

RESUMED

THE CORONER: Mr McCarthy.

MR MCCARTHY: Your Honour.

THE CORONER: We have Mr Warren on the video link.

MR MCCARTHY: We have.

BRENT WARREN, affirmed:

XN BY MR MCCARTHY:

MR MCCARTHY: Mr Warren, you prepared an affidavit in this matter dated 24 February 2023. Is that the document you have in front of you?---That's correct.

Are the contents of that affidavit true and correct?---That's correct.

I tender that your Honour and (inaudible).

THE CORONER: Sure. That will just get another exhibit number. I don't actually have a copy of that affidavit.

DR DWYER: Your Honour, that's at 8-64B. Would it assist your Honour if I hand you a written copy of it?

THE CORONER: That would be helpful. Thanks.

EXHIBIT (?) Affidavit of Brent Warren

THE CORONER: Yes, Mr McCarthy.

MR MCCARTHY: What is your current role, Mr Warren?---My current role is the Deputy Chief Executive for Housing in the Department.

Regarding par 3 of your affidavit you expressed the department's condolences to Kumanjayi's family and community. Did you have anything you wish to add to this statement?---Yes. Thank you. So I just wanted to acknowledge it is a tragic event and I do pass on my condolences personally and on behalf of the Department to what's occurred.

Can you please provide the court with a short summary of your training and experience as it relates to Housing or the services that it delivered?---Yes, certainly. So my background is as a police officer and I spent 17 years with the NT Police. A big part of that work was delivering or coordinating remote services into remote Aboriginal communities. After I moved on from the NT Police I joined this department. I spent a year as a child protection leader for the agency. After that

I spent two years leading the Youth Justice Program and I've spent since 2021 leading the housing program.

So you don't necessarily have experience building houses but you do have experiences in managing remote work forces and the like, is that correct?---That's correct. My experience is in running remote and (inaudible) operations. I'm not a construction person per say.

From par 26 in your affidavit and I might ask you to turn to par 26. You provide an overview of the housing services delivered by the department. And I understand some of these are delivered hand in hand with other departments such as DIPL. And I'd just like to walk through a few of these. I won't mention all of them. So the first aspect of your affidavit I want to talk to is at par 28 where you talk about housing reference groups?---Yes.

Can you explain to the court what role do housing reference groups play, what are their purpose, what's their construction, etcetera?---Certainly. The Housing Reference Group is a consultative body. We set them up in corroboration with the community or the town camp as the case may be. And it's a forum that we run periodically, a couple of times a year to engage with the local people about things like housing allocation decisions, about things like the maintenance program, about things like the new construction program. So it's a forum for information, for receiving feedback and getting advice about what's appropriate in the local community.

We're going to move onto par 40. Mr Warren, if you could turn to par 40. Here you talk about the department's role in tenancy management, repairs and maintenance. What is the department's role in relation to management, repairs and maintenance? ---So the Department acts as landlord in relation to all of our public housing and therefore we've got the overarching responsibility for making sure that maintenance is delivered. In the government context our infrastructure and maintenance expert are in the Department of Infrastructure, Planning and Logistics. So we partner with them for (inaudible). So we can receive complaints about maintenance issues and have them actioned by DIPL. We conduct our own inspections where we detect maintenance issues and report them. And DIPL also have their own direct service where they can receive reports and they can pass (inaudible).

So it's fair to say that your role in relation to repairs and maintenance is hand in hand with DIPL and sometimes private providers, is that correct?---That's correct.

Are any of the private providers that you work with Aboriginal controlled?---They are. A key focus of the contracting model that we use for the tenancy support service, the maintenance service and also the construction program is preferencing Aboriginal controlled originations. In the context of Yuendumu we have First Response Maintenance provided by Central Desert Council which we would consider to be an Aboriginal controlled organisation.

Moving onto the design of public housing at par 46. What's the department's role in relation to the design of public housing?---Thank you. The department works with the Department of Infrastructure, Planning and Logistics around developing a set of guidelines for the construction of remote public housing. I've appended to to my affidavit a copy of the 2019 design guidelines for remote community housing. That's a document that's been (inaudible) by the two departments and is issued by DIPL as a set of instructions for when they are contracting people to build new or to refurbish existing housing.

So from par 46 you talk about the design guidelines. You say DIPL – I think did you say DIPL is responsible for putting together the guidelines?---(No audible reply).

Do they conform with national standards?---They do. They're written with reference to the National Construction Code and other relevant guiding documents.

At par 52 you set out an explanation of the design principles under the guidelines. Can I ask you to turn to par 52?---Yes.

I just want to talk about a few of these design principles. At C you noted design principle as being climatically appropriate design. How does this principle translate into practice?---So climatically appropriate is referring predominately to the way that we orient houses on the ground in the place where they're being built. So it's about recognising east west factors. Where it's relevant it's about recognising other factors like trees and hills in the area so that you can maximise opportunity on the block.

At par D you talk about the design principle energy efficiency. How does this principle translate into practice?---So energy efficiency is one of the principles for design. In our context we require a minimum of a 5-star energy rating standard for the dwellings that are built for the remote housing program. The principle speaks to several issues though. It speaks to things like mechanical cooling, it speaks to the design of windows and cross flowing air as well as the material used to design the house fabric.

I understand that the Coroner has heard evidence that the rest of Australian has recently moved to a 6-star requirement. Can you explain to the court what the position of the Northern Territory is in that regard?---So across the Northern Territory for all new housing built by anyone, 5 stars is the minimum standard. The most recent update to the National Construction Code, which was announced in October last year and takes effect in October this year, asks people to build to a 7-star standard. That component of the code hasn't been adopted in the Northern Territory at this time. And I understand other jurisdictions have made a similar decision about staged introduction for ongoing consideration.

At par 54 – no, there's one more point, sorry. At G you note building maintainability and longevity. Can you talk to how this principle translates into practice?---Certainly. So we design for (inaudible) lifespan for the dwellings that are built. So robustness and a capacity to repair, to refurbish or to fitout differently to meet the requirements of a different tenant is fundamental to design of these new houses.

At par 54 you set out some detail in relation to regional specific modifications. What are the types of modifications that are made on the basis, I suppose, the region that the house is based in?---I guess the most obvious modifications relate to things like cyclone zones. So in the tropical north where we're building in cyclone risk areas, the design must include being built to a cyclone safe standard. In the arid zone, so picking up Central Australia and the Barkly, our designs include a commitment to extra air-conditioning. So we – as an extra commitment to air-conditioning in those arid zone houses.

Moving on to government employee housing, this is addressed at par 56. What's the Department's role in relation to government employee housing?---So in 2022, the government approved the centralisation of government employee housing within my Department. We've established an – an entity called the NT Government Employee Housing (inaudible), which is now responsible for coordinating the tenanting, the (inaudible) and the maintenance reporting of government employee housing across the Territory. And that's in implementation phase at the moment, having been approved last year.

The coronial has heard evidence that public housing is built to a different standard than government employee housing. Is that the case?---It – it can be, it has been in the past. So the GH program is over 40 years old, and there's a range of different designs applied. Since we've taken responsibility for the whole of government delivery, we've been reviewing the GH design guidelines, and we're bringing them into alignment with the Remote Public Housing Guidelines, so that they are the same look in the field. The same basic design standards, and they can be treated as essentially the same.

Same building materials?---That's – that's correct.

What role does the Department play in relation to the allocation of government employee (inaudible)?---So we work with what we refer to as the client agencies, the service agencies that need their staff accommodated. We will sometimes challenge the utilisation of a house. For example, if a single person is in a multi-bedroom house, we might intervene. We'll look at a different allocation to get better use of the available houses. And so we – we are ultimately the landlord to the tenant that moves in. So we have a high level of involvement in tenant.

From par 76, you talk about service delivery. Can I just ask you to turn to par 76?
---Yes.

So here you talk about services delivered in Yuendumu. When was the last time you travelled to Yuendumu?---Last Monday.

What were your observations of housing in Yuendumu when you visited?---So the community of Yuendumu struck me as fairly similar to other remote communities in that region, in terms of the layout, the design of houses. I saw a range of ages of buildings. From some very old dwellings that were handed over when we took

responsibility, to brand new builds, that were completed at the end of last year. There is maintenance requirements out there. One of the challenges, one of the physical challenges is where windows are broken. Our first response is to board up, to make the house secure. And we can sometimes have a delay in getting (inaudible) completed. And that is visible when you go to that community, that there's boarded up windows.

THE CORONER: When you say "sometimes have a delay", do you have some statistics on that?---It can – it can take up to six weeks to get glazing, is my advice at the moment. And we're seeing further delays in Alice Springs, which might be a bit different to the north of the Territory, because of the small number of providers who advise us (inaudible) at the moment.

MR MCCARTHY: At par 76, you discuss the Yuendumu HRG. Is - - - ?---Yes.

- - - it currently – is it currently operational?---It is. The last meeting was in January.

At par 79, you talk to the number of public housing dwellings in Yuendumu. The number of rooms in those dwellings. And I'll just ask you to turn to par 79?---Yes.

Now you note that on the Department's records, there are approximately 4.5 persons per house. Later in your statement, at 184, and we'll turn to 184 shortly, you provide some context to this number. But I think I'd like to address that up front, if that's okay. The number of 4.5 persons per house, as I understand it, puts the population of Yuendumu at less than 500 persons, is that correct?---That would be correct.

You would agree that under – understates the population of Yuendumu, is that correct?---That's correct.

I might ask you to turn to par 184, just so we can talk to this for a second. So you took a look at the Census in the course of preparing this statement. And you note that the Census was put the number of the population of Yuendumu at closer to 750 persons, is that correct?---That is – that is correct.

And if you accept that there are 750 persons in Yuendumu, that would put the rate at approximately seven persons per house, is that correct?---Yeah – yes, is a simple answer, but I just want to clarify, the census addresses a head count that's different to what our tenancy data captures. So the census captures every person who's in the area on the night of the census. And for example, the census reporting references people living in over 200 dwellings in the region, where the count was taken. So the point I'm making, is it captures a bigger pool than the people who live in our houses. But we do understand that our tenancy data doesn't capture all people who are living in our public housing. So I would suggest that the actual number, the actual average is somewhere in 4.5 and seven.

That makes sense. But I might just draw this out slightly. So go back to par 79. I think we've got statistics, there are 107 houses occupied. So the number four point – 4.5 persons per house is on the basis that there's a 107 houses that have been

counted. There's 107 houses in Yuendumu that are operated by the Department, that have people in them. Is that right?---That is correct.

Whereas if you look at the numbers on the census, they suggest 259 dwellings. So that would suggest that there's houses that are being captured that are not Department of Housing houses, is that correct?---That is correct.

So what you're saying is, you would accept that the number is greater than 4.5 persons per house?---Yes.

But it's probably something less than seven persons per house. But there may be times of the year where there are more people, and less – less people, and more visitors and less visitors, is that right?---That is – that is correct. And we certainly understand that these are average numbers. So there'll be some houses with less, and some houses with more than the average number that we're giving.

I understand that it's your position that over-crowding is a problem in Yuendumu, is that correct?---That's – that's certainly the case, yes.

And you would accept that more needs to be done in the public housing space to bring the number of persons per house down, is that correct?---Yes. Yes, absolutely. We recognise Yuendumu is over-crowded, and that key – the key efforts being used to target investment to new housing in that community.

And I might take you to some of those reforms in a little while. But I'll move on at this stage.

THE CORONER: What's happening with the 15 houses that aren't occupied? I think we can account for one, but the other 14?---Those houses are variously vacant waiting for maintenance, or currently undergoing maintenance. And I think, if I could just refer to my affidavit, there's a couple that are ready for allocation at the moment.

MR MCCARTHY: Your Honour was the one house that you're referring to, the house that you saw on your visit, or are you referring to the WYDAC?

THE CORONER: No, I was – no I think WYDAC's – I don't know, is WYDAC part of this – these numbers?

MR MCCARTHY: My understanding is no.

THE CORONER: No I wasn't thinking it was?---So at par 81 of my affidavit, the paragraph breaks it down the housing pool, the public housing pool, based on status. You can see there, 107 currently occupied. All available to allocate, but not currently allocated. Five in maintenance, which means that they are subject to refurbishment. Two listed as pending the disposal, that means they will be demolished and replaced, and one's listed as upgrade, which means that it's only going to for repairs,

and three listed as vacant, the tenants have just moved out, but the maintenance hasn't commenced yet.

And with the funds that are available to allocate, what was discussed at the HRG?
---I can refer to the minutes in some more detail, but - - -

I don't - - -?--- - - - the sergeant at the HRG.

I didn't have a copy of the minutes. I don't know if someone's got a copy there that I can have?---My understanding is that the HRG, the focus of the conversation was particularly around the refurbishment and new discussion program and introducing the maintenance provider to the group to make sure that they were aware of how that service was operating.

All right. So how are you going to allocate and how are you going to consult in relation to these four houses, if you only have a meeting about twice a year?

MR COLERIDGE: I think he's just checking it, your Honour, just seeing if (inaudible)?---So just referring to some of the notes there, it appears to me that we provided waitlist advice to the HRG who committed to provide feedback to help us make a recommendation about allocation. I can confirm our decision that we've got an allocation decision creeping over us (inaudible), if that helps the court.

THE CORONER: Thanks.

MR MCCARTHY: We'll come back to that, your Honour.

Mr Warren, at page 96 you talk about certain points that are delivered that may be associated with Kumanjayi. And I think what we've done here is looked at a number of houses that we understood that Kumanjayi maybe went to from time to time. I might take you to par 110. I might make that 101, if that's okay?---Yes.

