



**We need more than just foundations:
Tackling homelessness in NSW**

**Submission to the consultation paper,
*Foundations for change***

24 October 2016

Emily Mitchell, Senior Policy Officer

Louis Schetzer, Senior Policy Officer

Table of contents

1	Introduction	2
1.1	The Public Interest Advocacy Centre	2
1.2	StreetCare, the HPLS Consumer Advisory Committee	2
1.3	Summary of recommendations	3
2	A consumer perspective	6
3	Specific, measurable targets to reduce homelessness	8
3.1	Counting the homeless	9
3.2	Assessing the systemic picture	9
4	Increasing the availability of crisis accommodation, social and affordable housing	12
4.1	Crisis accommodation	12
4.2	Social housing	13
4.3	Affordable housing	13
4.4	Address taxation arrangements influencing housing affordability	17
5	Groups at higher risk of experiencing homelessness	18
5.1	Family violence and homelessness	19
5.2	Rough sleeping and chronic homelessness	21
5.3	Mental illness and homelessness	24
5.4	Leaving prison and homelessness	30
6	Conclusion	34

1 Introduction

The Public Interest Advocacy Centre (PIAC) welcomes the opportunity to comment on the NSW Department of Family and Community Services' (FaCS) consultation paper, *Foundations for change – Homelessness in NSW*.

PIAC recommends three key measures to address homelessness in NSW:

- Adopt specific, measurable targets to reduce homelessness over 5 years;
- Significantly increase the availability of crisis accommodation;
- Significantly increase the availability of affordable and social housing.

Drawing on our experience providing legal assistance to people who are homeless or at risk of homelessness, PIAC makes specific recommendations regarding the special needs of particularly vulnerable groups, including women, people living with mental illness, and people who have recently left prison.

1.1 The Public Interest Advocacy Centre

PIAC is an independent, non-profit law and policy organisation that works for a fair, just and democratic society, empowering citizens, consumers and communities by taking strategic action on public interest issues.

In 2004, PIAC established the Homeless Persons' Legal Service (HPLS). HPLS has provided legal assistance to more than 5,400 people who are homeless or at risk of homelessness, on over 10,000 occasions. In 2015-16 alone, HPLS helped over 800 people with a range of civil and criminal law matters. Of these, 22 per cent displayed some form of mental illness or self-identified as having a mental illness.

HPLS provides free legal advice at 16 legal advice clinics based at homelessness services and welfare agencies throughout inner Sydney, outer western Sydney and the Hunter.

In 2008, HPLS commenced a criminal law service, employing a specialist solicitor to provide legal representation for homeless people charged with criminal offences.

Since that time, the HPLS Solicitor Advocate has provided court representation to 543 individual clients in 846 matters. From January 2010 to June 2015, the HPLS Solicitor Advocate provided court representation to 430 individual clients facing criminal charges. Of these:

- 49 per cent disclosed that they had a mental illness;
- 63 per cent disclosed that they had drug or alcohol dependency;
- 37 per cent disclosed that they had both a mental illness and drug/alcohol dependency;
- 75 per cent had either a mental illness or drug/alcohol dependency;
- 40 per cent disclosed that they have previously been in prison.

1.2 StreetCare, the HPLS Consumer Advisory Committee

In 2009, PIAC established its homeless consumer advisory committee, StreetCare. PIAC considers that the active involvement of people who have experienced homelessness leads to

the development of more effective public policy in response to issues facing homeless people. In addition, this involvement empowers consumers, and is a practical recognition of their right to take part in the conduct of public affairs, enshrined in Article 25 of the *International Covenant on Civil and Political Rights* (ICCPR).¹

StreetCare is made up of ten people who reflect the diversity of homelessness in NSW, and includes men, women, transgender people, young people, Aboriginal people, and representatives from inner Sydney, outer suburbs and rural and regional areas.

StreetCare enables PIAC to obtain direct input from homeless people into its work. It also provides a mechanism for PIAC to engage actively with other people who are homeless or at risk of homelessness, to facilitate their input into public policy and law reform initiatives.

Over the last six years, StreetCare members have been involved in government policy advisory committees, giving advice to the highest levels of the NSW Government on issues such as the reform of specialist homelessness services in NSW, the revised Protocol for Homeless People in Public Places, appropriate methods of interaction between law enforcement officials and homeless people, and the lack of transitional support services for people exiting in prison without stable, long-term accommodation support.

PIAC, with support from StreetCare, has also produced a number of publications that explore the lived experience of people who are or have been homeless.²

1.3 Summary of recommendations

Recommendation 1 – setting and reporting against targets to reduce homelessness

PIAC recommends that the NSW Government set a target to reduce the number of rough sleepers in NSW by 15 per cent annually and to reduce the overall level of homelessness in NSW by 5 per cent annually. PIAC further recommends that the Department of Family and Community Services annually report to Parliament on the NSW Government's performance against these targets.

Recommendation 2 – establish further baseline data

PIAC recommends that the NSW Government establish further baseline data in relation to homelessness and rough sleeping, including working with local governments in regional hubs.

¹ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) ratified by Australia on 13 August 1980 (entered into force for Australia on 13 November 1980, except article 41, which entered into force for Australia on 28 January 1993). The full text of the ICCPR is available at: <<http://www2.ohchr.org/english/law/ccpr.htm>>.

² For example, Melissa Wolfshoendl, 'They spit at you with their eyes' (July 2016), available at <http://www.piac.asn.au/publication/2016/07/they-spit-you-their-eyes>; Louis Schetzer and Streetcare, 'Beyond the prison gates: Straight from prison to homelessness' (July 2013), available at <http://www.piac.asn.au/publication/2013/08/beyond-prison-gates>.

Recommendation 3 – build on existing AIHW data on homelessness

PIAC recommends that the NSW government build on AIHW's existing data on homelessness to develop a more comprehensive picture of homelessness in NSW and those at risk of homelessness and the adequacy of service provision.

Recommendation 4 – increase availability of crisis accommodation

PIAC recommends that the NSW Government increase the number of available beds in crisis accommodation as an immediate priority.

Recommendation 5 – increase number of properties available for social housing

PIAC recommends that the NSW Government increase the number of properties available for social housing as an immediate priority.

Recommendation 6 – increase the number of properties available for social and affordable housing

PIAC recommends that the number of properties available for social and affordable housing be increased, by a combination of the following mechanisms:

- Increasing the number of properties available for social housing;
- Introducing mandatory inclusionary zoning in new developments, with a focus on the Greater Sydney region;
- Identifying rates of speculative vacancy, and creating incentives for investment properties to be leased, and not left vacant for extended periods of time.

Recommendation 7 – seek reform of federal taxation arrangements to improve housing affordability

PIAC recommends that the NSW Government should advocate for housing affordability for NSW citizens at the federal level, including:

- seeking reform of tax arrangements that inflate the cost of housing;
- seeking increased Commonwealth funding to support people at risk of homelessness in NSW.

Recommendation 8 – more crisis accommodation for women who are leaving violent or abusive relationships

- PIAC recommends that the NSW Government urgently increase crisis accommodation for women who are forced to leave violent or abusive relationships, particularly in rural and regional areas of NSW.

Recommendation 9 – more resources for community legal centres and legal aid to provide legal advice, assistance and representation for women who are experiencing domestic or family violence

PIAC recommends that the NSW Government increase resources for community legal centres to provide legal advice, assistance and representation for women who are experiencing domestic and family violence, to address the many legal needs that arise from domestic/family violence situations.

Recommendation 10 – more support for women on temporary protection visas who are leaving violent or abusive relationships

PIAC recommends that the NSW Government provide additional financial and welfare support to women on temporary protection visas who leave their relationships due to domestic violence, and cannot otherwise access Centrelink or Medicare.

Recommendation 11 – Immediate review of the Protocol for Homeless People in Public Places

PIAC recommends that NSW FaCS immediately initiate a review of the Protocol for Homeless People in Public Places, with the aim of ensuring that all existing signatory Government Departments, statutory agencies and local governments reaffirm their commitment to the Protocol, develop a co-ordinated homelessness awareness training strategy for all law enforcement and public space officers, and encourage more local governments to sign the Protocol.

Recommendation 12 – Commitment to a comprehensive review of the Protocol for Homeless People in Public Places every two years

PIAC recommends that NSW FaCS commit to undertaking a comprehensive review of the Protocol for Homeless People in Public Places, with input from all signatory agencies and interested stakeholders, including homeless consumers. The review should also include an audit of the homelessness awareness training requirements for each of the signatory agencies.

Recommendation 13 – more caseworkers, advocacy and outreach support for people with mental illness

PIAC recommends that the NSW Government develop and resource a comprehensive program of outreach, casework and advocacy support for people with mental illness who have experienced homelessness. This should include:

- Increased assertive outreach services for people on the street, with specialist workers to go out, meet with people, identify their needs, and immediately follow through with possible short-term or supported accommodation options;
- Ongoing, long-term support from caseworkers after a person has been housed, to identify their further support needs, and to facilitate ongoing support for the person to help them maintain their tenancy;
- Increased access to legal and advocacy support services that can assist when negotiating with FaCS or community housing;
- Increased access to community support programs such as brokerage services, financial counselling, mental health services, other counselling services, medical services and social activity programs, that will provide the support for a person with mental illness to maintain their tenancy, and overcome feelings of isolation, anxiety and stress.

Recommendation 14 – Public housing rent arrears – eviction as a last resort policy

PIAC recommends that where a social housing tenant has fallen into arrears with their rent payments, or is facing other tenancy related debt, FaCS Housing Services should adopt an 'eviction as a last resort' policy. In such circumstances, FaCS should make multiple efforts to contact the tenant via mail, telephone and personal visits, in order to ascertain if the tenant is

facing circumstances of financial hardship or crisis, with a view to referring the tenant to appropriate financial counseling and support services.

Recommendation 15 – Public housing rental bonds – exemptions for tenants with disability or mental illness

PIAC recommends that if the NSW Government introduces public housing rental tenancy bonds, that exemptions be available in extenuating circumstances, for tenants with a disability or mental illness.

Recommendation 16 – Unsatisfactory former tenants policy – discretion for tenants with mental illness

PIAC recommends that any FaCS policy in relation to living six months in a private rental before being able to access the public housing waiting list must allow for discretion in relation to vulnerable clients with mental illness.

