

**Homelessness NSW**

The logo for Homelessness NSW features the text 'Homelessness NSW' in a bold, black, sans-serif font. To the right of the text is a red graphic element consisting of a thick, curved line that starts wide on the left and tapers to a point on the right, resembling a stylized arrow or a checkmark.

## **Homelessness NSW response to Foundations for change- Homelessness in NSW**

**November 2016**

### **About Homelessness NSW**

Homelessness NSW is a peak not for profit organisation that works with its 170 members to prevent and reduce homelessness across NSW. Our members include small, locally based community organisations, multiservice agencies with a regional reach and large State-wide service providers who work to address and prevent homelessness.

Key services that we provide include policy development and advocacy in working to end homelessness, public education about the changing faces of homeless people and those at risk, information about the diverse mix of initiatives operating in NSW and elsewhere and advice and support for member organisations and others about organisational change and improvement.

# Executive Summary

Homelessness NSW welcomes the opportunity to comment on the New South Wales Department of Family and Community Services (FACS NSW) discussion paper, *Foundations for change- Homelessness in NSW* (the discussion paper).

Specialist Homelessness Services (SHS) across New South Wales are currently reporting high demand for their services across the board including rough sleepers, young people and women and children escaping domestic and family violence. This is supported by the only regular homelessness data available, the biannual City of Sydney street count, which had the highest ever count in February 2016 of 486 rough sleepers and highest ever winter count (which is ordinarily lower than the summer count) of 394 people. Importantly, the City of Sydney street count also gauges availability of accommodation and at both counts this was over 90% full. There are simply not enough crisis accommodation spaces to meet the current demand for services.

In addition to this, SHS' are also identifying emerging population groups such as older women who are finding themselves without housing or in insecure circumstances.

Following the implementation of the Going Home Staying Home reforms, Homelessness NSW undertook consultations with SHS' across the FACS Districts to better understand the impacts of these reforms. One of the most common issues identified was the lack of commitment to preventing and addressing homelessness by the broader service system. This included lack of access to affordable housing for people at risk of and experiencing homelessness but also barriers to accessing specialist and generalist health services and a lack of prioritisation around supporting people at risk of homelessness by agencies (or agencies funded by these areas) such as Education, Corrections and Family and Community Services.

This issue was raised with the Minister for Family and Community Services and Social Housing and the Department of Family and Community Services by Homelessness NSW in late 2015 and we are pleased to see the response to this in the form of a commitment towards developing a whole of government NSW Homelessness Strategy.

Homelessness can be prevented and addressed in New South Wales but it requires resources and commitment from across the service system. Outlined in this submission is a detailed analysis of current issues relating to NSW policy and practice regarding homelessness and 38 recommendations that, if implemented, will make a real difference to preventing and addressing homelessness in New South Wales.

The key priority areas that these recommendations focus on include:

- The development of a Homelessness Strategy that includes agreed targets and measurable outcomes and ensures Departments and agencies are held to account for these targets and outcomes;
- A commitment to affordable housing, including an expansion of available social housing in New South Wales;
- Implementation of evidence based approaches at a systemic level (rather than pilots) including implementing Housing First and other supportive housing models as a systemic response to homelessness;
- A commitment from the broader service system to working in a collaborative and integrated way across the various homelessness cohorts including rough sleepers, young people, women and children escaping domestic and family violence, older women, Aboriginal communities, CALD communities and LGBTQI communities.

- A commitment to a respectful, consultative and consumer led approach to supporting people at risk of homelessness and people experiencing homelessness.

Homelessness NSW has developed this detailed submission in consultation with its members and is available to expand on any of the issues or recommendations outlined in the submission.

This submission is also supported by a number of reports released by Homelessness NSW in the past twelve months. These are attached and include:

- *Debt, Set, Unfair – Social Housing, Debt and Homelessness*
- *A Plan for Change – Homes for Older Women*
- *Inner City Sydney Registry Week Report*
- *Temporary Accommodation Discussion Paper*
- *People Leaving Custody Roundtable Report*

## Summary of recommendations

### Components of a comprehensive strategy

1. That the NSW Homelessness Strategy have a focus on prevention including committing to the development of a 'no exits into homelessness' across NSW government agencies.
2. That a comprehensive assessment of current gaps in service provision to people experiencing homelessness is undertaken, including a projection of growth in gaps and needs over a ten year period, and that this assessment inform the development of the NSW Homelessness Strategy.
3. That the NSW Homelessness Strategy be underpinned by a legislative response which protects the human rights of people experiencing homelessness.
4. That FACS NSW implement and adequately fund consumer participation strategies to inform the development and implementation of the NSW Homelessness Strategy.

### Strengthening collaboration

5. That the NSW Government work collaboratively with the Federal Government to ensure the development of an appropriately funded and comprehensive National Housing and Homelessness Strategy that includes agreed State and Federal targets aimed at preventing and reducing homelessness.
6. That the NSW Homelessness Strategy commit to address the areas of lack of coordination between state and federal agencies including in relation to NSW Housing tenants who have been breached by Centrelink.
7. That the NSW Homelessness Strategy include agreed targets and measurable outcomes that all relevant NSW government agencies are required to prioritise and report against.

8. That the NSW Homelessness Strategy include a data development agenda that enables data linkage and analysis across all relevant State and Federal government departments to assist in monitoring of client outcomes and evidenced based investment in services.

### **Creating Pathways into Housing**

9. That the NSW Government commit to the development of an Affordable Housing Strategy which commits to a substantial investment in social housing and provides specific targeted measures to reduce barriers to housing that are adopted across NSW Government agencies.
10. That NSW Government implement the recommendations arising from '*Debt Set Unfair*' as part of the NSW Homelessness Strategy
11. That the NSW Government abandon plans to introduce tenancy bonds for new public housing tenancies, and, if this is not achieved, that 'extenuating circumstances', which give rise to an exemption from paying bonds, should be granted to people entering public housing:
  - after homelessness;
  - as result of escaping domestic or family violence;
  - over the age of 55;
  - with a mental illness, cognitive impairment, physical or intellectual disability;
  - experiencing acute financial hardship; and
  - from prison or a medical facility.
12. That the NSW Government implement a systemic, funded and evidence-based Housing First response that includes the provision of long term support for tenants.
13. That the NSW Government address systemic barriers preventing people experiencing from accessing and retaining private rental including:
  - Providing more security and transparency to listings on Rental Tenancy Databases;
  - Reviewing and responding to discrimination experienced by vulnerable groups attempting to obtain rental accommodation;
  - Removing no grounds terminations from the *Residential Tenancies Act 2010* (NSW)
14. That the NSW Government discuss with local councils through Local Government NSW a proposal that half of any fines collected in relation to boarding house registration be paid to the relevant local council.
15. That the NSW Government actively ensure that the Boarding House Act is enforced and that regular reports are provided on outcomes and activity with regard to enforcements as part of the NSW Homelessness Strategy.
16. That the NSW Government commence a conversation with the Federation for Housing Associations, interested Community Housing Providers, relevant SHS' services and other interested stakeholders to investigate and develop not for profit boarding house models.

17. That the NSW Homelessness Strategy implement the recommendations for reform of the Temporary Accommodation program in Homelessness NSW's *Temporary Accommodation Discussion Paper*.

### **Groups at risk of experiencing homelessness**

18. That the NSW Homelessness Strategy implement resourced, coordinated government and service responses to end chronic homelessness (building on the Homelessness Assertive Response Team model) and based on international good practice.
19. That the NSW Homelessness Strategy implement specific, funded and Aboriginal community controlled initiatives to address the growing rates of Aboriginal homelessness and to enhance Aboriginal community self-determination and resilience.
20. That the NSW Homelessness Strategy implement the recommendations from *A Plan for Change: Homes for Older Women*.
21. That the NSW Homelessness Strategy commit to reviewing the current service gaps in domestic and family violence accommodation services.
22. That the NSW Homelessness Strategy work within the Domestic and Family Violence Blueprint to ensure integrated response to domestic and family violence are implemented across service systems.
23. That the NSW Homelessness Strategy commit to funding evidence based early intervention and affordable housing models such as Staying Home, Leaving Violence and Start Safely across NSW.
24. That the NSW Homelessness Strategy include a specific focus on preventing youth homelessness and supporting young people experiencing homelessness that includes:
  - Expanding and developing a Homeshare scheme;
  - Expanding the Ryde and Northern Beaches Projects to other areas of NSW;
  - Investigating opportunities for foyer and foyer type models;
  - Liaising with the Real Estate Institute of NSW to inform agents of the range of FACS Housing products available to assist young people to maintain tenancies.
25. That the NSW Homelessness Strategy include a focus on people with disability and housing and homelessness issues including:
  - support of Universal Housing Design for all housing in NSW, social, public and private as a remedy to the chronic shortage of accessible properties and a method of increasing supply options for people with disability;
  - development and expansion of DHASI to all people with disability including those in receipt of an NDIS package to enable them to make the transition to independent living;
  - FACS work with CHPs and other stakeholders to ensure that people living with ageing parents are not disadvantaged in obtaining social housing due to the fact they are not homeless;
  - A partnership is developed between FACS ADHC and the NDIA to support the broader homelessness and housing sector to understand the NDIS and its potential for clients.