Can you describe for the court what it is that you set out at par 101?---Certainly. So at par 101 we've provided an outline of the maintenance work that's been delivered at one of the houses that Kumanjayi was related to, to give an example of how the Department provides that service. It plays out all of the main service delivered over the period from 2018 to 2023, and it stops at 2018 because that unit complex was subject to a complete refurbishment at that date. So, this is indicative of the kind of work that happens in houses that he was linked to.

And I want to take you to par 107, and that's Lot 511?---Yes.

And this is a similar sort of list. A list that sets out all the maintenance that has occurred at that particular house?---That is correct, yep.

And this house is in Yuendumu. So who would you expect would be doing the majority of this maintenance?---So under our current arrangement as the Central Desert Council provide the first response maintenance. So what we would describe

as a handyman service. Where there is a requirement to do more technical trades-based work, we draw upon the trade panel who usually come from Alice Springs out to Yuendumu to do that work.

And I understand that there are Aboriginal-controlled organisations that are involved in maintenance in Yuendumu and I think you might have touched on them before. Are there Aboriginal-controlled providers involved in the construction of houses in remote communities?---There are. We try and prioritise Aboriginal control with all of the contracts that we release. The construction work that's occurring in Yuendumu is being delivered by Asbuild Centre Corp which is an Aboriginal-controlled building organisation.

From par 116, you start to discuss some of the challenges associated with the delivery of remote housing. To begin with, can you explain to the court what it takes to build a house in a remote community, starting with services, putting the services in the land and allocating blocks, et cetera?---Certainly. So the biggest sort of enabling challenge that we've got with the housing program is that having very few what we call "service lot" available. So a service lot is a segment of land that's got the relevant power, water, sewerage connections running underground to allow a house to be built and connected onsite. When this housing program first started, there was only 70 service lots available across the whole remote Northern Territory footprint. So we've had to be very focussed with the funding around building new subdivisions or identifying land that is what we call "infill". That's where we can find individual blocks that can be put online within an existing suburb or remote community footprint. So once that design work is delivered, it can take 18 months to two years from the concept through to having the subdivision completed. Then localise a builder to actually go and do the construction part of the program, working in a place like Yuendumu, the extra challenge is not being able to access a combination or laydown areas or storage areas for construction companies. So there is a need to establish a work camp in advance of getting the construction completed. That's something that's happened in Yuendumu. There's a construction camp that's been (inaudible) area to store their equipment and lay down materials. The other challenge that we've had in Yuendumu is of recent times when we should have started building in February, unfortunately, due to a death in the community, there was a need to step back to allow sorry business to occur. And to give you a sense of some of the local challenge, the sorry camp was set up on the location for the first two service lots have being identified and you can start doing new construction. So really, they need to be sensitive and a construction company has stood down whilst that sorry business was completed and they're now ready to start doing that work. The last bit I would say the challenge of working – or getting a house built is supply chains. So, where working with contractors who are dealing with the real challenge of getting enough materials available through their suppliers because of a national shortage and some supply chain challenges. So they are talking to us about ways that we can help them do bulk purchasing, so they can get here to the Territory to deliver (inaudible).

From par 117, you set out some detail in relation to some of the challenges associated with building housing in remote communities. I just wanted to touch on a

couple of these. The first one you talk about is the geographical isolation of the Territory or parts of the Territory. You know that the Northern Territory is the third largest jurisdiction and the department is responsible for building houses in 73 remote communities. So the construction blocks that are required to be undertaken are quite disbursed. Is that correct?---That's correct. We've got about 50 construction sites mobilised across different communities at the moment.

And the fact that construction is quite disbursed, is one of the factors the increase in costs associated with building a house in a remote community. Is that correct? ---That's correct. We try and break packages up so that they're at a scale, they make economic sense to the contractors. Because there's so many overhead costs involved in setting up in community, we don't make a package to set the size, it makes the cost of house too much.

Can you speak to the average cost of building a house in a remote community in the Northern Territory? Do you know what the figure is?---Yeah certainly. So over the life of this program, the average cost of a three bedroom house is about \$550,000. That doesn't include the other costs I've mentioned including the subdivision and headworks that need to occur first. So the actual cost can be higher than that.

In combination with the fact that the Territory is the third largest jurisdiction, that it makes up about one percent national population, is that correct?---That's correct.

So there's an issue here in we're collecting taxes from a small number of people, that money needs to be spread across a very large jurisdiction. Now I understand you get some assistance from the Commonwealth, is that correct?---That's correct.

Can you speak to the assistance that is received from the Commonwealth, Mr Warren?---I can. So the current ten year building program was funded to the amount of \$1.5bn by the Northern Territory Government. The Commonwealth joined us in a five-year partnership after we commenced the program and they committed another \$550m. So the total program over ten years is approximately \$2.1bn with \$550m support from the Commonwealth for five out of those ten years.

Thank you, Mr Warren. The second issue I want to talk to is the availability of contractors. Can I ask typically builders or contractors based in the 73 communities and you mentioned before that construction occurs on a sort of drive-in, drive-out basis and camps need to be set up to facilitate the construction. You've noted that there's a national shortage of trades people, I suppose a national shortage by definition is across Australia. Is it your view that the problem is more acute when you're trying to find tradesmen who have the capacity or willingness to travel out to remote communities and provide construction services in remote communities?---It can be a problem. We hear from our contractors that they need to find ways to be more attractive employers when they're competing against work opportunities for trades that are in an urban centre in the Northern Territory or even an urban setting in the east coasts of Australia. So that drives up the cost through to them. The other challenge is where there are trades available they're still in limited supply. And if I can share this example. The construction of new houses in Alice Springs town

camps is a brick build and there is one block layer who is capable of delivering that work in Alice Springs, who is sharing his time across five different contractors. So they're cooperating and scheduling him so that he can work for each of them in turn. So that's an example of a limited resource that creates a bottleneck for us.

There are a number of issues set out in these paragraphs but I might just talk to one final issue and that is limitations in water supply. How do limitations in the water supply to a community affect the construction of houses?---So we need to establish that a service system or a power and sewer system can potentially sustain add-ons or expansions to the housing footprint. So at the design phase we need to confirm that the power station can accept the increase, that the water system has the capacity and that there's a sewerage solution. Sometimes the water system doesn't have enough capacity but we can resolve that by installing much larger water storage tanks. An example of where we've done that is in Hermannsburg where we needed to instal a significant new water tank in order to prime the new subdivision. In a place like Yuendumu the challenge is actually water scarcity at the front end. So most would be aware that we draw water out of the artesian basin by bore. At the start of this program BWC attempted to search for and drill new bores to increase the water supply and they weren't able to find any new source. So we've had to work through a series of steps to focus on reducing the usage of the water in Yuendumu to kind of reclaim water or avoid wastage. So we've spent a period of time installing meters, smart meters, onto the trunk system and onto the houses to find where leaks are occurring and then we've worked with Power and Water Corporation to start doing repairs on the most damaged parts of the system. That's allowed us to recover 20 million litres of water in 2020, which has allowed us to restart the construction program in that community. So we've had to do that as a necessary precursor before we could start building so that we didn't overly stress the water system.

Thank you very much. I'm going to talk to you about reform now very briefly. Can I ask you to turn to par 128. Here you talk about the Our Community, Our Future, Our Homes Program. Can you provide the court with a brief overview of this program?---Yes, I can. So the program consists of four main limbs. The – I guess the most obvious one is the home build program which is the construction of new or replacement homes. That makes up \$500m of the total program that the NT has funded. We have what's called the Room to Breath Program which is a refurbishment or upgrade program for existing dwellings that might benefit from a new bedroom or a new living space to make it larger. That's a \$200m program. We've got an allocation for government employee housing construction and refurbishment, which is another \$200m. We have a land servicing program which I've spoken a little bit about already, which is funded to \$430m and is about ensuring that we've got that enabling works completed. And then we have a repairs and maintenance program which is another \$200m in that program. And as mentioned, the Commonwealth have supplemented that with their payment.

And to bring it from the big picture down to the small picture, I might ask you to turn to par 163 where we talk about or how is this program going to impact Yuendumu. And I think at par 163, can you just describe what's going to happen or what

services, what housing will be delivered to Yuendumu under Home Build NT?---Yes, certainly. So the crux of it is that we've approved 37 new and replacement houses to that community. We've been through a consultation process to determine that 23 of those will be new houses on blocks that have been identified that can be serviced. 13 are replacement and we're still negotiating on one final house. Some of those dwellings have been built already and the court may have seen some of those at the last visit. They are primarily being used as what's called transitional accommodation which allows us to move tenants out of other homes that need to be refurbished or that need to be replaced. They live in the transitional house whilst that work occurs and then they move back into their new or refurbished home at the end of that work. So this work has started and is scheduled to run over two years

And at 166 you talk about the impact on the Room to Breath Program in Yuendumu. Can you talk to this very briefly?---Yes. So we've approved 23 homes for modification and to give you a sense of that, it's creating 51 additional living spaces and 29 additional bedrooms. So sometimes that work creates a new lounge room or common area and sometimes it creates a new bedroom to expand the house and make it more (inaudible) family that's living in there. There's 18 homes that currently are subject to modification.

Thank you very much.

And then finally, your Honour, at the back of your affidavit are there a series of photos? Do you have the annexures to the affidavit in front of you?

THE CORONER: I've got BW4.

MR MCCARTHY: (inaudible).

Mr Warren, could you please turn to page 156 which is BW4 of your affidavit? ---Yes.

Can I ask you to talk to these photos so that we might understand what they are and where they are and the difference between the various housing?---Yes, certainly. So annexure BW4 shows a series of pictures of one of our modular dwellings under construction in Alice Springs before being taken out to Yuendumu. It's been provided to give the court a sense of what the houses look like and how they're put together. And this one is destined for lot 507 at Yuendumu. One of the features that I would quickly draw everyone to, on page 160 of that section, is a picture that shows insulation being inserted into wall cavities. And that – that is part of the standard design of modular homes that we're delivering across the Territory. Annexure BW5, provides the court with an example of one the block homes that we deliver under the Home Build Program. This actual house is in a different location, but it's built to the same specifications as the homes that are scheduled to be delivered in Yuendumu. Annexure BW6 shows a completed modular dwelling in a community, to give the court a sense of what the finish product looks like for modular.

And it might be just useful to speak to modular dwellings. What's the benefit of using modular dwellings in a remote community?---Sure. So modular – it sees a couple of things for us. One, in water stretched communities, it allows us to do construction away from the community, to avoid creating a drag on the limited water resources. That's a real challenge in some of the places that we're working. Two, they're quite – they're quite useful for us in places that have got (inaudible) because they're adaptable, they're high on stilts, and so are useful in places that are flood risk. And three, they allow us to build, (inaudible) and take a number of dwellings out to the community at the same time. So they're built in a – in a central warehouse, and then transported out by truck to the location where they're put on the ground. The last thing I would say about the modulars, is we've tried, where possible, to give the community a choice, and we've put in the realms of 40 percent of the housing program has been modular, and the realms of 60 percent have been block. And that's been partly driven by the choice of the local community. The last thing with these – this design, is that we've found them to be very energy efficient. And whilst the average energy efficiency on the program is about 6.4 stars, these modular builds often get over seven stars.

They're my questions, your Honour.

THE CORONER: Yes.

Any other questions?

Mr Derrig.

XXN BY MR DERRIG:

MR DERRIG: Good afternoon Mr Warren. My names Matthew Derrig, I (inaudible). At par (inaudible) of your affidavit you implied "Housing (inaudible) as a social determinant of health and well-being. I accept this fully, as does the Department." Does that sound about right?---That's correct.

In respect to Kumanjayi specifically, the Coroner has received into evidence a report from K Crowley, a forensic psychologist, dated 2 May 2017, which notes that overcrowding is one of the four indicia of likely (inaudible) Kumanjayi Walker. (Inaudible) agree that one of the social determinants – she recognised that housing can have quite an effect on a person's mental health. Is that fair, do you accept that?---Yes, yes I agree.

And what do you understand the benefits of reduced levels of homelessness to be? ---The benefits of reduced levels of homelessness, so we are always working towards getting people into homes, instead of being insecure. We understand that (inaudible) just in a remote context, it's like lack of secure homes, than having people stopping at someone else's house, or sleeping in a – in an undefined area of the house. So it creates a stress on the persons, and so we're always looking towards creating more bedrooms, so that there's more secure (inaudible).

Thank you. Dr Simon Quilty has given evidence to the Coroner about the beneficial effects of reduced homelessness. And he provides that, having good houses is a safer place for children to be safe, engaging in (inaudible) and allowed to study, to be able to have a good night's sleep, to be able to have access to a fridge, to eat before they go to school. Does that seem correct to you as well?---We agree. Housing's essential for good family life and community life.

Okay. Would it be fair to say that housing has positive effects on health?---Good housing, that's not over-crowded, can reduce the likelihood of transmissible diseases, is that we're – what you mean?

That's right, (inaudible). Would it – as a former police officer, would you also accept that proper housing, stable housing may have an effect on the reduction of crime? ---I certainly agree that there seems to be pressure on families that can lead to things like domestic violence, or domestic pressure, yeah, for sure.

And being a representative of the Department of Housing and Territory Families, you'd accept wouldn't you, that housing is essential to ensure that families are able to stay together, rather than being taken into care?---That's – that's correct, and it's been one of the key opportunities in our new merged agency, to work more closely with (inaudible) agency.