Recommendation 17 – Additional resources for welfare services, education and training within prison

PIAC recommends that the NSW Government provide more resources for welfare services within prison, and more resources for education and training courses for prisoners, that will assist them when they complete their sentence and seek to reintegrate into the community.

Recommendation 18 – Resourcing pre-release exit planning and integrated case-management

PIAC recommends that NSW Corrective Services develop and implement a comprehensive program of pre-release exit planning for all prisoners, which recognizes the need for consistent, integrated case-management for people released from prison that commences pre-release and continues post-release. This includes ensuring that adequate information is available in corrective institutions about available support and accommodation services in the community.

Recommendation 19 – Increase transitional and crisis accommodation for people exiting prison

PIAC recommends that the NSW Government provide significant additional resources to increase the availability of transitional and crisis accommodation for people exiting correctional institutions, for people being released from parole, people being released after completion of their full sentence, and people being released from remand.

Recommendation 20 – Increase resourcing for non-government organisations that support ex-prisoners

PIAC recommends that the NSW Government provide significant additional resources to non-government organisations that provide support services for ex-prisoners, to assist them reintegrate into the community.

2 A consumer perspective

StreetCare has actively consulted with homeless people to facilitate their contribution to this consultation. At the time of writing, a total of 65 consumer interviews had been undertaken, which will be provided to FaCS separately.

In addition, several members have provided comment for this submission, highlighting priority areas that need to be addressed within the NSW homelessness strategy:

There has been a long overdue need for the Government to develop a clear narrative and plan to respond to the rapidly increasing levels of homelessness in New South Wales. The rise in rough sleeping in the inner city in recent years is inexcusable in Australia in 2016. As part of the Strategy, the Government must set clear, specific measureable targets to reduce the number of rough sleepers over the next two years. Why can't we just commit to reducing homelessness by at least one person per week for the next two years?

Ken Hamilton

It's about people on the streets at the moment. There are some very unwell people on the streets right now. They don't see a future. They need help now. They've gotta be the priority. We can't forget about the people on the streets right now.

Daryl Smith

With 37.5% of people experiencing homeless being under the age of 24 years of age, I would like to see a focus on addressing youth homelessness. I would like to see an approach to homelessness that considers the unique experiences, and diverse needs of young people experiencing homelessness.

Melissa Wolfshoerndl

For decades different governments have failed to address the shameful crisis of homelessness in Australia. They have stuck their heads in the sand, refusing to recognise the full extent of this tragedy. Their failure is disgraceful! The number of homeless people in Australia should never have got to this level.

Carol Carter

As Government is increasingly looking to non-government community housing to address the need for more social and affordable housing, there is a pressing need for better, clearer and more accessible information for homeless people about their housing options with community housing providers. A lot of homeless people just don't understand the pathways to community housing as an option for getting into stable accommodation.

Homeless people need information that is clear, understandable and accessible so they can find out about their housing options.

Dave Jeffery

Homelessness organisations need to be more accountable for providing the services that they are funded to provide. People who are homeless need to have confidence in the services so they can move on with their lives. If they haven't got the confidence in the services that are there to help to them, how can they have confidence in themselves to get back on their feet?

Penny Graham

There's a real problem with rental cost in Sydney. Without affordable rent, more people are being forced into public housing, making the waiting list longer, and this forces more people into short-term accommodation or crisis accommodation. Until this can be fixed and more

affordable long-term rental is available, the demand on homeless services and crisis accommodation will far out-strip the supply, forcing more people on to the streets or into couch surfing.

Adrian 'AJ' Jansson

There needs to be more advocacy support services, particularly for women fleeing domestic violence in regional areas. Having somebody there to navigate the services for them, because it is hard to reach out to anyone when you're a battered woman. Someone taking that extra step for women who are about to become homeless because of domestic violence. Because those women just don't know what else to do. You can't just give her a pamphlet, when you are traumatised you can't read a pamphlet. Support services need to be able to maintain that contact with that woman once she has been housed to make sure she is all right and can maintain that accommodation.

Former StreetCare member, name withheld

3 Specific, measurable targets to reduce homelessness

A crucial step in reducing homelessness is the development of specific, measurable targets, against which government agencies are required to report and be held accountable.

Previous targets set have not been achieved. The *NSW Homelessness Action Plan 2009 – 2014* identified targets to reduce the number of rough sleepers in NSW by 25 per cent by 2013, and to reduce by 7 per cent the overall level of homelessness in NSW by 2013.³

A key accountability mechanism in the provision of services is measuring performance through setting key targets against which the NSW Government reports annually through a public and transparent process.

PIAC recommends that FaCS be required to report on progress against the targets annually. This could take the form of an annual Homelessness Report, a component of the FaCS Annual Report, and/or an annual report tabled in Parliament. This should include reporting regarding budget allocation.

There have been a number of homelessness strategies previously advanced in NSW. It is important that the next strategy achieves concrete outcomes for people who are homeless or at risk of homelessness.

Recommendation 1 – setting and reporting against targets to reduce homelessness

PIAC recommends that the NSW Government set a target to reduce the number of rough sleepers in NSW by 15 per cent annually and to reduce the overall level of homelessness in NSW by 5 per cent annually. PIAC further recommends that the Department of Family and Community Services annually report to Parliament on the NSW Government's performance against these targets.

³ NSW Government, *NSW Homelessness Action Plan 2009 – 2014* (2009) at 13 available at <http://parrarhi.org/wp-content/uploads/2013/03/ActionPlan2.pdf> (accessed 4 October 2016).

3.1 Counting the homeless

The 2006 Census identified 89,728 people that were homeless; this grew to 105,237 in 2011.⁴ However, Census data is not sufficiently frequent to effectively monitor progress.

PIAC suggests that the street counts conducted by the City of Sydney provide a useful model to measure progress in reducing homelessness.

Street counts collect accurate information about the number of people sleeping rough in the local area on a particular night. People occupying beds in temporary shelters and homelessness hostels are also counted.

In the City of Sydney, street counts occur twice a year, in February and August. Ideally, numbers should be compared annually as the number of rough sleepers in August is always lower due to the cold weather.

Street counts can be drawn upon to develop baselines for rough sleepers and crisis accommodation.

In February 2016, there was a total of 890 people counted by the City of Sydney street count: the highest number since the street counts began in 2010. 486 people were sleeping rough and 404 people were occupying hostel beds. Hostel beds were at 98 per cent capacity, as at the time there were 9 crisis accommodation hostels with 414 beds in the City of Sydney local area.⁵

Street counts also occur in Parramatta.⁶ The February 2016 Parramatta street count was also the highest it had been in seven years.

PIAC submits that the NSW Government should work with other councils in regional hubs, for example, Newcastle/Central Coast and the Illawarra region, to identify a baseline street count in those areas.

Recommendation 2 – establish further baseline data

PIAC recommends that the NSW Government establish further baseline data in relation to homelessness and rough sleeping, including working with local governments in regional hubs.

3.2 Assessing the systemic picture

The Australian Institute of Health and Welfare (AIHW) also provides annual data through its *Specialist homelessness services* reports.⁷ These reports draw on data submitted by specialist homelessness agencies across the nation to create a national picture of homelessness.

⁴ In 2011, 105,237 people enumerated in the Census were classified as being homeless on Census night (up from 89,728 in 2006). See Australian Bureau of Statistics, 2049.0 - Census of Population and Housing: Estimating homelessness, 2011 available at <http://abs.gov.au/ausstats/abs@.nsf/Latestproducts/2049.0Main%20Features22011> (accessed 21 September 2016).

⁵ City of Sydney, 'Street counts', available at <http://www.cityofsydney.nsw.gov.au/community/community-support/homelessness/street-count> (accessed 20 September 2016).

⁶ In February 2016, 43 rough sleepers were counted and 319 people were in supported accommodation (emergency and transitional), leading to a total of 362 people. See Parramatta Region Homelessness Interagency, 'Homeless Street Count 2016 Parramatta Results', available at <http://parrarhi.org/homeless-street-count-parramatta-2016-results/>

Unfortunately, these reports do not provide further analysis on individual states' progress. State-based information is provided in the form of supplementary tables; reductions or increases in homelessness year on year in each state, and changes in demographics or service provision are not analysed further. The statistics are helpful, however, in measuring need and demography.

For example, AIHW's *Specialist homelessness services report 2014-2015*, in its supplementary tables, noted that in NSW, the main reasons for seeking assistance from specialist homelessness services were:

- housing crisis – 22.3 per cent;
- domestic or family violence - 20.1 per cent; and
- financial reasons - 16.9 per cent.⁸

According to AIHW, in NSW in 2014-2015, 31,811 people needed accommodation. This amounted to 65.9 per cent of all people seeking assistance from specialist homelessness services:

- 19,624 needed short-term or emergency accommodation. 11,981 of these people, or 56.7 per cent were provided with this accommodation;
- 17,168 needed medium term/transitional housing. 7,172 of these people, or 41.8 per cent were provided with this accommodation;
- 19,072 needed long term housing. Only 876 of these people, or 4.6 per cent, were provided with this accommodation.⁹

In 2014-2015, 25,125 women aged 18-44 sought assistance in NSW, comprising 52.06 per cent of all people seeking assistance in NSW.¹⁰

A comparison of AIHW reports indicates that the number of people seeking assistance in NSW reduced from 65,823 in 2013-2014 to 62,101 in 2014-15.¹¹ However, despite this reduction, the number of people seeking assistance in NSW remained almost a quarter of the national total.¹²

Drawn from AIHW's data, the following graphs illustrate the increase in need for housing assistance in NSW, and the gap in service provision.

⁷ See AIHW, *Specialist homelessness services report 2014 – 2015* available at <http://www.aihw.gov.au/homelessness/specialist-homelessness-services-2014-15/>; for archived reports - <http://www.aihw.gov.au/shsc-archive/>

⁸ See Table NSW CLIENTS.14: Clients, by main reasons for seeking assistance, 2014–15, adjusted for non-response, available at <http://www.aihw.gov.au/homelessness/specialist-homelessness-services-2014-15/supplementary-tables/> (accessed 21 September 2016).