26. That Corrections NSW record data on whether a prisoner is a veteran of the Australian Defence Force.
27. That the NSW government engage with the Federal Government to ascertain more accurate data around the level of homelessness amongst veterans.
28. That the NSW Homelessness Strategy implement culturally appropriate and targeted responses to culturally and linguistic diverse communities, refugees and asylum seekers.
29. That the NSW Homelessness Strategy work with relevant agencies to identify and implement appropriate, good practice responses to preventing and responding to homelessness in LGBTIQ communities.

### **Better Exit Planning**

30. That the NSW Homelessness Strategy implement a 'no exits into homelessness' policy across all relevant government and non-government agencies.
31. That the NSW Homelessness Strategy implement the recommendations from the Homelessness NSW *People Leaving Custody Roundtable Report*.
32. That the NSW Homelessness Strategy include a focus on ensuring improved co-ordinated support for people at risk of homelessness or who have experienced homelessness who are accessing mental health facilities, including further expansion of HASI as a systemic response to providing housing and support to people with mental health issues.

### **Employment, education and training**

33. That FACS acknowledge that employment is a problematic area for people experiencing homelessness but that certain groups such as youth and women escaping family and domestic violence may be better suited to employment schemes.
34. That FACS NSW through the NSW Homelessness Strategy review current discrimination law in relation to criminal records in New South Wales and its impact upon people experiencing homelessness.
35. In consultation with homeless services FACS investigate ways to improve referrals to employment services by reviewing existing systems such as CIMS.

### **Putting people at the centre of responding to homelessness**

36. That the NSW Government introduce legislation to facilitate tests of the compatibility of future legislation on people experiencing homelessness. This test should apply across all government agencies and require amendment to legislation deemed to have a detrimental impact on people experiencing homelessness.

37. That mainstream agencies conduct reviews of required to policies, procedures, physical environments, staff training and workplace cultures work to ensure trauma informed care models are effectively implemented.

### **Role of the corporate sector**

38. That corporate and philanthropic work in the area of homelessness be:

- focused on initiatives that prevent or reduce homelessness;
- developed in consultation with local government, SHS providers and people experiencing homelessness to ensure it is targeted and effective; and
- ensure employment opportunities for people experiencing homelessness.

## Components of a comprehensive strategy

One of the key issues identified by Specialist Homelessness Services (SHS') when consulted by Homelessness NSW regarding barriers to effective service delivery to people at risk of or experiencing homelessness was the lack of a co-ordinated and comprehensive commitment by the broader service system in preventing and addressing homelessness.

The development of any NSW based Homelessness Strategy needs to ensure commitment and accountability from the broader service system and it needs to understand homelessness in the context of broader service system failure in supporting vulnerable and disadvantaged people.

### A focus on prevention

An essential component of a NSW Homelessness Strategy must be ensuring that homelessness not occur in the first place. Homelessness NSW notes that the causes of homelessness are numerous and varied, but there are a number of specific measures the NSW Homelessness Strategy should commit to reduce the current high homelessness rates. Firstly, prevention can be achieved through the investment in effective, targeted, long term domestic and family violence prevention campaigns, programs and initiatives within an integrated and well-resourced domestic and family violence strategy. Homelessness prevention also requires a commitment from other service systems to prioritise and be held accountable for this. FACS NSW needs to work in partnership with a number of government departments and its own program areas including FACS Housing, Out of Home Care, Education, Health and Justice to develop a plan that focuses on preventing homelessness and that requires commitment from other service systems to actively work to achieve and be held accountable for this. This could should include a 'no exits into homelessness' policy across government and an outcomes measurement framework that includes homelessness prevention as a priority outcome.

**Recommendation 1:** *That the NSW Homelessness Strategy have a focus on prevention including committing to the development of a 'no exits into homelessness' policy across NSW government agencies*

### Identify and address service gaps

In developing the NSW Homelessness Strategy a comprehensive assessment needs to be undertaken as to where there are current gaps in provision of services to people experiencing or at risk of homelessness, including a projection of growth in gaps and needs over a ten-year period and plans developed to address these.

This comprehensive assessment should not be limited to people accessing SHS' and/or Temporary Accommodation services, but should analyse the broader issues that impact on homelessness including availability of affordable housing, employment and demand for specialist services such as mental health, drug and alcohol, domestic and family violence services and youth services. This could be undertaken at a regional or District level as well as at a statewide level.

This assessment would provide a strong evidence base for service planning and measurement of outcomes in preventing and addressing homelessness.



**Recommendation 2:** *That a comprehensive assessment of current gaps in service provision to people experiencing homelessness is undertaken, including a projection of growth in gaps and needs over a ten year period, and that this assessment inform the development of the NSW Homelessness Strategy.*

## **Provide legislative protection of rights**

Homelessness NSW also believes the NSW Homelessness Strategy should be underpinned by a legislative response which protects the rights of people experiencing homelessness. As demonstrated in this submission, there are considerable numbers of policies and practices within New South Wales which undermine the rights of people experiencing homelessness. These can be contrasted with the protections under international human rights law.

Under international law the right to adequate housing is formulated in Article 25 of the *Universal Declaration of Human Rights* and the binding right is set out in Article 11 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). The nature of the right to adequate housing has been extensively defined by the UN Committee on Economic, Social and Cultural Rights established seven indicia of adequacy including security of tenure and that housing is affordable and accessible. As a signatory to the ICESCR, Australia is required by Article 11(1) to take appropriate steps to ensure the realisation of the right to adequate housing. These appropriate steps are required by the ICESCR to be ‘to the IC, ‘targeted’, ‘expeditious’ and ‘effective’, and should include making adequate housing a budget priority. Other international rights relevant for people experiencing homelessness include the right to highest attainable standards of physical and mental health<sup>1</sup>, the right to consumer participation<sup>2</sup>, the right to social security<sup>3</sup> and freedom of association and assembly.<sup>4</sup>

Unlike New South Wales, a number of jurisdictions have implemented legislation to protect and enforce the human rights of those experiencing homelessness. Homelessness NSW notes the successful role of the *Victorian Charter of Human Rights and Responsibilities Act 2006* (Vic) (the Victorian Charter) in promoting and protecting the human rights of those experiencing homelessness. The Charter places obligation on public authorities (including private sector organisations that perform functions of a public nature), to act compatibly with human rights and to take human rights into consideration in decision-making processes. Currently, the Charter does not directly protect the right to adequate housing (or other economic and social rights). However, many of the Charter’s protected civil and political rights are highly relevant for people currently or at risk of experiencing homelessness. These include:

- the right to equality and non-discrimination (section 8);
- the right to freedom of movement (section 11);
- protection from arbitrary or unlawful interference with a person’s home, privacy, family or correspondence (section 13(a));
- the protection of families and children (section 17);
- the right to take part in public life (including to vote) (section 18); and
- the right to enjoy culture, to declare or practise religion and to use your language (section 19).

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<sup>1</sup> International Covenant on Economic, Social and Cultural Rights, Art 12

<sup>2</sup> International Covenant on Civil and Political Rights, Art 25;

<sup>3</sup> International Covenant on Economic, Social and Cultural Rights, Art 9; and Convention on the Rights of Persons with Disabilities, Art 28(2)(b).

<sup>4</sup> International Covenant on Civil and Political Rights, Art 22;

Since its introduction the Charter has played a significant role in protecting the rights of disadvantaged groups such as those experiencing homelessness. As well as producing better outcomes for vulnerable individuals, the Charter has established improvement in the processes and practices that public authorities follow in delivering services.<sup>5</sup> Justice Connect Homeless Law's submission to the 2015 Review of the Charter, outlines these benefits in the area of evictions from social housing where the Charter now encourages public authorities to consider a tenant's individual circumstances, including their family, any health problems and their risk of homelessness as well as alternatives to eviction.<sup>6</sup> As a result, Justice Connect Homeless Law has been able to engage in Charter-based negotiation with private landlords with a view to preventing the eviction of vulnerable tenants into homelessness.

International jurisdictions also have implemented legislative measures to protect the rights of people experiencing homelessness. In particular, Homelessness NSW recommends the NSW Government consider the operation of the *Housing (Wales) Act 2014* (UK) (the Welsh Act). Under the Welsh Act, Welsh local authorities have a duty to help to prevent homelessness for all eligible households threatened with homelessness within 56 days. While the prevention duty is subject to the availability of resources in the local area, it applies irrespective of priority need and intentionality.<sup>7</sup> If the local authority is unable to successfully prevent an applicant from becoming homeless, or the applicant approaches when already homeless, then they have a duty 'to help to secure' them accommodation. If an applicant's homelessness has not been successfully relieved after 56 days and they are in priority need, have a local connection and are unintentionally homeless, the local authority must secure that settled accommodation becomes available for them.<sup>8</sup>

Homelessness NSW believes that in order to effectively prevent and address homelessness, that the NSW Government should introduce a legislative response which places obligations on public authorities to act compatibly with human rights. This response should incorporate protections from both rights set out in ICESCR and the *International Covenant on Civil and Political Rights*

**Recommendation 3:** *That the NSW Homelessness Strategy be underpinned by a legislative response which protects the human rights of people experiencing homelessness.*

### **Guided by consumer participation**

Homelessness NSW believes it is essential that FACS NSW develop and implement an effective consumer engagement strategy to guide the design and delivery of the NSW Homelessness Strategy. Marginalised people such as people experiencing homelessness and those at risk of homelessness have a right to participate in decision making process that directly impact upon them. This right is well-established in international human rights law. Article 25 of the *International Covenant on Civil and Political Rights* states that every citizen shall have the right and the opportunity without unreasonable restriction to take part in the conduct of public affairs. The underlying principle of this right is that every individual should have the ability to participate in decision making process that directly affect them. In the context of people experiencing homelessness this includes the right to participate in the

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<sup>5</sup> Justice Connect, *Charting a stronger course- submission to the eight year charter review*, June 2015, accessed [www.justiceconnect.org.au/sites/default/files/Homeless%20Law%20%20Charting%20a%20Stronger%20Course%20%28June%202015%29.pdf](http://www.justiceconnect.org.au/sites/default/files/Homeless%20Law%20%20Charting%20a%20Stronger%20Course%20%28June%202015%29.pdf)

<sup>6</sup> As above

<sup>7</sup> Fitzpatrick S, Best LR, *The homelessness legislation: An independent review of the legal duties owed to homeless people* (2016) available at <http://www.crisis.org.uk/publications-search.php?fullitem=492>

<sup>8</sup> For more information on the content of this duty see *The homelessness legislation*, p 18.

decision-making processes of specialist homelessness services, NGO's and government agencies that directly affect them. The active involvement of those who are or have been homeless has also been shown to lead to the development of more effective public policy and service delivery in response to issues facing people experiencing homelessness, as well as assisting in the empowerment of participants.

