



Stuck in the Heat:

Climate Justice Case Study

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Kimberley Community Legal Services



This Presentation



Introduction and overview of the project, KCLS and our advocacy approach



Identifying the policy issue



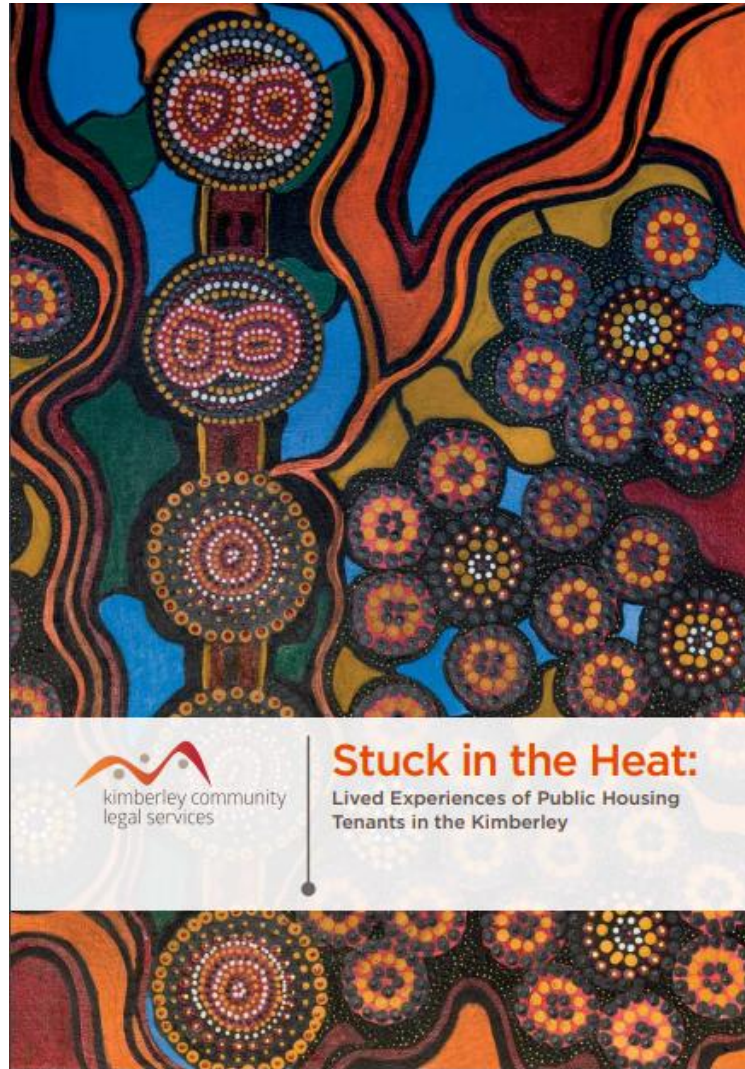
The report process and findings



Advocacy

The Project

- ▶ Right to habitable housing.
- ▶ Consultation in partnership with local Aboriginal Consulting Agency, Kimberley Jiyigas.
- ▶ Lived Experience focus.
- ▶ Housing quality and maintenance, energy poverty, health and wellbeing impacts.
- ▶ Report with 7 recommendations.



FRONT COVER IMAGE: © Cox Family Dreaming, Marion Cox, 2022

Kimberley Context



- ▶ Four local government areas, 150 Aboriginal Communities and over 30 different language groups in the region.
- ▶ 46% of the Kimberley population identify as Aboriginal and Torres Strait Islander and make up 59% of public housing tenancies.
- ▶ Semi-arid, tropical monsoonal climate, increasing temperatures due to climate change.
- ▶ Over half of Kimberley residents rent in social housing, the majority of which is public housing managed by the Department of Communities.
- ▶ Cost of living is 12.9% higher in the Kimberley compared to Perth.
- ▶ Overcrowding numbers are 9 x higher in the Kimberley than the rest of WA. The 2021 Census revealed the Kimberley has the highest homelessness rate in WA.

Who we are



- ▶ **Kimberley Community Legal Services (KCLS)** is based in Kununurra and Broome. We provide free legal advice, financial counselling and social support across the Kimberley.
- ▶ Holistic and client centric service - vision is for all people in the Kimberley to have dignity, human rights and social justice.