⁹ Table NSW CLIENTS.15: Clients, by need for services and assistance and service provision status, 2014–15, adjusted for non-response

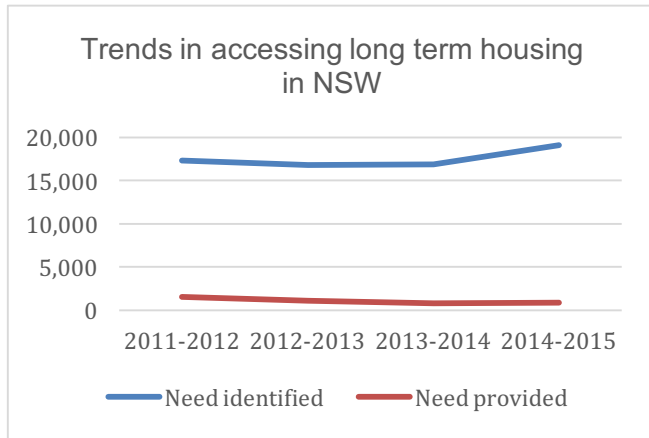
¹⁰ Table NSW CLIENTS.1: Clients and support periods, by age and sex, 2014–15, adjusted for non-response, available at <http://www.aihw.gov.au/homelessness/specialist-homelessness-services-2014-15/supplementary-tables/>

¹¹ See Table NSW2.1: Clients and support periods, by age and sex, 2013–14, adjusted for non-response, available at <http://www.aihw.gov.au/publication-detail?id=60129550000&tab=3>; and Table NSW CLIENTS.1: Clients and support periods, by age and sex, 2014–15, adjusted for non-response, available at <http://www.aihw.gov.au/homelessness/specialist-homelessness-services-2014-15/supplementary-tables/>

¹² In 2014 – 2015, there were 255,657 people nationally who sought assistance from specialist homelessness providers. 62,101 of these people, or 24.3 per cent, sought assistance in NSW.

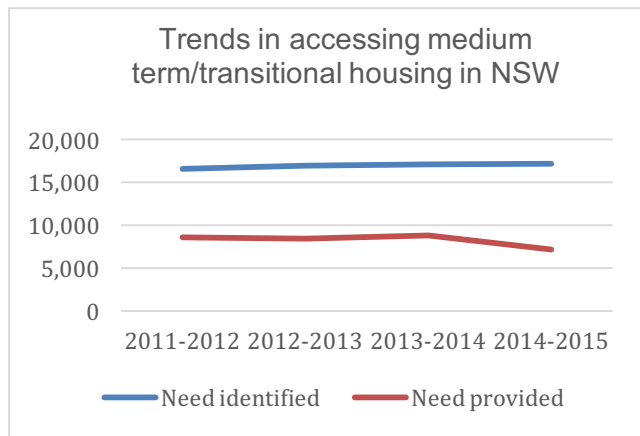
It can be seen that there is an overwhelming need for more long term housing. A snapshot comparison of 2011-12 and 2015-16 indicates that the need for long term housing increased 10 per cent (17,285 to 19,072), yet the number of clients who were provided with long term housing almost halved (1,575 to 876).

Figure 1.1 - Trends in long term housing service provision in NSW, 2011 – 2015¹³



According to AIHW data, between 2013-14 and 2014-15, although the need for medium term/transitional housing in NSW remained fairly stable, there was a significant drop in access to services.

Figure 1.2 - Trends in accessing medium term/transitional housing in NSW, 2011 – 2015¹⁴

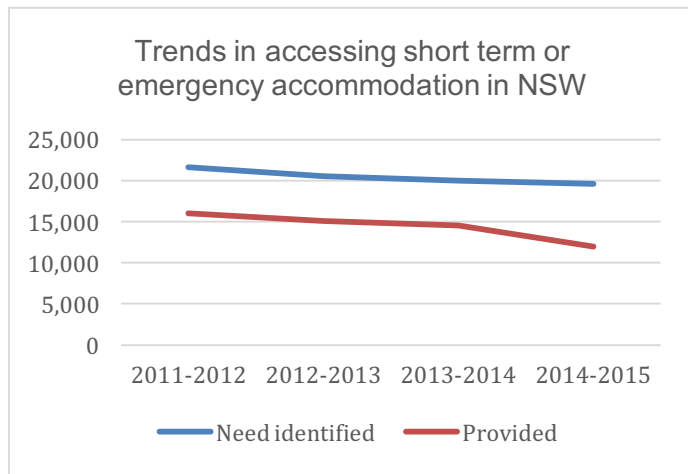


According to AIHW's data, between 2013-14 and 2014-15, while the need for short term or emergency accommodation remained fairly steady, there was a significant drop in people being able to access short term or emergency accommodation, from 14,559 to 11,981.

¹³ Sourced from AIHW's supplementary tables *Table NSW2.1* in 2011-12 to 2014-15.

¹⁴ Sourced from AIHW's supplementary tables *TableNSW2.1* in 2011-12 to 2014-15.

Figure 1.3 - Trends in accessing short term or emergency accommodation in NSW, 2011 – 2015¹⁵



It is also reasonable to question what policy decisions were taken in the 2013-2014 and 2014-2015 years that drove significant decreases in access to services.

Recommendation 3 – build on existing AIHW data on homelessness

PIAC recommends that the NSW government build on AIHW's existing data on homelessness to develop a more comprehensive picture of homelessness in NSW and those at risk of homelessness and the adequacy of service provision.

4 Increasing the availability of crisis accommodation, social and affordable housing

Increasing the availability of crisis accommodation, and appropriate and affordable housing, especially in Greater Sydney, Illawarra and the Central Coast, is imperative to reducing homelessness in NSW.

4.1 Crisis accommodation

PIAC recommends that the NSW Government identify the geographical areas that most need more crisis accommodation beds. Increased beds should be funded as a priority of the NSW homelessness strategy.

PIAC notes that crisis accommodation in the City of Sydney alone was filled to 98 per cent capacity in February 2016.

PIAC supports the current audit of temporary accommodation, which aims to ensure that women escaping domestic violence are housed in safe facilities.¹⁶

¹⁵ Sourced from AIHW's supplementary tables *Table NSW2.1* in 2011-12 to 2014-15.

¹⁶ NSW Government, Family and Community Services, 'Domestic violence: Permanent improvement to temporary accommodation', Media release, 23 August 2016 available at https://www.facs.nsw.gov.au/about_us/media_releases/domestic-violence-permanent-improvement-to-temporary-accomodation (accessed 15 September 2016).

Recommendation 4 – increase availability of crisis accommodation

PIAC recommends that the NSW Government increase the number of available beds in crisis accommodation as an immediate priority.

4.2 Social housing

There is not enough social housing and affordable housing at present in NSW. A rapid increase in social and affordable housing is required.

The NSW government needs a long-term plan to increase the availability of affordable and social housing. This should include developing specific targets and regularly measuring performance.

The expected waiting times for social housing in many locations throughout Sydney are currently between 5 to 10 years or more than ten years.¹⁷

Anglicare's *2016 Rental Affordability Snapshot* found that

NSW is experiencing a social housing crisis. With 59,000 approved applicants for public and community housing waiting on the NSW Housing Register, diminishing housing stock, decreased government funding and fewer people housed in social housing, immediate action needs to be taken to increase the supply and availability of social housing.¹⁸

Anglicare found that 'there is a chronic, continuing shortage of affordable and appropriate properties available to households on income support or the minimum wage'¹⁹ and that less than 1 per cent of rental homes in Greater Sydney and the Illawarra Region are both appropriate and affordable for households on government income support payments.²⁰

Anglicare also noted that

Overall, there were 1,100 fewer people housed and 1,328 fewer homes in public and community housing in 2013 compared with the previous year.²¹

Recommendation 5 – increase number of properties available for social housing

PIAC recommends that the NSW Government increase the number of properties available for social housing as an immediate priority.

4.3 Affordable housing

The lack of affordable housing will exacerbate over time, exponentially increasing intergenerational inequity.

¹⁷ See NSW Family and Community Services, Housing Pathways, 'Sydney, South Eastern Sydney and Northern Sydney', available at <http://www.housingpathways.nsw.gov.au/how-to-apply/expected-waiting-times/sydney,-south-eastern-sydney-and-northern-sydney>

¹⁸ Anglicare, *Rental Affordability Snapshot 2016, Greater Sydney and Illawarra* (2016) at 37, available at https://www.anglicare.org.au/sites/default/files/RAS%202016%20report%20-%20digital_onlineversion.pdf (accessed 4 October 2016).

¹⁹ Anglicare, above n 18 at 5 https://www.anglicare.org.au/sites/default/files/RAS%202016%20report%20-%20digital_onlineversion.pdf

²⁰ Anglicare, '2016 Rental Affordability Snapshot', Media release, 21 April 2016, available at <https://www.anglicare.org.au/media-releases/2016-rental-affordability-snapshot> (accessed 13 September 2016).

²¹ Anglicare, above n 18 at 37.

A 2014 report by the Foundation for Young Australians (FYA), *Renewing Australia's Promise: Will young Australians be better off than their parents?* found that

...average housing debt was 27 per cent of average income in 1985, today it is 136 per cent. The home loan that first homebuyers take on has tripled in real terms. Weekly spending on housing by first home buyers is now nearly a quarter of average income...

Today's young people are likely to have much more housing debt than their parents did, leaving them more vulnerable to economic downturns, income volatility and asset price corrections over the long term.²²

A 2016 report identified that home ownership constitutes the single biggest factor contributing to financial hardship among pensioners. Age pensioners who are renting, in particular those who are single, are the worst off.²³

4.3.1 Inclusionary zoning

Inclusionary zoning can increase the number of properties available for social housing. Inclusionary zoning requires a percentage of new construction to be affordable by people with low to moderate incomes.

While there is a strong demand for housing in NSW at present, and commitments have been made to build 'more than 23,000 new and replacement social and affordable housing properties'²⁴ there is a need to purposefully set inclusionary zoning standards for affordable housing in new developments.