The NSW Homelessness Strategy must ensure that consumer participation is achieved from the wide range of groups known to experiencing homelessness including Indigenous people, people who have experienced domestic violence, young people under the age of 25 and people from regional and remote locations. In developing this consumer strategy, Homelessness NSW recommends FACS NSW adequately fund and engage consumer participation groups such as Street Care as well as incorporate feedback from consumers currently working with SHS'.

The NSW Homelessness Strategy should also seek to support the SHS to further develop consumer participation strategies. Homelessness NSW notes that the Industry Partnership is currently seeking to develop and pilot training for consumers of specialist homelessness services to be run in Sydney and two regional centres. The training aims to undertake skills development for consumers of homelessness services in effective consumer participation and consultation.

**Recommendation 4:** *That FACS NSW implement and adequately fund consumer participation strategies to inform the implementation of the NSW Homelessness Strategy.*

## Strengthening collaboration

Homelessness NSW supports the recognition in the discussion paper of the need for greater collaboration in order to prevent and address homelessness. Collaboration is required both within agencies in NSW, but also with relevant Federal agencies. This needs to be underpinned by joint policy commitments and resource investment by both Federal and NSW Governments.

### State/National Collaboration

#### *National Partnership Agreement on Homelessness*

Responses to homelessness are currently funded under the National Affordable Housing Agreement (NAHA). The NAHA is supported by the National Partnership Agreement on Homelessness (NPAH). The NPAH contributes to the NAHA outcome that 'people who are homeless or at risk of homelessness achieve sustainable housing and social inclusion' and outlines the roles and responsibilities of the Australian Government and state and territory governments in relation to reducing and preventing homelessness. Funding associated with the NPAH was provided for the period 1 July 2009 and 30 June 2013, with an interim funding arrangement agreed between the Australian and state and territory governments for 2013—15. In 2015–16, the Australian government committed further funding of \$230 million over 2 years, under the NPAH, which was matched by states and territories. However, since 30 June 2013 the NPAH has been at risk and investment has remained at the same level which is no longer addressing the demand for homelessness services.

The current National Affordable Housing Agreement has ambitious goals to increase overall housing affordability, but has relatively few levers at its disposal to achieve these goals and is

inadequately funded. Likewise, the National Partnership Agreement on Homelessness has too few resources, and is trying to reduce homelessness, while other policy reforms, like cuts to social security payments contribute to increased homelessness.

What is required is a 10-year strategy to get all federal and state policies pulling in the same direction to address housing affordability and end homelessness.

**Recommendation 5:** *That the NSW Government work collaboratively with the Federal Government to ensure the development of an appropriately funded and comprehensive National Housing and Homelessness Strategy that includes agreed State and Federal targets aimed at preventing and reducing homelessness.*

#### *Co-ordination between Federal and State Agencies*

Homelessness NSW believes the NSW Homelessness Strategy needs to address the areas of lack of coordination between state and federal agencies which often result in people being pushed into homelessness. One example of this is in relation to Centrelink and FACS Housing.

As part of Homelessness NSW's work on *Debt Set Unfair* many people experiencing indicated developing debt with social housing after being breached by Centrelink. The vast majority of people in social housing are reliant on Centrelink payments for income with many tenants have their rent payments automatically deducted from their Centrelink payments through the Rent Deduction Scheme. The scheme is currently voluntary but is under consideration of being made mandatory by the NSW Government.<sup>9</sup> While some of those consulted indicated the Rent Deduction Scheme provided them with some protection from failing into arrears, such protection is undermined when an individual is breached by Centrelink. The net effect of a Centrelink breach for many housing tenants is they are unable to pay rent and become at risk of losing their tenancy. Many others spoken to by Homelessness NSW went to extreme measures to ensure they could sustain their tenancy after a breach had occurred "When I was breached, I had no choice. Food and my medication were luxuries that I could not afford. I barely ate for a few weeks so that I could keep paying my rent. I would rather be hungry than back on the street". Another person experiencing homelessness told Homelessness NSW "It is a vicious and unnecessary cycle, because you don't get paid by one government agency then you can't afford to pay another. Paul is robbing Peter!".

Homelessness NSW is not aware of any protocols in place between Centrelink and state housing authorities to communicate that enables Centrelink to communicate that a person has been breached and will thus be unable to pay rent via the Rent Deduction Scheme. Nor does FACS Housing appear to be any specific support measures for clients who have their Centrelink payments breached and who will thus fall into rent arrears.

**Recommendation 6:** *That the NSW Homelessness Strategy commit to address the areas of lack of coordination between state and federal agencies including in relation to NSW Housing tenants who have been breached by Centrelink.*

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<sup>9</sup> See NSW Department of Family and Community Services' Rent Reform to Stop Homelessness Churn (Media Release 31 March) accessed at [http://www.facs.nsw.gov.au/about\\_us/media\\_releases/rent-reform-to-stop-homelessness-churn](http://www.facs.nsw.gov.au/about_us/media_releases/rent-reform-to-stop-homelessness-churn)

## **Cross departmental collaboration**

Homelessness NSW has previously provided advice and input into the development of the NSW Homelessness Action Plan (HAP) 2009 – 2014. The HAP aimed to strengthen collaboration and co-ordination across the service system to prevent and address homelessness and included the development of Regional Action Plans to support this and was developed in consultation and collaboration with the relevant government agencies at both a statewide and regional level.

However, implementation of the HAP was mixed. It was most successful where resources were made available for joint coordination and collaboration but in other areas did not achieve its stated aims. Homelessness NSW believes that this occurred because the HAP did not require the participating agencies to report and be monitored on agreed targets and measurable outcomes. The development of a NSW Homelessness Strategy should aim to learn from this experience and ensure that all relevant agencies are held accountable for implementing the Strategy and addressing the agreed and identified issues.

Any development of targets and outcomes needs to be informed by adequate data so that they can be appropriately measured. Data linkage between agencies is also imperative in improving collaboration and outcomes for people at risk of and experiencing homelessness. Data linkage and joined up data analysis also enables a fuller understanding of the outcomes of interventions as well as the cost of not providing interventions.

The recent evaluation of Brisbane Common Ground demonstrates how the use of joined up data can effectively assess the impacts and outcomes of a homelessness intervention as well as the ongoing costs across the service system of homelessness<sup>10</sup> and utilise this for further considering interventions.

**Recommendation 7:** *That the NSW Homelessness Strategy include agreed targets and measurable outcomes that all relevant NSW government agencies are required to prioritise and report against.*

**Recommendation 8:** *That the NSW Homelessness Strategy include a data development agenda that enables data linkage and analysis across all relevant State and Federal government departments to assist in monitoring of client outcomes and evidenced based investment in services.*

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<sup>10</sup> <http://theconversation.com/supportive-housing-is-cheaper-than-chronic-homelessness-67539>

# Creating pathways into housing

## Introduction

Homelessness NSW supports FACS NSW's recognition that the NSW Homelessness Strategy should address the considerable number of barriers in the current system which limit the ability of people to obtain affordable and adequate housing. The lack of targeted and effective solutions to the affordable housing crisis in NSW has meant that SHS providers have become the only long term option for vulnerable groups. This can be seen in data from the *Inner City Sydney Registry Week* (Registry Week) conducted from 30 November – 2 December 2015. The methodology used during Registry Week generated a numerical score for each individual which assists services with triaging the most suitable form of intervention and housing options. The higher the individual score, the greater the acquit warranting more intensive supports. The Registry Week data shows that of the 516 people surveyed, that 14 per cent of people just required housing before they could exit homelessness, and a further 51 per cent only required short term support with housing they could afford. This is a significant number of people who could be rapidly and permanently housed if affordable housing was available.

To facilitate this to occur, Homelessness NSW believes it is essential that the NSW government commit to the development of an Affordable Housing Strategy which includes commitment to the development of additional social housing properties and provides specific targeted measures to address housing barriers that are adopted across NSW Government agencies.

