



“We can’t go private...”

Inquiry into the adequacy and future directions of public housing in Victoria

Submission to the Family and Community Development Committee Inquiry



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Executive Summary

This submission is made by the PILCH Homeless Persons' Legal Clinic (**HPLC**) in response to the Inquiry by the Family and Community Development Committee (**Committee**) into the adequacy and future directions of public housing in Victoria (**Inquiry**).

The HPLC is uniquely placed to comment on the adequacy and future directions of public housing in Victoria. The HPLC provides targeted legal services for people experiencing homelessness, and is often required to provide legal assistance and advocacy for residents of public housing. Among other activities, the HPLC seeks to use the law to address disadvantage and to promote and realise the human rights of people experiencing homelessness. We consider that the expertise of the HPLC in relation to homelessness, public housing matters and human rights places the HPLC in an ideal position to respond to the challenges raised by the Committee's Inquiry.

In preparing this submission, the HPLC interviewed six tenants of public housing. All of them had a history of homelessness, many had histories of mental health, substance abuse and/or family violence (including sexual abuse), and all are now living in public housing. Their poignant stories illustrate the complex nature of the public housing tenant group, and the residualisation effect of public housing.

The key themes to come out of their stories, and the HPLC's advocacy experience, are:

- ▶ **Importance of public housing:** public housing (and indeed social housing) plays an important role in fulfilling Victorians' right to adequate housing. Particularly in the current climate, where affordable housing is becoming increasingly inaccessible, scarce and unaffordable, public housing provides a vital safety net for vulnerable Victorians.
- ▶ **Supply of public housing stock:** there simply aren't enough properties to meet the demand for public housing. Increased expenditure is vital to ensure that public housing is accessible, and is not simply used as a 'dumping ground' for vulnerable groups, including tenants with mental health issues and/or substance abuse issues.
- ▶ **Waiting for public housing:** applicants' experiences of waiting for public housing (including time in rooming houses, staying with families, crisis accommodation and transitional housing) create many problems, and the most important issue in these early stages of engagement with the housing system is to ensure quick access to stable, secure and long-term accommodation.
- ▶ **Living in public housing:** applicants are 'shoe-horned' into inappropriate, unsafe, sometimes uninhabitable housing, where there are insufficient supports (particularly for at-risk groups). Public housing generally fails to meet the needs of the particular tenant, and fails to meet at least one of the components of adequate housing under international human rights norms.
- ▶ **The 'social residualisation':** consistent with an emerging body of academic literature, Victoria's public housing is becoming highly-concentrated with social disadvantage and poverty. These are effectively leading to ghettos, where people feel unsafe and, in many cases, frightened. The deinstitutionalisation of mental health and other services has led to public housing often being treated as a dumping ground for a high-needs group, with completely inadequate and inefficient supports.

- ▶ **Managing at-risk tenancies:** as the manager of public housing, the Director of Housing is unable and unwilling to engage in the appropriate supports for at-risk tenancies, preferring instead (in the HPLC's experience) to use their rights under residential tenancies legislation to enforce compliance and evict vulnerable tenants. The Director must adopt an approach that is consistent with tenants' human rights and the Director's obligations under Victorian and international human rights instruments.

Recommendations

Recommendation 1

The Inquiry should recognise that all Victorians have a right to adequate housing.

Recommendation 2

The Inquiry should recognise the benefits of adopting a human rights based approach to homelessness and the provision of public housing.

Recommendation 3

The Inquiry should recognise that the provision of public housing is a necessary component of the Government's obligation to the progressive realisation of Victorians' right to adequate housing.

Recommendation 4

That the Inquiry recognise that housing services (and their staff) must be resourced, trained, and supported to provide appropriate assistance to people applying for public housing.

Recommendation 5

The Inquiry should call on the Office of Housing to provide housing that is clean, adequate in terms of fixtures and space, and equipped to handle extreme heat.

Recommendation 6

The Inquiry should recommend that the Government provide integrated mental health and support services within the Office of Housing for public housing residents who suffer from mental illness.

Recommendation 7

The Inquiry should recommend that the Government provide integrated health and support services within the Office of Housing for public housing residents who are substance abusers.

Recommendation 8

The Inquiry should recommend that the Office of Housing's public housing allocation take into account the needs of Senior Victorians in allocating appropriate housing. Appropriate housing should not include high-rise public housing and should prioritise physical security and allowing residents to retain a connection with the community. Further, the Inquiry should call on the Government to provide integrated services for the elderly within the Office of Housing.

Recommendation 9

The Inquiry should recommend that the Office of Housing take into account the physical and emotional needs of children in the allocation of public housing.

Recommendation 10

The Inquiry should recommend that the Office of Housing takes into account the physical security and emotional needs of victims of domestic violence in its allocation of public housing.

Recommendation 11

The Inquiry should recommend that that the Office of Housing be responsive to community and cultural needs of public housing residents, including responding to changing circumstances that may arise from cultural practices or norms.

Recommendation 12

The Inquiry should recommend that that in the allocation of public housing, the Office of Housing consider the services required by applicants, and prioritise providing public housing that offers access to those services.

Recommendation 13

The Inquiry should recommend that the Office of Housing develop practices and policies to ensure the physical safety of residents in public housing.

Recommendation 14

The Inquiry should recommend that the Office of Housing respond to the changing circumstances and needs of public housing residents in considering applications for transfer.

Recommendation 15

That recourse to enforcement procedures be used only as a last resort and that the Office of Housing be required to document attempts to salvage high risk tenancies

Recommendation 16

That prior to use of eviction or compliance procedures, the tenant and his or her worker always be given a warning (written and verbal) that the threat of eviction and the warning.

Recommendation 17

That in warning tenants, the Office of Housing provide information about what can be done to avoid eviction and what supports (including legal and advocacy) are available

Recommendation 18

If eviction of compliance procedures are either threatened or undertaken, that support agencies be notified as soon as possible.

Recommendation 19

That high risk tenants be targeted for ongoing support to maintain their tenancy and that this support should form a key component of the relationship between the Office of Housing and tenant (ie, no action is taken in relation to the tenancy before speaking with support agency)

Recommendation 20

That in exercising rights under the Act, the Office of Housing enacts a protocol (*compliance protocol*) to assist workers in making crucial decisions in relation to compliance or enforcement.

Recommendation 21

That a compliance protocol requires the Office of Housing to rely on and consider the opinions of housing support workers in making decisions about individual tenants.

Recommendation 22

That all Office of Housing staff receive training on human rights and homelessness

Recommendation 23

That the Office of Housing policies and procedures engage with human rights and the Charter. Specifically that the Tenancy Breach and Dispute Resolution chapter of the Tenancy Management Manual include specific, detailed instructions in relation to considering the human rights of tenants at risk of compliance procedures or eviction.

Recommendation 24

Before issuing a notice to vacate, housing workers should be able to identify 'high risk' tenants and should be able to balance their interests (including the consequences of homelessness) against the effects of the alleged challenging behaviour.

Introduction

About the HPLC

The HPLC is a project of the Public Interest Law Clearing House (Vic) Inc (**PILCH**) and was established in 2001 in response to the great unmet need for targeted legal services for people experiencing homelessness.¹ The HPLC is funded on a recurrent basis by the Victorian Department of Justice through the Community Legal Sector Project Fund, administered by Victoria Legal Aid. This funding is supplemented by fundraising and donations. While the HPLC recently received a one-off funding boost from the Federal Government, it does not currently receive recurrent funding from the Federal Government.

The HPLC has the following aims and objectives:

- ▶ to provide free legal services to people who are homeless or at risk of homelessness, in a professional, timely, respectful and accessible manner, that has regard to their human rights and human dignity;
- ▶ to use the law to promote, protect and realise the human rights of people experiencing homelessness;
- ▶ to use the law to redress unfair and unjust treatment of people experiencing homelessness;
- ▶ to reduce the degree and extent to which people experiencing homelessness are disadvantaged or marginalised by the law; and
- ▶ to use the law to construct viable and sustainable pathways out of homelessness.