So in all of this, would it be reasonable to conclude that housing is required to progress all these social determinants that we've just spoken about?---I agree, housing's a key component of that.

And you may be aware of this fact, and I'll ask you to accept it from me, that the ABS in 2016 Census provides that the Northern Territory (inaudible) the national average homelessness rate. Does that seem about correct to you?---It does. Our Department agrees with that number, yep.

Now 88 percent of those persons who are homeless in the Northern Territory, are Aboriginal, at least at that date?---Yes.

So you'd accept wouldn't you, that homelessness in the Northern Territory disproportionately against Aboriginal people?---Yes.

The – following that, is that the reduction in homelessness, with all other things being equal, do you (inaudible) disproportionate effect on Aboriginal people, i.e. to reduce homelessness, (inaudible) Aboriginal people?---Yes.

Has the Northern Territory ever commissioned reports on the correlation between homelessness, education, and crime and child protection?---I – I'm aware that there's been some (inaudible) examinations that are being done, with academic support, that the connection between child protection, (inaudible) and education. I've not heard whether or not housing was included in that. There's certainly work being done in that space.

Are you aware of any reports commissioned by the Northern Territory, that might show the sort of cost benefit of a reduction of homelessness, leading to a reduction in the cost of health, justice, and other – those other social determinants?---I'm not personally aware of those reports. But I accept the proposition.

Well, sorry, what I was saying is I'm not aware either of such a report, but wouldn't such a report, such a commissioning, really assist the public's general knowledge of the issues with public housing in the Northern Territory?---Look – look potentially. I think there's a range of work going on that is raising the profile of issues affecting Aboriginal people in the Northern Territory. One of the key ones that the Northern Territory Government's committed to is the Closing the Gap work. I think it's a really important chance for us to fall in behind the peak body who's leading the conversation with our departments and the Australian Government. So I guess there's a number of ways that these could be raised. But I certainly support the idea of (inaudible).

And a cost-benefit analysis potentially leads to better budget planning?---Look I – I don't know for certain whether it would or not. It sounds like it would be useful information to have. What I would say is that the department has worked with land councils and the Australian Government on using the overcrowding figure as a key vector for assessment. So there's been an agreement by the four land councils, the Australian Government and the (inaudible) that using overcrowding data is the most effective way to target the investment that we do have available, so in building houses is the places where they yield the biggest improvement for people.

Just to change topic a little bit. At par 125 of your affidavit (inaudible) are often delivered on a relatively short-term basis?---Yes.

And it's my understanding that Commonwealth funds are generally largely for the purposes of building houses, is that correct?---That's correct.

And is it fair to say that the Commonwealth doesn't provide funds or generally doesn't provide funds for ongoing maintenance?---So in negotiations that we're having at the moment there's an allocation for (inaudible) and there's an allocation for support for the maintenance program. So there's a contribution.

And that's currently being negotiated, is that correct?---The one year extension is being negotiated at the moment and it's broadly reflective of the terms of the current agreement. So in the current agreement there is a contribution that we allocate for repairs and maintenance.

And having that contribution, that must take a fair bit of pressure of the Territory's budget, would that be fair, housing (inaudible) that is?---We certainly appreciate the Commonwealth contribution. As I think we've probably demonstrated with the ten year \$1.5bn program, it needs to have a long-term plan, it needs to have consistent dollars available to (inaudible) the needs of our contractors. So the Commonwealth's support is welcome though it's certainly not the only aspect of this program.

And would it be fair to say that (inaudible) budget, a longer term commitment the easier it is to budget and plan, would that be fair?---That's correct. And one of the things we've identified with our contractors is that if we can offer them a two or three or a five-year agreement that they can work under, it then enhances their capacity to deliver training outcomes and jobs for local people.

I'll move onto another topic. Now at par 202 of your affidavit you provide that ordinary GE housing, government employee housing is prioritised for employees who do not have any available housing within their community?---That's correct.

Essentially what that means is an Aboriginal person from that local community, if they had a house there, wouldn't also – wouldn't ordinarily be provided a house if they got into government employee in their own community. Would that be fair? ---It's been uncommon. There's a few reasons for that. One of them is the logistical challenge for a local person who engages in a short-term appointment and helping them land back into accommodation at the end of their employment. So there's been a reluctance for people that are short-term employees. We certainly have long-term employees who are local Aboriginal people living in government employee housing. It's a small portion but we do have them. But we recognise that it does create a disparity or a two-speed system for local people.

And to some degree you offset that with the fact that the department is proposing to pay the costs of housing of those Aboriginal people from that local community, is that correct?---I think your question is have we got a different way of providing support?

I'll just repeat it. In that same paragraph you note the department is proposing to pay the costs of housing for those Aboriginal people who otherwise would get that GE housing?---Yes. So we are working on a program at the moment that would allow us to treat the head tenant who's a government employee as if they were in GEH and have their Department pay their rent in the same way that they would for an outside employee.

But even still though, that person in a house wouldn't have the same sort of benefits to their existing house that are available to GE housing. At par 216 you mention GE housing (inaudible) like 1.8m fences, motion detecting spotlights, security doors and security windows. That wouldn't be available to those local Aboriginal people, would they, that kind of extra (inaudible)?---So there are some design differences between new GH and new remote community housing. But as I touched on earlier, we're changing the design guidelines so that (inaudible) basic fitout as our remote community houses. So I appreciate that our solution isn't the fulsome solution yet, but we're trying to find ways to bring equity to this as quickly as possible and certainly (inaudible) appears to be one option that provides some equity quickly.

Well even still, the main thing for local Aboriginal people that miss out on the chance of moving out of the overcrowded house into a less crowded house, that would be a fair difference between GE housing employees and the local Aboriginal employees, would that be right?---I'd say the GEH houses are less crowded, that's right.

Now appreciating the policy doesn't say Aboriginal people cannot have a house, however, it is in effect a discrimination against the local Aboriginal people, isn't it? ---The policy makes housing available to people who are public servants working in remote, that's absolutely correct. And about five years ago the government made a decision that they wanted to expand eligibility to make sure local recruits were included. That's been a slow process. It hasn't been delivered quickly. I've described a couple of things that have happened last year, the most important one being the centralisation of the GEH program. So we've put different assets together so (inaudible) centrally and we are identifying with the communities to allocate houses (inaudible). Some Aboriginal people who live in their community who are living in these houses and we keep looking for opportunities to (inaudible) to do that. But we don't have enough GEH assets to accommodate everyone. And at the moment our focus is on looking at that rent subsidy option as a way to provide the core benefit of GEH to someone who stays in their own community home.

So long as (inaudible) to say that to solve issue you need more resources (inaudible) houses, is that correct?---I think our school of thought at the moment is that if we can deliver more remote community housing that's of the same standard, we're actually creating a situation where people don't have to move in and out of housing all the time. So I don't think it's quite as clear as just building more GEH at the expense of. There's a few nuances to this that need to be worked through, that are policy challenges, and we need to make sure that it's set right for local people and doesn't create unintended consequences.

I'll move on a bit. Going to par 31 of your affidavit, you mention (inaudible). So you already mentioned that, about community living arrangements, housing design, allocations and applications (inaudible) and the like. That's a pretty large role, isn't it? Like that's covering a large area of functions?---That's correct. There's a range of things that (inaudible).

And do these members, do they get paid for the vital work that they do?---No, they don't and historically the groups were set up as volunteer consultative groups. We've certainly recognised and had some feedback around the burden that gets placed on key people from different communities who (inaudible) on a lot of these committees. We're reviewing (inaudible) to understand whether we can make them work more smoothly and we've certainly had feedback about payment in that review. I think the bigger piece is as this government works towards local decision making structures in each community, we need to make sure that we have a structure for the community that is most effective and so that we avoid creating some of these duplicated structures.

Okay. Now how are the HRGs selected to make sure that the most appropriate people are on the – in the brief?---So it's partly based on (inaudible). Partly based on assuming the spread of different family groups. We have – there's always interest from traditional owners, or sometimes land council representatives to be involved. So there can be a range of reasons that we might ask someone to participate, or that they might volunteer.

And when allocating houses, are the decisions of the Housing Reference Group final, as in they solely make the decision, as opposed to a recommendation to the Department?---So the – so HRG provides a recommendation, and the Department, as landlord, makes the landlord decision to allocate. We've tried very hard to keep that separation. Sometimes we get a lot of situations where HRG isn't able to make a recommendation, because of – well for a range of reasons. (Inaudible) to make sure that the Department is the ultimate decision maker, as the legal landlord for the new tenant.

So ultimately while they can make a recommendation, ultimately the final decision is with the Department, is that correct?---That's correct.

Now, just talk a little bit about the evolution of remote housing in the Department as it stands now. I know this is a while before your time, but you'd be aware that prior to the intervention, the local councils previously administered housing, is that correct? ---That's correct. There's a range of smaller locally controlled entities that manage housing, yes.

And remote housing would have been a significant addition to Territory Housing's duties, wouldn't it?---That's correct. It forms 50 percent of our portfolio remote – of public housing, is the remote housing.

And recently, on Groote Eylandt, the Territory handed back the administration of housing to the local community, is that correct?---Not quite. There's a commitment to the local decision-making agreement, to transition to local control. We're working closely with Anindilyakwa Housing Aboriginal Corporation to do that, but at the moment, (inaudible) whilst we plan through the (inaudible).

Is it fair – is it fair to say though that the nucleus of that policy is really the Department's valuing local administration of housing, is that fair – is that fair to say, that that's the ultimate objective?---Yes, certainly. We have – through the – through the Remote Housing Partnership with the Australian government and with the land councils, we've built that – there's designing agreements, so we're certainly working towards finding as many places as possible where we can transition to community control. In the NT Government local decision-making framework, we often see a – a request from community to be more involved in housing delivery. I guess the thing – the nuance in this, is some communities want to be more involved, others want to take complete control. And we've seen a spectrum of – of interest and capability. So we're working with each community, based on their capacity to take on more.

So you may have answered this question, but what's – what's I suppose the barrier from a community taking control back of their housing? Or what has to happen before - - - ?---(Inaudible). Well I suppose I'd explain it like this, and at one – one extreme, control might be managing the housing reference group. And what we saw in Groote Eylandt as an early step was the Anindilyakwa's responsibility for running the HRG process. The next step is to have organisations that are capable of running energy support service, or a maintenance service, themselves. And big example's

Anindilyakwa but also in Alice Springs, the Tangentyere Group, taking more responsibility to delivery of maintenance, as well as tenancy support. And then the next step is, having an entity that's actually capable of holding the legal responsibility for the houses. Now the preference is that we go with organisations that are registered under the national standard. So they're called a community housing provider. And there's – there's a small number of Aboriginal led community housing providers in the NT that are stepping up to take (inaudible) those houses. So it's a – it's about finding a community, put the right organisations in there, that can meet those – that can deliver those sets along the way. And as I say, some communities have been quite comfortable with having more responsibility around maintenance provision, without necessarily holding the legal responsibility for being a landlord. It's about I guess, the point that that community's in, (inaudible) of their governance locally.

Do you have in the policy that you have, do you have any targets and timeframes that you're hoping to meet?---So we have a community housing growth strategy, which has a remote component to it. And we – at this stage, we've committed to doing a number of pilots in remote sites. Working with the land councils to help pick those locations. So we've selected a group at one of those places, with Anindilyakwa, and the Central Land Council has picked the Barkly Region as their priority location, because there's a registered community housing provider there.

Okay?---It doesn't mean that we can't do more trials, but that's – that's been the focus initially.

My final question is about accessibility of a couple of your policies. Just – I noticed in your affidavit there's a couple of policies that require (inaudible) tenants to apply for a particular rural service other than automatically receiving it. Just an example at par 206 you refer to air-conditioning in the southern region or in region (inaudible)? ---Yes.

So air-conditioning in the Northern Territory, particularly in that region, is quite essential, wouldn't you agree?---Yes.

And you'd expect – and so this sort of opt in kind of service, how is that communicated to the community – how are people made aware that if you don't have an air-conditioner you can go down to housing and apply?---So if I can just provide context. In the arid zone which includes Yuendumu, minimum standard is for a house to have central air-conditioning. Until 2022 that was an evaporative air-conditioner or what's called a swampy. In 2022 we agreed to change that policy so that we would move towards a reverse cycle split system in the living area. So that's the new minimum standard for houses that are being delivered now. And when we refurbish houses we're going through and doing those changeovers to the split system model. Where a tenant wants to bring – sorry, I'll try that again. All those houses are built, the access point for a tenant to bring other air-conditioners with them if they wish and a lot of tenants choose to bring a box air-conditioner which can be installed in the wall space. So in terms of their needing permission, in practice often a tenant has installed that and we detect it when we go to the next inspection.

And if we detect it (inaudible) necessary paperwork to make sure it's registered on our system. So in practice it doesn't rely on a tenant asking permission, they usually instal (inaudible) and let us know afterwards.

Isn't it the case that the policy (inaudible) the department would provide air-conditioning, is that correct?---That's correct, in the arid zone in Central Australia, yes.

So then when people are bringing their own air-conditioning that's not the department's supplying them, then you are just agreeing to them being installed, isn't it?---That's correct. And I'm suggesting that that would normally be a supplementary air-conditioner in a house that's got another system.

The other policy that I was going to ask you about is at par 211 you (inaudible) remote rent safety net and that's a relatively new safety net, is that correct, or new policy?---That's correct.