My role?

- ▶ **Systemic Change Advocate** role implemented in late 2021.
- ▶ Client centric, lived experience focus to advocacy work.

Housing

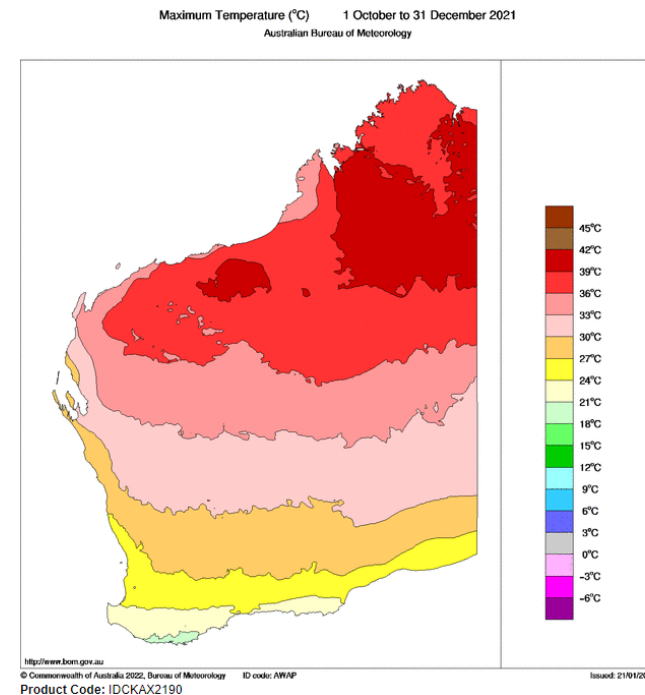


Housing is our main advocacy priority:

- ▶ Access to housing is key to personal dignity and participation in community.
- ▶ Housing is a social determinant of health and wellbeing, particularly for Aboriginal and Torres Strait Islander people.
- ▶ Central to many of the civil legal issues our clients face (e.g. child protection, FDV).

Climate

- ▶ For 207 days a year it is over 35 °C in Kununurra, which is set to increase to 253 days a year in 2030.
- ▶ E.g. Fitzroy Crossing is already on a par with the hottest habitable places on Earth - average 67.8 days over 40° C a year.
- ▶ By 2090, under current emissions policies, the town will experience 225 days a year over 40° C.



Climate Justice Issue



The Traditional Owners of the...Kimberley, after thousands of years of occupation, will find it very hard to continue to live there (*Environs Kimberley, 2023*).



First Nations people, public housing tenants and renters are among the most vulnerable to climate impacts.



CLCs are interlinked in this issue and can become part of the solution and the response.

The Policy Issue

Policy Issue

TABLE 2: COMPARISON BETWEEN PUBLIC HOUSING AND GROH HOUSING

What Public Housing tenants can expect when they move in ⁵²	What GROH tenants can expect when they move in ⁵³
Ceiling Fan (in houses built after 1990)	Ceiling fans in all bedrooms
Secure air-conditioning apertures into external walls of living area and bedrooms to allow tenants to install air conditioner units. (in houses built after 1990)	Ducted or sufficient split system air conditioner
Windows in each room to improve air flow	Curtain Rods
Insulation (in houses built after 1990)	Curtains/Blinds Annual Maintenance of Air Conditioner by landlord Air Conditioning Subsidy to assist with high power bills Flyscreen installed to all doors and windows Insulation Window treatments

