



Tracking Your Rights: Housing

The *International Convention on Economic, Social and Cultural Rights* recognises:
the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing (Article 11)

What does the *Anti-Discrimination Act 1991 (Qld)* say about housing?

Housing includes:

- renting somewhere to live – a house, flat, unit, caravan or a room in a boarding house.
- buying - a house, unit or property.

Renting or leasing

When renting or leasing property the Act says that a person must not discriminate against another person in any of these ways:

- failing to accept an application for accommodation
- failing to renew or extend the supply of accommodation
- in the way in which an application is processed
- in the terms on which accommodation is offered, renewed or extended
- in any variation of the terms on which accommodation is supplied
- denying or limiting access to any benefit associated with the accommodation
- evicting the other person from the accommodation; or
- treating the other person unfavourably in any way in connection with the accommodation

Buying or selling

When buying or selling property the Act says that a person must not discriminate against another person in any of these ways:

- failing to dispose of an interest in (sell) land to the other person
- in the terms on which an interest in land is offered to the other person

What is discrimination?

Direct discrimination happens when you are treated worse than someone else because of your: race, age, family responsibilities, parental status, relationship status, pregnancy, breastfeeding, impairment (a disability), religious belief or activity, sex (male/female), gender identity, sexuality, lawful sexual activity (as a sex worker), trade union activity, political belief or activity, or association with, or relation to, a person identified on the basis of any of the above attributes.

Ron refuses to rent a flat to Cathy because Cathy is Aboriginal and Ron doesn't like Aboriginal people. He believes that they are unreliable tenants. Ron makes no enquiries about Cathy's history as a tenant. Ron's refusal to rent to Cathy on this basis is race discrimination.

What is indirect discrimination?

Sometimes a rule or practice seems to be the same for all people. However if it disadvantages a particular group of people more than others it may be indirect discrimination.

An agent/landlord can impose limits on the number of persons the property can accommodate; however this must be done in a reasonable way, taking into account the size of the property and the differing needs of tenants.

An estate agent/landlord has a rule that a two bedroom house should not accommodate more than three people. If this disadvantages people with parental or family responsibilities (including extended family) more than those with no such responsibilities it may be indirect discrimination.

What is vilification?

Vilification is publicly inciting others to hate, have serious contempt for, or severely ridicule people because of their race, religion, sexuality or gender identity. Vilification is unlawful.

An Aboriginal man and his family suffered ongoing abuse from their next door neighbour, who hurled abuse from his verandah when they walked past. The neighbour said things like: 'Get out of this area you black bastards', 'We don't want you here you rock apes'. 'This street is too good for you. Get out before we burn you out'. 'Piss off and take your dero black mates with you'. This abuse could be heard from the street (a public place). It incited (or could have incited) someone to hold contempt or hatred of the family because of their Aboriginality (race). It could be vilification.

If the incitement involves threats of physical harm to people or their property, it is a criminal offence.

Sexual Harassment

Sexual harassment is unwelcome sexual behaviour directed at you, which makes you feel offended, humiliated or intimidated, and in the circumstances, it is reasonable to feel that way. Both men and women can sexually harass and be harassed. It has nothing to do with mutual attraction and friendship between people.

Mel and Kat rent a house. The landlord comes round in person to collect the rent. The girls think that he is sleazy but are nice to him because it's hard to find a place to rent. Last visit Mel was on her own and he suggested that he'd reduce the rent if Mel would have sex with him. This is sexual harassment.

Contact the ADCQ for more information

- phone on 1300 130 670 (or TTY 1300 130 680) from anywhere in Queensland and your call will be taken by the closest office
- ADCQ has Aboriginal and Torres Strait Islander staff and you can ask to speak with one of these officers.
- send an email to info@adcq.qld.gov.au
- visit the website www.adcq.qld.gov.au

ADCQ offices are located at:
 Brisbane – level 17, 53 Albert Street, Brisbane City
 Rockhampton – level 1 James Larcombe Place, 209 Bolsover Street
 Townsville – 155 to 157 Denham Street
 Cairns – McLeod Chambers, 78 Spence Street

Rights and Responsibilities

TENANTS Rights	AGENT/LANDLORDS Rights
<ul style="list-style-type: none"> ▪ premises fit to live in and in good state of repair ▪ reasonable security ▪ quiet enjoyment of the premises ▪ for agents/landlords to meet their responsibilities <p>Responsibilities</p> <ul style="list-style-type: none"> ▪ maintain property (keep clean & prevent damage) ▪ pay the rent on time as agreed ▪ abide by terms of agreement ▪ leave premises in the same state as when they moved in, except for fair wear and tear ▪ use the premises for legal purposes only ▪ respect neighbours' right to privacy and quiet enjoyment ▪ seek approval for any changes in the names or numbers of people living in the premises. 	<ul style="list-style-type: none"> ▪ for tenants to meet their responsibilities <p>Responsibilities</p> <ul style="list-style-type: none"> ▪ provide a copy of information statement, tenancy agreement, and entry condition report and body corporate rules (if applicable) ▪ carry out necessary repairs and maintenance ▪ pay rates and cost of preparing the tenancy agreement ▪ lodge all bond monies with Residential Tenancies Authority ▪ give 7 days written notice in advance to tenant to enter the property ▪ comply with health and safety laws (eg smoke alarms and electrical safety switch)

Other agencies

Residential Tenancies Authority for information relating to tenants and landlords - 1300 366311 | Website: www.rta.qld.gov.au

Tenants' Union of Qld - 3257 1108 or 1800 177 761 outside Brisbane | www.tuq.org.au

Emergency housing

Mission Australia – (07) 3847 8411
 Salvation Army - 1300 36 36 22
 There may be other agencies in your area.