And let me know if I've got the correct understanding, this is a service whereby a person attends at – sorry, a tenancy can apply to ensure that the household only ever pays 25 percent of their household income in rent, isn't it?---The safety net is available for people on very low income so that they are protected from the full rent rate if they can't afford to pay that. 25 percent of their household income.

And so that would necessarily require a household to sort of prove their income periodically, fill out forms, things like that?---So the introduction of the scheme (inaudible) tenants to join the scheme. So on 6 February we allocated 1089 tenants across the remote Northern Territory onto the safety net based on our knowledge of their situation.

And in the future though - - -?---(inaudible).

Sorry, a bit of a (inaudible) there. In the future though they'd have to apply themselves, wouldn't they, like the next - - -?---So anyone that's currently on the safety net, we will be interacting with them to see if they require a continuation. Anyone that's not currently on the safety net would either need to make an application or be required (inaudible) or detected by the Department when we do a follow up inspection or check-in with the tenant. So we need (inaudible) each year to make sure that we have contacts, to make sure that we've inspected the house and part of that includes checking who lives in the house to making sure our tenancy records are up to date.

So the people who are (inaudible), I mean, for people in remote communities it's not uncommon to speak English as a second, third, fourth language. When people at that level of, I suppose, English and (inaudible) disadvantage in terms of literacy, how do they access this policy easily?---So we've made information about the policy available online. We've made some of it available in recorded language so that people can listen to it in their own language. We've made the information available to our tenancy support providers. So in the case of Yuendumu, you've got Central

Desert Council who've got local staff that can speak directly to the tenant with that level of familiarity and (inaudible) language support. If we were – identified someone that wanted to – about the safety net, had a language difficulty, our staff can access the Interpreter Service as well.

And in terms of the recordings, do you know how many languages it's been recorded into?---I think there's 18 languages that have been recorded and uploaded.

(inaudible).

THE CORONER: Thank you.

Any other questions?

AN UNKNOWN SPEAKER: (inaudible) I'll be about half an hour.

DR DWYER: I'm told the witness is available tomorrow, your Honour and given he's by video link, might we ask for his indulgence to come back at 9.30 am to finish him off. We will finish with the witnesses tomorrow, because there is short evidence to call from Ms Sabrina Langford (?). I don't think that that will take more than say half an hour or an hour and then we've got the (inaudible) panel.

THE CORONER: Sure.

So are you able to come back tomorrow, Mr Warren, at 9.30 on the same arrangements?---I am.

All right. We'll adjourn.

WITNESS WITHDREW

ADJOURNED

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NORTHERN TERRITORY OF AUSTRALIA

CORONERS COURT

A 51 of 2019

AN INQUEST INTO THE DEATH

OF KUMANJAYI WALKER

ON 9 NOVEMBER 2019

AT YUENDUMU POLICE STATION

JUDGE ARMITAGE, Coroner

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON 10 MARCH 2023

(Continued from 09/03/2023)

Transcribed by:
EPIQ

BRENT WARREN:

THE CORONER: Thanks for coming back, Mr Warren. I'm not sure which (inaudible).

Yes, Mr O'Brien.

MR O'BRIEN: Thank you, your Honour.

THE CORONER: (Inaudible) witness. Whose (inaudible) it's the end of a long week.

XXN BY MR O'BRIEN:

MR O'BRIEN: Good morning, Mr Warren. My name is Connor O'Brien, and I act the the Parumpara Committee. Can you see and hear me okay?---Yes I can.

Mr Warren, just for your benefit, the Parumpara Committee is a group of leaders from Yuendumu, who formed in the wake of this shooting, to advocate for various justice reforms. Do you understand that?---Yes I do.

And just for your benefit, my client is really predominantly focused on how things in Yuendumu can be improved, moving forward. And it's to that end, that most of my questions will be directed today, okay?---Okay.

In fairness to you, we will be making certain submissions about the current state of housing in Yuendumu. And I just want to give you the opportunity to respond to those things. The first one is that we will be submitting that housing in Yuendumu is presently deficit, both in terms of quality and quantity. Do you agree with that? ---I agree that we don't have enough housing at Yuendumu, and I've spoken a little bit already about the housing investment. There's a commitment to build new houses there, to try and relieve overcrowding.

So that goes to the quantity aspect of what I was asking. I just want to be absolutely clear, that we will be submitting there are currently houses in Yuendumu, that are occupied, that are of a standard that would be considered – so would not be considered acceptable for social housing in today's society. Do you agree with that?---I agree that we have houses that are deficient in Yuendumu. I've spoken a little bit yesterday about the Room to Breathe Program, part of the intent of that is to re-service and upgrade houses that are no longer to standard.

All right, and we will also be submitting to her Honour, that the present day deficiencies in housing in Yuendumu, has been borne of decades of underinvestment and policy failures, do you agree with that?---I agree it's a very complicated issue delivering housing into remote communities. I'm aware there's been a range of different policy settings, and spoken yesterday about the fact that we have got a long-term construction plan, which needs support from other Dept. – other governments, to keep it moving long term.

All right, I'd like to ask you a few general questions about the houses that are currently in Yuendumu. Mr Warren, do you know how many new houses have been built in Yuendumu in the past say, five, ten, 15 years?---I'm aware that before the current - - -?

Yes, that's right?---Yep, I'm aware that before the current program, there was a program called the Strategic Housing Investment Program. It ran on the back of what was said through the Intervention. And that program saw 30 new dwellings built. As well as a refurbishment program for existing houses.

And over what time period were those 30 new dwellings built?---I think the last houses were handed over in around 2012 – 2013.

So between 2012 and 2013, that is in the past ten years prior to the current program, have there been any new houses built in Yuendumu?---There's been new houses built last year, the first phase of the new construction program.

I think you said yesterday that the cost of the new housing program, to build a new house in Yuendumu now, is about \$550,000 for a three bedroom house, is that right?---That's – that's roughly correct. That's the price of the house only, it doesn't factor in the cost of sub-division and underground infrastructure works.

What is the life span, or expected life span of those houses?---So we're building to a life span of 30 years. And that – that's about the frame and the shell of the house, and do acknowledge they are built that way so can refurbish or – that is required.

Does the Department do routine maintenance of those houses?---Our Department does routine inspections of the houses, and we make maintenance referrals to the Department of Infrastructure, who use contact with – through the lawyers.

What I'm talking about by routine maintenance, as well as fixing deficiencies or things that are broken in the house, is preventative basis, on a routine basis, to make sure that things don't break in the first place. Does the Department do that kind of maintenance?---We do. The most recent round of contracts that were released for our maintenance providers included a provision for preventative maintenance inspections. Those inspections have partially occurred. I can't give you advice today about the number in Yuendumu, but I could take that on notice if – if you like.

I'd be grateful if you did do that. How often do those routine maintenance inspections occur in a community like Yuendumu?---So just to be clear, our – our staff who does sanity inspections, which includes looking for maintenance issues, and they do that at least annually. The – the new provision in the contracts around preventative inspections by a technician were commenced last year.

Has the Northern Territory Government done a review as to the investment required in Yuendumu to bring the housing up to an acceptable standard?---We've allocated

investment for construction of new, and replacement houses. And for repair or refurbishing those that are most in need.

I understand that Mr Warren, but that wasn't what I was asking. Has the Northern Territory Government done a review as to the investment required, to bring the housing standard in Yuendumu up to an acceptable level?---I think what you're referring to is what's known as deferred maintenance, which is when there are maintenance issues that aren't repaired immediately. That can also include end of life replacement to things like kitchens and bathrooms, which have a time – a time limit on them, and need to be replaced from time to time. I could – I don't have any information about the total value of doing that kind of work.

So you don't have a – setting aside what has been already pledged, the investment that's already been pledged in the programs that you've spoken about, you don't have a figure on the quantum that is actually required to bring all of the housing in Yuendumu, up to a sufficient quantity, and sufficient quality, is that right?---I can't – I can't give you a definitive figure. I can tell you that the investment that we've spoken about is framed around need. It's framed around the overcrowding figures that we understand, and that are jointly acknowledged by the Land Council. The program includes construction of new homes, refurbishment of existing. It has a contribution for maintenance. And as an indicative figure I can tell you that we've spent about \$1.3m on repairs and maintenance outside of the replacement program in the last 12 months.

Do you think that there would be merit in doing an audit of the housing stock in Yuendumu and coming to a definitive figure of what the scale of investment required actually is?---It would be helpful to have more information about repairs required.

Would you say that it's essential?---I think it's about understanding the difference between a scope of works and the costs of the works required. I think I would say that our inspections of houses detect issues that require repair. Our inspections by our technicians detect issues where replacement or end of life turnover is required. And those works need to be scoped out and the cost of the scope is only valid for a limited period. So it's a piece of work that's ongoing. It would be difficult to provide a figure that was the full figure for every house at a point in time, because it would only be valid for a 30-day period until quotes expired.

Couldn't you say though that the centre says there's 740 people in Yuendumu, this is the number of houses that are required, this is the quality of house that as a Department we deem is acceptable and this is the level of funding that's required to get it up to that level?---I think that we've already published information about overcrowding as we understand it and the government's set a policy direction about an investment to reduce overcrowding. I think given the size and the numbers that we're talking about, described a \$2.1bn program. There's always room for more investment. But that would be a government decision rather than a Department decision about investing more.

And you understand that the difference in what I'm asking you about is not the amount of investment that's being promised by a state or federal government, but about the investment that's actually required to fix the problem?---I understand the difference and I agree that it would be helpful to have more information about unknown or undetected maintenance and the cost of that.

I think you agreed with me earlier when I put the proposition to you that there are currently occupied houses in Yuendumu that are below the standard that you would consider acceptable, is that correct?---Yes.

Do you have any idea of the number of those houses that would be below that standard?---We have 23 houses that are scheduled to have refurbishment in the community.

That wasn't the question, Mr Warren. The total number of houses that are below an acceptable standard, currently occupied houses that are below an acceptable standard. Do you know the total number of them?---There are 23 houses that have been identified that need to have a refurbishment due to their state.

And is your evidence that those are all of the houses, those 23, constitutes every house in Yuendumu currently occupied that is below an acceptable standard? ---Those are all the houses that need significant works. There are always reports of maintenance that need to be responded to. So I would need to clarify that there are other houses that have potentially open repairs and maintenance orders against them that need to be resolved. So the house is a suitable house but it may require repairs to fix something that's been reported.

Do you know how long those houses have been below an acceptable standard? ---The 23 houses that were identified for refurbishment have been known since last year at least. I spoke a little bit about some of the challenges that we've had about mobilising the construction program in Yuendumu. We have had delays there due to the water scarcity issue and the need to resolve that first.

Mr Warren, I want to focus in particular on three areas where my clients hope improvements might be made with respect to housing. And just to let you know where we're going, the topics that I'd like to cover with you are local decision making and control over housing, the affordability of housing and the sustainability of housing. Okay. The first thing that I'd like to focus on with you is the choice that local Aboriginal people have with respect to the housing in Yuendumu. You would agree that it's fair to say many residents in Yuendumu are wholly reliant on the Northern Territory Government for the provision and maintenance to their houses? ---That's correct.

There's no competitive housing market in Yuendumu, is there?---That's correct.

We heard evidence in this inquest two days ago from Dr Hinkso and during the course of that evidence there was a report that was referred to that was prepared by Dr Coombs and Professor Stanner on Yuendumu and Hooker Creek. And that

report was from 1974 and made certain recommendations about improving living conditions in those communities. One of the things that Dr Coombs and Professor Stanner said in 1974 about housing in Yuendumu was that the policy in respect of housing of sedentary communities be based on support for housing associations with maximum local involvement in management, manufacture of materials, design and construction. Do you agree that it's important that the local community is involved in the design, construction and management of housing?---I do agree with that.

You've given some evidence about the role of the Housing Reference Group in Yuendumu and I think you said that that group met twice a year. I'd just like to understand with you precisely what the Housing Reference Group is involved in and how much say they have over the design and management of houses in Yuendumu. Does the Housing Reference Group decide which families are allocated to particular houses?---The Housing Reference Group provides advice about that. We certainly respect their advice about things like family relationships, cultural challenges and other disagreements that we need to factor into allocations.

Does the Housing Reference Group decide the location of new houses?---They're certainly involved in the planning process around that. If I can give you an example of the limited influence they can have. In Yuendumu we are constructing what we call in-field, so finding places where we can establish more (inaudible) footprint. So that's necessarily a limited number of options where we can construct because of the infrastructure limits. The HRG are consulted about where those potential sites are and provide input into how we prioritise across the sites we've identified.

Just with respect to how that consultation plays out in practice when you're meeting with them twice a year. Is it the case that you meet with the Housing Reference Group at one point in time and say we're going to build X number of houses, this is where we're thinking about building them, what's your input and then do you return subsequently for a further meeting to hear that input? Or how is that input collected and factored in just as a practical question?---Certainly. So across the Territory we've had nearly 800 consultation meetings with the communities that we're building in. In Yuendumu I think we've had 13 specific consultations with that community and this program about the plans for construction and refurbishment.

Over what period of time are those 13 meetings?---Those 13 meetings are in this current program. So they've started since 2017-18. Those meetings involved our infrastructure in bringing out site maps that are printed to a large scale, bringing out 3D models of proposed house designs and bringing out information about the availability of land from a technical infrastructure point of view so that the community can understand what's available and why. And then to hear feedback from them on which sites would be preferred, what type of housing would be preferred and what configuration of housing would be preferred. And by that, I mean whether we preference larger houses or smaller houses, or a combination of both.