Free legal services are offered by the HPLC on a weekly basis at 14 outreach locations that are already accessed by people experiencing homelessness for basic needs (such as soup kitchens and crisis accommodation facilities) and social and family services.² Since its establishment in 2001, the HPLC has assisted over 4500 people at risk of, or experiencing, homelessness in Victoria.

The HPLC also undertakes significant community education, public policy advocacy and law reform work to promote and protect the right to housing and other fundamental human rights. In 2005, the HPLC received the prestigious national Human Rights Law Award conferred by the Human Rights and Equal Opportunity Commission in recognition of its contribution to social justice and human rights. In 2009 it received a Melbourne Award for contribution to community in the City of Melbourne.

The HPLC operates and provides its services within a human rights framework. Central to the human rights framework is the right to participate, including individual and community participation and consultation, which creates an empowering environment for individuals to assert their rights and

¹ See <http://www.pilch.org.au>.

² Host agencies include Melbourne Citymission, Café Credo, The Big Issue, the Salvation Army, Anglicare, St Peters Eastern Hill, Ozanam House, Flagstaff Crisis Accommodation, Salvation Army Life Centre, Hanover, Vacro, Koonung Mental Health Centre, Homeground Housing Service, St Kilda Crisis Centre and St Luke's Bendigo,. Legal services are provided at our host agencies by volunteer lawyers from law firms: Allens Arthur Robinson, Arnold Dallas McPherson, Baker & McKenzie, Blake Dawson, Clayton Utz, Corrs Chambers Westgarth, DLA Phillips Fox, Freehills, Mallesons Stephen Jaques, Minter Ellison and Stella Sutcliffe & Associates.

contribute to the democratic process. The HPLC recognises the right to participate by working and consulting directly with a range of key stakeholders, the most important of which is the Consumer Advisory Group (**CAG**). The CAG was established by the HPLC in 2006 and is comprised of people who have experienced homelessness or who are currently homeless. The role of the CAG is to provide guidance and advice, and make recommendations to the HPLC with a view to enhancing and improving the quality of the HPLC's service delivery, policy, advocacy, law reform and community development activities. The CAG not only provides feedback and guidance to the HPLC but also gives people who have experienced homelessness a voice to actively represent their interests and build the participation and engagement of the general community around the issue of homelessness.

About this submission

The 'right to participate' is a fundamental component of a human rights approach, which requires meaningful and genuine participation of homeless people in the development of laws, policies and programs that affect them.³ This type of approach is essential in promoting empowerment and a sense of value and independence among marginalised and vulnerable members of the community.⁴ Participation not only enhances an individual's personal autonomy and self-confidence, it also results in more effective and targeted policies and programs.⁵ For these reasons, the HPLC's submission includes testimony from six public housing tenants, which is a vital perspective as the Committee considers the issues raised in its terms of reference. The HPLC believes that it is vital that the Inquiry include and embrace participation by the very people the Inquiry has been established to assist.

The Appendices to this submission include detailed stories from six tenants of public housing, including:

- ▶ Susan, who experienced homelessness for 24 years before being provided with public housing (**Appendix A**);
- ▶ Claire, a full-time carer for a disabled child, with experiences of domestic violence (**Appendix B**);
- ▶ Mark, an indigenous man with shared parenting responsibilities (**Appendix C**);
- ▶ Lukas, an older ethnic man who entered public housing after his relationship ended (**Appendix D**);
- ▶ Marie, an indigenous single mother (**Appendix E**); and

³ Deena R Hurwitz 'Lawyering for Justice and the Inevitability of International Human Rights Clinics' (2003) 28 *Yale Journal of International Law* 505, 516.

⁴ Philip Lynch 'Homelessness, Human Rights and Social Inclusion' (2005) 30(3) *Alternative Law Journal* 116, 117. Refer also to Office of the High Commissioner of Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002).

⁵ Philip Lynch 'Homelessness, Human Rights and Social Inclusion' (2005) 30(3) *Alternative Law Journal* 116, 117. See also Office of the High Commissioner of Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002); Scott Leckie 'Another Step towards Indivisibility: Identifying the Key Features of Violations of Economic, Social and Cultural Rights' (1998) 20(1) *Human Rights Quarterly* 81, 106; and Anne Gosley, *Stop and Listen... Don't Assume – Why the Homeless People's Association was formed* (2003) Paper presented at the 3rd National Homelessness Conference 'Beyond the Divide'.

- ▶ Diane, a single mother recovering from a history of drug use and violent relationships (**Appendix F**).

(together the **Tenants**)

There are a number of common themes, issues and concerns that come out of the Tenants' stories. These issues are important for the Committee as it considers the adequacy and future direction of public housing in this state.

Context – realising the right to adequate housing

In 2008, the Commonwealth government released its White Paper on Homelessness,⁶ an ambitious and enthusiastic policy document containing targets and goals that are worthy of much praise.⁷ The two headline goals of the White Paper are:

- ▶ halving overall homelessness by 2020; and
- ▶ offering accommodation to all rough sleepers who need it by 2020.

These goals are underpinned by targeted programs that focus on early intervention, prevention and a more connected and responsive service system that efficiently moves people from crisis accommodation into stable, secure and supported housing. The idea behind these programs is clear; we must create better, smoother and more supportive pathways out of homelessness. These impressive goals should be commended.

However, while the White Paper acknowledges that homelessness is not just an issue of housing, it fails to take the next step and recognise that addressing homelessness is a matter of ensuring the human rights of all individuals are adequately protected and promoted. While the Commonwealth Standing Committee on Family, Community, Housing and Youth recently considered the value of incorporating human rights principles into the response to homelessness,⁸ the Victorian government's failure to address the issue of homelessness within a human rights framework creates significant gaps in its overall response. The HPLC urges the Victorian government to adopt a human rights approach to tackling homelessness in Australia, including in the provision of public housing.

Recommendation 1

The Inquiry should recognise that all Victorians have a right to adequate housing.

Australian governments, including the Victorian government, have obligations under international law to respect, protect and fulfil the human rights found in a number of international human rights treaties to which Australia is a party.

There are over 20,500 people in Victoria experiencing homelessness, and this number is growing.⁹ For these people, who are amongst the most marginalised and disadvantaged members of society, human rights do not exist. Australian governments, including the Victorian government, must take immediate action to rectify this situation and improve human rights protections for those who need it most. The Government must begin by reversing the most severe symptom of homelessness; it must address the continuing denial of the right to adequate housing.

⁶ Commonwealth of Australia, *The Road Home: A National Approach to Reducing Homelessness* (2008). Available at www.fahcsia.gov.au/publications.

⁷ Commonwealth of Australia, *The Road Home: A National Approach to Reducing Homelessness* (2008). Available at www.fahcsia.gov.au/publications. See also Josh Gordon, *Rudd's \$6 Billion Homeless Plan*, the Sunday Age, 21 December 2008, 1.

⁸ Standing Committee on Family, Community, Housing and Youth, *Housing the Homeless: Report on the inquiry into homelessness legislation* (November 2009) ch 4.

⁹ Australian Institute of Health and Welfare, *Counting the Homeless 2006: Victoria* (June 2009) 26.

The right to adequate housing

Australian governments have obligations under international law to respect, protect and fulfil the human rights found in a number of international human rights treaties to which Australia is a party, including:

- ▶ International Covenant on Civil and Political Rights;
- ▶ International Covenant on Economic, Social and Cultural Rights (**ICESCR**);
- ▶ Convention on the Elimination of All Forms of Discrimination Against Women;
- ▶ International Convention on the Elimination of All Forms of Racial Discrimination;
- ▶ Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment;
- ▶ Convention on the Rights of the Child; and
- ▶ Convention on the Rights of Persons with Disabilities.

Australia's ratification of these instruments commits the Government, at the Federal, State and local levels, to the full implementation of the human rights contained in each treaty. By ratifying these treaties the government has agreed to take steps to achieve full implementation of the rights therein.¹⁰ While all levels of government in Australia are responsible for ensuring that all people enjoy human rights, ultimate responsibility lies with the Federal government even when the means for protecting such rights falls under the jurisdiction of State and Territory governments.¹¹ For example, article 28 of the ICESCR states that it extends 'to all parts of federal states without limitations or exceptions.'