Climate Control Policy

COOLING

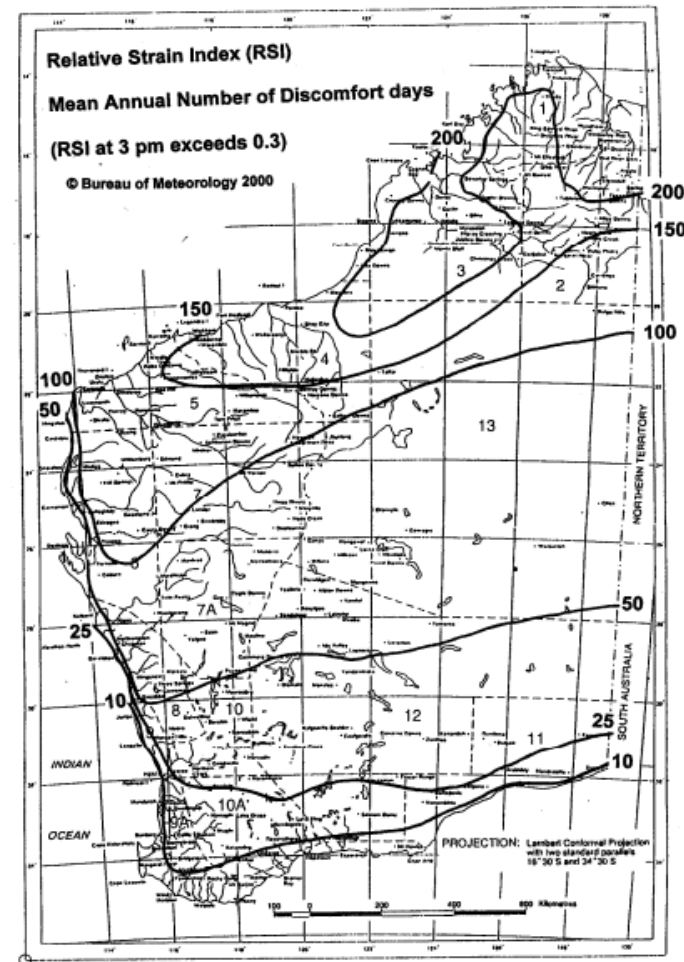
The Department Installed

4. The Department will install ceiling fans to properties in the North West or Kalgoorlie and remote areas.
 - The Department provides higher ceilings heights where ceiling fans are installed. Ceiling fans, Air conditioning apertures and ceiling/wall insulation have been provided to all new construction in the North West since 1990.
 - Design features are considered in all new construction in the North West and Kalgoorlie due to the climate changes in those areas.
- 4.1 Tenants living in the North West or Kalgoorlie and remote areas whose properties are not fitted with Air Conditioning apertures may make application to have an aperture fitted subject to budget funding. The aperture will be installed to the Department Maintenance specifications with relevant electrical outlet being installed.
- 4.2 Tenants are responsible for the fitting and maintenance of their own air conditioning units installed in the Department properties.

GROH Air Conditioning Policy

- ▶ The concept of providing air conditioning to accommodation and the provision of air conditioning subsidies is based on the Relative Strain Index (RSI) with this index being prepared and provided by the Bureau of Meteorology. *The index takes account of various climatic conditions and the effect of those conditions on the human body.*

(GROH Housing Air Conditioning Policy)



What about the RTA?

42. Lessor's responsibility for cleanliness and repairs

- (2) It is a term of every residential tenancy agreement that the lessor —
 - (a) must deliver up to the tenant vacant possession of the premises in a reasonable state of cleanliness and a reasonable state of repair having regard to its age and character; and
 - (b) must maintain the premises in a reasonable state of repair having regard to its age and character and must conduct any repairs within a reasonable period after the need for the repair arises; and
 - (c) must comply with all requirements in respect of buildings, health and safety under any other written law insofar as they apply to the premises.

Consequences



Right to Habitable Housing



- ▶ United Nations Special Rapporteur on Housing:

'Housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind other threats to health and structural hazards.'

Habitable Housing

- ▶ Santa Teresa Case in the Northern Territory

The High Court of Australia has been asked to consider whether Northern Territory public housing tenants should be able to sue their landlord for distress and disappointment over a failure to carry out repairs.