Is the housing reference group involved in decisions about whether to allocate funding to building new houses or repairing or refurbishing existing houses?---The

housing reference group will receive advice about the technical assessment of houses, so whether a house is end of life and suitable for replacement, versus one that's suitable for an expansion, so that they can understand the mix and the responses that we can offer. Sometimes we have discussions with the HRG about whether a house should be replaced and we provide them with information about the technical part and whether or not that would be appropriate from a technical point of view. They provide advice to us about where to preference the refurbishments. They sign an overview of the kind of funding that we've got available.

And what about the involvement in the actual architectural design of the houses? Does the HRG play a role in that?---So we operate from the remote community housing design guidelines which I touched upon yesterday. That is a set of instructions that are issued out to contractors who are contracted to build new or replacement houses. The design guidelines have been developed partly through feedback from community and partly through experience of the department about challenges that we experience with different house designs.

When you say "feedback from community", are you talking about feedback specifically from residents of Yuendumu?---From all communities.

And did that involve residents from Yuendumu?---The 2019 guidelines were written before my involvement, but I understand that it included feedback and themes from each of the consultations that occurred.

And the reason I'm asking, Mr Warren, is this inquest has heard evidence for a Bruno Wilson who said that, "The houses are not designed according to Yapa way of life. The housing itself, the architecture, the designs, they don't suit Yapa."

And just for your Honour's benefit, that's at transcript page 3781.

Have consultations been done in Yuendumu as to whether the housing stock is culturally appropriate?---I can't speak to what was discussed in those consultations, but we have shown design drawings and 3D models of the house options to each community so that they can look at and feedback. To some extent with the public housing program, we've got limited options to completely change designs. We're trying to build efficiently across over 50 sites at the moment, so we've got some limitations on how we can make adjustments. But we do direct feedback into those design guidelines as they are updated periodically.

And what about sort of simple examples like, there might be certain kinship relationships where residents can't be in the same room as each other, so a house might need to have multiple living areas or multiple points of entry/exit, things of that nature. Is that something that can be accommodated in the design of the houses that have been shown to the local community?---So some of the things that have been factored in already is the use of – well to make sure that there's multiple entrance and exits, that's a standard part of the design. To make sure that for houses of the right size, that there's multiple bathrooms and toilets. There's a requirement as a normal standard of privacy locks on doors to make sure that there's

an appropriate amount of privacy for different genders and different family groups. And we can take advice about orientation of houses on blocks and design of houses on blocks. One example that I can give you is that sometimes when we see a larger parcel at one end, we might assume that a high yield house, so five bedrooms, is the right choice, but upon feedback from community, we might instead elect to put a duplex there, which allows the family to live together in a larger configuration but give privacy between groups. That's some of the types of feedback that we can respond to.

And what about landscaping around houses. First of all, is there landscaping included when a new house is built in Yuendumu?---So, exterior works include a driveway and concrete access to the front door, which is in line with our accessibility requirements. Contractors are also advised to provide an outside tap for garden maintenance and to plant six trees when the house is handed over.

And is specific landscaping done to manage problems with like dust, for instance, in the community around houses?---So the landscaping is limited to six trees or shrubs are planted in the garden at the time of handover.

And do the local residents get to select what those trees or shrubs are and where they're located?---I don't know the answer to the question about choice of plants, I'll have to take that on notice. The plants are put into the ground before the house is handed over by the contractor. It's part of their contractual obligations.

THE CORONER: Do any of those survive?---I beg your pardon?

Do any of those plants survive? If you go around Yuendumu now, I don't think you see six established plants in each garden. Do any of those plants survive?---So the introduction of having plants in the garden as part of the build has been running for about 18 months or two years that I'm aware of. I understand that the new buildings that were constructed in Yuendumu at the very end of last year have plants in the yard. In other communities where we've rented a few houses in the last 18 months, I've seen examples of the plants surviving and tenants enjoying taking care of their yard.

MR O'BRIEN: What about the involvement of local people more broadly in the delivery of houses, do you have any statistics around local employment in the construction of the new houses that are going on?---So across the program, Aboriginal control is a first preference for anyone who's doing construction or refurbishments for the government. We have about 50 percent of the providers who are building or refurbishing who meet that criteria. We're also required to have a local employment content in their program and overall, I think we're hitting over 40 percent in terms of local employment. In some, it's utmost – I apologise.

No, that – I mean all of that is obviously commendable, but when you're using the word "local" there, are you talking about local Warlpiri people or just Aboriginal people generally?

THE CORONER: Or not Aboriginal people? Is "local" Aboriginal, or is it something else?---So, local for our remote housing program refers to Aboriginal people and is – they've added that it's (inaudible) meant to refer to Aboriginal people from the community we're building in. One of the nuances I was going to share is that, for instance with our modular program, we are looking for modular builders who can employ Aboriginal people in a factory, as well as using Aboriginal resources when they go out to install at the site. So, a good example for us is the Rustic Brothers program. They are based in Darwin. They employ about 12 or 13 Aboriginal trainees as part of their warehouse program and they use some of those staff when they go out onsite, as well as employing (inaudible) for anything that they're working in.

MR O'BRIEN: Mr Warren, can I just bring you back to Yuendumu in particular. Do you have a number of the local Warlpiri employees engaged in the new housing programs currently being delivered in Yuendumu?---Again, I would have to take that on notice.

I would be grateful if you could. What about administrative roles, things that I'm talking about; assessing the rent payable on a property, the conditions of tenancy, determining the number of residents of a particular house, provision of tenancy support to residence, are local people involved in those roles?---Yes, yes they are. So generally speaking, we preference Aboriginal control organisations through the tenancy support service and we've got - about 50 percent of those organisations are Aboriginal controlled. In Yuendumu, the Central Desert Council is the provider for (inaudible) service, and the first response maintenance service. And we would – we would describe that as an Aboriginal controlled organisation, based on its elected membership. And their staff are involved in delivering those services that you just described.

Obviously, the elected memberships of that entity is – presumably predominantly Aboriginal people from the area, but what – do you know about the employees? Are the employees involved in the day to day administrative functions that you just mentioned?---My advice is that there is local Aboriginal employees working in the office of Central Desert Council, as well in their (inaudible) work force. But I have to take it on advice the exact number of employees at Central Desert.

I'd be grateful if you could, with a particular focus, just to be clear, on the provision of administrative support to the housing in Yuendumu?---Certainly.

You mention that the Central Desert Regional Council was first responder for repairs and maintenance. Yesterday you gave an example of a window taking six weeks to repair and being boarded up for that six-week period. Do you have data around the timing of other common repairs, that are presumably performed, things like a broken door, a broken stove, a toilet not working, how long these things take to get fixed? ---I can make some general observations. One is that the maintenance first response program is about providing a handy man service. So it would non-trade response. So where – where they can repair things like securing a broken door, or securing a broken window, or repairing a leaking tap, those kind of tasks can be

done on-site, as they're detected. The trades response work, which is work that has an electrical component, for example, that requires a referral out to a contractor that would be coming from Alice Springs, in the case of Yuendumu. And my general advice is that that can be taking an extended period. And we have seen some delays up to six weeks, just to do simple kind of work.

And does that hold true for plumbing, for instance, if there's a problem with the plumbing in a property that requires a trades person from Alice Springs, there can be a delay in fixing that problem?---That's – that's correct.

Mr Derrig asked you some questions yesterday about Northern Territory Aboriginal controlled housing entities. And he in particular was asking questions about the Anindilyhakwa Housing Aboriginal Corporation, and locally controlled entity that as I understand is transitioning into control of the housing stock on Groote Eylandt. Do you recall those questions?---I do.

Is it the aspiration that that entity will ultimately own the housing stock, and be responsible for leasing that housing stock to the community?---That's correct. So the proposal is that leasing arrangements will change. The NT Government will eventually step out of the relationship with one Land Trust and the community. And the housing entity that they've created, would hold those leases instead.

And they would also lease houses to Northern Territory Government employees living in the community, service providers in the community, non-government organisations in the community, is that correct?---So the Land Trusts across the Territory already lease houses – government employee housing to the Northern Territory Government. So we have head leases with the Land Trust to provide that accommodation. In Groote Eylandt, I understand their aspiration is to build a broader pool of housing, to support other types of industry, business, and also tourist operation. And they've spoken to us about being involved in leasing properties from them under that new program.

It's fair to say, what you're describing there is a locally controlled Aboriginal corporation building an economy around the housing stock, on the island, is that a fair description?---I think in part, they've got a range of other aspirations relating to industry and development out there. They need housing for their own plans, and they desire – they desire some certainty about housing being available for the delivery of government services as well.

Is it true as well that in Gunyangara or Ski Beach, there's a local Aboriginal corporation that holds the township lease and administers housing there?---I believe that's correct, yes.

Could you just explain to her Honour, what would be the process for Yuendumu to adopt a similar model?---So if there was a desire for the community to take greater control of the delivery of housing service, if they were aiming for the model that Groote Eylandt is operating, they would need to stand up and register community housing provider, who would be suitable to hold the leases, and to operate under the

national standard. So that would require them to have a range of policies in place around the management of the housing program. And it also requires them to meet financial obligations. One of the challenges that we're working through in control of remote housing is trying to find a commercially viable model, so that providers can operate and stay in the black, but recognise that there is a high cost burden on operating in remote locations. So the kind of – the headline for Yuendumu, if they wanted to deploy what's happening in Groote, would be to stand up a community housing provider, and – and go from there.

Obviously, such a process would take time. There'd need to be capacity built in, there'd need to be funding, it – obviously a complicated process, but I'm not going to go into detail with you about, but if the local community wanted to pursue that, to have a registered local community housing provider, providing social housing in the community, is that something that the Northern Territory Government would be open to assisting them to do?---We certainly are. And through our local decision-making engagement with communities across the Territory, we've been building in aspirations around – or building in a reflection of the community aspirations about greater control. I'm aware that there's local decision-making negotiations going on in the moment in Yuendumu. I'm not aware that they're well progressed yet though. I would certainly be happy to support that shift towards increased local control.

I'd like to ask you a few questions about the affordability of housing in Yuendumu. Do you know, on average, how much people in Yuendumu currently pay in rent? ---I couldn't tell you an average figure for the whole community, but I could give you an advice, based on the size of the house. So we charge rent at a flat rate for remote community housing. It's based on a number of bedrooms. So a – and it's \$70 per bedroom. So a three bedroom house would be \$210 is the flat rate of rent.

And how does that compare with rent paid on social housing in Darwin, for instance?---Social housing in the urban centres in the Northern Territory is based on percentage of household income. And for people that earn over the minimum, they are charged the full commercial rate for a house in that area.

That \$70 per bedroom, that's per week, presumably?---That's correct.

You were talking earlier about 23 houses currently occupied in Yuendumu that is – that you consider below an acceptable standard. Are the residents of those houses currently paying rent for them?---They are.

Is it appropriate that residents of Yuendumu are paying rent for houses that are considered below an acceptable standard?---We – we (inaudible) on all houses where we have a tenancy agreement in place. I've identified that those houses are scheduled for refurbishment. We don't – we're not aware of anything that would prevent someone from living safely in those houses, as they wait for the refurbishment. When – when the refurbishment commence, they'll move into transitional accommodation. We don't levy any rent in transitional accommodation. We don't make any charge to power or water. When the house is completed, the family then moves back in and recommence paying rent.

When a family are waiting for six weeks for a window to be repaired, or plumbing issue to be fixed, or an electrical issue to be fixed, do they receive a rent reduction for that period?---No they don't.

I understand that your Department has been conducting a review on renting paid in remote communities and planning to introduce a new remote rent framework, is that right?

THE CORONER: Can I just ask a question. So for example, if a window is broken in a bedroom, where there may only be one window, that window can be boarded up and they're still required to pay \$70 a week for that bedroom with a boarded up window which may well be almost uninhabitable?---If a window has been secured with boarding up, yes, they would still be asked to pay rent.

MR O'BRIEN: Do you think that's fair?---Our position is that the house has been made secure and we've initiated the reasonable process of getting the glazier in to come and replace the glass.

Your Department has been conducting a review on rent paid in remote communities and introducing a new remote rent framework, do you know what the impact of that is going to have on houses in Yuendumu? Is the rent going to increase, decrease, stay the same?---The new framework started on 6 February and on average we think about 60 percent of people's rent will go up and the remainder will go down or stay the same.

And for those houses where the rent is going up, does that increase in rent come with any improvement to the housing?---No.

Is there a reason why at this point in time when, as we all know, cost of living is skyrocketing, the Northern Territory Government is increasing the rent on houses in a community like Yuendumu, with no improvement to those houses?---So the change to a new rent model was meant to achieve a couple of things. One was to simplify the system for our tenants. And we've seen many years of evidence of tenants struggling (inaudible) an income based rent model where they're required to regularly provide paperwork and payment documents to evidence their current income. We've seen as a result of that that people are over or underpaying rents in their houses under the income based model. The new flat rate model is designed to avoid over and underpayments and ensure that a household knows exactly what's asked of them. The flat model has avoided the disincentive to work that existed under the income-based model. There is no change in rent when people start working and increasing their income. And the final aspect is with this cleaner, simpler model for levying rent, we do expect to see an increase in payments which then feeds back into the system for repairs and maintenance and tenancy support.

But the impact of that cleaner, simpler system is rent is increased with no improvement to the houses?---There's been no immediate change to the houses with the rent change.

THE CORONER: And the income based system didn't apply in Yuendumu anyway?---I'm sorry, I didn't hear that.