The most established and comprehensive statement of the right to adequate housing is that which is contained in art 11(1) of the ICESCR.¹² Article 11(1) requires that governments:

Recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions...

The right to adequate housing is a component of the right to an adequate standard of living and is considered to be 'of central importance for the enjoyment of all economic, social and cultural rights.'¹³ The right to adequate housing should be interpreted broadly to apply to all people and should be understood to mean 'the right to live somewhere in security, peace and dignity.'¹⁴

¹⁰ See *Vienna Convention on the Law of Treaties* (1969): Article 26 'Pacta sunt servant' - Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

¹¹ Dianne Otto and David Wiseman, 'In search of 'effective remedies': Applying the International Covenant on Economic, Social and Cultural Rights to Australia' (2001) *Australian Journal of Human Rights* 2. See also Rowan McRae and Dan Nicholson, 'No place like home: homelessness in Australia and the right to adequate housing' (2004) *Australian Journal of Human Rights* 3.

¹² Committee on Economic, Social and Cultural Rights, *General Comment 4: The Right to Adequate Housing* (1991).

¹³ Committee on Economic, Social and Cultural Rights, *General Comment 4: The Right to Adequate Housing* (1991).

¹⁴ Committee on Economic, Social and Cultural Rights, *General Comment 4: The Right to Adequate Housing* (1991).

According to the United Nations Committee on Economic, Social and Cultural Rights (**CESCR**), at a minimum, housing must be affordable, accessible to disadvantaged groups, habitable, culturally appropriate, provide occupants with security of tenure and afford access to appropriate services, materials, facilities and infrastructure, including employment, health care, schools and other social facilities.¹⁵

Article 2(1) of the ICESCR obliges Australia to take concrete steps, using the maximum available resources, to progressively fulfil economic, social and cultural rights.¹⁶ The steps taken must be targeted and directed towards the most expeditious, effective and full realisation of human rights possible. They should include legislative, financial, social, educational and administrative measures, including budgetary prioritisation.¹⁷ Retrogressive measures, such as cuts in funding to homelessness assistance services, public housing or health care, are generally prohibited by international law and may only be justified by exceptional circumstances which do not exist in Australia following over a decade of substantial economic growth and prosperity.¹⁸ Further, even while Australia is developing and implementing measures and progressing towards full realisation of economic, social and cultural rights, it is under a 'core obligation' to ensure that certain non-derogable 'minimum essential standards' relating to fundamental human rights are met, including in relation to the provision of basic housing, nutrition and health care for marginalised or disadvantaged people.¹⁹

Respecting, protecting and fulfilling human rights

International human rights law is often described as imposing three types of duties on States in relation to all human rights: obligations to *respect*, *protect* and *fulfil*.²⁰ The Victorian government's failure to perform any one of these three duties in relation to a particular human right will mean that it is in violation of that right. For example, in the context of the government ensuring realisation of the right to adequate housing, these three duties can be explained as follows:

- ▶ The obligation to *respect* human rights requires that government's refrain from interfering directly or indirectly with the enjoyment of human rights. In respect of the right to adequate housing, governments must not prevent or impair the right of access to housing and would be in violation of the right if it engaged in arbitrary forced evictions.²¹

¹⁵ CESCR, *General Comment 4: The Right to Adequate Housing*, UN Doc HRI/GEN/1/Rev.5 (2001) 22.

¹⁶ ICESCR article 2. Refer to United Nations Committee on Economic, Social and Cultural Rights, *The nature of States parties obligations (Art. 2, par.1) (General Comment 3)* 1990.

¹⁷ CESCR, *General Comment No 3: The Nature of States Parties' Obligations* (Article 2, Para 1), UN Doc HRI/GEN/1/Rev.5 (2001) 18.

¹⁸ CESCR, *General Comment No 3: The Nature of States Parties' Obligations* (Article 2, Para 1), UN Doc HRI/GEN/1/Rev.5 (2001) 18; CESCR, *Substantive Issues Arising in the Implementation of the International Covenant in Economic, Social and Cultural Rights: Poverty and the International Covenant on Economic, Social and Cultural Rights*, UN Doc E/C.12/2001/10 (2001) 4–5, [15]–[18].

¹⁹ CESCR, *General Comment No 3: The Nature of States Parties' Obligations* (Article 2, Para 1), UN Doc HRI/GEN/1/Rev.5 (2001) 18.

²⁰ Victorian Equal Opportunity and Human Rights Commission, *Emerging Change: The 2008 report on the operation of the Charter of Human Rights and Responsibilities* (2009), 3.

²¹ Geoff Budlender, 'Justiciability and the Right to Housing – the South African experience' in Scott Leckie (ed), *National Perspectives on Housing Rights* (2003) 207 – 219.

- ▶ The obligation to *protect* human rights requires that governments prevent third parties (private actors) from interfering with the enjoyment of rights. This duty requires that the government take positive steps by, for example, creating regulation to restrain the abuse of human rights by individuals and organisations. In relation to the right to adequate housing, this obligation requires that governments ensure that tenancy laws prohibit arbitrary and unreasonable evictions.
- ▶ The obligation to *fulfil* human rights requires that government's take positive steps to promote²² and support the realisation of human rights for everyone,²³ particularly marginalised and disadvantaged groups. Accordingly, the Australian government must take all appropriate legislative, administrative, budgetary, judicial and other measures to facilitate full realisation of the right to adequate housing.²⁴

Between March and May 2009, the HPLC consulted with over 140 individuals experiencing or at risk of homelessness about human rights in Australia as part of its response to the National Human Rights Consultation. The resounding response of participants at those consultations was that the human rights that matter most to them are economic, social and cultural rights including: the right to adequate housing; the right to access appropriate health care; the right to education, and; the right to social security. Many participants considered that these rights (which entitle them to access basic necessities such as food, clothing and shelter) are most important and enable them to live with dignity and security. However, participants also stated that they experience violations of their economic, social and cultural rights most frequently. Many participants expressed that violations of their human rights occur on a daily basis and that therefore, in reality, these rights do not exist for them. As one participant said,

‘Our human rights don’t exist. We are homeless and it (is) looked upon as our fault. Sometimes it is other times not, but if someone keeps falling should we pick them up or walk straight over them, which is what’s being [sic] going on too much.’

Participants recognised that the right to work, an adequate standard of living, housing, food, health and education have a direct and immediate bearing on their experiences of homelessness and poverty.²⁵ Participants highlighted the right to adequate housing as one of the most important human rights, enabling them access to and enjoyment of all other associated rights. On a practical level, people felt that if they had adequate housing they could access other rights such as the right to work, the right to education and the right to the highest attainable standard of health. For example, a home gives a person a place to sleep, be warm, eat and wash, which then allows them the very basic necessities to engage in social activities. In other words, the right to adequate housing, which is derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights and civil and political rights. As one participant said, ‘I should

²² Sometimes the notion of ‘promote’ is considered a separate duty – consider the typology applied by Dianne Otto and David Wiseman, ‘In search of ‘effective remedies’: Applying the International Covenant on Economic, Social and Cultural Rights to Australia’ (2001) *Australian Journal of Human Rights* 2.

²³ Dianne Otto and David Wiseman, ‘In search of ‘effective remedies’: Applying the International Covenant on Economic, Social and Cultural Rights to Australia’ (2001) *Australian Journal of Human Rights* 2.

²⁴ The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1998) 20 *Human Rights Quarterly* 691, ¶ 6.

²⁵ CESCR, Poverty and the International Covenant on Economic, Social and Cultural Rights (10 May 2001) E/C.12/2001/10 ¶ 1.

have the right to eat, sleep, work, be educated and be treated with respect and dignity, like the majority of the population.’