## Open letter to NSW Premier

Recently, Homelessness NSW, NSW Federation of Housing Associations, City Futures and the Committee for Sydney drafted an open letter to NSW Premier Mike Baird and Planning Minister Rob Stokes, calling on the NSW Government to act on housing affordability. The open letter called upon the NSW Government to implement four key initiatives to address the current crisis:

1. Inclusionary zoning and affordable housing targets for privately owned development sites. Many in the private sector will support inclusionary zoning if they are involved in drawing up the rules and if there is up-front certainty about planning requirements so that these can be factored into the land purchase price.
2. Use of government land destined for housing development - rather than seeking to maximise the return to the Treasury, the Government should set an example by mandating ambitious affordable housing targets on its major land holdings slated for disposal (e.g. regeneration sites) and accepting a slightly less-than-projected gain from the escalation in land values seen over recent years.
3. Government incentives to trigger private and not for profit investment into affordable housing. This would include expanding the Social and Affordable Housing Fund through, for example, designating a fraction of stamp duty receipts again inflated by the dramatic rise in property transaction values seen since 2011.
4. Using its role on the Commonwealth's Affordable Housing Working Group to support the creation of an Affordable Housing Financial Intermediary. This would

enable community housing providers to access well-priced long-term funds from institutional investors bringing down their costs and stretching the benefit of a fixed amount of government financial support.

Homelessness NSW believes that the implementation of these recommendation must form part of the NSW Homelessness Strategy.

## **Social Housing**

In order to address the increasing rates of homelessness, the NSW Government must substantially invest in the development of additional social housing. The discussion paper notes the NSW Governments commitments under *Future Directions for Social Housing* for the development of an additional 3000 additional social and affordable homes over four years. While supportive of this commitment, 3000 properties are a 'drop in the ocean' compared to the over 60,000 people currently on the NSW Housing Register waiting list.

**Recommendation 9:** *That the NSW Government commit to the development of an Affordable Housing Strategy which commits to a substantial investment in social housing and provides specific targeted measures to reduce barriers to housing that are adopted across NSW Government agencies.*

## **Social Housing policies**

### *Debt Set Unfair*

One of the most significant barriers for people finding accommodation in the social and community housing system is debt and the negative classification system. In October 2016, Homelessness NSW released the Report, *Debt Set Unfair* which examines the current operation of the social housing debt system and its impact on people experiencing homelessness. The Report was compiled following a series of consultations conducted by Homelessness NSW with 35 people experiencing homelessness and 170 specialist homelessness services. The Report found FACS Housing have inadequate support mechanisms for vulnerable tenants, with many of those consulted reporting being evicted based on debt after experiences of domestic and family violence. The Report also found that a many people experiencing homelessness are unable to re-enter into social housing because of debt that is owed to FACS Housing. In many cases those experiencing homelessness are not only required to repay this debt but also sustain a tenancy in private rental for six months before they can become eligible for social housing. The Report makes several recommendations to improve the debt system including:

- Reforms to the Government sections 54 and 100 of the *Residential Tenancies Act 2010* (NSW) to provide greater protections for survivors of domestic and family violence;
- FACS develop a strategy to support tenants using the Rent Deduction Scheme who have been breached by Centrelink.
- That FACS Housing work with Homelessness NSW and other peak agencies to develop strategies to identify and assist clients regularly falling into arrears; and
- That the NSW Government expand the operation of the Work and Development Scheme to former tenants with unresolved debts.

Homelessness NSW believes the recommendations from Debt Set Unfair must be implemented within the NSW Homelessness Strategy.

**Recommendation 10:** *That NSW Government implement the recommendations arising from 'Debt Set Unfair' as part of the NSW Homelessness Strategy*

### *Introduction of tenancy bonds*

In light of the commitment in the discussion paper to commit to address barriers to access for housing it is disappointing that a significant barrier to entry into the public housing system- bonds for new tenants- is currently being proposed by the NSW Government. As outlined in Homelessness NSW's submission draft operation framework on tenancy bonds for public housing, Homelessness NSW is strongly opposed to the introduction of tenancy bonds for public housing tenants and believes they will provide a further barrier for vulnerable people to access and retain housing. The introduction of tenancy bonds will also likely result in increased evictions from public housing and result in more people experiencing homelessness. Homelessness NSW recommends that the NSW Government not introduce tenancy bonds, or if it does so, that it should exempt vulnerable people from the scheme. In Homelessness NSW opinion 'extenuating circumstances', which give rise to an exemption from paying bonds, should be granted to people entering public housing:

- after homelessness;
- as result of escaping domestic or family violence;
- over the age of 55;
- with a mental illness, cognitive impairment, physical or intellectual disability;
- experiencing acute financial hardship; and
- from prison or a medical facility.

**Recommendation 11:** *That the NSW Government abandon plans to introduce tenancy bonds for new public housing tenancies, and, if this is not achieved, that 'extenuating circumstances', which give rise to an exemption from paying bonds, should be granted to people entering public housing:*

- *after homelessness;*
- *as result of escaping domestic or family violence;*
- *over the age of 55;*
- *with a mental illness, cognitive impairment, physical or intellectual disability;*
- *experiencing acute financial hardship; and*
- *from prison or a medical facility.*

### **The need for Housing First**

Homelessness NSW believes Housing First must be implemented as the primary systemic government response to rough sleepers and long-term homelessness. The Housing First model originated in the United States and has demonstrated high housing retention rates for people who have experienced homelessness.<sup>11</sup> Effective models have previously been implemented in NSW including Platform 70 and Common Ground. Platform 70 secured considerable outcomes for its supported housing system including an 81 per cent tenancy sustainment with tenants reporting improved health outcomes and reduced interactions with the criminal justice and health systems.<sup>12</sup> Housing First models adopted by the NSW

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<sup>11</sup> Tsemberis, S. (2010a) *Housing First: The Pathways Model to End Homelessness for People with Mental Illness and Addiction* (Minnesota, MN: Hazelden Press).

<sup>12</sup> For more information see <http://www.nhc.edu.au/wp-content/uploads/2015/11/TS1-Rebecca-Pinkstone.pdf>



Government should not be done so in a 'house and forget' approach but established with a recognition that tenants require ensuring long term support (including drug and alcohol and mental health support). Tenants should not be expected to seek this support from themselves but this should be embedded within the Housing First approach.

**Recommendation 12:** *That the NSW Government implement a systemic, funded and evidence-based Housing First response that includes the provision of long term support for tenants.*

## **Private rental market**

Homelessness NSW believes the private rental market has limited ability to address the growing rates of homelessness. Anglicare Australia's 2016 Rental Affordability Snapshot conducted in the first weekend in April 2016 found that of 75,410 rental properties across Australia available to rent just 21 properties were affordable for single adults living on Newstart, and only one was suitable for young people living on Youth Allowance.<sup>13</sup>

In addition to acute shortage of affordable rental accommodation, those experiencing homelessness experience a number of systemic barriers entering the private rental market. Homelessness NSW has been concerned for a significant period of time that a large number of the listings made on the Rental Tenancy Databases (RTD) system that are made against members of vulnerable groups such as women escaping domestic violence and those with mental illness. The difficulty in accessing and challenging a listing on a RTD has also been a particular concern for Specialist Homelessness Services and clients. As a listing on a RTD effectively prevents the person from accessing private rental accommodation in the future, believes the NSW Homelessness Strategy should explore actions to enable greater security and transparency around its usage.

Homelessness NSW also notes discrimination is still common in the private rental Market. The Victorian Equal Opportunity and Human Rights Commission's (VEOHRC) 2012 report, *Locked out: Discrimination in Victoria's private rental market* documents considerable discrimination experienced by vulnerable groups attempting to access private rental including on the grounds of receipt of Centrelink benefits, history of homelessness and engagement with a Community Housing Provider. In responding to this discrimination, the VEOHRC made a number of recommendations including the need to work with the real estate industry, landlords and Consumer Affairs Victoria to raise awareness of Victoria's anti-discrimination laws, working with the industry to implement the positive duty to prevent discrimination from occurring and distributing materials to raise awareness for tenants about their rights. Homelessness NSW recommends that the NSW Homelessness Strategy should similarly commit to reviewing and responding to discrimination faced by vulnerable groups attempting to enter the private market.

Another concern in regards to the promotion of private rental as a solution to homelessness is the current 'no grounds' termination for private rental tenancies under the *Residential Tenancies Act 2010* (NSW) (the RTA). Under Section 85 of the RTA landlords can end tenancies without grounds after providing 90 days' notice. Homelessness NSW believes this has considerable impacts on vulnerable tenants who are susceptible to facing eviction into homelessness. The Tenant's Union of NSW have previously called for the repealing of 'no

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<sup>13</sup> Anglicare Australia, Rental Affordability Snapshot 2016, June 2016, accessed at <http://www.anglicare.asn.au/research-reports/the-rental-affordability-snapshot/docs/default-source/default-document-library/rental-affordability-snapshot-2016>

grounds' termination, with termination notices only be able to be made on reasonable grounds. Homelessness NSW support this position as necessary to provide vulnerable tenants with security.

**Recommendation 13:** *That the NSW Government address systemic barriers preventing people experiencing from accessing and retaining private rental including:*

- *Providing more security and transparency to listings on Rental Tenancy Databases;*
- *Reviewing and responding to discrimination experienced by vulnerable groups attempting to obtain rental accommodation;*
- *Removing no grounds terminations from the Residential Tenancies Act.*

## **Boarding houses**

### *Registration*

Despite the passage of the *Boarding Houses Act 2012* (NSW) (The Boarding Houses Act) as a central plank in a bid to strengthen and regulate boarding houses in NSW there are still major issues with boarding houses.

