues relating to the health and wellbeing of Aboriginal people and their communities.

#### Aboriginal health and housing

The health disparity between Aboriginal and non-Aboriginal people is largely influenced by the social determinants of health which need to be addressed in order to see positive health outcomes for Aboriginal people. Access to secure, clean and well-maintained housing is one of these key social determinants of health, and the daily conditions in which Aboriginal people live have significant impacts on their health equity.

Aboriginal people experience significantly higher rates of unstable housing than non-Aboriginal Australians and are, historically and currently, over-represented in the social housing sector (Australian Institute of Welfare [AIHW] 2019). More action is required by state and local governments to ensure safe, stable and secure housing is available for all Aboriginal people, particularly those in rural and remote communities, to improve their health and social and emotional wellbeing outcomes.

As comprehensively evident in the discussion paper, there are strong correlations between inadequate housing, and poor health and wellbeing outcomes (AIHW 2009). Further, providing and maintaining access to quality housing, clean water and sanitation are basic human rights, and are necessary for achieving positive health outcomes (Department of Health [DOH] 2015).

## **Environmental health in Aboriginal communities**

The vast majority of Western Australians, have access to appropriate housing, however, for many Aboriginal people, particularly those in rural and remote communities in WA, this is not the case (DOH 2010). As a result of poor housing stability, maintenance, living conditions and overcrowding, significantly higher burdens of infectious disease (including eye, ear and skin infections), physical injury and premature death occur within these communities (DOH 2010).

To mitigate the health impacts of housing and health inequities, the importance of Environmental Health as an essential service for Aboriginal communities has long been acknowledged in the ACCHS sector. Environmental Health Workers are pivotal to promoting, providing and maintaining functioning health hardware, such as taps, hot water systems, toilets, showers, kitchen and drains to support safe and healthy living practices in Aboriginal communities (Department of Families, Community Services and Indigenous Affairs 2007). AHCWA strongly supports that, wherever possible, the qualifications, skills, and local knowledge of Environmental Health Workers are recognised and utilised for the maintenance of healthy living environments for Aboriginal people.

While it is the intent of this submission to support the DOH's proposal to incorporate housing regulations into the *Public Health Act 2016*, AHCWA also strongly advocates for the complementary role played by Environmental Health Workers in managing housing health risks in WA.

## **AHCWA's position in relation to the Discussion Paper**

AHCWA supports Option C in the Discussion Paper; that the DOH will develop new, updated regulations for managing housing public health risks under the *Public Health Act 2016*. AHCWA understands this is required as a result of the necessary repealing of the following legislation:

- *Health (Miscellaneous Provisions) Act 1911* Part V, Division 1 (Houses unfit for occupation);
- *Health (Laundries and Bathrooms) Regulations 1971*; and
- *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.

AHCWA has the following comments in relation to the following proposals in the paper:

- 6.3.1 Proposal 1 – Provisions for unfit housing  
AHCWA supports that, in relation to unfit housing, the legislation includes provisions for authorised officers to declare a house unfit for habitation, require an unfit building to be removed or amended, require land to be cleansed, and order a home to be cleansed or repaired.

While AHCWA supports the provisions of Proposal 1, if housing or land in or on which an Aboriginal family is living is declared unfit and needs to be amended, removed, cleansed, or repaired, culturally appropriate support and assistance is essential for the family's relocation. This is particularly important for Aboriginal people living in rural and remote communities where alternative housing arrangements are often limited. In these circumstances, members of the community may offer to take in families requiring alternate accommodation which can often place increased burden on the community, compounding issues of overcrowding. Further,

Aboriginal people seeking alternative housing arrangements must not be forced off country or to leave their community in order to seek habitable accommodation.

- **6.3.2 Proposal 2 – Define habitable building or dwelling**  
AHCWA supports that the legislation includes provisions for defining a habitable building or dwelling, including redefining habitable building or dwelling to capture any permanent or temporary place designed for people to live and/or sleep.

