



**Submission to the Productivity Commission
National Housing and Homelessness Agreement Review**

27 March 2022

About KWILS

Katherine Women's Information & Legal Service (**KWILS**) is a specialist Women's Legal Service based in Katherine, Northern Territory. KWILS acknowledges the Jawoyn, Wardaman and Dagoman people, and all Nations across the Big Rivers Region, as the Traditional Owners of the Country we live and work on. We particularly celebrate the strength of the women who have cared for their children, families, and country for countless generations, and continue to do so.

KWILS is a not-for-profit Community Legal Centre, providing all women in Katherine and the Big Rivers Region with free civil law advice and representation, with a particular focus on the reduction of domestic, family, and sexual violence. KWILS' Strategic Plan imagines a future where women and their children are safe, living with dignity and respect.

In addition to individual legal assistance, KWILS provides Community Legal Education, and undertakes advocacy and law reform work, with a particular focus on addressing harmful societal and cultural practices, assumptions, behaviours, and attitudes that contribute to gendered violence i.e., violence against women.

KWILS welcomes the review of the National Housing and Homelessness Agreement (**NHHA**) and the opportunity to make a submission to the review.

KWILS is a member of Women's Legal Services Australia and endorses the Joint Submission of the Equality Rights Alliance and Women's Property Initiatives to the Productivity Commission's Review of the National Housing and Homelessness Agreement.¹

¹ Equality Rights Alliance and Women's Property Initiatives, Submission No 32 to the Productivity Commission, *Housing and Homelessness Agreement Review* (16 March 2022).

Scope of this Submission

This submission responds to issues raised in the Productivity Commission's National Housing and Homelessness Agreement (**NHHA**) Review Issues Paper and their impact on women living in the Katherine and Big Rivers region. Many of the concerns raised are prevalent across all areas in the Northern Territory and remote regions.

This submission highlights the lack of housing in Katherine and the Big Rivers region, and the particular impact that has on women and children victim survivors of domestic, family, and sexual violence. KWILS notes that adequate housing is a human right², and is a central component of women's rights to equality. KPMG's report on Rough Sleepers found that Katherine's homelessness rate was 31 times the National average. Despite this, there is a severe lack of crisis accommodation in Katherine, no short, medium-term, transitional or visitor accommodation,³ and some of the longest wait times for public housing in the Northern Territory.⁴

Of the issues included in the scope of the review, this Submission makes comment on:

1. the extent to which the NHHA has met its objective in the Big Rivers Region,
2. the appropriateness of the Priority Cohorts, and
3. the role of the Commonwealth, Territory and local governments as outlined in the NHHA.

² As enshrined in the United Declaration of Human Rights (article 25) and the International Covenant on Economic, Social and Cultural Rights (article 11.1)

³ NT Shelter (2020) *Katherine Needs Short Stay Accommodation* <https://ntshelter.org.au/katherine-needs-short-stay-accommodation/>

⁴ Northern Territory Government *Public Housing Wait Times estimated at 31 December 2021* <https://nt.gov.au/property/public-housing/apply-for-housing/apply-for-public-housing/waiting-list>

1. The extent to which NHHA has met its objective.

The prime objective of the NHHA (p. 3) is “to contribute to improving access to affordable, safe and sustainable housing across the housing spectrum, including to prevent and address homelessness, and to support social and economic participation.” One key output of the NHHA is the provision of safe housing, described as housing that is ‘physically safe, secure and healthy, and free from violence and abuse.’⁵

In order to meet this objective, the NHHA must place greater emphasis on issues of gender inequality and gendered violence in relation to the provision of safe and appropriate housing. This strategy should be considered through a gendered lens.

It is well known that women are disproportionately affected by homelessness, poverty, financial insecurity, and domestic, family, and sexual violence (DFSV). Nationally, more than 150 women are being turned away by homelessness services daily, as compared to 80 men,⁶ and women are more likely to be living below the poverty line.⁷

The NHHA has clearly not achieved this objective in the Katherine Big Rivers Region. The key issues that need to be addressed to enable the NHHA to meet its objective in relation to the provision of housing that is safe and appropriate for women in the Katherine and Big Rivers Region are outlined below.

There is a drastic shortage of housing that addresses the safety needs of women, especially women who have experienced domestic, family, and domestic violence.

The prevalence of family and domestic violence: secure housing is urgently needed.