The evidence strongly suggests that many if not most boarding houses are not registering as required by the legislation. As at 30 June 2015, 885 boarding houses were registered. While this was an increase of over 100 from 12 months previously Homelessness NSW would question if the Act has seen most boarding houses register.

Although there is a \$5,000 fine for failing to register a boarding house all revenue from any fines are collected and held by the NSW Government, while the cost of any action falls on the relevant local government.

**Recommendation 14:** *That the NSW Government discuss with local councils through Local Government NSW a proposal that half of any fines collected in relation to boarding house registration be paid to the relevant local council.*

### *Enforcement*

Despite the passage of the Boarding Houses Act over 4 years ago there are still major flaws in its enforcement.

Per the latest report of the evaluation of the *Boarding House Act* 65% of residents who responded to the survey in 2015 indicated they had received a written occupancy agreement. This was an increase of 3% from 2014, but still indicates that 25% of residents do not have a written occupancy agreement - despite this being legally required.

Amazingly in 2015 not all residents still have the capacity to lock their own doors - 6% of residents are still unable to lock their own doors.

Proprietors are required to provide 4 weeks written notice before an increase in the occupancy fee. In 2015 only 71% of the proprietors surveyed correctly identified that they were aware of the 4 week notice period.

Proprietors are also required to provide written notice of an occupancy fee increase. In 2015, 11% indicated they provided only verbal notice while 89% reported that they provide notice in writing.

**Recommendation 15:** *That the NSW Government actively ensure that the Boarding House Act is enforced and that regular reports are provided on outcomes and activity with regard to enforcements as part of the NSW Homelessness Strategy.*

Despite these obvious failing boarding houses do provide vital affordable accommodation for many thousands of people. Homelessness NSW believes that the NSW Government should work with Community Housing Providers and other agencies to increase the supply of affordable boarding house accommodation. Homelessness NSW is working in partnership with several organisations as the Older Women's Housing and Homelessness Group (OWHHG). In our recent report A Plan for Change we called for, among other things, for funding for the development of two new affordable housing boarding house style projects for older women.

Boarding houses are an important, but increasingly diminishing part of the affordable housing stock. Homelessness NSW believes that a well-run not for profit boarding sector may be part of the answer to our collective need for increased affordable housing supply. As such we believe that the NSW Government should work collaboratively with Community Housing Providers and others to develop this type of housing.

**Recommendation 16:** *That the NSW Government commence a conversation with the Federation for Housing Associations, interested Community Housing Providers, support services and other interested stakeholders to investigate and develop not for profit boarding house models.*

### **Temporary accommodation system**

Homelessness NSW notes that the Temporary Accommodation (TA) Program is not a pathway into housing, but a system that is only required because of the absence of effective early intervention and more permanent housing options. However, the NSW Homelessness Strategy provides an opportunity for FACS NSW to review and reform the current ineffective TA model. In 2015, Homelessness NSW surveyed the SHS sector regarding the effectiveness of the TA program and developed a discussion paper based on service responses.<sup>14</sup> Homelessness NSW's *Temporary Accommodation Discussion Paper* details four recommendations to improve the operation of the TA program:

- An audit of all TA and other similar programs to ascertain how each District is currently managing the TA scheme with a view to adapting successful approaches state-wide.
- That FACS Districts discuss ideas and proposals for customising delivery of TA on a regional basis to deliver both accommodation and support; these would include a collaboration of SHS, Community Housing Providers and FACS Housing NSW.
- That TA have a dedicated budget, with each FACS District allocated an amount to adequately meet demand.
- That a TA Program outcomes framework with reporting on the reasons for homelessness and housing accessed after using TA is developed and implemented.

**Recommendation 17:** *That the NSW Homelessness Strategy implement the recommendations for reform of the Temporary Accommodation program in Homelessness NSW's Temporary Accommodation Discussion Paper.*

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<sup>14</sup> Available to download at <http://www.homelessnessnsw.org.au/news/homelessness-nsw-news/356-temporary-accommodation-discussion-paper>

## Groups at higher risk of experiencing homelessness

Homelessness NSW believes the discussion paper has accurately identified most of the groups most vulnerable to experiencing homelessness. While there is much intersectionality with each of these groups, the following recommendations are provided as how the NSW Homelessness Strategy can best address each of the identified categories.

### Rough sleeping and chronic homelessness

Homelessness NSW believes specialist interventions are required to assist those currently rough sleeping. Data from registry week found that over 60 per cent (n=308) of participants were currently sleeping rough, with an average period of homelessness of 5.3 years. This data and other available evidence highlights the important of implementing evidenced based Housing First approaches (see above for more information). Homelessness NSW also believes to address rough sleeping and chronic homelessness, the Homelessness Strategy should commit to the development of coordinated service responses to end chronic homelessness.

This approach has been adopted in major international cities including London, Toronto, New York and Salt Lake City. Whilst each city's approach to addressing or ending homelessness has been a result of different policy levers and available resources, the common theme amongst these strategies has been requiring a commitment at a senior level from the relevant state and local government agencies including regular reporting on this commitment. Given the increasing numbers of rough sleepers in the City of Sydney Local Government Area, the development of a NSW Homelessness Strategy should consider adopting international practice in this area.

This could build on the successes of the City of Sydney's Homelessness Assertive Response Team (HART) which brings together key services with a common goal of helping people sleeping rough in inner city Sydney to exit homelessness and access long-term housing and support. The HART made up of representatives from the City of Sydney, NSW Family and Community Services (FACS), the NSW Police Force, St Vincents Homeless Health, Neami Way2Home, Mission Australia Missionbeat Outreach, Launchpad Youth Services, Innari Housing, Aboriginal Corporation for Homeless and Rehabilitation community services and other SHS services as required. Homelessness NSW supports the recommendations for addressing chronic and long term rough sleeping contained in HART's submission to the discussion paper.

**Recommendation 18:** *That the NSW Homelessness Strategy implement resourced, coordinated government and service responses to end chronic homelessness (building on the Homelessness Assertive Response Team model) and based on international good practice.*

## Aboriginal Homelessness

Homelessness NSW welcomes the recognition within the draft discussion paper of the need to urgently address the growing rates of Aboriginal people experiencing homelessness. Homelessness services in the inner city and elsewhere are experiencing high demand from Aboriginal people experiencing homelessness, including families. Registry week data reveals a large proportion of participants identify as being Aboriginal or Torres Strait Islander (17%, n=86). For this group, the average period of homelessness is 7.01 years. In total, the 86 Aboriginal and Torres Strait Islander people who participated in the Registry reported 984 interactions with the crisis service system.

The Australian Institute of Health and Welfare as part of its work with the Closing the Gap Clearing House released *Effective practices for service delivery coordination in Indigenous communities*. This report identified several barriers to effective service delivery to Aboriginal and Torres Strait Islander communities, including:

- lack of skilled program leaders, practitioners and staff;
- inflexible organisational structures or service delivery models, including 'silo'-based frameworks;
- 'one-size-fits-all' approaches that ignore local diversity'
- program partners that lack clearly defined roles or responsibilities; and
- programs that do not promote self-determination are not culturally appropriate.<sup>15</sup>

Homelessness NSW believes the GSH reforms embedded many of these negative practices in the delivery of services to Aboriginal or Torres Strait Islander people experiencing homelessness. Aboriginal leaders and workers at the Homelessness NSW conference and other homelessness forums have highlighted that the 'mainstreaming' of service provision to Aboriginal people and communities in the SHS packages does not align with good practice regarding cultural safety for both clients and workers and self-determination and community control principles. To address this, the NSW Homelessness Strategy must implement specific, funded and Aboriginal controlled initiatives to address the growing rates of Aboriginal homelessness and to enhance community development.

**Recommendation 19:** *That the NSW Homelessness Strategy implement specific, funded and Aboriginal controlled initiatives to address the growing rates of Aboriginal homelessness and to enhance community development.*

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<sup>15</sup>Australian Institute of Health and Welfare *Effective practices for service delivery coordination in Indigenous communities*, December 2011, Accessed at <http://www.aihw.gov.au/uploadedFiles/ClosingTheGap/Content/Publications/2011/ctgc-rs-08.pdf>

## Older women

It is essential that the NSW Homelessness Strategy respond to the growing rates of older people experiencing homelessness. In early 2016, Homelessness NSW in partnership with the Older Women's Housing and Homelessness Group published *A Plan for Change: Homes for Older Women* (attached) which proposed a series of initiatives to help older women to be able to live in homes that are safe, secure and affordable. The report provided a number of specific recommendations to respond to the issue of older women experiencing homelessness including:

- That the NSW Government commit to develop a comprehensive strategy to address the homelessness of older women. This should include setting clear targets and initiatives to be developed in consultation with older women and their representative organisations;
- The funding for the development of two new affordable housing projects for older women (one in regional NSW) which ensure at least 50 new rental units are delivered;
- Making the private rental sector a viable long term option for older women, including removing the capacity for 'no cause' evictions in the *Residential Tenancies Act 2010* (NSW);
- Improving the way that the housing and homelessness service system responds to and supports homeless older women, including developing new products and services that target this cohort;
- Development of a targeted, mixed equity model for older women;
- Securing the financial independence of older women including through improved access to superannuation and other financial assets.