While AHCWA supports the provisions for Proposal 2, consideration needs to be taken in regards to planning and constructing culturally appropriate housing for Aboriginal family and kinship systems. This includes the need for a thorough understanding of the way multiple generations and extended family members live together in Aboriginal communities, so that housing is fit for purpose to prevent overcrowding.

Cultural awareness and recognition is also essential for understanding why a building or dwelling may be uninhabitable for an Aboriginal person; for example, if a house is built on ancient song lines or on traditional ceremonial or burial sites, Aboriginal people and their families may deem the house is uninhabitable for them. Further, dwellings may be deemed uninhabitable if there has been a death on the premises as Aboriginal people may not be able to return to the premises until cultural practices, for example smoking ceremonies, have been undertaken in alignment with Aboriginal beliefs and values.

Aboriginal Environmental Health Workers provide an excellent source of local knowledge and skills, and should be consulted in the planning and construction of habitable accommodation for Aboriginal people, their families and communities.

- **6.3.3 Proposal 3 – Maintenance of habitable buildings**  
AHCWA supports that the legislation requires the maintenance of all habitable buildings (new and existing buildings and dwellings), including that all habitable buildings be structurally sound, waterproof, windproof and weatherproof, in safe and sanitary condition, and in good repair. AHCWA also supports that all fixtures and fittings be maintained in safe, sanitary, good working order; that new and existing habitable buildings must comply with the National Construction Code (NCC); that new and existing habitable buildings must have an adequate supply of hot and cold water; and, that a provision for floor wastes be submitted to the Australian Building Codes Board as a proposal for change.

While access to water, sanitation and hygiene facilities has increased for remote Aboriginal communities in recent years (Clifford et al 2015), these communities continue to experience inadequate housing quality and unacceptable delays to housing maintenance. As a result, these communities are forced to live in substandard conditions and are often exposed to significant health hazards. As Proposal 3 outlines the key priorities for the maintenance of habitable buildings to be included in the legislation, the State Government must be held to account for delivering these basic services for Aboriginal people and their families. As it currently stands, Aboriginal people in social housing are not provided the same standards of health that all Western Australians are entitled to as a result of the poor condition and inadequate maintenance of state-owned dwellings.

AHCWA's support of Option C of the paper is conditional on the commitment of the State Government to immediately address chronic inadequacies in the maintenance of Aboriginal housing.

- 6.3.4 Proposal 4 – Overcrowding

AHCWA supports the proposed interpretation of overcrowding under the legislation, including that a room that is not a habitable room not be used for sleeping purposes; that a habitable room to be used for sleeping purposes must comply with NCC requirements for ventilation; and, that a habitable room shall exclude a garage or shed.

While AHCWA supports the provisions for overcrowding, the DOH, the Department of Communities and Local Governments must understand the underlying cultural norms which can lead to overcrowding. Understanding these cultural considerations will also help to clarify that overcrowding can't be solved simply by increasing housing stock.

For Aboriginal people and their communities, housing must be culturally appropriate, and must consider Aboriginal family and kinship systems. Standard housing stock often doesn't meet the cultural needs of Aboriginal families, which are often large and extend beyond the immediate family, and may not be located in the right locations. Housing in rural and remote regions can also be more expensive and less affordable than in urban areas, leading to large groups of people living under one roof.

Western standards of housing often support a nuclear family system, which are incongruent with the needs of Aboriginal kinship and family systems. Consideration of the cultural family systems of Aboriginal people and their communities must be at the forefront of any planning in the construction of housing. What is understood as overcrowding based on density standards, may not be seen as overcrowding for an Aboriginal family.

Additional comments:

- Level of training and expertise for authorised officers

AHCWA supports the role of authorised officers in retaining their responsibility for housing risk management and enforcement, and that they have immediate powers to deal with public health issues and risks. AHCWA also supports the power of authorised officers under the Public Health Act to issue improvement notices and enforcement orders to landlords.