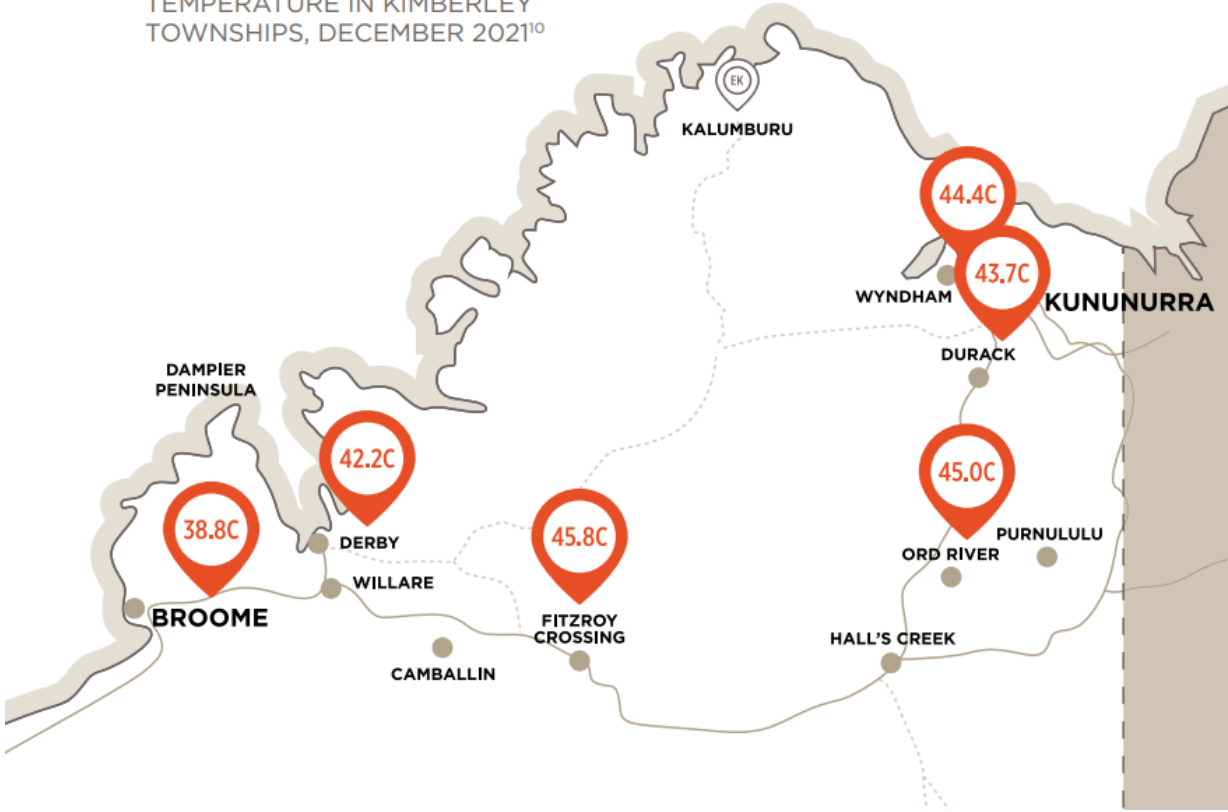
- ▶ Case originally initiated by 70 claims to the Northern Territory Civil and Administrative Tribunal in 2016, over failures by the chief executive officer of the Northern Territory Department of Housing to carry out repairs and provide **habitable** housing.

<https://www.abc.net.au/news/2023-03-16/high-court-to-rule-on-northern-territory-tenants-bid-to-sue/102099366>

Report Process

Consultations

FIGURE 3: MAXIMUM TEMPERATURE IN KIMBERLEY TOWNSHIPS, DECEMBER 2021¹⁰



Consultations

Three small group consultations in Kununurra, Wyndham and Halls Creek.

Two unstructured interviews with two tenants in Kununurra

70 responses to an online Kimberley-wide survey (responses from Broome, Balgo, Kununurra, Halls Creek and Derby)

Six interviews with service providers in the East Kimberley.

Why a Lived Experience Focus?

- ▶ Easy to assume what tenants want or what their main concerns are.
- ▶ Important to interrogate assumptions and listen.
- ▶ Stories from tenants are more powerful than stats!



'I'm glad that you are hearing us, you know? Our stories. And it's true, our stories. And we do get stressed and everything, you know? We want a nice house too. Same as every other person. We want to have a house and a garden. We want to be...equal. That's right. Have a good sleep at night.'
(Tenant, Halls Creek)

Sarah's Story

We spoke to Sarah in October 2021. It had been 40 degrees or above during the day for over a week. We sat in her living room while she cooled herself down with a damp cloth.

Sarah is 52 years old and has lived in her public housing property for over 20 years. She retired due to **health issues** and **relies on a Centrelink income**. Her house is poorly insulated and becomes very hot inside during the day. She has one box air conditioner in her living room **and cannot afford a better one**. When the house gets hot, turning on **the air conditioner makes no difference to the internal temperature**. **She is also worried about the cost of her power bill**.