**Recommendation 20:** *That the NSW Homelessness Strategy implement the recommendations from A Plan for Change: Homes for Older Women.*

## Domestic and Family Violence

The NSW Homelessness Strategy should seek to implement many of the recommendations of the Victorian Royal Commission into Family Violence (the Victorian Royal Commission). The Victorian Royal Commission identified several specific limitations with the then current responses to addressing domestic and family violence including:

- All parts of the system—support services, police, courts—are overwhelmed by the number of family violence incidents now reported. Services are not currently equipped to meet this high level of demand, which undermines the safety of those experiencing family violence and their potential for recovery;
- The current response to family violence largely assumes that women will leave their home when family violence occurs;
- Too little effort is devoted to preventing the occurrence of family violence in the first place, and to intervening at the earliest possible opportunity to reduce the risk of violence or its escalation. Similarly, there is not enough focus on helping victims recover from the effects of violence and rebuild their lives;
- There is not a dedicated governance mechanism in place to coordinate the system's efforts to prevent and respond to family violence or to enable an assessment of the efficacy of current efforts.

Homelessness NSW believes these limitations also currently apply to responses to domestic and family violence in New South Wales. To address these limitations, Homelessness NSW

believes FACS NSW should assess the current gaps in crisis DFV accommodation services and develop a plan to address these gaps. Homelessness NSW believes SHS Program service provision to women and children who have experienced domestic and family violence needs to be joined up with the NSW Domestic and Family Violence Blueprint and embedded within an integrated approach to addressing domestic and family violence across all service systems. This must include adequate resourcing for SHS to deliver good practice crisis responses to women and children escaping domestic and family violence, development of affordable housing options, as well as effective early intervention approaches. Homelessness NSW believes such good practice responses include models such as *Staying Home*, *Leaving Violence* and *Start Safely*.

**Recommendation 21:** *That the NSW Homelessness Strategy commit to reviewing the current service gaps in domestic and family violence accommodation services.*

**Recommendation 22:** *That the NSW Homelessness Strategy work within the Domestic and Family Violence Blueprint to ensure integrated response to domestic and family violence are implemented across service systems.*

**Recommendation 23:** *That the NSW Homelessness Strategy commit to funding evidence based early intervention and affordable housing models such as Staying Home, Leaving Violence and Start Safely.*

## Youth Homelessness

Adequate and affordable housing is pivotal to a person's mental, physical and social wellbeing. Housing impacts on all aspects of a young person's life such as access to education and skill development and work opportunities.

Young people see a NSW housing context for characterised today by declining homeownership rates, decreasing housing and rental affordability, a decline in the availability of social housing, and rising youth homelessness.

More young people experience homelessness in NSW than in any other state and young people are overrepresented in the NSW homeless population. Young people are particularly vulnerable to homelessness.<sup>16</sup>

A homelessness strategy for young people must focus on prevention and early intervention; accessible, timely and appropriate support; as well as an increase in options for alternative housing options.

- Prevention/early identification
  - Links between schools and youth services to prevent or identify early risk of homelessness (see, for example, the Ryde Project)
- Accessible and appropriate support
  - Generalist youth services are often the first to know and to refer individuals to SHS. Many, if not most, youth services reported young people requesting assistance for homelessness and housing issues with past their capacity to do

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<sup>16</sup> Australian Institute of Health and Welfare (AIHW) 'Housing outcomes for groups vulnerable to homelessness', cat. no. HOU 274, AIHW, Canberra, 2014

so, but also working with the correlates of homelessness such as family breakdown and violence

- Increase of 'soft -entry' services and infrastructure for young women, including youth specific outreach and drop in.
- Increased options for alternative housing options
  - Increasing medium to long term housing options under SHS to stop churn through crisis options. Young people need to create stability in order to engage in education and employment and shift out of homelessness, and short term options aren't the best in doing this. There are a range of options. Foyer is one model, but it is also expensive and doesn't work for everyone. Homeshare is another option but is more for 'low needs' young people who don't need as intensive support or who have, for example, already re engaged in employment or education opportunities.<sup>17</sup>
  - Renting: Young people have great difficulty accessing rental properties as compared to older applicants they are often seen as less desirable, reliable or risky. The increasing cost of renting is making this bad situation worse.<sup>18</sup> There is a need to address rental regulations to support young people's stability when renting. See attached submission.
  - Social housing options need to better serve young people.

**Recommendation 24:** *That the NSW Homelessness Strategy include a specific focus on preventing youth homelessness and supporting young people experiencing homelessness that includes:*

- *Expanding and developing a Homeshare scheme;*
- *Expanding the Ryde and Northern Beaches Projects to other areas of NSW;*
- *Investigating opportunities for foyer and foyer type models;*
- *Liaise with the Real Estate Institute of NSW to inform agents of the range of FACS Housing products available to assist young people to maintain tenancies.*

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<sup>17</sup> <http://mobile.abc.net.au/news/2016-10-25/homeshare-study-for-elderly-and-young-sydney-housing-crisis/7959512?pfmredir=sm>

<sup>18</sup> <https://www.theguardian.com/business/grogonomics/2016/oct/18/i-could-get-outraged-by-this-boomer-millennial-war-but-id-rather-look-at-the-evidence>



## People with disability

Many people with disability in Australia experience housing and living arrangements which are markedly different to the rest of the population. A large proportion of people over 25 years old live with parents, in group homes or in large congregate or institutional settings. People with disability are more likely to experience housing stress, are over-represented in housing assistance programs and in the homelessness population, and are under-represented in owner-occupation.<sup>19</sup>

People with disability face barriers to all housing types.

*Social housing* - People living with their parents or in group-homes are a low priority in housing allocations. There is also a shortfall in accessible or adaptable social housing stock.

*Private rental* - There are issues of affordability and discrimination. Many people with disability have a lack of rental history and references. Once again a severe shortfall in accessible or adaptable private rental stock.

*Home ownership* - Once again the issue of affordability arises along with the difficulty in accessing finance.

There is little wonder that people with disability are grossly over represented in homelessness data. According to the AIHW in 10 people in the SHS system had a disability; while 25% had a current mental health issue.<sup>20</sup>

This is supported by data from Registry Week

- 26% reported a diagnosis of a learning development or developmental disability
- 29% reported having a brain injury

In the general population, the rate of brain injury is 2.2%, while the rate of learning or developmental disability is around 3%.

The rollout of the NDIS, while a welcome movement towards integration of people with disability into the community will have its own inherent issues regarding housing. One of the issues is a lack of clarity about how many additional people with disability will be looking for housing options. Nationally, the best estimation of unmet need in affordable housing is between 83,000-122,000 NDIS participants. For NSW, this would equate to between 27,000 and 40,000 additional new people with disability rightfully seeking housing. This issue needs to be addressed, particularly when there is a current public housing waiting list of 60,000.

In the past NSW has implemented evidence based programs that help people with a disability access and maintain housing. The Disability Housing Accommodation and Support Initiative (DHASI) is a key example of this.

Homelessness NSW has been working to assist the SHS sector to better understand the NDIS and ensure access for their clients to NDIS support. This is being done in partnership with the

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<sup>19</sup> [http://www.ahuri.edu.au/\\_data/assets/pdf\\_file/0014/2165/AHURI\\_Final\\_Report\\_No246\\_Moving-to-my-home-housing-aspirations,-transitions-and-outcomes-of-people-with-disability.pdf?utm\\_source=website&utm\\_medium=report.PDF&utm\\_campaign=http://www.ahuri.edu.au/research/final-reports/246](http://www.ahuri.edu.au/_data/assets/pdf_file/0014/2165/AHURI_Final_Report_No246_Moving-to-my-home-housing-aspirations,-transitions-and-outcomes-of-people-with-disability.pdf?utm_source=website&utm_medium=report.PDF&utm_campaign=http://www.ahuri.edu.au/research/final-reports/246)

<sup>20</sup> <http://www.aihw.gov.au/homelessness/specialist-homelessness-services-2014-15/>

NSW Federation of Housing Associations. There is a lack of knowledge and linkages between the disability sectors and other sectors in understanding the NDIS which needs to be addressed both at a national level by the National Disability Insurance Agency (NDIA) and by FACS ADHC in its roll of ensuring sector readiness.

**Recommendation 25:** *That the NSW Homelessness Strategy include a focus on people with disability and housing and homelessness issues including:*

- *support of Universal Housing Design for all housing in NSW, social, public and private as a remedy to the chronic shortage of accessible properties and a method of increasing supply options for people with disability.*
- *development and expansion of DHASI to all people with disability including those in receipt of an NDIS package to enable them to make the transition to independent living.*
- *FACS work with CHPs and other stakeholders to ensure that people living with ageing parents are not disadvantaged in obtaining social housing due to the fact they are not homeless;*
- *A partnership is developed between FACS ADHC and the NDIA to support the broader homelessness and housing sector to understand the NDIS and its potential for clients.*

## **Veterans**

The discussion paper correctly identifies that many people experiencing homelessness have previously been members of the Australian Defence Force (ADF). Data from the registry week found that 8 per cent of those that participated identified as veterans of the ADF. Of this group, veterans identified 371 interactions with a crisis service in the past 6 months and had an average length of homelessness of 7.31 years. None of this group was in receipt of a veteran's pension. Homelessness NSW has been made aware by our members of the issue of veteran's homelessness existing in remote areas, especially bush areas surrounding Sydney, such as the Hawkesbury, Blue Mountains, Royal National Park and Kuringai National Park.

While Homelessness NSW acknowledges that the primary responsibility for responding to issues in relation to veterans of the ADF lies with the Commonwealth Department of Veterans Affairs we believe that there are some policy and practice changes the NSW Government can undertake.