In Sydney, or Sydney (or NSW more broadly) there is no mandatory minimum requirement for affordable housing. This contrasts to other nations and global cities, where inclusionary zoning is a mainstream idea.²⁵

Sydney Alliance has suggested a new planning provision, requiring 30 per cent affordable housing in all new developments in the 7 Urban Growth precincts.²⁶

PIAC notes that inclusionary zoning is already operating in Green Square²⁷ and in Ultimo/Pyrmont. The Green Square Affordable Housing Scheme aimed to provide a rental stock

²² Foundation for Young Australians, *Renewing Australia's Promise: Will young Australians be better off than their parents* (2014) at 17, available at http://unlimitedpotential.fya.org.au/wp-content/uploads/2016/07/Renewing-Australias-Promise_copyright-1.pdf (accessed 20 September 2016).

²³ Benevolent Society, The Longevity Innovation Hub and Per Capita, *The adequacy of the age pension in Australia, An assessment of pensioner living standards* (2016), available at http://www.benevolent.org.au/~media/Pension%20Adequacy_Final%20pdf.ashx (accessed 15 September 2016).

²⁴ 'NSW Government announces 10-year public housing reform plan', *ABC News*, Updated 24 January 2015, available at <http://www.abc.net.au/news/2016-01-24/nsw-government-announces-10-year-social-housing-reform-plan/7110308> (accessed 21 September 2016).

²⁵ See Kurt Iveson, 'Sydney needs to catch up to other global cities with affordable housing', *Sydney Morning Herald*, 16 May 2016, available at <http://www.smh.com.au/comment/sydney-needs-to-catch-up-to-other-global-cities-with-affordable-housing-20160515-govv88.html> (accessed 21 September 2016).

²⁶ Sydney Alliance, 'Inclusionary zoning', available at http://www.sydneyalliance.org.au/inclusionary_zoning_faqs (accessed 20 September 2016).

of approximately 330 units for low to moderate income households. As at March 2012, there were 102 affordable units.²⁸ In Ultimo/Pymont, 0.8 per cent affordable housing for residential use is required in new developments.²⁹

Inclusionary zoning has also been in place for new developments in South Australia since 2005, with 15 per cent affordable housing required, of which 5 per cent is for high need households.³⁰ South Australia's Affordable Homes program also offers homes for sale to eligible households for a limited period before being offered for sale to other buyers.³¹

4.3.2 Address speculative vacancy

Further research is required to identify to what extent dwellings are vacant and under-utilised, especially within the Sydney region, and to subsequently implement reform to incentivise the rental of vacant housing stock.

Dr Laurence Troy and Professor Bill Randolph of UNSW's City Futures Research Centre have suggested that

At the [2011] census there were nearly 120,000 empty dwellings in the greater Sydney region alone, representing nearly one fifth of the projected new housing demand to be met by 2031, or equivalent to nearly five years of projected dwelling need. When this is combined with under-utilised dwellings, such as those let out as short-term accommodation, the total number of dwellings reaches 230,000 in Sydney, and 238,000 in Melbourne.³²

Troy and Randolph argued that vacancy tends to occur in areas where the capital gain is high and the rental yield is low.

According to the 2011 census, in Sydney's "emptiest" neighbourhood of the CBD, Haymarket and The Rocks, one in seven dwellings was vacant. Close behind were Manly-Fairlight, Potts Point-Woolloomooloo, Darlinghurst and Neutral Bay-Kirribilli, which all had vacancy levels above 13 per cent. These neighbourhoods, together with central Sydney, account for nearly 7,200 empty homes.³³

²⁷ City of Sydney, *Green Square Affordable Housing Program* (March 2012), available at http://www.cityofsydney.nsw.gov.au/data/assets/pdf_file/0014/133160/GreenSquareAffordableHousingProgram.pdf (accessed 15 September 2016).

²⁸ City of Sydney, *Green Square Affordable Housing Program* (March 2012) at 3, available at http://www.cityofsydney.nsw.gov.au/data/assets/pdf_file/0014/133160/GreenSquareAffordableHousingProgram.pdf (accessed 20 September 2016).

²⁹ See City of Sydney, 'City west affordable housing', available at <http://www.cityofsydney.nsw.gov.au/development/planning-controls/affordable-housing-contributions/city-west-affordable-housing> (accessed 20 October 2016).

³⁰ See Renewal SA, 'Affordable housing', (May 2015) available at https://www.sa.gov.au/data/assets/pdf_file/0007/9880/Affordable_Housing_Including_Affordable_Housing_in_your_development.pdf (accessed 4 October 2016).

³¹ See SA Government, 'Affordable homes', available at <http://affordablehomes.sa.gov.au> (accessed 4 October 2016).

³² Laurence Troy and Bill Randolph, 'Negative gearing has created empty houses and artificial scarcity', *The Sydney Morning Herald*, 29 March 2016, available at <http://www.smh.com.au/comment/negative-gearing-has-created-empty-houses-and-artificial-scarcity-20160324-gnqoeb.html> (accessed 20 September 2016).

³³ Leesha McKenney and Inga Ting, 'Thousands of empty homes adding to Sydney's housing crisis', *The Sydney Morning Herald*, 28 March 2016, available at <http://www.smh.com.au/nsw/thousands-of-empty-homes-adding-to-sydneys-housing-crisis-experts-say-20160323-gnpc52.html> (accessed 20 September 2016).

The neighbourhoods identified by these researchers as being the emptiest, were also located within the geographical areas in which the waiting list for social housing was at least 5 years, and more frequently 10 years.³⁴

Further research is required to identify whether the vacancy rate as reported in the census is indicative of the rate of long-term vacancy in the Sydney region.

For example, in Victoria, Prosper Australia annually assesses abnormally low water consumption over 12 months as a proxy for vacancy, to determine speculative vacancies. Prosper Australia's *2015 Speculative Vacancy Report* found that in Melbourne:

- 4.8 per cent of total housing stock was vacant in 2014;
- Up to 18.9 per cent of investor owned property was vacant; and
- The speculative vacancy rate had increased 28 per cent since 2013.³⁵

Further identifying the rate of speculative vacancy in regions throughout NSW would be an important step in identifying the taxation arrangements that are most relevant to incentivise rental of vacant housing stock. For example, high speculative vacancy rates in areas in which the capital gains are high and rental yield is low, would indicate that reform of the capital gains tax discount may be appropriate. Alternatively, other levers could be explored as incentives to rent investment properties, such as increases in land tax, or council rates.

The NSW Federation of Housing Associations (NSWFHA) has previously submitted that long-term vacant properties should be subject to higher council rates, as is the case in parts of the UK.³⁶ NSWFHA has identified that local government currently has a limited range of rating powers that can be exercised to further better outcomes for their community, and recommended that the NSW government consider supporting the use of Council's rating powers to further local housing policy objectives.³⁷

NSWFHA chief executive, Wendy Hayhurst, asserted that

If you're not using the home as a place for people to live ... in this crisis I think it's reasonable that there's an extra charge on that property.³⁸

³⁴ See NSW Government, Family and Community Services, 'Expected Waiting Times for Social Housing 2015, General Housing Approved Applicants, Sydney, South East Sydney and Northern Sydney', available at http://www.housingpathways.nsw.gov.au/_data/assets/pdf_file/0003/329286/Sydney-South-Eastern-Sydney-Northern-Sydney.pdf

³⁵ Prosper Australia, 'Vacant homes up 28% despite housing crisis', Media release, 9 December 2015, available at <https://www.prosper.org.au/2015/12/09/vacant-homes-up-22-despite-housing-crisis/> (accessed 20 September 2016).

³⁶ Leesha McKenney and Inga Ting, 'Thousands of empty homes adding to Sydney's housing crisis', *The Sydney Morning Herald*, 28 March 2016, available at <http://www.smh.com.au/nsw/thousands-of-empty-homes-adding-to-sydneys-housing-crisis-experts-say-20160323-gnpc52.html> (accessed 20 September 2016).

³⁷ NSW Federation of Housing Associations, *Ipart Review of the Local Government Rating System: Response to Issues Paper* (2016) at 7, available at <http://communityhousing.org.au/HousingMatters/Aug16/Federation%20IPART%20REVIEW%20OF%20COUNCIL%20RATES.pdf> (accessed 20 September 2016).

³⁸ Leesha McKenney and Inga Ting, 'Thousands of empty homes adding to Sydney's housing crisis', *The Sydney Morning Herald*, 28 March 2016, available at <http://www.smh.com.au/nsw/thousands-of-empty-homes-adding-to-sydneys-housing-crisis-experts-say-20160323-gnpc52.html> (accessed 20 September 2016).

Recommendation 6 – increase the number of properties available for social and affordable housing

PIAC recommends that the number of properties available for social and affordable housing be increased, by a combination of the following mechanisms:

- Increasing the number of properties available for social housing;
- Introducing mandatory inclusionary zoning in new developments, with a focus on the Greater Sydney region;
- Identifying rates of speculative vacancy, and creating incentives for investment properties to be leased, and not left vacant for extended periods of time.

4.4 Address taxation arrangements influencing housing affordability

PIAC notes that the Australian Government established an Affordable Housing Working Group this year through the Council on Federal Financial Relations, that the NSW Treasury is a member of the Group³⁹ and that the first consultation took place earlier this year. The January 2016 consultation failed to address the role of tax reform in increasing housing affordability.

The Australian Council of Social Services (ACOSS) 2015 report, *Fuel on the fire: negative gearing, capital gains tax and housing affordability*⁴⁰ asserted that ‘tax reform is only part of the solution to our housing affordability crisis, but it is a vital part’.⁴¹

ACOSS identified that

A well-functioning housing market is critical to economic growth and meeting the most basic of social needs. Housing is the largest household expense for low-income households and the main form of household wealth.

Australia has among the most expensive housing in the world. Following steep increases in home prices and rents over the past two decades, we have reached a point where decent housing is unaffordable for low-income households. Sixty percent of low income renters are experiencing housing stress, meaning they are spending more than 30% of income on housing costs and there is a shortage of over 500,000 rental properties that are affordable and available to low income renters.⁴²

³⁹ Australian Government, Department of Treasury, Affordable Housing Working Group, Terms of Reference, available at http://www.treasury.gov.au/~media/Treasury/Consultations%20and%20Reviews/Consultations/2016/CFFR%20Affordable%20Housing%20Working%20Group/Key%20Documents/PDF/Terms_of_Reference.ashx (accessed 21 September 2016); Australian Government, Department of Treasury, ‘Council on Federal Financial Relations: Affordable Housing Working Group – Innovative Financing Models’, available at <http://www.treasury.gov.au/ConsultationsandReviews/Consultations/2016/CFFR-Affordable-Housing-Working-Group>.