The income based system didn't apply in Yuendumu anyway, it was a flat rate system based on number of rooms?---That's not correct. Every remote community in the Northern Territory was running an income based rent model which was based on the income earned by the family. And there every family was charged a rent based on their individual circumstances.

I thought it was \$70 per bedroom?---No, that's the new model which commenced on 6 February 2023.

MR O'BRIEN: So that's the model that in effect was 60 percent of residents in Yuendumu have resulted in them paying more rent?---That's correct.

I'd like to ask you a few questions about the sustainability of houses in Yuendumu. The Coroner has heard evidence of the thermal quality of houses from Dr Simon Quilty and he said this:

“Even the brand new houses are thermally moronic. I don't know who is designing them or why they are doing it, but brand new houses that don't have appropriate eaves, that are built of Besser brick structures that heat up when the sun hits the wall, they're painted the wrong colour so that they absorb the heat. I cannot fathom how these mistakes are being made by the Northern Territory Department of Housing in their design. There is no design”.

For your Honour's benefit, that's at transcript page 3850.

Now I just wanted to give you the opportunity to comment on the – particularly the thermal quality of the new houses that are being built. We heard you say yesterday that they've been designed to a minimum 5-star energy efficiency rating under the nationwide house energy rating scheme. Just so we're clear, that 5-star rating, that's out of a total available of ten stars, isn't?---The spectrum runs to ten stars, that is correct. Our program is delivering an actual average of 6.4 in terms of energy rating across its construction program.

And the – did I understand you correctly to say that – yesterday – to say that the 2022 national construction code will require a minimum energy efficiency of a 7-star rating under the nationwide house energy rating scheme?---That's right. That scheme starts in 2023, over 2023 lifts the national standard to seven stars.

Are there plans to upgrade the houses that are going to be built in Yuendumu to ensure they meet that 7-star threshold?---So the current NT Government position is that all houses in the Northern Territory, regardless of who builds them, need a minimum 5-star standard. I'm not aware of any move to change that at the moment.

Am I right in understanding that every other state and territory has a minimum 6-star standard?---I'm not aware that that's the case. I know each jurisdiction has taken an independent position on the new code. Some jurisdictions have agreed to a staged implementation. Some are still reviewing the application. And I'm also aware that in each jurisdiction the code applies to new builds, not to existing dwellings.

This court has heard evidence from Bruno Wilson, a resident of Yuendumu that in winter the houses are freezing, in summer they're stinking hot.

For your Honour's benefit, that's at transcript page 3782.

You would agree that Yuendumu is an extreme environment. It's extremely cold in winter, it's extremely hot in summer. Is that a fair?---I agree with that.

And you would agree, wouldn't you, that Yuendumu is home to particularly vulnerable residents often with chronic health conditions. You accept that?---In some cases, yes.

And you would accept one of the consequences of having houses that are thermally poor is astronomical bills for heating and cooling those houses?---There is a higher energy cost with a lower energy rating to the house, yes.

So is it appropriate to build houses in Yuendumu below what the national construction code mandates is the minimum nationally?---So our remote community housing program builds to the NT standard which is (inaudible) off the national code. The NT has taken a position that the minimum for the whole of the Northern Territory is 5-stars. Our programs is achieving above that and we're getting an average of 6.4 stars in the houses that are being turned out at the moment. Energy efficiency rating is one aspect of it. Another aspect is our air-conditioning program. So in Yuendumu, as with all arid zone remote community housing, the minimum standard was to instal evaporative air-conditioning, what's called a swampy. In 2022 we did update that policy to start the reverse cycle refrigerated air-conditioning. A challenge in Yuendumu is putting a cooling option in that's water efficient and reverse cycle achieves that better than evaporatives. And we're using further technology, so that means that we can also provide a heating service now. So as those air-conditioners are replaced there will be a heating function as well as a cooling function.

Does a heating function and a cooling extension to the extent that the family can afford to pay their power bills, is that correct?---That's correct.

I'd like to show you a document, it's an article that was authorised by Dr Simon Quilty, amongst others and it's on the Coronial brief. If we might be able to bring up Dr Quilty's statement at 10-12C. If we bring up the article separate. The article is one of the exhibits of Dr Quilty's statement. But if we have the article separately, we can just bring that up. And [Edited], are we able to blow up just that first bolded abstract paragraph at the top and make that readable. This is the abstract to the study done by Dr Quilty amongst others, Mr Warren. It says at the top there, you'll see:

“Indigenous communities in remote Australia face dangerous temperature extremes. These extremes are associated with increased risk of mortality and ill-health. For many households, temperatures increase both their reliance on those services that energy provides and the risk of those services being misdirected, poor quality housing, low incomes, poor health and energy in security associated with the prepayment all exacerbate the risk of temperature-related harm. Here we used daily smart meter data for 3300 households and regression analysis to assess the relationship between temperature, electricity use and disconnection in 28 remote communities. We find that nearly all households, 91 percent, experienced a disconnection from electricity during the 2018/2019 financial year. Almost three quarters of households, 74 percent, were disconnected more than ten times.”

Mr Warren, does that highlight for you the importance of having firmly appropriate houses for Yuendumu, given the level of disconnection that occurs with the electricity to power the heating and cooling systems?---Yes, it does. It also highlights one of the practical effects of a pay as you go metering system, which is often the – well, use the credit that’s available and then go and replenish it after that, which flags as a disconnection.

When the power is cut to the house, it obviously means there’s no fridge, no heating and cooling, and this court has heard about the implications that has on food safety, nutrition, medical that is temperature sensitive, the ability for residents to sleep, willingness of students to go to school if they don’t have a hot shower in the morning. All of these things obviously have a very detrimental impact on the quality of life of residents in Yuendumu. But long-term, they also have a significant financial burden on the Northern Territory government when it results in poor health and chronic health conditions, doesn’t it?---Yes, so quality of life does impact on a range of areas and that can have an effect on the government services, yeah I agree with - - -

Wouldn’t a prudent, long-term view to be to spend more upfront on building firmly appropriate houses for Yuendumu, wouldn’t that have long-term benefits for the Northern Territory?---I absolutely agree that we need to have a focus on energy efficiency in our housing. I think I’ve mentioned already that we’re achieving a 6.4 star standard, which is above the minimum for the Northern Territory. There are a range of other factors that we have to include though when we talk about the design of our houses. One of the biggest factors at the moment is accessibility. All of our new designs are built to a slightly larger footprint, have accessible doors, have wheelchair and limited accessibility showers and toilets, bathrooms are configured that way as well, and it’s another design feature that we’ve been focussing on to make sure that people are able to age in place in their home. So, we do factor in a range of things when we design these homes and ultimately, we’re trying to make them go as far as possible across all of the 73 communities in the building program.

What about solar panels? Are all the new houses fitted with solar panels?---Our homes are built with a solar hot water service.

But what about for generally powering household electrical appliances. Do they have solar panels on their roofs?---We don't install solar panels for electricity supply on our housing at the moment.

Why not?---Because we build to a minimum standard that we can deliver everywhere. There's a range of policy challenges that needed to be worked through around solar on public housing. We're engaged in a trial at the moment in Alice Springs where we've identified a small pool of public housing houses to try out some solar panels and battery storage. And one of the reasons why it's being done as a trial is because the power generator wants to understand the impact on the broader network. In remote communities, we're working on something called the Remote Power System strategy which is designed to start introducing solar energy into electricity production in our remote communities. We expect that, over time, that we see and use to generate power in remote communities. The first full size trial of that is occurring in Wurrumiyanga at the moment, where the intent is to try and achieve (inaudible) of energy delivered to us and supported by (inaudible).

I was just reading you some stats a second ago about the impact that energy and security is presenting having in remote communities, it seems like solar panels on every house is an extremely obvious initiative that would assist with that problem, isn't it?---We agree that solar is part of the solution. One of the things that we're trying to understand in a remote setting is whether that's best delivered from a shared power plan versus being delivered off the roof of individual houses. As I've mentioned before, there are maintenance challenges and getting technicians capable of working on that equipment out there regularly needs to be factored in. And that's one reason why, potentially, a central site for solar generation might be more effective and sustainable than individual panels on every single house. That's some of the policy work that's being developed at the moment for remote.

How long do you expect that policy work to take?---Well, as mentioned, the trial at Wurrumiyanga has been announced. We've announced a contractor who will be delivering that project. The Office of Sustainable Energy is working through – and the assessment of about 50 communities at the moment where they're trying to stoke up the opportunity for this to occur. And I think you'll hear more about that this year as those assessments - - -

Have you done a cost assessment of what the increase in build cost would be for these \$550,000 houses in Yuendumu if they were to be built with a solar panel on the roof?---No, I have not.

Have you gone to market or put out a tender to find out how much it would cost to fit every house in Yuendumu with a solar panel?---No, we have not. But some of the trial work that's underway gives us pricing for panels and for batteries in an urban setting. So we have information about that. I would have to take on notice about the delivery of solar panels to Yuendumu on a house by house basis.

I would be grateful if you - - -?---The cost of it.

- - - could take that on notice as well. We've heard some concerns about water supply in Yuendumu. Why don't the houses in Yuendumu have large water tanks next to them?---That's not part of our house construction guidelines. All those houses in Yuendumu are connected into the main water system, which is drawn up our of bores in that location.

And you've spoken, I think, on several occasions in your evidence about the strain that's put on that bore system. Why isn't it that tap water features in part of the new houses that are being built in Yuendumu?---I can't give you any information about policy challenges there. I think basically we're trying to build houses that have got common features and they can be delivered across community. Water storage isn't something that we've considered yet for remote housing. The focus has been on managing the water source and bore.

One of the things when I was asking you about solar that you said you needed to consider, the impact that it would have on the broader network. Could you just explain what you meant by that?---So, I'll just preface this by saying I'm not a technician in this area, but it's my understanding that solar that's applied to a house may have an impact on the draw on the main generation system. If there's too much or too little draw on a system, it can affect the diesel generators operation.

Your Honour, those are my questions.

Thank you, Mr Warren.

THE CORONER: Any other questions?

DR DWYER: (Inaudible) thank you, your Honour.

XXN BY DR DWYER:

DR DWYER: Mr Warren, can you see me and hear me okay?---I can.

You have given evidence that there are routine inspections of public housing in remote communities. And I think your evidence is that there are least annual inspections, is that right?---That is correct.

Is that the case in Yuendumu?---I – I'd have to check records to be certain, but they'd be – our tenancy officers go out conduct inspections regularly in that community.

So I understand that you are prepared to provide information to the court, as to whether or not there had been annual inspections for Yuendumu, and in fact what the schedule of inspections has been of public housing there. Is that right?---I – I can bring that back, on notice, yep.

Thank you. And with respect to your – you just said I think, your housing officers conduct those inspections. What do you mean by that? What is involved in those

inspections?---So when a tenancy officer conducts an inspection, they use an inspection template. Currently that's a paper-based form. We're moving to an online system at the moment. The form takes them from room to room in the house, and asks them to assess what they can see. And where they can see things that are damaged or broken, or where the tenant reports something during the inspection as being malfunctioning, that's noted and recorded. And then passed to the Infrastructure Department to arrange repair.

And are those forms then kept so that it is possible to go back year on year and review the forms, and identify the needs?---That's correct, they are stored.

And do you say that the tenancy officers come out for a period of time, to a community like Yuendumu, stay for a while, and go from house to house, to check each public house?---That's – that's the practice, yes. They need to make an appointment with the tenant first. We usually book a bulk number of bookings. It's reasonably common for some tenants to not be available when they arrive to the appointment. If – if they come back at a later time, during that community visit, they'll try and reconstitute the inspection. But sometimes inspections are delayed because the tenant's not there. But it's usually a group of inspection scheduled over a (inaudible) period.

Are interpreters used for those inspections?---Not as a matter of course, but an interpreter can be used if there's a discussion to be had with the tenant, or asks us to bring one.

You would assume, wouldn't you, that if you're going to enter into somebody's house and conduct an inspection, that involves at least a conversation with the tenant, correct?---Yes.

Why are interpreters not routinely used, in an Aboriginal community, where English is not generally the first language?---I think there's a couple of components to that. One is that on the whole, when we're having a conversation or discussion, I think our staff are experienced that they can communicate with tenants, at a basic level. We – we are working with people with different educations and experience. When I was last at Yuendumu, I was talking to an experienced teacher, who was communicating very effectively to me in English, about complicated matters. But to be honest, we do struggle sometimes to get access to interpreters. And so the process of bringing an interpreter along, or having them available, it is logistically challenging. And it can be one reason why we don't use (inaudible).

What attempts are made to engage an interpreter, before going into a community like Yuendumu?---So it can include taking Aboriginal staff who work for us, to be involved. We have Aboriginal advisors in our team so – sometimes from those communities, or can speak the languages. We can make contact with the Aboriginal Interpreter Service, to identify their availability. Sometimes those interpreters that work for the service are actually based in community, and can be accessed whilst we're out there. And sometimes we can use a phone base service, where we might

be calling into the Alice Springs Interpreters Office, where they have an interpreter available on the phone, who can actually support the conversation.

That's what can happen Mr Warren, but are you going to be in a position to tell her Honour, the last time that routine housing inspections were carried out at Yuendumu, what efforts were made by the Department, to engage an interpreter, to come with housing inspectors, house to house?---I'd have to take that on notice, but I'd suggest that they did, as a matter of practise, take an interpreter with them.