In the 2020-21 financial year, DFSV offences accounted for 34% of all offences in the Northern Territory at a rate of 1,459 offenders per 100,000 persons.⁸ In Katherine, that rate was 4,261 offenders per 100,000 persons in 2020.⁹

⁵ NHHA citing K. Muir et al., ‘Housing Affordability and Homelessness’ *Amplify Insights* (Centre for Social Impact, UNSW, 2018).

⁶ Equality Rights Alliance, above n 1, 10.

⁷ Peter Davidson et al, ‘Poverty in Australia 2020: Part 1, Overview’ (ACOSS/UNSW Poverty and Inequality Partnership Report No. 3, ACOSS, 2020) 36.

National Indigenous Australians Agency, ‘Remote Housing in the Northern Territory’ (Auditor-General Report No. 18, Australian National Audit Office, 22 February 2022) 6.

⁸ Australian Bureau of Statistics, *Recorded Crime – Offenders, 2020-21 financial year* (Catalogue No 4519.0, 10 February 2022).

⁹ NT Police, Fire and Emergency Services *Katherine Crime Statistics* <https://pfes.nt.gov.au/police/community-safety/nt-crime-statistics/katherine>

As a specialist women's legal service, we see the effects of DFSV every day. 86% percent of the clients KWILS assist report they are victim survivors of domestic, family, and sexual violence. In our view it is likely that this statistic reflects underreporting due to a range of well-documented factors.¹⁰ The effects of DFSV extend to all areas of our clients' lives including their social and emotional wellbeing, physical and emotional safety, and financial security. The emotional and economic recovery of women and their capacity to recover from experiences of violence is dependent on their timely access to safe and affordable housing.

The DFSV experiences of women are a driver and risk factor for homelessness:

Women who have experienced domestic violence experience homelessness at a far higher rate than the general population,¹¹ and domestic, family, and sexual violence is the primary cause of homelessness in the country.¹² The prevalence of victim survivors seeking assistance in relation to homelessness due to DFSV in the Northern Territory is disproportionately high, at 53% compared to 39% nationally in 2020-2021.¹³ Specialist Homelessness Services helped 201 per 10,000 people in the NT who were seeking assistance due to family and domestic violence: the next closest State was Victoria at 76 per 10,000 people.¹⁴

Aggregated with the feminisation of poverty, women face economic insecurity at higher rates, and victim-survivors often bear the costs for leaving a violent relationship and the family home. In the Northern Territory, women are also the fastest growing prison population,¹⁵ with rates of previous incarcerations also extremely high in women who experience homelessness. Within this growing prison population, it is estimated that 76% have experiences of domestic, family, and sexual violence.¹⁶ Domestic violence is both a driver and a risk factor for homelessness and cannot be discounted when considering the NHHA. Without appropriate

¹⁰ Ann Hunt, et al, 'Family, domestic and sexual violence in Australia' *Australian Institute of Health and Welfare* 2018, 6.

¹¹ Ali MC, 'Australia's 'invisible' homeless women', *Al Jazeera* (online, 12 August 2021) <<https://www.aljazeera.com/features/2021/8/12/australias-invisible-homeless-women#:~:text=Domestic%20and%20family%20violence%20is,women%2C%20often%20accompanied%20by%20children.>>.

¹² Ibid.

¹³ Australian Institute of Health and Welfare *Specialist Homelessness Services 2020-2021 Northern Territory Fact Sheet*: https://www.aihw.gov.au/getmedia/0615901b-f561-46ac-93de-d3c43abe444d/NT_factsheet.pdf.aspx

¹⁴ Australian Institute of Health and Welfare *Specialist Homelessness Services Annual Report 2020-2021* <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-annual-report/contents/clients-who-have-experienced-family-and-domestic-violence>

¹⁵ Carmel Lohan and Vanessa Lethlean, 'Women Incarcerated at Darwin Correctional Centre – Advocating for and Shining a light on Women Ordinarily Invisible at a Policy, Systems and Structural level' (Research Article, Top End Women's Legal Service Inc, August 2020) 3.

¹⁶ Ibid 2.

affordable, safe and sustainable housing at both the crisis point and medium term, it is not possible to ensure women and children's safety in both prevention of, and response to, domestic violence.

Crisis housing accommodation is inaccessible and unsuitable for women in the Katherine and Big Rivers regions:

There is a scarcity of crisis and short-term accommodation in the Katherine and Big Rivers Region. Specialist crisis services Australia-wide are under resourced and women in remote and regional areas face intense lack of accessibility to housing and other services. The Katherine Women's Crisis Centre, the only emergency accommodation for DFSV victim-survivors in Katherine, is regularly at capacity and over-stretched.