⁴⁰ Australian Council of Social Services (ACOSS), *Fuel on the fire: negative gearing, capital gains tax and housing affordability* (2015), available at http://www.acoss.org.au/images/uploads/Fuel_on_the_fire.pdf (accessed 20 September 2016).

⁴¹ Ibid, at 6.

⁴² Ibid, at 8.

A 2012 report by the McKell Institute identified 40 actions that could be taken to improve housing supply and affordability.⁴³

The Australia Institute's 2015 report *Top Gears: How negative gearing and the capital gains tax discount benefit the top 10 per cent and drive up house prices* identified that acceleration in house prices followed the introduction of the capital gains tax discount in 1999.⁴⁴

Research by the Grattan Institute released in April 2016, *Hot property: Negative gearing and capital gains tax reform* proposed that reducing the capital gains tax discount to 25 per cent and restricting negative gearing would increase Commonwealth Government tax revenue by about \$5.3 billion a year.⁴⁵

NSW is well placed to lead and drive the national conversation as to what steps can be taken to increase housing affordability at a federal level. Data from the Property Council of Australia identified that Sydney had the highest stamp duty costs of any capital city in Australia, and one of the largest proportional increases, with a 749 per cent increase in 20 years.⁴⁶

Recommendation 7 – seek reform of federal taxation arrangements to improve housing affordability

PIAC recommends that the NSW Government should advocate for housing affordability for NSW citizens at the federal level, including:

- *seeking reform of tax arrangements that inflate the cost of housing;*
- *seeking increased Commonwealth funding to support people at risk of homelessness in NSW.*

5 Groups at higher risk of experiencing homelessness

Some groups are at particular risk of homelessness. PIAC will address:

- Family violence and homelessness;
- Rough sleeping and chronic homelessness;
- Mental illness and homelessness; and
- Leaving prison and homelessness.

⁴³ Dr Tim Williams and Sean Macken, The McKell Institute, *Homes for All: The 40 things we can do to improve supply and affordability* (2012) available at http://mckellinstitute.org.au/wp-content/uploads/2012/04/McKell_HomesForAll_A4.pdf (accessed 4 October 2016). This was built upon in the McKell Institute's 2016 report *Switching gears: Reforming negative gearing to solve our housing affordability crisis*, available at http://mckellinstitute.org.au/wp-content/uploads/pdf/McKell_Negative-Gearing_A4_WEB.pdf (accessed 4 October 2016).

⁴⁴ Matt Grundnoff, The Australia Institute, *Top Gears: How negative gearing and the capital gains tax discount benefit the top 10 per cent and drive up property prices* (April 2015) at 7, available at <http://www.tai.org.au/sites/default/files/Top%20Gears%20-%20How%20Negative%20Gearing%20and%20CGT%20benefits%20top%2010%20per%20cent.pdf> (accessed 4 October 2016).

⁴⁵ John Daley and Danielle Wood, Grattan Institute, *Hot property: Negative gearing and capital gains tax reform* (April 2016), at 2, available at <http://grattan.edu.au/wp-content/uploads/2016/04/872-Hot-Property.pdf>

⁴⁶ Melbourne had an increase of 795 per cent in 20 years, but still had a lower stamp duty. See Carleen Frost and Alicia Wood, 'NSW stamp duty costs have risen 749% in 20 years, keeping more buyers out of the market', *The Daily Telegraph*, 15 March 2015, available at <http://www.dailytelegraph.com.au/news/nsw/nsw-stamp-duty-costs-have-risen-749-in-20-years-keeping-more-buyers-out-of-the-market/news-story/ad8d035e1f68e70aa314605c462935de> (accessed 20 September 2016).

5.1 Family violence and homelessness

According to the Australian Housing and Urban Research Institute (AHURI) domestic and family violence is one of the main reasons why women and children in Australia become homeless.⁴⁷ Domestic and family violence is currently the major reason that women seek assistance from homelessness support services in Australia.⁴⁸ Approximately half of these women are unable to obtain immediate accommodation because there is insufficient accommodation available, and most are aged 25 to 45 and have children with them.⁴⁹

According to the Federal Government's 2008 White Paper, *The road home: a national approach to reducing homelessness*,⁵⁰ domestic and family violence continues to be the major driver of homelessness. Escaping violence is the most common reason provided by people who seek help from specialist homelessness services. According to the AIHW's *Specialist homelessness services report 2014-2015*, 20.1 per cent of people seeking assistance from specialist homelessness services in NSW did so for reasons relating to domestic or family violence.⁵¹ In 2014-2015, 25,125 women between the ages of 18-44 sought assistance in NSW, comprising 52.06 per cent of all people seeking assistance in NSW.⁵²

It is the experience of PIAC's HPLS that women who experience family violence and are at risk of homelessness also experience other related legal problems including family law, tenancy problems and credit and debt problems. According to the AIHW, women also experience higher levels of poverty than men, have lower rates of employment and levels of pay. This inequality and experience of violence puts women and female-headed households at increased risk of homelessness.⁵³ Casework statistics from the HPLS indicates that women made up 31 per cent of all the people who sought assistance from HPLS clinics in the period 2010-2015. These women were more likely than men to present with a credit and debt problem, a tenancy problem and a family law problem. In addition, women were more than twice as likely as men to present with multiple legal problems.

During 2016, PIAC undertook a series of in-depth consultations with women experiencing homelessness to learn more about their legal and accommodation needs. Of the 17 women consulted, 16 women reported that they had experienced domestic violence, and 11 women identified domestic violence as a trigger that caused them to become homeless, or led to other legal problems. Of the 16 women that had experienced domestic violence, three-quarters had also experienced a tenancy related legal problem, and 10 had experienced a debt related legal problem. Half of the women consulted had experienced all three problems.

⁴⁷ Australian Housing and Urban Research Institute (AHURI) (2011), *Homelessness prevention for women and children who have experienced domestic and family violence: innovations in policy and practice*, AHURI Positioning Paper No. 140, June 2011.

⁴⁸ Tually, S., Faulkner, D., Cutler, C. and Slatter, M. (2008), *Women, Domestic and Family Violence and Homelessness: A Synthesis Report*, Flinders University, Adelaide, 2008, 13.

⁴⁹ Ibid.

⁵⁰ Commonwealth of Australia (2008), *The road home: a national approach to reducing homelessness*, White Paper, Canberra, 2008.

⁵¹ See Table NSW CLIENTS.14: Clients, by main reasons for seeking assistance, 2014–15, adjusted for non-response, available at <http://www.aihw.gov.au/homelessness/specialist-homelessness-services-2014-15/supplementary-tables/> (accessed 21 September 2016).

⁵² Table NSW CLIENTS.1: Clients and support periods, by age and sex, 2014–15, adjusted for non-response, available at <http://www.aihw.gov.au/homelessness/specialist-homelessness-services-2014-15/supplementary-tables/>

⁵³ Australian Institute of Health and Welfare (AIHW), *Australia's welfare 2013*, AIHW, August 2013.

HPLS Case Study 1

M escaped from a violent, abusive relationship. She had significant credit card debt from a joint card with her ex-partner. She had total debt of \$12,000, including \$6,000 from the credit card. M was assaulted by her partner and suffered significant physical and emotional. HPLS helped M apply for victim's compensation. She received an award of \$9,600 that allowed her to repay most of her debts and re-establish her life.

HPLS Case Study 2

Family violence forced R to flee to a women's refuge with her 2 year-old child. Her violent ex-partner stayed in her public housing unit. He refused to pay the rent and damaged the unit, which resulted in R being assessed as an unfit tenant, because of an outstanding rental debt of approximately \$13,000. She was unable to secure other social housing until the debt had been paid.

R also had personal loan and credit card debts as a result of borrowing money to pay for crisis motel accommodation until a place in a refuge became available.

PIAC submits that providing accessible legal advice and support for women who experience domestic violence is vital to ensure that they do not become homeless, or have their legal problems escalate into more complex problems involving tenancy and money/debt.

PIAC has consulted with a number of women who have particular legal and housing needs as a result of their visa status. Women who arrived in Australia with their partners on a temporary protection visa and are forced to separate due to domestic violence, face particularly difficult circumstances. These women, and their children, are at high risk of homelessness.

HPLS Case Study 3

J arrived in Australia with her husband who had a temporary protection visa. They settled in rural New South Wales, and she became pregnant. After the birth of her son, her husband accumulated significant gambling debts. He became increasingly violent and abusive to her and the baby.

J sought assistance from the local police, who assisted her and her baby son to relocate to a women's refuge in Sydney.

J does not have her own visa, as the visa is in her husband's name, and she therefore is not eligible for Centrelink or Medicare assistance either for herself or her child. She is totally reliant on weekly cash emergency payments from the non-government refuge from which she is seeking support.

Recommendation 8 – more crisis accommodation for women who are leaving violent or abusive relationships

PIAC recommends that the NSW Government urgently increase crisis accommodation for women who are forced to leave violent or abusive relationships, particularly in rural and regional areas of NSW.

Recommendation 9 – more resources for community legal centres and legal aid to provide legal advice, assistance and representation for women who are experiencing domestic or family violence

PIAC recommends that the NSW Government increase resources for community legal centres to provide legal advice, assistance and representation for women who are experiencing domestic and family violence, to address the many legal needs that arise from domestic/family violence situations.

Recommendation 10 – more support for women on temporary protection visas who are leaving violent or abusive relationships

PIAC recommends that the NSW Government provide additional financial and welfare support to women on temporary protection visas who leave their relationships due to domestic violence, and cannot otherwise access Centrelink or Medicare.

5.2 Rough sleeping and chronic homelessness

As indicated above, the twice yearly Street Counts conducted by the City of Sydney and the City of Parramatta indicate a rapid increase in the number of people sleeping rough in those local government areas, with temporary and crisis accommodation services operating at virtually full capacity.