Australia’s failures in this area have not gone unnoticed by the international community. The United Nations’ Special Rapporteur on Adequate Housing’s 2007 report concluded that Australia had failed to implement the human right to adequate housing, and lacked a complaint mechanism for alleged violations of housing rights.²⁶ He went on to urge that:

Australian legislation should explicitly incorporate human rights and the right to adequate housing, and the recommendation on housing and land made to the Australian authorities by various United Nations human rights bodies should be fully implemented.²⁷

However, for many participants, indeed for people experiencing homelessness throughout Australia, the reality is that they do not enjoy a right to adequate housing. For people experiencing homelessness it is one of the most commonly violated human rights. In fact, the Special Rapporteur has described homelessness as ‘the most visible and severe symptom of the lack of respect for the right to adequate housing.’²⁸

Homelessness, public housing and a Fairer Victoria

A human rights approach to homelessness and public housing is also relevant to the Australian government’s commitment to achieving social inclusion in this country,²⁹ and to the Victorian government’s commitment to a Fairer Victoria.³⁰ As the Victorian Government has noted, ‘housing provides the basis for completing a sound education, obtaining and holding on to employment and maintaining good health. It underpins the stability of communities and local and regional economies’.³¹

Indeed, there is a strong and positive correlation between the government’s respect for human rights and its ‘success in addressing homelessness and poverty, with the realisation of human rights ensuring the enabling conditions of social inclusion, participation and empowerment.’³² The two frameworks are mutually supportive and reinforcing, with the normative human rights framework essentially underpinning the social inclusion theory.³³

²⁶ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, *Mission to Australia* (11 May 2007) A/HRC/4/18/Add.2, 7.

²⁷ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, *Mission to Australia* (11 May 2007) A/HRC/4/18/Add.2, 2.

²⁸ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, *Mission to Australia* (11 May 2007) A/HRC/4/18/Add.2.

²⁹ Australian Labor Party, *National Platform and Constitution 2007, Chapter 13, Respecting Human Rights and a Fair Go for All* (2007) 206 – 207, available at www.alp.org.au/platform/.

³⁰ Department of Premier and Cabinet, *A Fairer Victoria: Creating opportunity and addressing disadvantage* (2005) 34.

³¹ Department of Premier and Cabinet, *A Fairer Victoria: Creating opportunity and addressing disadvantage* (2005) 34.

³² Philip Lynch ‘Homelessness, Human Rights and Social Inclusion’ (2005) 30(3) *Alternative Law Journal* 116, 117, 116. See generally, Amartya Sen, *Development as Freedom* (1999) 3-13; and Office of the High Commissioner of Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002), 48.

³³ Dianne Otto and Philip Lynch, ‘Housing, Homelessness and Human Rights’ (2004) *Australian Journal of Human Rights* 1. Available at <http://www.austlii.edu.au/au/journals/AJHR/2004/>.

A clear benefit of adopting a human rights approach is that it provides the Victorian Government with a clear strategy and policy position for responding to homelessness. This strategy is underpinned by the fundamental features of the human rights normative framework including; the notion of accountability, the principle of universality, non-discrimination and equality, the principles of participation and empowerment, and recognition of the interdependence and indivisibility of rights.³⁴ These essential characteristics of a human rights approach operate to 'set standards'³⁵ and function as a 'model'³⁶ for government decision-making, law reform, policy development, programmatic design and service delivery.³⁷ Other benefits of using a human rights approach include:³⁸

- ▶ 'A significant, but beneficial effect upon the development of policy';³⁹
- ▶ Increased scrutiny of government, which improves transparency and accountability mechanisms;⁴⁰
- ▶ 'The language and ideas of human rights have a dynamic life beyond the courtroom.' For example, individuals can and do use the language and concepts of human rights to challenge unfair treatment and to negotiate improved service delivery;⁴¹
- ▶ Human rights are an important practical tool for people facing discrimination, disadvantage or exclusion, and offer a more ambitious vision of equality beyond simply anti-discrimination;⁴²
- ▶ Human rights principles can help decision-makers see seemingly intractable problems in a new light;⁴³
- ▶ Awareness raising and education about human rights empowers people to take action, and leads to better public service delivery and outcomes;⁴⁴

³⁴ Commonwealth of Australia, *The Road Home: A National Approach to Reducing Homelessness* (2008). Available at www.fahcsia.gov.au/publications..

³⁵ Maria Foscarinis, 'Homelessness and Human Rights: Towards an Integrated Strategy' (2000) 19 *St Louis University Public Law Review* 327, 347.

³⁶ Raoul Wallenberg Institute of Human Rights and Humanitarian Law, *A Human Rights Based Approach to Development* (undated), available at www.rwi.lu.se/news/pastact/hrba.pdf.

³⁷ See also Philip Lynch 'Homelessness, Human Rights and Social Inclusion' (2005) 30(3) *Alternative Law Journal* 116, 117.

³⁸ See generally, Department for Constitutional Affairs (UK), *Review of the Implementation of the Human Rights Act* (July 2006); British Institute of Human Rights (BIHR), *The Human Rights Act: Changing Lives* (2007); Audit Commission (UK), *Human Rights: Improving Public Service Delivery* (October 2003).

³⁹ Department for Constitutional Affairs (UK), *Review of the Implementation of the Human Rights Act* (July 2006), 19.

⁴⁰ Department for Constitutional Affairs (UK), *Review of the Implementation of the Human Rights Act* (July 2006).

⁴¹ British Institute of Human Rights (BIHR), *The Human Rights Act: Changing Lives* (2007).

⁴² Human Rights Law Resource Centre, *A Human Rights Act for All Australians* (May 2009), 68. See also British Institute of Human Rights (BIHR), *The Human Rights Act: Changing Lives* (2007).

⁴³ British Institute of Human Rights (BIHR), *The Human Rights Act: Changing Lives* (2007).

⁴⁴ British Institute of Human Rights (BIHR), *The Human Rights Act: Changing Lives* (2007).

- ▶ Improved public service outcomes and increased levels of ‘consumer’ satisfaction as a result of more participatory and empowering policy development processes and more individualised, flexible and responsive public services.

For the government to achieve its agenda for ‘a fairer Victoria’, it must ensure that all people in Victoria enjoy human rights, particularly the most marginalised and disadvantaged amongst us.

Recommendation 2

The Inquiry should recognise the benefits of adopting a human rights based approach to homelessness and the provision of public housing.

About public housing

As Chris Sidoti, the then Australian Human Rights Commissioner, said, 'Ultimately of course acceptance of housing as a fundamental human right is not the issue here. The issue is protecting and promoting that right.'⁴⁵ An important part of Australian governments' actions to protect and promote the progressive realisation of Australians' right to housing is delivered in the form of public housing.

Recommendation 3

The Inquiry should recognise that the provision of public housing is a necessary component of the Government's obligation to the progressive realisation of Victorians' right to adequate housing.

According to the Productivity Commission:

Australia's private housing stock houses the majority of the population. Most Australian households can access accommodation either through owner occupation or by renting from a private landlord. Many households, however, face problems in acquiring or accessing suitable private accommodation, for reasons of cost, discrimination, availability, location and/or adequacy. The price of rental dwellings can be prohibitive for people on lower incomes. Further, stock may not be available in the private rental market for households with special accommodation needs. Housing assistance from the Australian, State and Territory governments can help these households.⁴⁶

The Australian Housing and Urban Research Institute (**AHURI**) notes that this view, governments operate benevolently and aim to rectify social problems that are not met through the workings of the market, is '*an overly simplistic framework which overlooks the complex power relations that shape housing policy*'.⁴⁷ This is evidenced by the complexities in the current housing market that make it difficult for many Victorians to realise their right to adequate housing.

Australia currently lacks affordable and appropriate housing, particularly for those families and individuals 'caught in the middle', i.e. those who find it difficult to access public housing but who cannot afford to buy or rent privately. Recent changes to public housing, including underinvestment on new properties⁴⁸ and changing tenure and eligibility requirements, has meant that only those on very low incomes are being housed in the public sector. Added to this, the private rental market is increasingly out of reach for many families and individuals whose slightly higher incomes also make it difficult for them to access the public housing sector. According to AHURI⁴⁹

⁴⁵ Chris Sidoti, *Housing as a human right*, Paper delivered to National Conference on Homelessness (4 September 1996). Available online at http://www.hreoc.gov.au/pdf/human_rights/housing.pdf.