More remotely, the options are more limited for women: not all communities in the Big Rivers Region have Women's Safe Houses. Remote Safe Houses that do exist, and the women requiring access to them, encounter a multitude of other issues such as; limited capacity, inaccessibility, locations that are too well-known to be secure, restrictions that require women to leave their older male children behind in unsafe situations, and conflicts of interest such as Safe House staff being relatives of the user of violence, or in an avoidance relationship with the victim survivor due to kinship structures.

By way of example, if a woman living in Amanbidji community needs to access crisis accommodation due to DFSV, she would need to travel over 450km to access the Katherine Women's Crisis Centre (depending on their availability), or 136km to access the Timber Creek Police Station. This requires her having a driver's licence, access to a road-worthy, insured vehicle, and the ability to pay for fuel. During the wet season, this journey is not possible for months at a time due to regular flooding and road condition. There is a dire need for more accessible Safe Houses and services run by community for women in community.

Ensuring that crisis accommodation appropriately provides for physical safety, is trauma informed, is culturally safe, and cares for women and children's wellbeing in an emotional and distressing time is critical. There is an urgent need to design and deliver purpose-built crisis housing and specialist accommodation options for women and children escaping violence.

Lack of access to appropriate and affordable crisis and short-term housing has a significant impact on children and families:

Lack of safe and affordable housing options in the region becomes a serious impediment to safely leaving a relationship and is often a reason women will stay in home with violence. This puts their own and their dependant's physical and emotional safety at risk. Women face an impossible choice of putting their children at risk of exposure to violence, leaving their children with a perpetrator of violence, or facing possible homelessness with their children. This can be directly attributed to the lack of safe and affordable crisis and short-term housing options for women and children escaping violence.

A Priority Housing Application for a 2-bedroom house in Katherine will currently take 4-6 years between application and being housed, whilst a General Application wait time for a 1- or 3-bedroom house is 6-8 years.¹⁷ In the meantime, given that there is no short or medium-term, or transitional, accommodation available in Katherine, the choices for women and their children are abysmal: remain in an unsafe home, become homeless, or move away from Katherine and existing support structures such as family, friends, school and employment.

At KWILS, we hear lack of secure housing cited as a protection concern contributing to why children are removed from family by the Department of Territory Families, Housing and Communities (Territory Families) including in situations where the woman has left (otherwise) secure housing due to domestic violence. This represents a no-win situation for women, where remaining in a violent home raises protection concerns for children, yet enacting an escape plan for the protection of their children raises the likelihood that will come to the attention of Child Protection Services. Both scenarios perpetuate victim-blaming of mothers in the child protection system Territory Families itself is unable to provide for safe housing or to assist with housing insecurity, overcrowding, or unsafe housing despite these issues continuing to be cited as protective concerns.

¹⁷ Northern Territory Government *Public housing wait times* <https://nt.gov.au/property/public-housing/apply-for-housing/apply-for-public-housing/waiting-list>

Inability to access housing that is affordable and suitable puts women and children at risk of homelessness.

In Katherine and the Big Rivers Region lack of housing is at crisis point, and the lack of available social housing and private rentals is alarming. For women experiencing or at risk of domestic violence, and leaving their home, there may be no option at all for short to medium term housing. For women seeking private rental accommodation, the prospects are equally dire. In most remote communities, there is no private rental market, meaning that all residents are part of the public housing system from birth.

There is reduced availability of rental accommodation in the Katherine and Big Rivers region:

The private rental market in Katherine currently has a 0.1% vacancy rate, with weekly rent on listed rentals increasing by approximately 30% over the last 18 months.¹⁸ Finding private rentals at short notice, or at all, can be near impossible. This issue is compounded for those women who experience discrimination in applications for private rental housing or do not have an existing rental history. At KWILS, we hear women tell of living in caravans, in industrial sheds, or staying in insecure housing with family or friends when they are unable to find their own affordable rental. Further, women with children may face unsafe situations and potential exploitation when renting rooms from people they don't know and do not have the luxury of vetting.

The lack of affordable rental accommodation in the Katherine region also has indirect flow-on effects for women's ability to access health and community services or other social services. Roles in social support services are disproportionately filled by women and, in the Katherine Big Rivers Region, there is a struggle to find long term staff due in part to the either unaffordable or unavailable housing, thereby limiting the services and consistency of delivery able to be provided in the region.