According to the City of Sydney Street Count figures, between February 2013 and February 2016 there was a 77 per cent increase in the number of people sleeping rough in the City of Sydney.⁵⁴

As noted in the consultation paper, homelessness in NSW has rapidly increased since 2006. Strategies that focus on early intervention, cross-government and inter-agency collaboration, and building effective referral pathways for people who sleep rough and those who experience chronic homelessness need to be a vital part of the Government's overall strategy to address homelessness. Law enforcement officials responsible for policing public space can play a vital role in the strategy.

5.2.1 Appropriate service responses for rough sleepers and Homeless People in Public Places – The NSW Protocol for Homeless People in Public Places

The Protocol for Homeless People in Public Places (the Protocol) is a key mechanism that supports delivery of appropriate responses for people who are rough sleeping and experiencing chronic homelessness. The Protocol was originally developed in the lead up to the Sydney Olympics in 2000, and then revised by the NSW Government in 2012 and 2014.

The Protocol has been endorsed by 12 NSW Government Departments and statutory agencies that have an operational presence in public places, or provide a service to assist homeless people. These include NSW Police, RailCorp, State Transit Authority of NSW and Sydney Harbour Foreshore Authority.

The Protocol aims to ensure that homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homeless status. It also aims to assist homeless people receive needed or requested services.

⁵⁴ City of Sydney above n 5.

According to the Protocol, a homeless person is not to be approached unless:

- They request assistance;
- They appear to be distressed or in need of assistance;
- An official seeks to engage with the person for the purpose of information exchange or provision of a service;
- Their behaviour threatens their safety or the safety and security of people around them;
- Their behaviour is likely to result in damage to property or have a negative impact on natural and cultural conservation of environment, including cultural heritage, water pollution and fire risks;
- They are sheltering in circumstances that place their or others' health and safety at risk;
- They are a child who appears to be under the age of 18;
- They are a young person who appears to be 16 or 17 years old who may be at risk of significant harm;
- They are a child or young person who is in the care of the Director-General of the Department of Family and Community Services or the parental responsibility of the Minister for Family and Community Services.

The Protocol is based on the principle that homeless people have the same entitlement as any member of the public to:

- Be in public places, at the same time respecting the right of local communities to live in a safe and peaceful environment;
- Participate in public activities or events; and
- Carry with them and store their own belongings.⁵⁵

The Protocol was originally introduced in 2000, to provide a framework for relations between officials, including police, and homeless people in public places, as Sydney prepared to host the 2000 Olympics. The original Protocol was not reviewed until 2012. The revised Protocol is to be reviewed every two years.

It is important to note that the Protocol is not binding and has no legal force. While it may assist in improving relations between public space law enforcement officials and homeless people, it is still subject to individual police/enforcement official discretion.

From late 2011, members of StreetCare were actively involved in reviewing the original Protocol, and providing advice on the revised Protocol, and appropriate strategies for implementing it, including recommendations for training officials and police. In 2012 PIAC produced a series of six short video pieces in which individual members of StreetCare were interviewed about their experiences of homelessness. The video project entitled 'In their Words' has been made

⁵⁵ NSW Government, Family and Community Services, 'Protocol for Homeless People in Public Places', August 2014, available at <http://www.housing.nsw.gov.au/__data/assets/pdf_file/0013/330322/TheProtocol_Factsheet.PDF> (accessed 20 October 2016).

available for agencies and government departments who have interaction with, or provide services to, homeless people, for use in training and skills development.⁵⁶

In December 2012, the Sydney Local Area Command of NSW Police advised PIAC that the 'In their Words' videos would be used in training police officers in 16 Local Area Commands in the Sydney and Harbour area. PIAC understands that NSW Police have used the videos for training police across NSW in relation to implementation of the Protocol.

In 2014 the Protocol was reviewed with a commitment to further review every two years. In 2016, PIAC wrote to NSW FaCS seeking information as to what process would be employed to further review the Protocol. PIAC was advised in June 2016 that there were no plans at that stage to review the Protocol.

PIAC considers that the Protocol is an essential guideline for law enforcement and public space officers across State and local governments. It assists them to develop appropriate responses to people who are homeless in public places, minimising the prospect of inappropriate policing and law enforcement contact that could otherwise place homeless people at risk of criminal charges and custodial sentences. The Protocol provides important guidance for public space officers across government to direct homeless people to appropriate services and supports.

The effectiveness of the Protocol, however, relies on all Government departments and statutory agencies that have an operational presence in public places, as well as all local Governments, to reaffirm their commitment to implementing the Protocol and ensuring that their public space and law enforcement officers receive regular training regarding appropriate policing and interaction with people who are homeless in public places.

Given that the Protocol is an initiative involving different State Government departments, statutory agencies and local government, it is necessary for a single agency to take a lead role with responsibility for co-ordinating the review of the Protocol every two years. PIAC submits that NSW FaCS is best placed to fulfil this role.

Recommendation 11 – Immediate review of the Protocol for Homeless People in Public Places

PIAC recommends that NSW FaCS immediately initiates a review of the Protocol for Homeless People in Public Places, with the aim of ensuring that all existing signatory Government Departments, statutory agencies and local governments reaffirm their commitment to the Protocol, develop a co-ordinated homelessness awareness training strategy for all law enforcement and public space officers, and encourage more local governments to sign the Protocol.

Recommendation 12 – Commitment to a comprehensive review of the Protocol for Homeless People in Public Places every two years

PIAC recommends that NSW FaCS commit to undertaking a comprehensive review of the Protocol for Homeless People in Public Places, with input from all signatory agencies and interested stakeholders, including homeless consumers. The review should also include an audit

⁵⁶ The 'In their Words' videos can be accessed via the PIAC YouTube account:
<<http://www.youtube.com/playlist?list=PLr6gRc4ty9P2RyQEOxCcM02FjqpSBe7yy>>

of the homelessness awareness training requirements for each of the signatory agencies, and revision of the Guidelines for Implementation of the Protocol.

5.3 Mental illness and homelessness

Specific, tailored responses are needed to address the complex interrelationship between lived experience of mental illness, experiences of homelessness, difficulties in obtaining social housing and challenges in sustaining that housing.

In 2013, PIAC commenced two projects that focused on the relationship between mental illness, homelessness, and accessing stable housing. Drawing on our HPLS casework and consumer engagement, PIAC looked at the difficulties faced by people living with mental illness in exiting homelessness, accessing safe, stable and secure accommodation, and sustaining that accommodation.

These projects resulted in the release of two research papers:

- *Skating on thin ice: Difficulties faced by people living with mental illness accessing and maintaining social housing* – this publication looks at the close relationship between homelessness and mental illness, and considers alternative strategies to respond to the needs of homeless people with mental illness who are reliant on social housing for their accommodation needs.⁵⁷
- *Somewhere over the rainbow... The opinions and experiences of people living with mental illness in getting housing* – this publication is based on a series of consumer consultations, which identified the challenges faced by people living with mental illness in applying for and sustaining accommodation. The publication documents the experience of the consumers who participated in the consultations.⁵⁸

The two research papers are appended to this submission.

People living with mental illness are likely to be reliant on disability support pensions, other forms of Centrelink payments, or have low incomes. Social housing is, therefore, their most likely option for stable, safe accommodation. For people with mental illness, one of the more commonly identified areas of legal need is assistance with obtaining and sustaining tenancies with social and community housing providers. As the *Skating on Thin Ice* report confirmed, social housing problems are the second most commonly reported legal problem for people with mental illness attending HPLS legal clinics. These problems include:

- Inappropriate offers of housing from Housing NSW for individuals with mental illness applying for social housing;
- Delayed responses and poor client service from Housing NSW;
- Delayed or refused transfer of accommodation;

⁵⁷ Public Interest Advocacy Centre (2013), *Skating on thin ice: Difficulties faced by people living with mental illness accessing and maintaining Social Housing*, available online at <<http://www.piac.asn.au/publication/2013/10/skating-thin-ice>> (Last accessed 3 February 2015).

⁵⁸ Public Interest Advocacy Centre (2014), *"Somewhere over the rainbow..." – The opinions and experiences of people living with mental illness in getting housing*, available online at <<http://www.piac.asn.au/publication/2014/05/somewhere-over-rainbow>> (Last accessed 3 February 2015).

- Inflexible application of Housing NSW policy in relation to accessing priority status;
- Housing debt and rent arrears leading to tenancy termination;
- Neighbour disputes and difficult behaviours;
- Poor customer service and delayed/inadequate communications from Housing NSW;
- Classification as 'unsatisfactory former tenants' by Housing NSW.

Several of these themes were also identified during the consultations undertaken for *Somewhere over the Rainbow*. Participants experienced a range of difficulties in trying to obtain accommodation in order to exit homelessness, which most commonly included:

- Difficulties in negotiating the processes of obtaining accommodation, including dealing with excessive waiting periods for low cost housing;
- Lack of choice of where to live;
- Lack of support for people with mental illness or multiple health problems;
- Experiences of discrimination on the basis of mental illness.

Participants also identified a range of difficulties that they experienced in trying to sustain their accommodation, and not return to a life of sleeping rough, relying on crisis accommodation or boarding houses, or couch surfing. The most common difficulties included:

- Social incohesion and dysfunction in the area in which they lived;
- Isolation and a sense of life being better 'on the streets';
- Difficulty in meeting rent payments;
- Problems with the condition of the residence;
- Difficulties with Housing NSW;
- Lack of ongoing support to help them sustain their accommodation

5.3.1 Dealing with public housing rent arrears

Where a social housing tenant has fallen into arrears with their rent payments, or is facing other tenancy related debt, PIAC recommends that FaCS Housing Services adopt an 'eviction as a last resort' policy. In such circumstances, FaCS should make multiple efforts to contact the tenant via mail, telephone and personal visits, in order to ascertain if the tenant is facing circumstances of financial hardship or crisis, with a view to referring the tenant to appropriate support services.

Housing NSW should also identify tenants who regularly fall into rental arrears, with a view to providing appropriate warm referrals to financial counselling and welfare support organisations. In addition, Housing NSW could seek consent from tenants to provide details of rent payment difficulties to financial counselling and welfare support organisations, to facilitate effective case management for a tenant in financial crisis.

PIAC considers that such pro-active identification and facilitation of support will assist social housing tenants living with mental illness who are in hardship, sustain their tenancies and avoid eviction into homelessness.