*'I went to the hospital the other day, they reckon I looked that stressed out and **overheated and dehydrated just from sweating**. The hospital said why don't you put the air con on. And I said I can't have it on it just won't work - it's not big enough to keep the house cool. It's just so hot I just sweat all the time. **I can't go outside otherwise I will start having fits with the heat.**'*

Key Findings

Poor quality public housing, maintenance issues and **overcrowding** impacts the ability of public housing tenants to effectively control the temperature and energy efficiency of their homes.

Public Housing tenants in the Kimberley may experience **energy poverty** due to high energy prices and the use of inefficient cooling appliances.

The current Housing Authority cooling policy tends to reinforce the **financial disadvantage** experienced by many public housing tenants in the Kimberley.

Exposure to high internal house temperatures may harmfully impact a householders' **health and wellbeing**.

Housing Quality

'It is so hot if you don't have air-conditioning, and you have lots of people living in one house, especially kids, they have to cool down with water, under the hose or bath. This then makes them sick and you end up with a big water bill. The wet season is intolerable, when you're in the house with just the fan on, it just gives off hot wind anyway. The house is like an incinerator.' (Respondent to KCLS Housing Survey)



Housing Quality

- ▶ 85% of survey respondents said their house gets too hot during the hotter months of the year.
- ▶ During hot season tenants reported:
 - ▶ hosing down the roof, veranda and under the house,
 - ▶ hosing down concrete outside the house,
 - ▶ getting their children to play outside under a hose or sprinkler,
 - ▶ putting foil on the windows,
 - ▶ using sheets and other material as curtains,
 - ▶ going to the TAB or the supermarket to stay cool.

Maintenance

'I think the heat comes in through all the cracks. The house is dead old. That's why I need a new house. Because this part, that thing is falling to bits.' (Tenant, Wyndham)

'There's no point in someone having an air conditioner, that's even a good one, if there isn't maintenance being done on the broken window or the door isn't sealed properly.' (Service Provider, Kununurra)



Maintenance System

- ▶ Thermal comfort and environment health a result of poor maintenance:
 - ▶ Holes in walls
 - ▶ Broken doors
 - ▶ Cracks in windows
 - ▶ Roofing that leaks
- ▶ Inaccessible maintenance system
 - ▶ Housing Direct line to Perth
 - ▶ Administrative errors and delays
 - ▶ Reactive rather than preventative maintenance system.

Overcrowding

'Too much overcrowding.... Makes our life living hell.'
(Respondent, KCLS Housing Survey 2021)

*'There's just beds everywhere;
there's just people everywhere.
There's just that overcrowding
again. And we've got places
there that have very sick
children and no air conditioning.'*
(Service provider, Halls Creek)



Kelly's story

Kelly has two children. She lives with her mother in a three-bedroom house. There are 12 people living in the house. They have one box air conditioner and one portable air conditioner. Kelly and her mother find it hard to pay bills and are in arrears with

Horizon Power by over 2,000.00. She finds it hard to keep the house clean because of how hot it is and the amount of people in the house. She says it leads to her kids getting sick with dehydration, vomiting and diarrhoea. She finds it difficult to sleep as most people sleep in the same room at night.

Energy Poverty

'That's why you're scared to use the air con, because the amount of money you're on at the moment you can't afford it. If it comes to \$300-\$400, that's the amount of money you get from Centrelink just about, and it's all gone.'
(Tenant, Kununurra)



Percentage of income on power

TABLE 3: ONE OFF COMPARISON OF PERCENTAGE OF INCOME ON POWER IN KUNUNURRA*

	Public Housing tenant, Jobkeeper (living alone)	Public Housing Tenant (with children) Centrelink income, plus benefit from Department of Communities	Full time Professional, private rental (2 person household)	Government worker, GROH Housing (2 person household)
Income	660.00	1833.00	2515.00	2,020
Power Bill (on average for 2 month period)	400	600	400	482 (but GROH tenant paid 65.00 with subsidy)
Proportion of income they spend on power (%)	15%	9.5%	4.0%	0.8%

*This is a small sample size and used to indicate lived experience of these four individuals

Health and Wellbeing

'I am not a well person and my home is like a heat box. I can't rest and relax most of the time. The heat is unbearable during the hot season. It's very hard to live in this house but we have no choice. There are so much repairs to be done in this house. My children are often sick and can't go to school often because of this living condition.'
(Tenant, KCLS Housing Survey 2021).