There is also need for affordable rental housing for women who are undergoing separation and divorce. KWILS sees the impact of this lack of housing on recently separated women who now struggle to find their own private rental. Anglicare's Rental Affordability Snapshot 2021,

¹⁸Roxanne Fitzgerald, 'Housing boom hits Katherine in Northern Territory as new jobs bring transient workers' ABC News (online, 12 February 2022) <<https://www.abc.net.au/news/2022-02-12/katherine-house-market-boom-and-sky-high-rentals-/100805348#:~:text=%22Katherine%20is%20in%20a%20housing,over%20the%20last%2018%20months>>.

cited in the Issues Paper, found that “just 1 per cent of listed properties would be affordable for a single adult parenting two children earning the minimum wage and benefiting from Family Tax Benefit A and B.”¹⁹

There continues to be well documented economic disparity between women and men. Women are disproportionately financially impacted by raising children, female-dominated industries and jobs are paid lower wages, women earn on average 13.8% less than men, and take on a disproportionate share of unpaid care work. The 2009 Australian Human Rights Commission Report *Accumulating Poverty* further outlines contributing factors.²⁰ The impacts of this lifelong disparity are perhaps most stark for older women, with half of all women aged 45 to 59 having \$8,000 or less in their superannuation funds compared to \$31,000 for men.²¹ The average super payout for women is a third of the payout for men; \$37,000 compared with \$110,000.²² The impacts of this disparity cannot be overlooked and must be considered when discussing the NHHA, in ensuring there is affordable housing.

Housing insecurity can contribute to poor outcomes in child protection and family law proceedings:

The stressors for women experiencing or at risk of homelessness are compounded where there are current legal proceedings. For many of KWILS clients, this may include child protection or family law court matters, alongside domestic violence order applications. Women are often forced to leave stable housing for safety reasons, only to find they face an uphill battle to keep their children in their care due to housing instability. Section 23 of the *Domestic and Family Violence Act (NT) 2007* provides mechanisms to vary tenancies, however the vast majority of women who are assisted by KWILS have already removed themselves from the home and need to then rely on friends or family for accommodation. Lack of stable housing commonly contributes to poor legal outcomes for women and children due to women’s inability to provide for the material needs of their children.

¹⁹ Anglicare Australia, ‘Rental Affordability Snapshot’ (National Report, April 2021), 7.

²⁰ Australian Human Rights Commission, ‘Accumulating poverty? Women’s experiences of inequality over the lifecycle (Issues Paper, September 2009).

²¹ Australian Human Rights Commission, ‘The Gender Gap in Retirement Savings’, *Our Work* (Web Page) <<https://humanrights.gov.au/our-work/gender-gap-retirement-savings#endnote1>>.

²² *Ibid.*

There is a lack of a strategic approach to housing needs, which recognises drivers of homelessness and housing insecurity, and allows for pathways out of housing insecurity:

It is clear that if the NHHA is to achieve its objective, it must consider the circumstances leading to homelessness or housing insecurity through a gendered lens to implement meaningful change.

There is a shortage of appropriate housing in Katherine and Big Rivers communities:

The inappropriateness of remote community housing has been well documented and explored in the Prime Minister and Cabinet Review on Remote Housing in the Northern Territory. This continues to be a critically important issue disproportionately affecting women, as we often see the matriarch of the family falling responsible for damage and debts incurred. The Review found 54% of houses in remote Indigenous communities in the Northern Territory are overcrowded as of September 2021.²³

In addition to an investment in more housing for remote locations, there are several key considerations that must be addressed in planning and delivering remote housing including those that are:

- culturally safe,
Housing to be designed, allocated and maintained in a manner that is culturally appropriate, and managed by community.
- fit for purpose, and
Repairs must be dealt with in a timely manner. Regional and remote Australia will be the most significantly impacted by climate change. Environmental factors must be a consideration in providing housing across Australia, but a particularly important consideration in remote Australia.
- suitable
As highlighted in the Issues Paper, suitability is a key feature of safe housing. Air conditioning, and consideration for good natural cooling and airflow, is a necessary design feature for social housing, especially in remote areas. The mean annual temperature in the region sits at around 39.7°C.²⁴ The available housing options are

²³ National Indigenous Australians Agency, 'Remote Housing in the Northern Territory' (Auditor-General Report No. 18, Australian National Audit Office, 22 February 2022) 6.