PIAC opposes the current proposal to introduce public housing tenancy rental bonds. PIAC is gravely concerned at the financial hardship that this scheme will place on some of the most vulnerable and disadvantaged members of the community. For public housing tenants with

mental illness it will exacerbate the stress and anxiety of losing their stable accommodation, placing them at further risk of tenancy instability, uncertainty, and possible termination.

If a tenancy bond is to be imposed, it is critical that exemptions be available in extenuating circumstances, for example where a tenant has a disability or mental illness.

HPLS Case Study 4

Housing NSW removed G from his priority position on their waiting list on the grounds that he has housing related debt. Approximately 15 years ago, a former landlord alleged that G had damaged fittings in his property, and G incurred a debt of \$1,100. G denies this allegation but has nonetheless reduced the debt by \$800 to date. G has advised that he would have discharged the debt earlier if had known about Housing NSW's position. The delay in communication has unfairly impacted G. He has had trouble liaising with Housing NSW, as he is currently homeless.

HPLS Case Study 5

H, had been living at her Housing NSW home for the past 18 years, and prior to that lived in other Housing NSW premises. H is 57 years old, suffers from poor physical and mental health and was the victim of child abuse that included neglect and maltreatment.

In 2000, H arranged for any payments owed to Housing NSW to be deducted from her Disability Support Pension and paid directly by Centrelink to Housing NSW. This arrangement occurred without incident until 2009.

In November 2009, Centrelink advised H that Housing NSW had requested an increase of \$31.90 per fortnight in the deduction from her pension. The increase meant that instead of deducting \$144.30 per fortnight, Centrelink would now deduct \$176.20 per fortnight. Centrelink, however, failed to increase the deductions and H continued to pay \$144.30 a fortnight.

In January 2010, H received a phone call from Housing NSW stating she was in arrears. H instructed Centrelink to stop making payments to NSW Housing. The next day, a representative from Housing NSW visited H at her home and provided her with statements for her water and rent accounts for the period June 2009 to January 2010. In late February 2010, H attended a Housing NSW office and offered to pay \$230 per fortnight for her rent, water and arrears until the debt paid. Housing NSW refused the offer and told her that a Notice of Termination was being sent to her. When she returned home that same day, H received the Notice of Termination in her mail.

H entered a new agreement with Housing NSW. The agreement authorised Housing NSW to deduct \$221.20 per fortnight from H's DSP, which included \$35 per fortnight in rent arrears and \$10 per fortnight in water arrears.

Housing NSW forwarded the new payment agreement to Centrelink in March 2010. On that same day, Housing NSW commenced proceedings to evict H from her residence owing to her rent arrears.

5.3.2 Isolation and a sense of life being better ‘on the streets’

Many homeless people living with mental illness talked of the difficulty they experienced leaving the streets after a significant period being homeless. They described feeling that they were losing the community and camaraderie of living on the streets when they moved into stable accommodation. For some, this provided a strong temptation to return to the streets after being housed, especially if they felt a sense of isolation and alienation from the environment and neighbourhood in which they were placed.

These participants used phrases like ‘the home of the street’ and ‘the community on the street’, juxtaposing this with the sense of isolation and claustrophobia they felt in their housed environment. For some, being housed took them away from their daily routines on the street which were necessary to survive. Having that time to think and be alone in their newly housed environment meant that they had to wrestle with issues from their past, resulting in depression, anxiety and a sense of isolation.

5.3.3 Lack of ongoing support to sustain accommodation

Several people PIAC consulted stated that one of their greatest difficulties in sustaining their accommodation was lack of access to appropriate support to help with their ongoing mental health issues, as well as the practical support necessary to maintain a tenancy, whether it be financial counselling, life-skills support, or advocacy support with Housing NSW or Community Housing.

Some of the barriers that were identified included: a lack of mental health outreach services for social housing tenants; a lack of trained mental health workers in non-government services, and lack of services for people who have both mental illness and drug/alcohol addictions.

Many participants were effusive in their praise for the efforts of community support workers who assisted them through the process of coming off the streets, applying for supported accommodation or social housing, and providing ongoing support. However, for those consumers who could not access a caseworker, or whose caseworker did not competently advocate on their behalf, significant difficulties were encountered. This indicates a need for more caseworkers to assist people with a mental illness applying for supported accommodation.

Exiting homelessness for people with mental illness is not a process that concludes once that person has received stable accommodation. For many people the struggle to stay housed, to readjust and cope with a new set of pressures, and to develop the necessary coping mechanisms for living in high density social housing, mean that the difficulties encountered in sustaining their accommodation in the medium to long term can be as difficult as accessing the accommodation in the first place.

Access to long-term casework support, community programs and counselling services becomes essential to assist an extremely vulnerable group of people who will always remain at risk of returning to homelessness.

HPLS Case Study 6

After being homeless for 12 months, R sought assistance to obtain priority housing. He had previously lodged an application for priority housing on the basis of mental illness. Housing NSW advised HPLS that R did not satisfy the 'priority criteria', as R had indicated that he had no 'special need' to be located close to a particular service or facility, and was happy to be housed anywhere.

The only basis upon which R could claim 'priority status' was his mental illness, which needed to be supported by an up-to-date medical report. R did not have a regular doctor and it was difficult for him to obtain an updated medical report that provided an assessment of his mental health condition. He is no longer in touch with support services.

HPLS Case Study 7

K suffered domestic violence as a child, and as a result has a significant mistrust of men. She is on a Disability Support Pension, has some learning difficulties, and suffers from anxiety and stress for which she is seeing a counsellor. She received temporary accommodation from Housing NSW in Western Sydney, which then became transitional housing at the same premises.

She did not feel safe in her accommodation and applied to Housing NSW for a transfer. She reported a high incidence of violence, and drug and alcohol abuse amongst other people living in the premises, and indicated to Housing NSW that she was in constant fear and suffering from anxiety and depression, given her history of domestic violence.

Given her level of anxiety and stress, she decided not to stay in those premises, preferring to live in her car. At the time of her approach to HPLS she had been sleeping in her small car for approximately six months. There was no information from Housing NSW as to the status of her application for transfer.

5.3.4 Accommodation and support services

Several participants in the consultations were extremely positive about the accommodation and support services they were able to access. Not surprisingly, they strongly endorsed an increase in crisis and supported accommodation for people with mental illness coming off the streets, and more access to support workers to advocate on their behalf to obtain supported accommodation in a safe and secure area, and assist them in maintaining their accommodation and avoiding tenancy termination.

Other participants were very positive about various organisations and support groups that provided resources and assistance in addition to their accommodation. Some provided group activities, training and educational programs, life-skills training, access to medical support, counselling and general welfare support. Several participants strongly recommended that there should be more access to these sorts of support groups and support programs.

5.3.5 FaCS Unsatisfactory former tenants policy

The NSW Department of Family and Community Services has a policy that classifies some evicted residents as 'unsatisfactory former tenants'. People who are classified in this way can only become eligible for public housing again if they complete a six month tenancy in the private

rental market. This 'unsatisfactory former tenant' policy often results in the perpetuation of homelessness for people with mental illness.

HPLS has provided assistance to people with mental illness living in social housing who have been classified as unsatisfactory former tenants either due to breach for rental arrears or breach due to complaints by neighbors. These HPLS clients are often made homeless as a result of a termination based on breach of tenancy agreement or rental arrears, with several continuing to be homeless and unable to access public housing because they cannot fulfill the requirement to complete a six-month tenancy in the private rental market.

PIAC strongly recommends that any policy that requires six months in a private rental before being able to access the Housing NSW waiting list must provide discretion in relation to vulnerable clients with mental illness.

HPLS Case Study 8

J has a history of trauma and abuse. He suffers from a developmental disability, severe epilepsy, brain damage and has experienced periods of mental illness. His sole source of income is his Disability Support Pension. In 2005, he was evicted from his public housing residence after complaints from other residents in the building. J became homeless and lived in an abandoned building, and often was forced to sleep rough on the streets.

Housing NSW classified J as an unsatisfactory former tenant, which required him to complete a six month tenancy in the private rental market before being eligible for public housing again. Housing NSW conceded that it would not be possible for J to find private rental accommodation. They varied this requirement, indicating he could become eligible for public housing again if he could live in shared, boarding-house style accommodation for six months. For J, shared accommodation was not possible because of his disability and history of institutionalisation. HPLS submitted two requests for a review of J's case. Both requests were declined by Housing NSW.

HPLS made a submission to the Housing Appeals Committee (HAC) on J's behalf. After reviewing the file and speaking to J on the phone, the HAC accepted the HPLS submission that J's circumstances meant that living in private accommodation for six months was beyond J's ability. HAC recommended that J be given a six month fixed term tenancy with strict behavioural guidelines. HAC said the alternative 'is to leave J homeless and to watch his gradual decline which would be considered neither appropriate nor humane given his complex needs'.

Housing NSW did not accept HAC's recommendation, so J remained homeless. Further appeals were made on J's behalf, with HPLS providing Housing NSW with a certificate from J's doctor, advising that his medical condition had become 'potentially life threatening' and that he was in need of a stable residence.

For four months, HPLS sent detailed faxes to Housing NSW. All of these remained unanswered and Housing NSW provided no further information and did not acknowledge receipt of the correspondence. Frustrated by the rejection of the HAC recommendation and its refusal to answer correspondence, HPLS approached the NSW Minister for Housing attaching

copies of previous correspondence with the Housing NSW, a letter from J's doctor and a copy of the HAC decision. The Minister responded favourably and J was finally offered accommodation following approximately two and a half years of rough sleeping.