Well we look forward to that evidence. I'm going to ask Ms Wallz (?) if she will play a video for you, and for any Yapa listening, I obviously mean no disrespect by this. I'm playing the video from House – yes, House 577. It's the house – it doesn't involve the house where Kumanjaji passed away. It's the house that police went to before that house. So I'd just ask you to watch this footage, Mr Warren. There are two separate videos. This is the outside of the house first.

DVD PLAYED

DR DWYER: So I'll just stop there for a moment.

Mr Warren, do you notice with respect to that house, with no disrespect to the residence of Yuendumu, there's a significant amount of rubbish around the house? ---There is, yes.

Do you agree that rubbish can create health hazards?---I do.

Is – does a routine inspection involve identifying any rubbish that amounts to a health hazard?---It would involve identifying rubbish and poor upkeep by the tenant, yeah.

And then what's done about that, if anything?---The responsibility for maintaining the cleanliness of the house is with the tenant, so we would be giving them a direction that they needed to clean – clean up.

Without an interpreter? At what point in time do the residence of the house get – a direction, as to what they should do to maintain the house? And how is that delivered?---So if we're conducting an inspection, we'd be having a conversation with the tenant as we go through, about the things we're identifying. Where we can - issues that relate to the tenant's responsibility, we'd be talking that through in plain English. Our Tenancy Support Service is designed to come in alongside, or after visits like that, to engage with tenants about the general healthy living principles, and to help them understand - - -

Can I just – can you stop there? When was the last time in Yuendumu, that the Tenancy Service was engaged to go into houses, and speak to tenants, about the expectations around the maintenance of the house? When was that done?---So in – so in January 2023, the Central Desert Council's Tenancy Support Team, came to the meeting with the Housing Reference Group, to talk about the program. And to

explain how they interact with tenants. I would have to take on notice which houses they've been in to since that meeting. But they are known to the local community, and their role has been communicated.

All right, thank you for taking that on notice. Can I ask you this, are you aware of problems with the Council picking up rubbish, that is the large shire council, not providing adequate rubbish collection services in Yuendumu?---No I'm not particularly aware of that.

Do you agree that's a factor that creates a significant difficulty for the residents of Yuendumu? That is, if there are no regular rubbish collection services?---If there was no regular collection, that would be a problem, I agree. I do note that in some of our remote communities, the size of the available bins, and the regularity of the collection, means that there's a disproportionate collection of rubbish before collection day, which can then spill out on the street as well.

Have the Department of Housing had any communications with the council, the shire council, to try and address that issue?---We have communicated with all councils, from time to time, about the size of bins and the regularity of collection. It does depend in each community on how they do the pickup, whether they've got a mechanical truck or not. I'm not particularly aware that there's been a complaint in Yuendumu, but I'm happy to take that away and check with the council about whether their collection service is operating.

Thank you, Mr Warren. We became aware of a breakdown in the council truck at some point in time which led to a significant delay in collection of rubbish. If you're able to check that, that would be appreciated. I'll just show you the second video.

DVD PLAYED

DR DWYER: You'll see this is 9 November 2019. And I'm showing you the video for the purposes of just making you to make an observation of the interior of the house.

Just stop it there while we're in the kitchen area.

Mr Warren, you see the kitchen area there and you'll see it again towards the end of the video. What are the expectations of the kitchen area when the inspection is carried out?---So we're looking for any damage to the fixtures and fittings. And for the purpose of this video that would include the pantry in the far right hand corner, it would include the benchtops and cupboards on the left hand side and the right hand side. It would include the stove, which is there to the right. The fridge is provided by the resident. We'd be looking at issues related to cleanliness and I can see evidence there that – of poor cleanliness or poor hygiene practice in the kitchen.

And is there an - - -

Sorry, your Honour.

THE CORONER: Can you also see evidence in that, that there's unlikely to be electricity running to this house, at least from time to time?---Well I can see that the freezer door is open which (inaudible) that the device is switched off or not running, correct. Some of the lights don't seem to be working. I'm not sure whether that's because the power is off or because some of the bulbs have malfunctioned, I can't quite see.

DR DWYER: If there was evidence of – that suggested energy insecurity, for example, the fridge not being on and some of the bulbs not working, would that be an issue that the Department of Housing would be concerned about?---Yes, it would. Essentially it merged into the new department and merged Housing with the broader Territory Families team, one of the things we're trying to get better at is looking at families that need not direct housing support per say, but might need other support, types of family support. So I agree that there's opportunities for us to do more to bring help in for a family who looks like they're struggling. We don't - - -

Sorry, Mr Warren, please continue?---The first response that I would expect in a situation where we can see evidence of poor living practice and energy and security would be to engage with tenancy support service.

Do you agree that if you are going to really properly communicate with a family who might want to tell you about areas of need for their household, there has to be a concerted effort to use interpreters to have adequate communication?---Yes, I agree, we need to do more around language support for people who don't speak English.

You've read the statement of Dr Quilty which appears in the brief of evidence at 10-12C?---I have.

Dr Quilty said this about Lajamanu,

“When I attended Lajamanu in December 2021 on the Northern Territory pandemic response team, I went door to door to most of the houses in the community collecting nasal swabs. I met many residents and was regularly invited inside. A few houses had missing doors. Most houses (inaudible) to board up windows with plywood to instal wall mounted air-conditioners, because none of the houses are supplied by NT Housing with air-conditioners in Lajamanu as per Northern Territory Department of Housing regulations. Without these self-funded, self-installed inefficient wall mounted units the houses would have been too hot to safely reside in during an extreme health (inaudible), thus almost all houses not only had no natural light, but also no natural ventilation. I estimate that between five to ten percent of the houses had toilets that were blocked and not functioning. Houses had up to 25 residents per dwelling, an average of approximately 13, excluding houses that non-indigenous people were living in. This was during a week of an extreme heatwave in Lajamanu where temperatures reached 47 degrees and not a day was below 40 degrees with high humidity. The impact of COVID on remote communities in the summer of 2021-22 was predictable with extremely

fast paced spread. Fortunately, it was the Omicron variant. None of these maintenance issues had been corrected prior to the pandemic's arrival".

Do you accept that evidence?---I accept the evidence that there that there was maintenance issues at Lajamanu, yes. It's my understanding - - -

Sorry, Mr Warren?---I apologise. It's my understanding that houses at Lajamanu have evaporative air-conditioning.

I'm sorry, I missed the part that you were speaking to me - - -

THE CORONER: They had evaporative air-conditioning, he understood. You might just want to finish showing this video.

DR DWYER: Yes, I will. Thank you, your Honour.

THE CORONER: Sorry, I stopped the progress.

DVD PLAYED

THE CORONER: Are they examples of boarded up windows?

DR DWYER: Sorry, could you pause it there.

THE CORONER: We could go back. Sorry.

DVD PLAYED

DR DWYER: Do you see evidence, Mr Warren, of windows that appear to be boarded up, or some of them?---Yes, I do.

So what Dr Quilty talked about in terms of Lajamanu where what he said was that there were – most of the houses had opted to board up windows with plywood to instal wall mounted air-conditioners, because none of the houses were supplied at that time with air-conditioners. Are you aware of that being an issue in Yuendumu as well?---Yes, I'm aware that tenants do sometimes instal a window mounted air-conditioner, what's called a box air-conditioner and they'll often do that by removing a window panel and putting a wood frame around it.

And are you aware of the reason behind that?---To provide more cooling in their house. I think particularly in bedrooms there's a preference to putting a refrigerated air-conditioner rather than evaporative air-conditioning, which is less effective.

And doesn't that suggest that there is an urgent need to address the design and – the design of houses and the types of cooling systems available in these houses? ---I agree and the houses that we're turning out at the moment have been designed with that in mind. The heating is 6.4-star energy rating on average. We've changed our air-conditioning policy to ensure that there's an efficient reverse cycle air-

conditioner installed in the living space for every property. And cross flow air is part of the design in bedrooms.

THE CORONER: Is the 6.4 energy efficiency reached in Yuendumu?---So the 6.4, your Honour, is an average across all the houses that we're delivering in the program. Some of the houses that are delivered to Yuendumu at the moment achieve over 7. Modular houses in particular are highly efficient and deliver over 7.

Sure. Do they achieve that actually in Yuendumu or is that an average depending on the location that they're placed in or are they actually achieving that in Yuendumu?---My advice is that the modular houses that are in Yuendumu will achieve over 7.

DR DWYER: You're referring, Mr Warren, to the new builds of modular houses? ---That's correct.

You're not suggesting that the house I'm showing you is coming up to anywhere near 6 energy rating?---No, I'm not but I'm responding to the assertion that there is a problem with the housing, and we are (inaudible) to try and address that.

THE CORONER: And in this particular house, you can see – it doesn't seem that there's a box air-conditioner in either of the boarded up windows, there doesn't appear to be any natural light, and any attempt at cross-ventilation, is no longer in existence?---Yes I agree with that. And it looks to me like that's one of our very oldest designed homes. And that doesn't match the specifications for the new houses that we're building.

I'm sure we'll have an opportunity for someone to perhaps walk through this house again, and see what improvements have been made, when we come back next time.

DR DWYER: Yes, thank you, your Honour.

And [Edited], if you could just play the rest of that for Mr Warren.

DVD PLAYED

DR DWYER: If you could please stop there Bec.

What are your observations of the rest of the house, Mr Warren, compared to your – your aspirations for Northern Territory public housing?---The – the house is dirty. It needs a repaint. We've obviously got lot of windows to repair in that house. I can see that the bathroom is of an old design, and it looks to me like a number of light fittings in the house are broken, and need repair.

In these sorts of houses - - -

THE CORONER: And air-conditioning needs to be installed.

DR DWYER: Sorry, did you hear her Honour's question? That it appears that air-conditioning needs to be installed?---Yes.

These are houses that are included in the rent increases recently, aren't they?
---That's correct.

And is it correct that the rent increases for some of these houses are up to 40 percent?---For – for some houses, that can be correct, yes.

In terms of the program for housing maintenance, I think you've taken on notice, a question from Mr O'Brien, with respect to how many local trainees, meaning Yapa trainees, are involved the housing program. Are any Yapa people involved in housing maintenance, or housing inspections?---As touched on earlier, the housing maintenance (inaudible) response team comes out of the Central Desert Council. I understand they have an Aboriginal employee in that office. And working in their outreach teams. But I'd have to check the exact numbers.

Thank you, Mr Warren. You would agree, wouldn't you, with the principle, that in order to provide the most effective inspection and maintenance team, it's crucial to invest in Yapa working in those areas?---Yes I do.

In terms of the new designs that you have told the court about, are the designs different across Aboriginal communities, in the Northern Territory? For example, are the designs different in Wadeye, compared to Yuendumu, compared to Maningrida? ---So the construction is – is different between the tropics and the arid zone. So key changes that you would see in Wadeye versus Yuendumu, would be a different construction of roof, to ensure it meets cyclone coding. You would see louvered windows, instead of sliding windows, to allow for air flow. And in some places, we've had feedback from community about their preference around the type of light fitting that we use. Some prefer the down lights, and some prefer the – what's called an oyster (inaudible) the fuse light instead. But those are – those are the basic kind of changes that you would see.

Is there room for a change in design of new houses in Yuendumu, compared to Lajamanu?---We have – the short answer is yes. We have been working with some Aboriginal organisations in relation to doing design alterations. And we've reached a partnership, for example, with the Anindilyakwa, where they suggested an alternative style for construction of homes. Their design costs more to build, and they've agreed to contribute an amount, to make up the difference between the government budget and their design. So we do take feedback, and it can build different, just within our budget. And we can build (inaudible) houses if there's a partnership with the local provider.

So I take it then, that if Dr Quilty or – are you aware of work that he's doing in a particular community in relation to sustainable design?---Not personally, no.

Are you aware of any work that Troppo Architects is doing with sustainable design in remote communities?---I'm not familiar with Troppo, but I know that Tangentyere to

such – Tangentyere Corporation are working on alternative designs through their construction arm. And we're certainly engaged with them about new designs in their footprint in Alice Springs.

So do we take it that if a community like Yuendumu, came to the Department of Housing, having worked with another group on sustainable designs, the Department would be open to working with them, on different models?---Yes. And the – I guess the nuance is that we need to make sure that we can meet our requirements around robustness and durability. And – and the pricing envelope but we can definitely build different designs.

Is – are the new houses that you're – or the new designs – new houses currently being – being built with holes in the walls, are you aware - - - ?---I'm not sure if I understand.

Are they currently being built to allow for an alternative swampy type air-conditioner, if the current plans for reverse cycle don't work?---So the new houses that are built since the change, they don't have provision for an evaporative air-conditioner. That requires fabrication of a ducting system through the house.

Can I - - -

THE CORONER: Do they have a hole for a box air-conditioner?---There's – all – all of our new designs include what's called a penetration in each of the bedrooms. So that's a lockable door, that can be opened, and allow a box air-con to be slid in, if it's the tenant wishes to bring an extra air-conditioner into their tenancy. And that's been done on purpose to avoid the jury-rigging that you've seen in – in some of the videos that you've shown me just now.

DR DWYER: [Edited], could you please put up the Australian standard, is a one page.

I think it's Australian Government Seven Tips, do you see that?---No.

This is – this – this is a brochure or a document that's published on the internet from the Australian Government web-site. It says "Top tips for building seven stars. The 2022 National Construction Code will require all new Australian housing and apartments, to meet a minimum energy efficiency rating of seven stars, under the nationwide Housing Energy Rating Scheme (inaudible). The equivalent (inaudible)", etcetera. And then there are tips for getting your dwelling to seven stars. Mr Warren, your evidence is –

You can leave that there for a second [Edited], thanks.

