11 May 2016

Media Release

**ROUTINE APPLICATION UNDER RESIDENTIAL TENANCIES ACT COULD BE CATALYST FOR
LONG OVERDUE ACTION ON HOUSING 'NOT FIT FOR HUMANS'[1]**

On 7 February 2016, public housing tenants from the remote Aboriginal community of Santa Teresa in the Northern Territory commenced unprecedented legal action against the CEO of the Northern Territory Department of Housing in an attempt to address the poor state of housing in their community.

For Aboriginal tenants in Santa Teresa, the filing of the application followed weeks, months and, in some instances, years of tenants repeatedly requesting that the Department attend to housing repairs. At the time of filing, 78 per cent of tenants' households did not have fully functioning facilities required for personal hygiene and the safe removal of human waste and 61 per cent of tenants' households lacked infrastructure required for the safe storage and preparation of food.

The Santa Teresa housing claim is the first in which remote Aboriginal tenants in Central Australia have sought to hold a government department to account for the condition of their housing by enforcing provisions of the *Residential Tenancies Act 1999* (NT) which require a landlord to repair and maintain housing to a safe and habitable standard. In the latest edition of the *[Indigenous Law Bulletin](#)*, Elly Patira, the Executive Director of Australian Lawyers for Remote Aboriginal Rights—the pro bono legal service representing Santa Teresa residents in their claim before the Northern Territory Civil and Administrative Tribunal—explains the claim in detail.

The claim has arisen from the relatively newly established legal relationship between the Department (as landlord) and remote Aboriginal tenants, which has emerged out of the Commonwealth Government's centralist policy of acquiring 'secure tenure' for government bodies that provide services on Aboriginal land. This 'secure tenure' has replaced informal land use arrangements under which there existed no clear legal obligation on the government that could be enforced by Aboriginal tenants to ensure that remote housing was repaired and maintained to a safe and habitable standard.

While it is doubtless that there are numerous contributing factors affecting the standard of housing in Aboriginal communities, ultimately it has historically been dictated by government funding allocations, which have been characterised by a long-term failure to adequately provide for Aboriginal populations in remote communities. That the *Residential Tenancies Act* could or would be used by Aboriginal tenants to enforce obligations against the Department, and that this has sprung

from the government's interventionist reforms through which 'secure tenure' was acquired, appears to have been beyond the government's contemplation.

With potentially far-reaching implications, the Santa Teresa housing claim has placed an important focus on the *Residential Tenancies Act* as a tool of empowerment, through which Aboriginal tenants can demand repairs to their housing in accordance with legislative standards.

Click here to access a copy of *'*CUTS BOTH WAYS: Tenants' Rights and the Double-sided Consequences of 'Secure Tenure' in Remote Aboriginal Communities' by Elly Patira.

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The Indigenous Law Bulletin is a publication of the Indigenous Law Centre
produced with the in-kind support of UNSW Law.

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[1] Northern Territory Minister for Housing Bess Price on Radio National, 'NT Housing Minister Bess Price responds to legal action from Indigenous communities', *RN Breakfast*, 25 February 2016, <http://www.abc.net.au/radionational/programs/breakfast/bess-price/7199564>.