Recommendation 13 – more caseworkers, advocacy and outreach support for people with mental illness

PIAC recommends that the NSW Government develop and resource a comprehensive program of outreach, casework and advocacy support for people with mental illness who have experienced homelessness. This should include:

- *Increased assertive outreach services for people on the street, with specialist workers to go out, meet with people, identify their needs, and immediately follow through with possible short-term or supported accommodation options;*
- *Ongoing, long-term support from caseworkers after a person has been housed, to identify their further support needs, and to facilitate ongoing support for the person to help them maintain their tenancy;*
- *Increased access to legal and advocacy support services that can assist when negotiating with FaCS or community housing;*
- *Increased access to community support programs such as brokerage services, financial counselling, mental health services, other counselling services, medical services and social activity programs, that will provide the support for a person with mental illness to maintain their tenancy, and overcome feelings of isolation, anxiety and stress.*

Recommendation 14 – Public housing rent arrears – eviction as a last resort policy

PIAC recommends that where a social housing tenant has fallen into arrears with their rent payments, or is facing other tenancy related debt, FaCS Housing Services should adopt an 'eviction as a last resort' policy. In such circumstances, FaCS should make multiple efforts to contact the tenant via mail, telephone and personal visits, in order to ascertain if the tenant is facing circumstances of financial hardship or crisis, with a view to referring the tenant to appropriate financial counseling and support services.

Recommendation 15 – Public housing rental bonds – exemptions for tenants with disability or mental illness

PIAC recommends that if the NSW Government introduces public housing rental tenancy bonds, that exemptions be available in extenuating circumstances, for tenants with a disability or mental illness.

Recommendation 16 – Unsatisfactory former tenants policy – discretion for tenants with mental illness

PIAC recommends that any FaCS policy in relation to living six months in a private rental before being able to access the public housing waiting list must allow for a discretion to waive the requirement in relation to vulnerable clients with mental illness.

5.4 Leaving prison and homelessness

Several Australian studies have confirmed the close relationship between recent prison experience, housing crisis, homelessness, and socio-economic disadvantage. A 2003 study found that being homeless and not having effective accommodation support were strongly linked

to returning to prison. Sixty-one per cent of those homeless on release returned to prison, compared to 35 per cent of those with accommodation.⁵⁹ According to the AIHW, in 2005-06, 12 per cent of clients of specialist homelessness services reported that they had spent time in the criminal justice system, and 11 per cent reported they had more than one experience of being incarcerated in a correctional facility.⁶⁰

In 2009, a NSW Inmate Health Survey reported that 11 per cent of survey participants were homeless prior to their current incarceration, and of those who had previous experience of prison, 30 per cent reported that they had experienced difficulties accessing stable accommodation within six months of their last release into the community.⁶¹ In 2011 the Drug Use Monitoring in Australia (DUMA) program examined the prevalence and nature of homelessness among a sample of police detainees, and found that an estimated 22 per cent of police detainees were homeless or experiencing housing stress.⁶²

In 2012, PIAC explored the experiences and difficulties faced by people who have recently exited the prison system into situations of housing crisis or homelessness. The project resulted in the report, *Beyond the Prison Gates – The experiences of people recently released from prison into homelessness and housing crisis*.⁶³ A copy of that report is included with this submission.

During that consultation project, a number of common themes and problems were identified. These included:

- A lack of access to information about accommodation and support services for prisoners about to be released. Prisoners have to be proactive in asking for support, assistance or information;
- Difficulties in accessing welfare support services in prison – inordinate delay in being able to see welfare staff, limited availability of welfare services in prison, and perceptions of incompetence or inefficiency in welfare services;
- A lack of access to education or training courses in prison – particularly life skills training to assist reintegration into the community.

Participants also identified difficulties securing stable accommodation after release from prison. Common themes included:

- The temporary nature of most accommodation options;
- The lack of social housing in NSW, the lengthy waiting list for public housing, and frustration negotiating processes and procedures to access social housing or community housing;

⁵⁹ Baldry, E, McDonnell, D, Maplestone, P, Peeters, M (2003), *Ex-prisoners and accommodation: what bearing do different forms of housing have on social reintegration?* Australian Housing and Urban Research Institute (AHURI), as quoted in Australian Housing and Urban Research Institute (AHURI) 2004, 'The role of housing in preventing and re-offending' *Research and Policy Bulletin*, Issue 36.

⁶⁰ Australian Institute of Health and Welfare (AIHW) (2007), *Homeless people in SAAP*, SAAP National Data Collection Annual Report 2005-06, Canberra.

⁶¹ Corben, S and Eyalnd, S (2011), *NSW Inmate Census 2011*, Corrective Services NSW.

⁶² Payne, Jason, Macgregor, Sarah and McDonald, Hayley (2015), 'Homelessness and housing stress among police detainees: Results from the DUMA program', *Trends and Issues in crime and justice*, No. 492, Australian Institute of Criminology, February 2015.

⁶³ Schetzer, Louis (2013), *Beyond the Prison Gates – The experiences of people recently released from prison into homelessness and housing crisis*, PIAC, 2013.

- The lack of availability of crisis accommodation options for people leaving prison, with many services having no beds available – “everything’s full”;
- Discrimination on the basis of being an ex-prisoner, particularly from boarding houses;
- Inability to afford private rental accommodation or boarding house accommodation;
- Not having identification to enable access to social security payments to pay for accommodation;
- Being paroled to crisis or temporary accommodation services which did not have available accommodation, thus placing them in breach of parole;
- Lack of support services or accommodation services.

Participants also identified various factors that made it difficult for them to reintegrate into the community, and particularly, presented obstacles in securing stable accommodation. Common themes included:

- The risk/temptation to reoffend, due to difficulties in fitting into society, lack of accommodation options, lack of independent living skills;
- Disconnection from society, institutionalisation and lack of living skills;
- Feeling isolated from friends and community support networks;
- Being exposed to bad influences making reoffending an easy option;
- Having previous legal and criminal problems resurface unexpectedly;
- For women, feeling unsafe and vulnerable to abuse or harassment;
- Difficulty finding employment;
- Difficulties associated with alcohol or substance addiction;
- Mental illness.

5.4.1 Post-release support services

Most people consulted reported heard about useful community and accommodation services from informal contacts, such from other prisoners whilst inside prison, or other homeless people after release, or from their own experiences of being homeless in the past.

Community workers providing services to people who have recently exited prison face a number of distinct challenges and difficulties:

- Lack of resources and organisational capacity to address high demand for services;
- Lack of short-term and medium-term accommodation options for clients;
- Lack of exit-planning and continuous support for people exiting prison, particularly those who exit prison from remand;
- Dealing with highly traumatised, angry clients, presenting with difficult behaviours arising from mental illness and/or substance addiction.

5.4.2 Difficulties faced by people exiting prison in accessing accommodation

PIAC has identified a number of options to improve the situation for people exiting prison. The most important issues include pre-release exit planning for prisoners, and the need for consistent, integrated case-management for people released from prison, commencing pre-release and continuing post- release. In addition, the need for access to appropriate welfare support prior to release, as well as comprehensive information regarding available accommodation and support services post release were common suggestions for improvement.

There is a need for more community-managed, supported transitional accommodation for ex-prisoners, more crisis accommodation, more affordable accommodation, and more social housing. Participants identified a range of difficulties with accessing accommodation, including problems of availability, affordability and discrimination on the basis of criminal and prison history.

Participants were strongly supportive of additional resourcing to improve the services provided by non-government organisations to ex-prisoners. They indicated that additional resourcing would assist community workers dealing with a high demand for their services, and potentially enable expanded capacity for organisations to provide more comprehensive case-management and support.

Several people consulted spoke about the importance of stable, safe housing in terms of reintegrating back into the community and moving away from a life of reoffending and returning to prison. Their comments suggest that for people recently released from prison, housing and stable accommodation are often seen as important symbols of hope and promise for a new life, where they can move away from a life of disadvantage, re-offending and repeated periods of incarceration.

Recommendation 17 – Additional resources for welfare services, education and training within prison

PIAC recommends that the NSW Government provide more resources for welfare services within prison, and more resources for education and training courses for prisoners, that will assist them when they complete their sentence and seek to reintegrate into the community.

Recommendation 18 – Resourcing pre-release exit planning and integrated case-management

PIAC recommends that NSW Corrective Services develop and implement a comprehensive program of pre-release exit planning for all prisoners, which recognizes the need for consistent, integrated case-management for people released from prison that commences pre-release and continues post-release. This includes ensuring that adequate information is available in corrective institutions about available support and accommodation services in the community.

Recommendation 19 – Increase transitional and crisis accommodation for people exiting prison

PIAC recommends that the NSW Government provide significant additional resources to increase the availability of transitional and crisis accommodation for people exiting correctional institutions, for people being released from parole, people being released after completion of their full sentence, and people being released from remand.

Recommendation 20 – Increase resourcing for non-government organisations that support ex-prisoners

PIAC recommends that the NSW Government provide significant additional resources to non-government organisations that provide support services for ex-prisoners, to assist them reintegrate into the community.

6 Conclusion

The evidence from homeless street counts in Sydney and Parramatta, and published data from specialist homelessness services, is that there has been a significant and steady increase in the number of people experiencing homelessness in NSW over the last four years. This is consistent with the visible increases in the number of homeless people sleeping rough in Sydney and surrounding suburbs.

PIAC welcomes the NSW Government's discussion paper on homelessness, *Foundations for change – Homelessness in NSW*, and the plan to develop a new strategy for reducing homelessness. This initiative represents an important opportunity to implement practical strategies across government and the community to reduce the number of people who experience homelessness, and to address the affordable housing crisis in Sydney and across NSW.

In order to address the growing social tragedy of homelessness in NSW, there is a need to address significant structural factors. There is a chronic lack of affordable accommodation in Sydney. This is forcing increased numbers of people into temporary and crisis accommodation, placing these services at bursting point. There is an urgent need to immediately increase the availability of crisis accommodation for people experiencing homelessness or at immediate risk of homelessness, to increase the supply of social and affordable housing across NSW, and to address the structural and economic factors that make stable housing unaffordable.

As a result of the work of PIAC's HPLS and the homeless consumer advisory committee, StreetCare, PIAC has identified several specific strategies that should be introduced to address the particular risk of homelessness for women and children experiencing domestic and family violence, people with mental illness and people exiting correctional institutions. For each of these groups, the lack of emergency crisis accommodation and the lack of affordable housing present as significant compounding issues, that further disadvantage people who are already at high risk of homelessness.

Ultimately, a critical element of addressing homelessness is the need for the NSW Government to have specific, measurable targets aimed at reducing homelessness, against which government agencies are required to report and be held accountable. It is through such accountability mechanisms that the proposed Homelessness Strategy will have a greater prospect of delivering concrete outcomes for people who are homeless or at risk of homelessness.