To whom this may concern,

**Re: Submission on human rights and social inclusion issues for African Australians**

Western Sydney Tenants’ Service (WESTS) provides legal advice and advocacy to residential tenants in Auburn, Parramatta, Blacktown and Holroyd local government areas.[[1]](#footnote-1) We have a number of African Australian clients. In addition, since November 2008, we have conducted a series of community education sessions on tenancy issues for members of various African communities in our area, including Kenyans, Sudanese and people from Sierra Leone. These education sessions are organised at the request of the migrant resource centres in the Western Sydney area. The intention of these workshops is to provide information on tenancy rights and obligations to members of African communities, most of whom have been in Australia for less than five years.

Our responses below are based on the feedback we received during community education sessions and our tenancy casework involving African Australian clients. They address some of the questions raised in your discussion paper relating to housing.

* 1. **4.9 and 4.10**

The most pressing and significant housing concern for African Australians is securing private rental properties.

During our community consultations, a number of people expressed frustration and anger at having their applications for private rental properties continually rejected. One woman described having fifteen applications for residential tenancies rejected in a six month period.

African Australians are often told by real estate agents that they were unsuccessful in their application due to the high number of applicants. However, there was an overwhelming feeling among members of the African Australian communities that they are being discriminated against due to their race and large family size. They felt that landlords and real estate agents did not want large families moving into their properties and it is not uncommon for African families to a minimum of five children.

Preference for tenants with earned incomes, over those on Centrelink benefits was also identified as a reason for not being able to secure a tenancy in the private rental market. However, even African Australians with earned incomes experienced discrimination when applying for private rental properties.

**Case study**

A Sudanese woman with five children described how she had been unsuccessful in a number of private rental applications. Both her and her husband were employed and they had an excellent referee from their prior real estate agent.

When these experiences of discrimination were raised in community education sessions, we provided African Australians with information on state and Federal anti-discrimination legislation and the respective complaint processes. This was never seen as an appropriate solution. People did not feel that these laws could do anything to stop them experiencing this discrimination, nor did they feel they had the hard evidence to assert their case. It was also not seen as an efficient solution to their problem – being the need to secure housing quickly. During the community education sessions we were told that the inability to secure housing is causing people to feel depressed, frustrated and anxious.

We also heard how accessing *Housing NSW* accommodation is not a feasible option as waiting lists in the Western Sydney area are currently 12-13 years long. A number of people who attended the community legal education sessions were already on these waiting lists.

One option is for families to move to areas where there is greater availability of *Housing NSW* accommodation. However, there is reluctance among the people we met to leave the Auburn and Parramatta areas as a strong African community has been established here, there are relevant support services and children are settled in schools in the area. This security and stability is highly valued by members of these communities, many of whom have lived in and fled war torn countries in recent years.

Those few families fortunate to secure a private rental in the area lived in constant fear of being evicted. As a result, they were too scared to assert their rights as tenants, for example their right to repairs and maintenance of the premises.

**4.5** Based on feedback we received at community education sessions, the attitude and stereotypes held by real estate agents and landlords are some of the biggest barriers African Australians face in accessing appropriate and affordable long term housing.

Real estate agents believe that African Australians frequently have more people living in the premises than allowed, damage the premises and leave them dirty and are not desirable tenants as they are usually on Centrelink benefits.

 Greater understanding of African Australian family structure and the need to sometimes house additional relatives required among real estate agents. This same challenge has existed in a number of cultures. In general, real estate agents would benefit from greater understanding of the circumstances of African Australians, in particular the circumstances they have come from, their culture and any language or cultural barriers. Training real estate agents on these issues, what information to provide to African Australians and how to best communicate with African Australians may go some way in changing the attitudes of real estate agents towards African Australians.

**4.6** Inability to provide evidence of rental history was an issue for African Australians trying to secure residential tenancies in the private rental market. This is obviously most difficult for newly arrived African families.

During one community legal education session, it was suggested that prospective tenants obtain a reference from any community support services to provide to real estate agents. Alternatively, they can seek references from community leaders or people from their communities who have been living in Australia for longer.

During our community education sessions, community leaders and workers from services such as the Migrant Resource Centre expressed a willingness to provide these references. A few prospective tenants said they had provided such references to real estate agents, but that it had not improved their ability to secure housing.

While references from support services and community centres do not go to prior rental history, real estate agents and landlords need to show greater understanding to the circumstances of African Australians, especially those who are newly arrived, and be willing to accept these references as credible and reliable documents.

**4.11** During our community education sessions it became apparent that African Australians were totally unaware of their rights and responsibilities as tenants. In one community education session we heard that African Australians never applied to get their bond back as they were unaware that it was their right to do so.

It was suggested by one African community worker that this basic information should be included in the package of information African Australians receive when they first arrive in the country. There are resources currently available for this purpose – the Tenants Union provides factsheets on tenants’ rights and responsibilities. These are available in a number of languages and could be translated into other languages as required. Likewise, the Office of Fair Trading ‘Renting Guide’ should be available in African languages. Fairfield Migrant Resource Centre (in conjunction with South West Sydney Tenancy Service) has copies of an excellent new DVD on tenancy law which is in six African languages (Dinka, Arabic, Juba Arabic, Kirundi, Swahili).

In one community education session, a Sudanese community worker told us that she knows of approximately seventeen families who have been tricked into signing contracts to buy homes. These families signed these contracts without the language skills to understand the contents of the contract. In all cases they were incapable of affording the mortgage which could be as high as $3000 a month. Basic information on mortgages and signing contracts for buying homes could also be provided to African Australians as part of the information provided to them when arriving in the country.

Given the difficulty African Australians have accessing private rental properties it would be useful to provide them with information on how *Housing NSW* can help them facilitate rental tenancies in the private market. In this regard, Housing NSW offers a number of relevant services including tenancy guarantees, Rentstart and private rental brokerage.

African Australians should also be provided with very clear guidelines and information on how they are expected to leave a property when their residential tenancy ends. It may even be useful to advise African Australians to set aside money at the end of a tenancy for hiring professional cleaning services to clean the premises to the standard that is expected of premises being returned to landlords in New South Wales. Without an understanding of condition reports and the obligation to return a property in the same condition it was provided, tenants can find themselves being faced with a big bill at the end of the tenancy. The expenditure of $100-$200 on professional cleaning may save tenants such a bill.

**Case study**

We recently advised and represented a Sudanese family at the Consumer Trader and Tenancy Tribunal who have been living in Australia for two years. They arrived in Australia as refugees and have lived in the same rental premises since their arrival. There were three adults and four children living in the premises. The family were the first people to live in the premises which was newly built. When the family left the premises they cleaned it themselves. The landlord claimed $5610 in damages from the tenants, largely based on the state of the premises at the end of the tenancy including ink marks on the walls and stained carpets. We were able to settle the matter for $2500 prior to the hearing, which was still a huge bill for this family, who were living on Austudy and Centrelink benefits.

1. WESTS provides tenancy advice, referrals, community education, advocacy, face to face interviews and, in limited circumstances, preparation for or representation at the Consumer Trader and Tenancy Tribunal (CTTT). Our services are free and confidential. [↑](#footnote-ref-1)