⁴⁶ Productivity Commission, *Report on Government Services 2010* (2010) 16.5.

⁴⁷ Australian Housing and Urban Research Institute, *What future for public housing? A critical analysis* (February 2010) 9.

⁴⁸ See R Hudson 'Public rental housing: Investment and contemporary issues' (2002) 25 *Just Policy* 49, 51, which suggest that in real terms, the Australian Government's commitment to public housing funds declined by as much as 26 per cent in the period between 1989 and 2000/1. See also Australian Housing and Urban Research Institute, *What future for public housing? A critical analysis* (February 2010) 5.

⁴⁹ Australian Housing and Urban Research Institute, *Research and Policy Bulletin* (August 2001).

- ▶ Many low income people are paying in excess of 30 per cent of their gross income for housing. This is commonly regarded as the limit of housing affordability for people on low incomes. Above this level they will need to make choices about cutting back on essential expenses.
- ▶ Present policy settings are unable to generate a sufficient supply of affordable housing in vibrant labour markets. This is a crucial issue for achieving welfare reform and combating economic and social exclusion. It needs to be resolved to avoid concentrating low-income people in economically depressed regions with few job prospects.
- ▶ The maximum rate of Commonwealth Rent Assistance is well below the level required to make private rents affordable for low-income people in most capital cities and some other locations.
- ▶ Most states' public housing systems are under stress, with significant financial pressures associated with: falling rental income; the maintenance and refurbishment of ageing stock; and the need for major adjustments to take account of demographic and social changes.
- ▶ A major challenge is to deliver more seamlessly a range of housing, health and welfare services to address the individual circumstances of people with complex and inter-related needs (such as for the frail aged or homeless people with substance abuse problems).
- ▶ There is a profound shortage of affordable and adequate housing for Indigenous Australians. Many communities in remote areas lack access to basic facilities for essential good health.

As the University of Tasmania has noted:

There is little hope that problems of affordability, tenure security, access to services and opportunities in education and work can be achieved without seeing greater investment in housing in general, and in public housing in particular.⁵⁰

Tenants of public housing

The profile of tenants has changed significantly since the early post-war decades. As the Committee's Submission guide notes,⁵¹ targeting of housing assistance has meant that being on a low income alone is no longer the main criteria for allocation to public housing:

- ▶ Over 90% of public housing tenants have some form of Centrelink payment or benefit as their main source of income.
- ▶ A large proportion of tenants are single or sole parents.
- ▶ The move to close down institutions which began in the 1980s has meant that people on aged or disability support pensions, often with complex support needs, represent a

⁵⁰ Rowland Atkinson and Keith Jacobs, *Public Housing in Australia: Stigma, Home and Opportunity* (2008) 4.

⁵¹ Family and Community Development Committee, *Inquiry into the adequacy and future directions of public housing in Victoria: Submission Guide* (December 2009) 2.

significant proportion of those now in public housing. From 1994-2006 there has been a 70% increase in the number of tenants who receive a disability pension.⁵²

- ▶ Other groups targeted by current social housing policies include homeless people, those experiencing domestic violence, indigenous people, refugees, new migrants and other households under stress.

In 2006, the Victorian Department of Human Services identified that:

[P]eople in high-risk tenancies are high needs people whose ability to manage their tenancies is seriously impaired by multiple problems and difficult life situations. Key characteristics of Victorians in public housing high-risk tenancies include:

- ▶ they are poor
- ▶ they are most likely to be either sole parents and their children or younger, single men and women
- ▶ although smaller in number, Indigenous Australians and youth are over-represented
- ▶ they often have long-standing health, welfare and economic problems, and chaotic life situations
- ▶ mental health, addiction, behavioural and financial problems are common.⁵³

Unsurprisingly, there is significant overlap between the target groups for public housing, and those that are at risk of losing their public housing. In the HPLC's experience, there is a lack of support provided to these vulnerable groups to maintain their tenancies, despite the clear correlation between the groups and government's commitment to providing this support.⁵⁴

The targeting of public housing to these vulnerable groups has resulted in a concentration of social disadvantage and people with high needs in public housing, who require particular forms of support. As AHURI notes:

Social residualisation has been a significant part of the history of Australian public housing. This means the increased tenorial concentration of less well-off and problematic households in one particular sector. Where this has combined with the geographical concentration of public housing, the effect was a more problematic public and political image of the role of public housing, an issue that has been highly damaging in relation to attracting a greater political support and investment in the sector.⁵⁵

Because of the effects of this 'social residualisation' approach to public housing, there continue to be difficulties within the public housing system in Victoria,⁵⁶ and this is reflected in the stories appended to this submission.

⁵² Department of Human Services, *Support for High-Risk Tenancies Final Report* (2006) 16.

⁵³ Department of Human Services, *Support for High-Risk Tenancies Final Report* (2006) 5-6.

⁵⁴ See generally Department of Human Services, *Support for High-Risk Tenancies Final Report* (2006).

⁵⁵ Australian Housing and Urban Research Institute, *What future for public housing? A critical analysis* (February 2010) 24.

⁵⁶ See also Rowland Atkinson and Keith Jacobs, *Public Housing in Australia: Stigma, Home and Opportunity* (2008).

Public housing in Victoria

The supply of affordable housing generally for low-income people in Australia and Victoria has been declining over the past decades. For many low-income people, public housing is becoming the only long-term housing option that is affordable and sustainable, and in 2008-09, 93.7% of new public housing tenancies were granted to low income tenants.⁵⁷

At the same time, however, there has been little growth in the supply of public housing stock and many people have to wait longer to access housing. As noted in the Committee's Submission Guide,⁵⁸ social housing represents only about 4% of the housing market, while much of this public housing stock is now at the end of its economic life⁵⁹ or is not suited to current needs.

The Committee's Submission Guide also provides the following overview of public housing in Victoria:

- ▶ The Office of Housing manages and maintains 65,167 public housing properties. There are 62,952 households living in public housing in Victoria. A further 1,345 households are living in Aboriginal Housing, and over 6,100 in other forms of community housing. Over 4,100 households are living in short-term crisis or transitional accommodation.⁶⁰
- ▶ The Auditor-General reported that detached housing and low-rise flats made up about 58% of public housing stock. High-rise properties made up about 11% of stock, and the remainder was made up of semidetached properties. There is also a movable units program (self-contained units which can be placed near another home and removed when not required).⁶¹

⁵⁷ Productivity Commission, Report on Government Services 2010 (2010) 16.24.

⁵⁸ Family and Community Development Committee, *Inquiry into the adequacy and future directions of public housing in Victoria: Submission Guide* (December 2009) 1.

⁵⁹ According to the Committee's Submission Guide, in 2004 38% of all public housing was over 20 years old in Victoria. Between 1998-99 and 2005-06, spending on maintenance of public housing maintenance grew 33% from approximately \$52.6 million to \$70 million: Family and Community Development Committee, *Inquiry into the adequacy and future directions of public housing in Victoria: Submission Guide* (December 2009) 1.

⁶⁰ Department of Human Services, Summary of Housing Assistance Programs 2007-08 (2009) 3, 5.

⁶¹ Auditor-General, Victoria, *Maintaining Public Housing Stock* (2004) No. 76, Session 2003-2004, 15-16.

Waiting for public housing

Public housing waiting lists

There are around 389,000 social housing dwellings in Australia.⁶² This figure covers public housing, government-owned and managed Indigenous housing, government-subsidized community housing, and crisis accommodation program dwellings.