Your evidence is, that even though the Australian Government will require all new houses and apartments to meet a minimum energy efficiency rating of seven stars, the Northern Territory Government's aim is five stars. Is that right?---The

Northern Territory Government's minimum standard for all housing is five stars in the Northern Territory.

Why is it different to the 2022 National Construction Code, which requires a minimum energy efficiency rating of seven stars?---So I'd have to defer to the Department of Infrastructure to give a detailed answer on that. My understanding is there is concern from the construction industry about the cost of reaching seven stars. The governments' made a commitment to increase the efficiency of buildings that the government uses. And as discussed, we're certainly aiming to get five stars in our remote community housing building programs.

But how could you possibly – how could the Northern Territory Government have a construction code that was inconsistent with the Commonwealth construction code? ---So that code is adopted in different ways by each jurisdiction. It's my advice that a number of jurisdictions have chosen to delay parts of the implementation of the code. And so the Northern Territory Government has adopted it in the same way that others have, acknowledging some local difference.

Can I – I'm going to suggest to you that even if that's correct and that you can read that document to allow for a lower energy efficiency, aiming for a model below the national standard in the central desert with one of the hottest climates in Australia is completely unacceptable. What's your comment on that?---One of the challenges with the remote community housing building program is trying to deliver as many bedrooms as possible in the most cost efficient way. And so for us one of our deliverables is to reduce overcrowding in communities and we need to try and achieve that as much as we can whilst also raising the quality of housing. I've mentioned before that we are factoring in design principles for accessibility, which is another cost pressure on the designer. And we're trying to deliver as much as possible on a range of fronts in a way that we deliver as much as possible to all communities that need a hand.

If you could just scroll down.

One of the top tips for building seven stars - - -

Is there another page?

- - - is plans for fans, specially ceiling fans in all rooms. Is there any suggestion of you looking at ceilings fans?---So mechanical – what we call mechanical cooling ceiling fans is part of the design guidelines for our new homes.

Do you know how many of these eight tips are taken into account in trying to get to the appropriate energy rating?---My understanding is that the design guidelines pick up all of the tips. And so for example, insulation is a minimum standard in the design guidelines. (inaudible) is specifically addressed. Zoning in the house, so common living area but then blocked off bedrooms and other areas. So each of those headings that you've shown me are part of the design guidelines.

Do you see there a number 7 checking of colours, "Rating improvements can usually be achieved by a lightening of external roof and wall colours". Is that something that is currently being done for all houses, public houses? Not just new ones, all public housing?---So we do have a variety of paint that's used on remote housing. One of the things that tenants do provide input into is the colours that they like. So we a range from white colour, yellow, through to darker colours, which is in part based on tenant choice.

The darker colours create significant challenges in terms of heating, don't they?---I'm aware that darker colours can be less solar effective, yep.

And are there discussions with tenants about the relevance of darker colours when you're trying to achieve energy efficiency?---I don't know whether that discussion has been had each time, no.

Can I suggest to you that if any meaningful discussions along those lines are going to be had with tenants, it's another example of when you need adequate interpreters for genuine communication. Do you agree?---Certainly.

I just want to pick up the issues of solar panels. Dr Quilty gave evidence that he's aware of only one house which had solar panels in the remote communities he's visiting in Central Australia. Are you aware of any public housing in Central Australia with solar panels?---So as discussed, we have solar hot water service on all of our homes. I'm aware that we're doing a trial at the moment on 20 homes in Alice Springs, public homes that are having solar panels and battery storage installed as a trial.

So in answer to my question that there are currently no public houses in remote central desert communities which have solar power?---In the public housing network, that's correct.

In the article that was shown to you by - - -

Sorry, do you have an objection?

MR O'BRIEN: I think the witness said that there are hot water systems that have solar - - -

THE CORONER: Well they're different from solar panels.

MR O'BRIEN: But they have solar panels attached to them but (inaudible) - - -

THE CORONER: They're a solar hot water system. I think we all understand the difference between solar panels and a solar hot water system.

MR O'BRIEN: My mistake, your Honour.

DR DWYER: In the article that was shown to you earlier about energy security – this is authorised by a number of persons but attached to Dr Quilty’s article. So I’ll just read it to you. It’s the article energy insecurity during temperature extremes in remote Australia.

Sorry, I wonder if you could put that on the screen. It might be easier for Mr McCarthy and others to follow.

THE CORONER: What was that article that you had up earlier?

DR DWYER: Energy insecurity during temperature extremes in remote Australia by Longden and others. And if you could scroll down please to page – keep going and I’ll stop you there. It’s the one with the maps of Australia. That’s it. So just down towards the (inaudible).

I’ll just read to you this paragraph, “For author VND”, do you see that paragraph, Mr Warren?---Yes.

“For author VND, who works on issues relating to energy in housing and social justice in Central Australia, maintaining access to electricity during temperature extremes represents a complex suite of interrelated challenges. Older houses have solar hot water and pot belly stoves for the winter. We could collect wood and sun heated the water. The new houses built by the government since the Intervention in 2007 have electric hot water heaters and no pot belly stoves. When the old houses were upgraded pot belly stoves were removed. Our houses don’t have heating anymore. Most residents don’t have much money, so residents buy cheap fan heaters and air-cons. The problem with these is that they’re expensive to run. Our houses have become expensive to heat and expensive to cool and we run out of money for electricity. When the power goes off it’s bad for our health, the food gets spoiled and we can’t wash our clothes and we can’t wash our kids”. You’ve already acknowledged the relevance of proper housing maintenance and electricity to good health and good social outcomes, haven’t you?---I have.

And so what this article suggests is that even in relation to solar hot water, the NT’s gone backwards since the intervention because older houses (inaudible) solar hot water and pot belly stoves and the newer houses don’t. can you comment on that? ---I think the reference there is to houses built at the time of the Intervention. I can’t comment on the specific designs then, I’m sorry, I don’t have that information. Our new housing programs includes solar hot water service as part of the minimum. In terms of heating and cooling, as I discussed, that’s addressed through the inverter refrigerated air, heating systems that (inaudible).

Mr Warren, I appreciate that you’ve told us about a lot of significant effort that’s being made at the moment. There’s a problem, isn’t there, because it’s not just the new houses, you’re left with a lot of old stock that is completely inappropriate for adequate housing needs, isn’t it?---We do have a lot of old stock that needs to be upgraded. A portion of the housing that was handed over after the intervention has been upgraded. And some of the design types that you were just talking about were

from that program immediately after the intervention commenced. It's a constant piece of work to keep the new designs up to date and to go back through and touch on the old houses again. It's a bit like painting the Sydney Harbour Bridge, we have to keep going back around and around.

I just want to ask you to comment on one final topic and that is how the design and moving forward in terms of effective cooperation and collaboration with the community. I'll just read to you something Dr Quilty said in his evidence. This is transcript page 2863. His evidence – and bearing in mind that he's visited different communities in his work as a doctor and been inside housing in different communities in Central Australia, is this:

“What is fundamentally lacking is any kind of engagement or agency in the way that future residents of the house shape that house, or an acknowledgement that a lot of these people are only one or two generations or themselves, first contact people from colonisation, and what it is to even live in a house. As western people, we take it for granted because we are many, many generations of living in houses. And for many of the people that I work with, it's not even one generation old.”

Can I just ask you to reflect on the housing design of the one that we just saw, House 577? When you think that for some people living in Yuendumu, living in houses is not even – is a generation, maybe two generations. That house, I'm going to suggest to you, has no – I'll withdraw that, that the design of that house is completely inappropriate for someone who wants to connect with their broader environment. Do you accept that?---I think there's a range of different ways that you can design houses to the environment. We've certainly heard feedback from some quarters about a preference for outdoor living. Some of the designs that we've been trialling have included a bigger veranda to allow people to be outside and other sheltered outdoor living areas. For every time we get feedback that they don't walls (inaudible), we get other feedback from communities saying we more closed off bedroom space or more indoor living area. So it's not homogeneous feedback. Ultimately, we're trying to deliver - - -

Can I stop you there? Mr Warren, you wouldn't expect it to be homogeneous feedback, would you? You wouldn't expect local Aboriginal people are going to want the same design for their house, would you?---No, I wouldn't. But the challenge with the public housing system is we have to build in a level of homogeneity, so that we can deliver it efficiently and effectively across a range of locations. So it's a balance between personal desire and then the requirements of - - -

And you are open to suggestions from Dr Crystal (?) or Troppo Architects or others about how to imagine creative, more environmentally sustainable, more liveable houses that Yapa want in Yuendumu?---Yes, we are. We've taken design feedback before and we're happy to take more of it.

You're given evidence about the work that you think needs to be done in relation to House 577 that I showed you. You might need to take this on notice, but do you

know what the department's most recent housing inspection report is for this house?
---No, I don't have that information today.

You're prepared to take that on notice, I imagine?---I am, yes.

And are you prepared to ensure that the department conducts another inspection of this house to identify what needs to be done?---Yes.

And in those circumstances, are you also prepared to ensure that the department works with Yapa with an interpreter to try and get this house to a standard that is liveable?---Yes, certainly happy to commit to using an interpreter.

Thank you, Mr Warren.

THE CORONER: Yes.

MS NAZ: Thank you, your Honour.

XXN BY MS NAZ:

MS NAZ: Mr Warren, my name is Sheeza Naz. I act for the Robertson, Walker, Lane and Brown family. I just have some very short quick questions for you. In your report, you note that Lot 511 is a three-bedroom house. Is that correct?---Yes.

And it serves currently as a memory house for Kumanjaya Walker?---That's my understanding, yes.

And in respecting the wishes of the families, it's been now removed from the replacement and refurbishment program?---That's correct. We've agreed to take it out of the program altogether.

And as a result, are you aware that the current tenant, Margaret Brown, has been told that she cannot continue to live at House 511 in its current state?---I'm aware that we've been engaged with that person about where she would like to move to on the basis that if the house isn't going to be part of the replacement program, we'd like to offer alternative accommodation.

So in the circumstances that the house is not part of the replacement and refurbishment program and efforts are being made to move her to another residence, will the family continue to be charged rent for the three bedroom house?---No. It's our understanding that – it's my understanding that the request received was to stop treating that property as public housing so that it could be used as a memorial for the sad death.

And are you able to make a commitment that the Department will continue to make repairs on the house, given its cultural significance?---I think so. I think we need to clarify whether it's going to be used in the sense of a home or whether it's going to be used as a place to visit and memorialise, because that will determine what kind of

maintenance we do there.

Thank you, those are my questions.

THE CORONER: Any other questions?

MR MCCARTHY: I might just ask one, your Honour.

THE CORONER: Sure.

Thank you, your Honour.

XXN BY MR MCCARTHY:

MR MCCARTHY: Mr Warren, you were asked about housing affordability and cost of living issues. Do you recall those questions?---Yes.

In your evidence, you touched on the 25 percent remote rent safety net. Could you please provide me information as to how that safety net operates?---Certainly. The safety net is designed for people on very low income. If a household is unable to – if a household is at risk of going into rent stress, and rent stress is understood to mean that they spend more than 30 percent of their income on rent, then we offer the safety net as a protective measure. And the safety net is set at 25 percent to avoid rent stress applying.

I have no further questions, your Honour.

THE CORONER: How is that identified?---How is – how is the risk of rent stress identified, your Honour? Is that the question?

Yes?---So with the initial rollout of the new framework, the department worked with tenants to identify 1089 people that were on very low income, usually due to family configuration. So a small – often say a mum with nice (inaudible) bedroom house, those people are placed onto the safety net automatically and we'll be engaging with them to see whether they still require it as we approach the expiry of the current safety net period. If someone knew is identified, we can put them on to the safety net based on our assessment of their circumstance, their own report or advice from an advocate.

And you said, "own report", so how does someone report?---So if someone – if a tenant lets us know directly, either through face to face or through contact with their housing office or through a referral from a Central Desert tenancy support service, we can assess them and approve them for the safety net.

Thanks.

Any other questions?

Thanks a lot. You were peppered with some difficult questions and you're going to be sent away with a little bit of homework. But it's obviously a significant issue for the community and it's obviously an issue that I think is of concern for most Territory, whether they live in community or in towns. And we appreciate the information you're provided and we'll look forward to receiving some additional information following on from the questions that have been asked?---Thank you very much.

We'll break the link.

And the next witness is, just - - -?---No, no, I'm breaking.

THE CORONER: Sorry, we're breaking the link.

WITNESS WITHDREW

THE CORONER: I just want to – I'll just find out where we're going from here, what the rest of the day looks like, and then we might have the morning tea break.

DR DWYER: Your Honour, the next witness is Mr Brendan Blandford, who is here in person. I don't – counsel assisting will take his evidence. Mr Coleridge is going to take his evidence and estimates about ten minutes. Other parties have I think a combined total of perhaps another 20 minutes. So I don't expect that Mr Blandford will be long.

After Mr Blandford we have the community policing panel. And then that's it for today. So it may well be - - -

THE CORONER: And are the community policing panel available at any time or at a particular time?

DR DWYER: I'm told that they're here and they're available.

THE CORONER: All right. Well we'll take the morning adjournment, then we'll call Mr Blandford and hopefully we might even be able to start the community policing panel before lunch. We might in fact sit, for example, until 1 o'clock this morning just to make sure we move forward and finish within a reasonable time. But we'll adjourn now.

ADJOURNED