Social Wellbeing Impacts

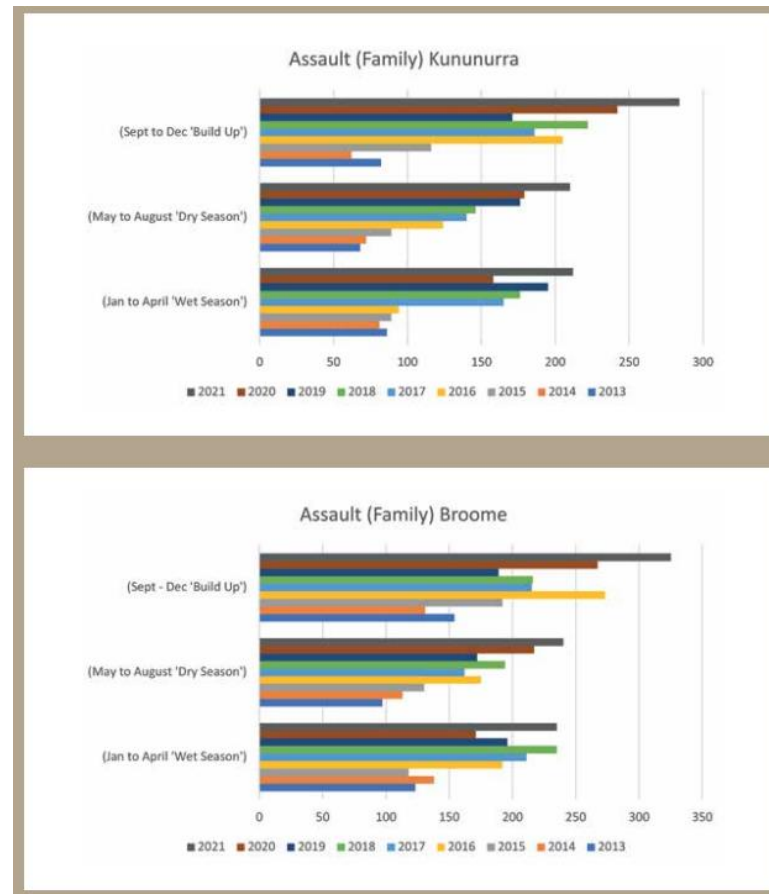
- ▶ Ability to go to work
- ▶ School attendance
- ▶ Safety
- ▶ Antisocial behaviour
- ▶ Stress

‘A lot of our staff are mums, single mums, so kids get sick, and Mum has to stay home. And I think that the illness level at this time of the year just goes through the roof. So then all the single mums have to stay home with all the kids that are sick.’ (Service Provider, Kununurra)



Social Wellbeing Impacts

- ▶ Cost to Justice, Health, Crisis Services not currently measured.
- ▶ Research on increases in demand for FDV services in Victoria during hotter weather.



Recommendations

Our findings support solutions that will



Improve access to energy efficient air conditioning in public housing



Subsidise the cost of electricity



Deliver Solar Energy to ease financial pressure



Provide education and support to tenants



Address overcrowding by increasing public housing stock



Improve liveability and energy efficiency of housing



Introduce minimum energy efficiency standards

Advocacy

Use report in
Submissions to
Parliamentary
Inquiries

Contact with
MPs

Positive
feedback from
government
policy officers

Media coverage

Conference
presentations

Collaboration
with other
advocates

Discussions with
Horizon Power

Strategic public
interest
litigation

Visibility

Opportunities

- ▶ Fitzroy Floods demonstrate the importance of climate resilient housing into the future.
 - ▶ Advocacy in the local region for more resilient housing.
- ▶ National Housing and Homelessness Plan:
 - ▶ How can governments and the private and community sectors, help to improve sustainable housing and better prepare housing for the effects of climate change?
- ▶ Minimum Standards Conversation in WA and nationally
 - ▶ WA Residential Tenancies Act
 - ▶ Minimum Standards on National Cabinet Agenda.

Questions?

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Kimberley Community Legal Services