It is widely understood that one of the primary causes of homelessness in veterans is Post Traumatic Stress Disorder (PTSD). This is not only a driver of homelessness in veterans, but also suicide and family and domestic violence. From anecdotal evidence from our 120 plus members throughout NSW, and conversations with veterans, we believe that many veterans spend time in gaol, but one of our issues is that Corrections NSW does not record data on whether a prisoner is a veteran. Homelessness NSW believes that this data would be vital in understanding service failure as well as tracking the individual needs of veterans.

As a first step of the response required Homelessness NSW would recommend that the NSW government engage with the Federal Government to ascertain more accurate data around the level of homelessness amongst veterans. From our research, we understand that one of the main drivers of homelessness among veterans relates to the discharge process. We would

encourage the NSW Government to work with the Federal Government to learn from best overseas practice in this regard.

From our research, another driver is the peripatetic lifestyle of a member of the defence service. Accurate data on the numbers of homeless veterans and their service type would allow this to be verified, and if accurate appropriate measures could be undertaken as part of the discharge process.

**Recommendation 26:** *That Corrections NSW record data on whether a prisoner is a veteran of the of the Australian Defence Force.*

**Recommendation 27:** *That the NSW government engage with the Federal Government to ascertain more accurate data around the level of homelessness amongst veterans.*

## **Additional Groups**

### *Culturally and linguistic diverse communities, refugees and asylum seekers*

Homelessness NSW believes that the NSW Homelessness Strategy should also implement specific and targeted responses to homelessness among cultural and linguistic diverse (CALD) communities including those from refugee and asylum seeker backgrounds. CALD communities face additional barriers to accessing emergency accommodation, long term housing and other support to resolve homelessness. With few specialist providers of culturally diverse support models in an over-stretched homeless service system, the homelessness of people from this group often remains hidden. People from CALD background may also not be aware of support services that are available and homelessness services are not always able to provide culturally appropriate support such as translation services and bi-lingual staff. Refugees and asylum seekers face further complications related to legal and language barriers that make it difficult to work and to use social services, increasing their vulnerability to homelessness. Depending on which category of visa an asylum seeker or refugee holds, their visa conditions may mean they cannot legally work, access Centrelink, Medicare or government assistance to undertake education or training. This means that refugees and asylum seekers may be dependent on community support services, which are generally under-resourced. It is essential that the NSW Homelessness Strategy develop culturally appropriate and targeted responses to these client groups. These should be developed in consultation with peak agencies and other agencies with specialist knowledge in the delivery of services to these client groups.

**Recommendation 28:** *That the NSW Homelessness Strategy implement culturally appropriate and targeted responses to culturally and linguistic diverse communities, refugees and asylum seekers.*

## *People identifying as Lesbian Gay Bi Trans Intersex or Queer (LGBTIQ)*

Homelessness NSW believes that the NSW Homelessness Strategy should also seek to address homelessness among LGBTIQ communities. Currently SHS providers do not keep data on the numbers of LGBTIQ people accessing services. However, members of the LGBTIQ community are known to be at a risk of experiencing homelessness due to homophobia and potential lack of acceptance within family relationships. Anecdotal evidence also suggests members of the LGBTIQ community can experience direct discrimination within some services.<sup>21</sup> Homelessness NSW recommends that the NSW Homelessness Strategy work with relevant agencies to identify and implement appropriate, best practice responses to preventing and responding to homelessness in LGBTI communities.

This same discrimination is why Homelessness NSW strongly supports programs such as Safe Schools. Both services and individuals have expressed support for Safe Schools as part of a homelessness prevention program for members of the LGBTIQ community.<sup>22</sup>

**Recommendation 29:** *That the NSW Homelessness Strategy work with relevant agencies to identify and implement appropriate, best practice responses to preventing and responding to homelessness in LGBTIQ communities.*

## **Better exit planning**

### **People leaving custody**

It is widely acknowledged that people leaving custody are particularly vulnerable to homelessness, and that suitable, supported, stable housing is associated with staying out of prison. Despite this recognition, SHS's have consistently reported that demand exceeds supply for crisis beds for all cohorts of people who are homeless in NSW, including those released from custody.

Between April 2015 and February 2016, Homelessness NSW held two roundtables for SHS providers to, firstly, identify the operational and systemic issues affecting such services supporting adults leaving custody, and at the second meeting, to prioritise those challenges, and how they can be addressed by NSW Corrective Services, FACS and the SHS sector. From the myriad and long-standing challenges, the second Roundtable identified the following issues as priorities for improving support of adults leaving custody at risk of homelessness:

1. A review of crisis and long term housing options including an urgent review of FACS Housing policies to support adults leaving custody to access and maintain social housing; and investment in supportive housing options;
2. Effective collaboration between SHS', NSW Corrective Services and FACS including adopting a collective impact approach; the establishment of several MOUs outlining

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<sup>21</sup> <http://www.abc.net.au/radionational/programs/backgroundbriefing/services-urged-adopt-safe-schools-help-homeless-lgbti-youth/7287898>

<sup>22</sup> <https://youthoffthestreets.com.au/2016/04/15/safe-schools-could-help-the-homeless/>

roles and responsibilities and commitment to supporting this client group; and the development of resources to support this

3. Improvements to support incarcerated prisoners to assist with their rehabilitation.

Details of how each of these priorities can be addressed is provided below.

#### *Reviewing of FACS Housing Policies*

Homelessness NSW believes the NSW Homelessness Strategy should commit the NSW Government to review:

- Administrative processes and communication between FACS, NSW Corrective Services and other key stakeholders can be established and/ or improved to ensure that FACS Housing are informed if a tenant is on remand or has received a sentence of up to 6 months, and where possible, steps taken to enable the prisoner to retain their tenancy up to a minimum of 6 months.
- Greater options for immediate and longer-term housing options be secured for adults exiting prison.
- Prisoners can be assessed for priority for housing whilst incarcerated, with mechanisms to enhance the collaboration between FACS Housing, NSW Corrective Services, Justice Health and SHS' established with the common purpose of preventing prisoners entering homelessness on release.
- Deal constructively with damage-related debt and/ or rent arrears acquired before incarceration which can make it difficult to regain public housing once released, as well as reviewing unsatisfactory tenant classifications where there are mitigating circumstances.

In addition to the above, it would also be useful to review the role NSW Corrective Services have in reducing housing disadvantage of ex-prisoners.

#### *Effective Collaboration*

Establishing administrative processes and communication between FACS, NSW Corrective Services and other key stakeholders, together with identifying and responding to the systemic barriers involved in achieving effective transition and reintegration of ex-prisoners, would go a long way to meeting such common purpose aims of those agencies, given the link between the provision of stable, secure, affordable housing and its role in reducing recidivism. Undoubtedly, this would require formal mechanisms to facilitate effective collaboration between the SHS sector and Corrective Services NSW and FACS are required to improve the outcomes of the reintegration process of prisoners released into the community. Agreements between Corrective Services NSW and SHS' could aim to:

- Ensure regular access to prisons by SHS' so that those incarcerated are aware of their support options;
- Allow access for SHS' to clients at the start of their pre-release stage of incarceration which would enhance the relationships between them and prisoners, as well as with prison staff involved in the reintegration process. Access needs to be supported by systemic processes and facilities.

- Ensure that relevant prison personnel have a clear understanding of the referral pathway to access SHS support, especially for those prisoners serving less than a 6-month sentence, or who are on remand;
- Create more flexible ways for SHS' and prisons to interact, such as allowing the support provider to follow the client into prison so that continuity of care is not interrupted, especially in the case of short prison sentences for people with mental illnesses, and those who have a cognitive disability.

### *Supporting rehabilitation*

The NSW Homelessness Strategy should address the acknowledged barriers to prisoner reintegration such as:

- The ability of the prisoner to obtain legal and non-legal advice and information that is accessible, up-to-date and accurate, on a range of issues affecting their future reintegration.
- Improving prisoners' access to programs, supports, and other facilities to complement and enhance the ability of services to develop effective reintegration plans for inmates.
- Extending access to programs and educational opportunities to minimum and medium security sentenced prisoners and remand inmates where they are accommodated in maximum security facilities which can impede their ability to access such support.
- Reducing the 'churn' through the welfare and correctional systems of those on remand and prisoners subject to sentences of 6 months or less. In these situations, people are often released back into the community with very little notice for external support agencies to prepare and allocate resources to assist them find accommodation and/ or link them with other services. Perhaps a model similar to that used in the court support system for victims of domestic violence would provide an effective early intervention service to this client group?
- The restrictions on bail, and the use of short sentences for perpetrators of non-serious, minor crimes, can be argued as contributing to the above 'churn'. Greater availability of bail and use of community projects that divert such offenders from the criminal justice system could also have positive impact on homelessness, and carry less of a financial burden for the taxpayer.

**Recommendation 30:** *That the NSW Homelessness Strategy implement a 'no exits into homelessness' policy across all relevant government and non-government agencies.*

**Recommendation 31:** *That the NSW Homelessness Strategy implement the recommendations from the Homelessness NSW People Leaving Custody Roundtable Report.*

## **Mental illness and homelessness/ Discharge Planning**

As with other vulnerable and disadvantaged groups within the general homeless population on the benefits of housing, there is overwhelming evidence that safe, secure and affordable housing is an integral part of the recovery process for people with a mental illness. The reverse is equally backed up by evidence that makes the link between poor housing and poor mental health outcomes.