The number of people on Australia's social housing waiting lists has fallen by 13% since 2000. The major reasons for this have been the tightening of eligibility criteria in some jurisdictions, and reviews of the status of previous applicants, rather than any decrease in the need within the community.⁶³ Even so, there were over 225,000 applicants waiting for social housing in Australia in 2008.⁶⁴

The Committee's Submission Guide provides a useful synopsis of the status of public housing waiting lists in Victoria:

As of September 2009, there were 39,076 people on the waiting list across the whole of Victoria. Of this, 8,215 were early housing applicants, and 30,861 were in the Wait Turn segment. Because of the shortage of available public housing, people can spend several years on public housing waiting lists. Even for priority allocations it is common for people to wait for up to one year to access public housing.⁶⁵

Meanwhile, the occupancy rate in Victoria's public housing has been decreasing year-on-year.⁶⁶

At a 2006 Homelessness Consumer Forum convened by the HPLC and attended by over 50 homeless people, 75% of surveyed people stated that they had spent over two years on the public housing waiting list.⁶⁷ Many people on public housing waiting lists may be forced to live in private accommodation, or transitional or crisis accommodation.⁶⁸ All of the Tenants who provided detailed case studies for this submission had experiences of waiting for public housing, including periods in transitional or crisis accommodation.

⁶² Australian Institute of Health and Welfare, Commonwealth–State Housing Agreement housing data collections. The number indicates the number of tenable dwellings as at 30 June each financial year.

⁶³ Shelter NSW, *Housing Australia factsheet: A quick guide to housing facts and figures* (December 2009) 8.

⁶⁴ Australian Institute of Health and Welfare, Commonwealth–State Housing Agreement housing data collections. The data for 2004, 2005 and 2006 do not include the Northern Territory (not available). The data do not include the crisis accommodation program (for which customers do not apply directly).

⁶⁵ Family and Community Development Committee, *Inquiry into the adequacy and future directions of public housing in Victoria: Submission Guide* (December 2009) 3.

⁶⁶ Productivity Commission, 16.32.

⁶⁷ PILCH Homeless Persons' Legal Clinic (Vic) and Human Rights Law Resource Centre, *Report to Special Rapporteur on the Right to Adequate Housing* (2006) 5.

⁶⁸ Family and Community Development Committee, *Inquiry into the adequacy and future directions of public housing in Victoria: Submission Guide* (December 2009) 3.

The impact of waiting for public housing

The application process

Applicants for public housing can be frustrated, confused and disempowered by the length of time taken to get public housing, and the lack of communication from the people who are supporting them to apply for accommodation. As Claire says, “*Even though she was helpful it still took a year for all the paperwork to be put in. Sally wrote a letter of support and there were also a couple of letters from other people but I’m not sure why it took such a long time.*”⁶⁹ The application process should be simple, but often isn’t, as Susan explains:

I called the agency and I said, ‘Can I speak to such and such’. That’s who I thought was doing the paperwork and they said, ‘Oh she doesn’t work here anymore’. I said, ‘Well when did she leave?’ ‘Oh about 4 months ago’. I said, ‘Well now who’s responsible for the paperwork?’ ‘Oh I’m sorry you haven’t been allocated to anyone’. ‘This is my housing’ I said, ‘What you mean I haven’t been allocated to anyone? A blind monkey with one arm could do the paperwork standing on its head’. I even asked them whether I should come and help them with filling out the paperwork because they couldn’t seem to handle it themselves.⁷⁰

Mark had a similar experience:

It’s interesting - I had one worker who got a huge amount done in 1 month. Then I had 2 other workers who did absolutely nothing and wasted my time for months. They were supposed to be working on my segment 1 application. The whole process took an eternity. It wasn’t processed because it hadn’t been finished. At the time I didn’t understand why it was taking so long to get it done. Cos I had all the relevant information. I partly organised it myself. I’d been given my general housing application so at least I got the ball rolling cos I didn’t really know about the segments 1, 2 and 3. I knew that there was something like that that was to be done. But time was rolling on and it was later in the year and I’d been in transitional housing for months and it still hadn’t been processed. My housing application was never finished and after a certain point I never heard from my housing workers again.⁷¹

These stories show that people seeking access to public housing need considerable assistance to navigate the system, and that this assistance is often insufficient. As Chamberlain et al note:

In the inner city, housing workers struggle with full case loads that are generally comprised of clients who have been homeless for long periods and who have many issues to resolve. This highlights two points: there is insufficient support for clients who have substance use and mental health issues; and there is a lack of affordable accommodation options in the capital cities for people on low incomes.⁷²

⁶⁹ Claire’ story (Appendix B), [33].

⁷⁰ Susan’s story (Appendix A), [16].

⁷¹ Mark’s Story (Appendix C), [17].

⁷² Chris Chamberlain, Guy Johnson and Jacqui Theobald, *Homelessness in Melbourne: Confronting the Challenge* (February 2007) 43.

While not seeking to criticise those agencies who provide this service to people at risk of homelessness, it is vital that support workers are resourced, trained and supported to provide the assistance that this vulnerable group needs.

Recommendation 4

That the Inquiry recognise that housing services (and their staff) must be resourced, trained, and supported to provide appropriate assistance to people applying for public housing.

Experiences of crisis, transitional and other accommodation

As the Committee's Submission Guide notes,⁷³ many of the vulnerable people on public housing waiting lists are forced to live in private accommodation, or transitional or crisis accommodation. Mark experienced crisis accommodation:

I was fortunate enough to get a bed after about 10 days of ringing. I rang every day about 9 o'clock. Then I was fortunate enough that I was single at that time. And as I say, I really had to press to get in there. Cos I sort of feel that if I didn't get a little bit forceful then I wasn't going to get in. It was November 2007. And I stayed there for 3 months. I must admit, moving all over the place had been a nightmare.⁷⁴

Mark reflects on his experience of crisis accommodation:

People got along pretty well but there were always problems because someone inevitably ripped someone off and it would generally be related to substance problems. So therefore you've got these conflicts of people. So there was a bit of violence in there. On the odd occasion, I'd experienced a few violence issues and this was a bit of an eye opener because it was the first time that I had been exposed to this world. At the start I didn't have a clue where I was going and after moving in it started to feel a bit like an 'institution'. Not that I've ever been to jail, but I actually felt that it couldn't have been much worse.⁷⁵

Housing workers often refer homeless people to boarding houses because there is no alternative accommodation available.⁷⁶ Boarding houses are places where violence, intimidation and drug use are common.⁷⁷ According to Chamberlain et al, putting vulnerable people into boarding houses increases the possibility they will become involved in the homeless subculture.⁷⁸

Susan speaks about her experience in transitional housing:

⁷³ Family and Community Development Committee, *Inquiry into the adequacy and future directions of public housing in Victoria: Submission Guide* (December 2009) 3.

⁷⁴ Mark's story (Appendix C), [9].

⁷⁵ Mark's story (Appendix C), [11].

⁷⁶ Chris Chamberlain, Guy Johnson and Jacqui Theobald, *Homelessness in Melbourne: Confronting the Challenge* (February 2007) 43.

⁷⁷ See further PILCH Homeless Persons' Legal Clinic, *Less Room to Move, Better Room to Move In: Submission to Consumer Affairs Victoria regarding the Residential Accommodation Issues Paper* (August 2007) ch 4.

⁷⁸ Chris Chamberlain, Guy Johnson and Jacqui Theobald, *Homelessness in Melbourne: Confronting the Challenge* (February 2007) 43.

They tried to push me into this substandard rooming house for my wait. They kept saying, 'It's only going to be 6 to 9 months. It'll be alright' and I told them that I was not going into a rooming house, because I'd lived in rooming houses before. They're not safe and the area wasn't safe and I thought I'm just not doing it. So I put up a fight and got a transitional housing unit, which was really nice.

This was in 2001 and at the one year mark I was still there. I hadn't unpacked because I thought, I won't get used to this place even though it's really nice because I'm waiting for my place. I was thinking it should be any day now because they said 6 to 9 months and it's been 12 months now.

...