However, while the DOH would provide guidance for authorised officers on how to apply the general public health duty, AHCWA strongly recommends that authorised officers receive appropriate training and hold the necessary qualifications, experience and knowledge in Environmental Health to make housing assessments, interpret legislation and to anticipate emerging risks. AHCWA also recommends authorised officers receive appropriate cultural training to work with Aboriginal people and their communities. An understanding of Aboriginal cultural beliefs and values is important in identifying the most appropriate ways in which to enforce regulations and achieve positive compliance and resolution. AHCWA also strongly supports the role of Environmental Health Workers in managing housing health risks and encouraging healthy living conditions in WA.

- Holding the State to account

The paper briefly outlines how any proposed changes to housing regulations may impact on remote Aboriginal housing. It also identifies that many dwellings in Aboriginal communities are owned by State or State-connected agencies, and that the Public Health Act and its regulations will apply to all dwellings in WA. However, the paper states that State agencies may not be



**AHCWA**  
Aboriginal Health Council  
of Western Australia

required to comply immediately with the Act, as they are able to apply for an exemption from immediate compliance and will be able to put into place a public “improvement plan” to demonstrate how they will achieve full compliance over a stated time period. AHCWA does not support this exemption, and believes the State needs to be accountable in meeting the proposed changes to the Act immediately, like all other dwellings will be required to do in WA.

AHCWA also supports the Department of Communities’ 10 Year Housing Strategy due for release in 2020 but strongly recommends that the State’s responsibility for social housing maintenance must be mandated in the Strategy and the resulting implementation plans.

## References

Australian Institute of Health and Welfare 2019, *Aboriginal and Torres Strait Islander people: a focus report on housing and homelessness*, available from: <https://www.aihw.gov.au/getmedia/1654e011-dccb-49d4-bf5b-09c4607eccc8/aihw-hou-301.pdf.aspx?inline=true>. [4 December 2019].

Australian Institute of Health and Welfare 2009, *Indigenous housing indicators 2007-08*, available from: <https://www.aihw.gov.au/getmedia/085da139-2925-4b6f-af6f-2ebb3e872dc6/hou-212-10701.pdf.aspx?inline=true>. [4 December 2019].

Clifford, H., Pearson, G., Franklin, P., Walker, R., & Zosky G. 2015, Environmental health challenges in remote Aboriginal Australian communities: clean air, clean water and safe housing. *Australian Indigenous Health Bulletin*, vol. 15, no. 2.

Department of Families, Community Services and Indigenous Affairs 2007, *National Indigenous Housing Guide*, available from: [https://www.dss.gov.au/sites/default/files/documents/05\\_2012/housing\\_guide\\_info\\_intro.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/housing_guide_info_intro.pdf). [5 December 2019].

Department of Health, Department of Indigenous Affairs 2010, *Environmental Health Needs of Aboriginal Communities in Western Australia*, available from: [https://ww2.health.wa.gov.au/~/\\_media/Files/Corporate/general%20documents/Environmental%20health/Aboriginal%20environmental%20health/Environmental-Health-Needs-Survey-EHNS-2008.pdf](https://ww2.health.wa.gov.au/~/_media/Files/Corporate/general%20documents/Environmental%20health/Aboriginal%20environmental%20health/Environmental-Health-Needs-Survey-EHNS-2008.pdf). [5 December 2019].

Department of Health 2015, *WA Aboriginal Health and Wellbeing Framework 2015-2030*, available from: [https://ww2.health.wa.gov.au/~/\\_media/Files/Corporate/general%20documents/Aboriginal%20health/PDF/12853\\_WA\\_Aboriginal\\_Health\\_and\\_Wellbeing\\_Framework.pdf](https://ww2.health.wa.gov.au/~/_media/Files/Corporate/general%20documents/Aboriginal%20health/PDF/12853_WA_Aboriginal_Health_and_Wellbeing_Framework.pdf). [6 December 2019].