Specifically, in relation to discharge planning Homelessness NSW notes that there a considerable range of outcomes that impact the ability to achieve positive housing outcomes for people with mental health conditions when discharge planning from institutions:

- A lack of housing stock within the public sector
- A lack of choice in housing for people with mental health conditions in the public housing sector due to its lack of stock
- Offers of housing that are unsuitable in terms of type and location of housing
- A lack of appropriate support services to assist the person establish and sustain the tenancy over the long term, or services exist, but have long referral times
- Mismatch between funding eligibility/criteria and diagnosis leaving some people to fall through the gap in the service system
- A lack of knowledge on the part of staff involved in discharge planning on housing and support options
- Mainstream service staff's lack of knowledge of, and decision-making skills that make reference to, trauma-informed practice with regard to allocation of housing
- A lack of pathways between services, with a lack of formal supports, agreements or protocols between services
- Gaps in services to clients due to one service provider either not knowing what other services are available and/or a service provider believing (wrongly) that a service is being provided by another agency

These challenges can be addressed in the following ways:

- Embedding a culture of homelessness prevention in mental health and other mainstream services in how exit plans are developed
- Establishing early intervention referrals at critical contact points to the right organisation
- Defining the roles and responsibilities of mainstream services in responding to homelessness risk factor
- Starting exit planning as early as possible and engaging other services in the plan that reflects the client's goals
- Establishing clear referral processes between specialist support services and mainstream services with clients at risk of homelessness
- Better integration of services with each agency having a thorough understanding of what services exist
- Relationship building and network building across the full range of service providers, employing similar methods used by NSW Health's South East Sydney Local Health District, FACS South East Sydney District and Homelessness NSW's Bridging the Gap collaborative workshop/ networking event held in October 2015
- Fostering development of effective leadership and governance arrangements to ensure that integrated services operate effectively

- Having ‘zero tolerance’ for discharge from institutions to homelessness or unstable housing
- Support services adopting a ‘no closed door’ approach which allows clients to return to a service provider if/when they need assistance, given that recovery from mental illness is not a linear process
- Embedding HASI and supportive housing approaches as a systemic response to supporting people with mental health issues at risk of homelessness

**Recommendation 32:** *That the NSW Homelessness Strategy include a focus on ensuring improved co-ordinated support for people at risk of homelessness or who have experienced homelessness who are accessing mental health facilities, including further expansion of HASI as a systemic response to providing housing and support to people with mental health issues.*

## **Empowering people through education, training and employment**

### **Employment services and homelessness**

It is evident that unemployment within Australia is still a huge issue, as the rate of unemployment per the Australian Bureau of Statistics has maintained at 5.7%. Although there have been many efforts from the Australian government to tackle the issue, there has been little overall success.

While homeless services are limited in what support they can offer, in many cases employment is not classified as priority due to the overwhelming number of other issues clients present with. Service providers believe that one of the largest obstacles clients face is the overwhelming feeling of being pushed into full time work. The idea of transitioning from part-time work and building the motivation and confidence to transition to full-time employment is usually suggested as an outcome that may suit. It is recognised by all services that employment either full or part-time may not be appropriate for many clients. In our discussions with members and other services groups such as women escaping family and domestic violence and younger people may be best suited to employment schemes as they may have less complex needs.

Consultation with SHS’ has also indicated that accessing employment services requires a significant amount of system navigation and follow up on behalf of clients. Often, this is not the priority issue when working with clients so can sometimes be left or not followed up. It would be useful to investigate ways in which this can be made simpler for SHS’ and for information and relationships to be built with employment services so that clients can be better supported to access education, training and employment.

### **Criminal record discrimination**

SHS providers and those experiencing homelessness consistently inform Homelessness NSW that having a prior criminal record is a barrier in accessing employment opportunities. As one person experiencing homelessness told Homelessness NSW “with a criminal record you know straight off the bat that your application is going to be shredded”.



At the Federal level, discrimination on the basis of a prior criminal record is prohibited under the *Australian Human Rights Commission Act 1986* (Cth) (AHRC Act) except for circumstances where it is an inherent requirement of the position that an employee does not have a criminal record. However, the powers under the AHRC Act to deal with instances of discrimination on the basis of criminal record are exceedingly limited. At present, there are no protections in place against discrimination on the basis of criminal record in New South Wales under the *Anti-Discrimination Act 1977* (NSW). The only limited protection to individuals who have criminal records in NSW is the spent convictions regime under the *Criminal Records Act 1991* (NSW), which allows convictions over 10 years old to be 'spent', meaning they no longer have to be disclosed. However, not only does the *Criminal Records Act 1991* (NSW) prescribe a significant length of time (ten years) before convictions do not have to be disclosed but it also excludes convictions that resulted in a prison sentence longer than six months from becoming spent. In order to effectively reduce the barrier to obtaining employment, Homelessness NSW recommends that FACS NSW through the NSW Homelessness Strategy review current discrimination law in relation to criminal records and its impact upon people experiencing homelessness.

**Recommendation 33:** *That FACS acknowledge that employment is a problematic area for people experiencing homelessness but that certain groups such as youth and women escaping family and domestic violence may be better suited to employment schemes.*

**Recommendation 34:** *In consultation with homeless services FACS investigate ways to improve referrals to employment services by reviewing existing systems such as CIMS.*

**Recommendation 35:** *That FACS NSW through the NSW Homelessness Strategy review current discrimination law in relation to criminal records in New South Wales and its impact upon people experiencing homelessness.*

# Putting people at the centre of responding to homelessness

## Impact of homelessness on future legislation

Homelessness NSW is broadly supportive of the proposal in the discussion paper to introduce 'an impact on homelessness' tests to future legislation passed by the NSW Parliament. Homelessness NSW notes that the suggested approach is similar to the Statement of Compatibility required under the Human Rights (*Parliamentary Scrutiny*) Act 2011 (Cth). The Statement of Compatibility is an expression of opinion by the relevant Minister or sponsor of the Bill or by the rule-maker in the case of legislative instruments about the instrument's compatibility with human rights. However, the Statement of Compatibility model has several significant limitations which Homelessness NSW believes should not be repeated under the NSW Homelessness Strategy. Firstly, the Statement of Compatibility does not limit the ability of Parliament to express a different view or to implement legislation incompatible with human rights. In addition, it is not binding on a court or tribunal<sup>23</sup> and does not apply retrospectively to previously enacted legislation. Homelessness NSW believes 'an impact on homelessness' test must apply to all government departments (not just FACS NSW), should require amendment to legislation deemed to have a detrimental impact on people experiencing homelessness and include a process to enable ongoing reporting and monitoring of such legislation. In addition, Homelessness NSW recommends the FACS NSW conduct a review of the impact on homelessness of existing legislation and regulations.

**Recommendation 36:** *That the NSW Government introduce legislation to facilitate tests of the compatibility of future legislation on people experiencing homelessness. This test should apply across all government agencies and require amendment to legislation deemed to have a detrimental impact on people experiencing homelessness.*

## Trauma informed care

Homelessness NSW welcomes the support within the discussion paper for furthering the capacity of mainstream services to respond to trauma. Homelessness NSW is supportive of continuing training for frontline staff on the principles of Trauma Informed Care (TIC) but believes structural change is required to policies, procedures, physical environments, staff training and workplace cultures within mainstream services to ensure TIC models are effectively implemented. Homelessness NSW recommends mainstream agencies assess if service structures and policies are currently responding appropriately to trauma. Homelessness NSW further recommends that such reviews be conducted with the ongoing support of agencies with specialist expertise in TIC and that staff to be supported with ongoing trauma informed supervision to support a change in practice.

**Recommendation 37:** *That mainstream agencies conduct reviews of required to policies, procedures, physical environments, staff training and workplace cultures work to ensure trauma informed care models are effectively implemented*

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<sup>23</sup> However, as with other extrinsic material that has been considered by the Parliament in the passage of legislation or legislative instruments, such as accompanying explanatory memoranda, second reading speeches and Parliamentary Committee reports, a court may refer to extrinsic material to assist in determining the meaning of a provision in the event of ambiguity

# Harnessing community and corporate engagement

## Role of the corporate and philanthropic sectors

Homelessness NSW is broadly supportive of the corporate and philanthropic sectors assisting in preventing and responding to homelessness. Homelessness NSW is often approached by donors looking to assist and support people experiencing homelessness and aims to work in a collaborative way with the corporate and philanthropic sectors. Our focus has been on supporting the corporate and philanthropic sectors to 'value add' to the existing service system and, importantly, to work to address homelessness issues rather than inadvertently sustaining homelessness. One of the areas that Homelessness NSW is investigating building on is in improving employment opportunities for people who have experienced homelessness through the support of the corporate and philanthropic sectors.

**Recommendation 38:** *That corporate and philanthropic work in the area of homelessness be:*

- *focused on initiatives that prevent or reduce homelessness;*
- *developed in consultation with local government, SHS providers and people experiencing homelessness to ensure it is targeted and effective; and*
- *ensure employment opportunities for people experiencing homelessness.*

## Conclusion

The NSW Homelessness Strategy represents a unique opportunity to create substantive change to the mainstream service systems response to those at risk of and currently experiencing homelessness. Homelessness NSW looks forward to working alongside the Government, the SHS and private sectors, and homeless people to see these realised.

Whilst this submission is extensive, we believe it has provided some positive and concrete approaches that can be incorporated within the Homelessness Strategy that will make a significant impact on preventing and addressing homelessness in NSW.

Homelessness NSW looks forward to the ongoing discussion and developments in this area.