Eventually at about 2½ to 3 years I unpacked because I thought I should unpack and then I was worried, what if I get evicted? Like it was really just hard and I just thought I can't live like this out of bags and I need to just try and believe that my place will come up ... The threats from the transitional housing agency continued on a very regular basis, and were just horrible. It was incredibly distressing for me. I thought about killing myself on many occasions and I told them that and they didn't care. They did not care.⁷⁹

Mark's mental health also suffered while he was in transitional housing, waiting for public housing:

At this stage I wasn't really coping. I didn't deal with it at all well. My depression was rock bottom and then I figured "I've got to live in a hell hole". It didn't cheer me up. And my kids couldn't visit because children under 16 are not permitted on transitional properties. I still saw them, though. I thought they were not going to stop me having a connection with my children. I was taking them to McDonalds and the movies and stuff but after a while it got too hard and I had them over to the transitional property. It was my home... normal life. And I couldn't afford taking the kids out all the time; I was on Newstart and didn't have much money floating around.⁸⁰

Marie and her children were in transitional housing while they waited for public housing:

I was on the waiting list a number of years before I ended up staying in a transitional hostel. I had 2 children at the time. It was difficult because so many different kinds of people live there and there were people with health issues, people that had high risk diseases who were also residents of where we were staying and I just had to watch my children constantly.

It was difficult for the children because they couldn't have their own things and things to play with because there's other children there as well, so it could cause conflict, so you just had to basically if you wanted to do anything you had to stay in your room and do it. We were there for about 12 months.⁸¹

Marie and her children then tried to stay with family:

⁷⁹ Susan's story (Appendix A), [11]-[12], [25], [27].

⁸⁰ Mark's story (Appendix C), [23].

⁸¹ Marie's story (Appendix E), [2]-[3].

So I stayed with my sister who had a housing commission house in Ballarat which was hard because I was travelling to Melbourne every day to see my mum in hospital. It had three bedrooms and there were herself and her two children. By this time there was 5 of us so it was 8 of us in a 3 bedroom house. We stayed there for six months and then she said she didn't want us to stay with her any longer.⁸²

Claire, a victim of domestic violence, tried to secure private accommodation:

I tried to get organisations to help me obtain public housing but they wouldn't help me. . I was given the run-around. Just before I had my baby I managed to get a rental house that I couldn't afford on the money I was on and I was completely freaking out so I basically started begging my ex to come down to Melbourne. And sort of saying "I'm really sorry." You know, "I am such a problem and could you please come down to Melbourne." And then he came down and I was like fully 9 months pregnant and he was here less than a week and he kicked me off the bed for taking up too much room when I was 9 months pregnant. And I mean literally kicked me off and I hit the floor.⁸³

Despite the difficulties Claire was facing, there was little support available:

I did try and get help from other agencies and organisations but everyone kept telling me that I would not get housing. I was telling them, 'I'm living in severe poverty, I'm not coping, my ex' has found me, my life is in danger' or I would tell them about the needs of my child. My child was not sleeping. I was not sleeping. I felt suicidal. They'd tell me – 'Oh, you'll be paying the same amount of rent,' and that my current place was cheap. This was true, I was staying in cheap rental premises but they were cheap because they were terrible and – for example – had no running hot water. The attitude was – if you are in private rental things will be fine. They also told me I'd end up with junkies and wouldn't get accepted anyway. They said it would involve years of waiting. They'd push me off onto another agency. Ultimately they either talked me out of applying or simply refused to fill in the forms. I don't think they wanted to do it. I was with X agency and they constantly referred me to Y Housing and Z Housing. I can't even count the number of times that I spoke to Y Housing and Z Housing. It must have been 30-50 times.⁸⁴

Susan sums up her experience of waiting for public housing in this way:

I felt like there was nothing more I could do. I had met all my obligations in terms of my tenancy and the Office of Housing and yet I was still being threatened with homelessness and I just wanted somewhere to live that was mine that I could call home. I was getting older and my health was deteriorating and then to have the extra stress on top of it made me sort of wonder if it was all worthwhile or even if it would ever eventuate ... I just thought they were being unnecessarily cruel.⁸⁵

⁸² Marie's story (Appendix E), [11].

⁸³ Claire' story (Appendix B), [28].

⁸⁴ Claire' story (Appendix B), [32].

⁸⁵ Susan's story (Appendix A), [22]-[23].

Given the difficulties expressed by the Tenants and other applicants for public housing, it is vital that people be provided with long-term secure housing as early as possible to prevent the entrenchment of homelessness and entry into the 'homeless subculture'.⁸⁶

⁸⁶ Chris Chamberlain, Guy Johnson and Jacqui Theobald, *Homelessness in Melbourne: Confronting the Challenge* (February 2007) 43.

Living in public housing

Adequacy of Victorian public housing

Pursuant to article 11 of the ICESCR, all people have the right to adequate housing, which includes a right to live somewhere in security, peace and dignity.

The Terms of Reference of the Inquiry acknowledges the international standards that define what standards adequate housing must meet. According to the CESCR, at a minimum, housing must be:

- affordable;
- accessible to disadvantaged groups;
- habitable;
- culturally appropriate;
- provide occupants with security of tenure; and
- afford access to appropriate services, materials, facilities and infrastructure, including employment, health care, schools and other social facilities.⁸⁷

Through our interviews with the Tenants we have identified that the main issues relating to Victorian public housing are the habitability of the accommodation provided, cultural appropriateness, accessibility of the accommodation and affording access to appropriate services.

Habitability of public housing

*This is one in a million kind of thing, if that. I would have greater odds of winning Tatts Lotto than getting a nice place in public housing - you know what the odds are to win Tatts Lotto?*⁸⁸

Susan is not the only public housing resident to comment on the 'Russian Roulette' experience of being offered public housing.

Public housing residents, often after years of waiting, recount being offered housing that does not meet public standards and expectations and is less than adequate with respect to cleanliness and functionality of fixtures. There is no right to refuse this housing.

Susan recounts the experience as, *'You get really nervous because you're only made one offer and you think if it's some little ghetto, it's just going to be horrible. I'm all nervous and excited at the same time'*.

For Susan, the excitement quickly dies once she is shown the property;

⁸⁷ CESCR, *General Comment 4: The Right to Adequate Housing*, UN Doc HRI/GEN/1/Rev.5 (2001) 22.

⁸⁸ Susan's story (Appendix A), [49].

'This is horrible', I said. 'I would kill myself'. I said 'It's so dark in here. There's only 2 windows.' I said, 'Are you sure there shouldn't be like an exhaust fan in the bathroom at least to stop mould? There's no window. There's no nothing'

'Where would I put a washing machine?' she asks the Housing Officer.

'Oh, that's a good question' and she goes and looks in the bathroom. I mean you couldn't swing a cat in it and she comes back into the, well call it the kitchen lounge room and goes, 'I guess you'd have to put it here' and I said 'In the lounge room, where the fridge would probably go' and she goes, 'I guess you'd just have to decide which was more important'. I said, 'What? Food or clean clothes?'⁸⁹

Marie recounts the house she moved into in Mildura, with her two young children:

The house was riddled with cockroaches. I had the exterminators come and try and get rid of them three times and they still didn't work.

I actually complained to the Department of Housing because I thought it was their responsibility because they were there before I moved in but they said it's not their responsibility to get rid of them.⁹⁰

Lukas moves into his house in the belief that the Office of Housing (**OOH**) would clean and fix it before moving in. Instead he finds:

It was completely black everywhere...The window can't be closed. They were supposed to spend \$8,000 or something like that on repairing the flat. That's what they told me. \$8,000. I can't even close the window now. The shower was broken, the blinds fell down on my head at least 20 times. And I was the lucky one because some others they got carpet that was 25 years old!!⁹¹

A further serious inadequacy with respect to habitability, relates to the heating and cooling of public housing residences. Mark describes the issues resulting from the lack of cooling in his high rise which mostly caters for residents over 55 years of age:

The whole building has problems with heating and cooling. The heating is hydronic and it's bloody useless, it just doesn't work. And when the place gets hot, it stays hot. Shocking. Like when we were talking about that 44 degree day – it was 60c in the flats. We've actually lost a lot of people. We lost a chap on that 44 degree day. I spoke to him the day before and he was fine. The next day he was gone. He wasn't a young chap, don't get me wrong, but he looked like he still had plenty left in his engine and then there was a heatwave and bang! It knocked him over, the poor old fellow.⁹²

This is an issue common to many of the high rises, and older style buildings in Victoria's public housing stock. Lukas' high rise in Carlton suffers from the same problem:

⁸⁹ Susan's story (Appendix A), [31-34].