²⁴ Victoria Daly Regional Council, 'The Environment', *History, Location and Climate* (Web Page) <<https://www.victoriadaly.nt.gov.au/visitors/history-location-and->

wholly inadequate for the climate of the Northern Territory in particular, and Australia generally.

2. Appropriateness of Priority Cohorts

KWILS welcomes the inclusion of women experiencing violence as a priority cohort and continued consideration of the impacts of housing availability and appropriateness on experiences of DFSV. We note a consideration of women experiencing violence must consider intersectionality and the additional barriers and discrimination faced by Aboriginal and Torres Strait Islander women, women with disability, people from culturally and linguistically diverse backgrounds, migrant women, and regional and remote women.

Remoteness should also be considered as a factor in prioritising services, as there is both a lack of housing available and a lack of support services and options for women experiencing homelessness. In the Northern Territory, remote women experiencing homelessness also experience life threatening temperature and weather extremes.

It is important to note that the data available around homelessness and incarceration of women, often linked, shows us that women may not report violence while in crisis. This must be a consideration to ensure women are appropriately supported. Equally, women who are on low incomes, older women and women who are living with housing insecurity as the result of separation, must also be considered.

3. Appropriateness of the role of the Commonwealth, Territory and local governments outlined in the NHHA

Funding for housing and housing services should include housing tailored to the needs of key homelessness groups, such as women escaping domestic and family violence:

It is critical to reflect on the access to funding that the Northern Territory is given. Commonwealth funding is shared between the States and Territories by population and not according to their actual needs. In the past year, 2020-21, the Northern Territory received less than 1.3% of the total funding from the NHHA.²⁵ Territory Families are the only funded service

climate/#:~:text=The%20Big%20Rivers%20region,-The%20Big%20rivers&text=It%20has%20a%20complex%20weather,late%20afternoon%20storms%20and%20rain.>

²⁵ NT Shelter, Submission No 59 to the Productivity Commission, *Housing and Homelessness Agreement Review* (18 March 2022).

in the NT with the mandate in the domestic and family violence space.²⁶ The only funded women autonomous service in the NT is the YWCA's Women's Housing Support Program, which is categorised as medium term/transitional accommodation services, and only operates in Darwin.²⁷

Population-based funding for housing and housing services does not address the disproportionate needs of many rural and remote regions and client groups:

The Northern Territory continues to experience extremely high rates of domestic, family, and sexual violence. Homelessness in the Northern Territory is also experienced at higher rates than the rest of Australia, per percentage of our population.²⁸ To address the high levels of need experienced in the NT, Commonwealth funding distribution must be considered on a needs base, rather than by population.

The inadequate funding for these services means that providers can barely focus on crisis work, let alone prevention programs and services. The impacts of housing and lack of support services that are able to provide practical assistance has serious impacts on women seeking social housing options in Katherine and is something we hear about daily at KWILS.

KWILS supports calls for remote housing to be managed by communities and Aboriginal Community Controlled Organisations.

Recommendations (limited in scope)

1. Guidelines must be developed for considering priority groups with particular reference to the issues outlined in this submission,
2. a major commitment must be made to addressing emergency short and medium-term accommodation, and transitional accommodation, for women and children victim-survivors fleeing violence,
3. funding commitments must be considered on a needs basis, as opposed to a population basis, and
4. data collection must be improved, within principles of data sovereignty, to ensure extent of homelessness and housing insecurity is appropriately captured.

²⁶ NT Statement of Assurance Report 2019-20.

²⁷ Ibid.

²⁸ Australian Institute of Health and Welfare, 'Homelessness and homelessness services', *Australia's Welfare 2021* (Snapshot, 07 December 2021) <<https://www.aihw.gov.au/reports/australias-welfare/homelessness-and-homelessness-services>>.

Housing is a key issue having significant and longstanding impact on adequate participation in the legal system, basic safety and security, and the ability for women to ensure their own safety by leaving violent relationships. Flow-on impacts are seen within women and children's social emotional wellbeing, including health outcomes, and social and economic participation.

KWILS calls for consideration of, and urgent and continued investment in, the housing needs of victim-survivors of domestic family and sexual violence. To improve housing outcomes for women and children in the Katherine Big Rivers region the NHHA must be considered through a gendered lens.

Please contact KWILS should you wish to discuss the issues raised in this submission.

Yours faithfully

Katherine Women's Information and Legal Service Inc.