⁹⁰ Marie's story (Appendix E), [5-6].

⁹¹ Lukas' story (Appendix D), [9-11].

⁹² Mark's story, [Appendix C], [41].

There's so many people who live in this type of building. And some of them, especially the elderly, they're very fragile. Especially with the hot weather, they get very sick. Because this building, it becomes like a sweat box.⁹³

The right to housing encompasses the right to have housing that provides occupants with adequate space, shelter from weather, and protection from threats to health like structural hazards and disease. The potential effect of living in conditions which do not allow for natural light, fresh air, which do not cater for Victoria's climate and which are not of an acceptable level of cleanliness is expressed by Susan:

All those that move into those dodgy dingy substandard little places like I was shown and there are worse out there than what I saw. I feel sorry for them because they're people who aren't going to live a long life. I would really like something to be looked at in terms of longevity of people in public housing. See what their life span's like or the quality of their life and what public housing does to it.⁹⁴

Recommendation 5

The Inquiry should call on the Office of Housing to provide housing that is clean, adequate in terms of fixtures and space, and equipped to handle extreme heat.

Accessibility of public housing

General Comment 4 of the CESCR states that adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in housing. Both housing law and policy should take fully into account the special housing needs of these groups.

The most consistent message to come out of our interviews with consumers were stories evidencing a lack of understanding, and in some cases, a lack of interest from the OOH with respect to the housing needs of disadvantaged groups.

Mental illness in public housing

Many of the interviewees complained that public housing acts as a 'dumping ground' for people with mental health issues.

In its 2006 report into Support for High-Risk Tenancies, the Department of Human Services noted that tenants with mental health and/or addiction issues commonly had tenancy problems related to nuisance and aggressive behaviour.⁹⁵ The group of tenants identified with mental health and/or

⁹³ Lukas' story (Appendix D), [31].

⁹⁴ Susan's story (Appendix A), [52].

⁹⁵ Department of Human Services, *Support for High-Risk Tenancies Final Report* (2006) 17.

addiction problems are not homogeneous. For example, the group includes single people (young adults to middle age) and parents (couples and sole parents) with children.⁹⁶

Mark describes residents in his high rise who suffer mental health issues, and the lack of support they are offered:

We've got, on every floor, quite a few people – like two people on every floor have got severe mental health problems and mental health history. I believe everybody's got the right to public housing. But the problem is it's impacting on everybody else that don't have chronic mental health issues. We've got a lady on my floor who just gives the other women hell. She doesn't hassle any of the other blokes. She'll go in and rip all their washing out of the laundry and throw it all over the floor. She'll slam doors and throw rubbish around the laundry and Because obviously there's no care for her, she's just been dumped there and it's known that she's got a huge mental health history and a lot of the women are frightened – she's violent...

On one occasion this woman – she's knocked on my door bawling and screaming. Well I tried to calm her and tried to listen to her as best I can. I walk her back to her flat and discovered that she had ripped her security phone off the wall, because it was making a noise and she couldn't deal with it. I think these people need support and often care to remain healthy while in housing. Yet they dump them in a flat and expect us to deal with it! It's sad. Because no one cares, or gives a damn. We're not professional carers and it becomes our responsibility. I'm far from being a mental health professional and I'm going 'I'm not even getting paid for this job'. So therefore I think someone is derelicting their duties in reasonable care for people that have got these issues.⁹⁷

AHURI notes that key supports are vital for tenants experiencing mental health issues – from a stable income, to appropriate treatment, to psycho-social rehabilitation.⁹⁸ However, Lukas notes that there is a lack of support in his high-rise:

There's 2 people who live close to me with mental issues, yelling and screaming for 24 hours. Nobody does anything...Apparently I have to go to court just to get these people quiet. One of them is screaming and yelling 24 hours non-stop. Police can't do nothing, security can't do nothing. It makes no difference.

I tell the Office, look this person they don't need the police, they need medical attention. Some support, not police or this and that. They find out that the woman who makes this noise has cancer. And then they want me to lodge a complaint against this person and ask me to take her to court. I say, it's not my problem. I mean this problem was here before I move in. This person she needs a doctor...I don't want to make her live on the streets! She's a sick woman!⁹⁹

⁹⁶ Ibid.

⁹⁷ Mark's story, [Appendix C], [43-44].

⁹⁸ AHURI, Linkages between housing and support – what is important from the perspective of people living with a mental illness (2002) ix.

⁹⁹ Lukas' story (Appendix D), [13-15].

Diane recounts her experience in her housing complex, and as she sees it, one of the main issues with public housing:

The trouble is that they put a whole lot of people with mental health issues and drug issues into housing with I think not adequate enough support. For instance, I have a lady with Alzheimer's upstairs and she does a lot of strange things like pour water over the balcony and she wakes me up at night, turns the washing machines off, stuff like that.¹⁰⁰

The effect of using public housing as a dumping-ground is two-pronged. Those with mental health issues live without the support and care they require. For residents who live in close proximity to people who have mental health issues and are not given support, their housing situation can become almost unbearable. Lukas states:

That's what I find with these places - there's people with mental issues, they're drinking and continuously yelling. So everybody will move out except the person that make the noise... I had been to see the Italian social worker and the social worker says are you alright? You look very sick. She said are you eating alright, is something wrong? I went to see the doctor, the doctor he said what's wrong you look so sick. I think I have had one nights sleep since I move in... I'm ready to abandon the flat. I'm ready to give the flat away. I don't know where I could go. But I've had enough.¹⁰¹

Recommendation 6

The Inquiry should recommend that the Government provide integrated mental health and support services within the Office of Housing for public housing residents who suffer from mental illness.

¹⁰⁰ Diane's story (Appendix F), 15.

¹⁰¹ Lukas' story (Appendix D), [7, 19, 36].

Substance abuse in public housing

Placing people in public housing without consideration of their history and needs can create difficulty for residents who have drug and alcohol issues. AHURI raised the following key points in its publication *Heroin use and housing*.¹⁰²

- ▶ The reasons for individuals choosing to use heroin are as varied as the impact that it will have upon other aspects of their lives, including housing. It is therefore important that policy makers avoid drawing upon stereotypical generalisations in developing sensitive policy and program responses.
- ▶ Social housing – including public housing – is the only realistic option for low-income dependent heroin users seeking secure and affordable housing because this group is systematically excluded from the private rental market.
- ▶ Drug use and an endemic drug trade has led to some public housing estates becoming unpopular with using and non-using tenants and public housing applicants alike. It has therefore diminished the capacity of public housing authorities to provide secure, affordable housing.
- ▶ Some heroin users present considerable challenges to social housing providers and other health and welfare providers through ‘chaotic’ behaviours. These behaviours can only be effectively responded to by further integration of service provision using explicit protocols and guaranteed resources.

Diane had been in drug rehabilitation and was assisted by a drug rehabilitation agency in obtaining public housing. However, the housing complex she was placed in housed other people with drug issues. Diane describes the difficulty as a former drug addict in being surrounded by others with drug problems.

Like if I wanted to use now, today, right now, say I decided to go to score, I know five people, that I can go and ask right now. And it would be nicer not to have those opportunities.¹⁰³

Recommendation 7

The Inquiry should recommend that the Government provide integrated health and support services within the Office of Housing for public housing residents who are substance abusers.

Aging Victorians in public housing

According to AHURI:

Two key themes were found to underlie the housing and support needs of older homeless people, the need for security and the desire for independent living. The desire for independent living was expressed as a desire for privacy, freedom to do as one chose and having the facilities to support independent living ... The form of housing assistance that most readily provides this package of housing outcomes is ... public housing, because of its qualities

¹⁰² AHURI, *Heroin use and housing* (November 2003) 1.

¹⁰³ Diane's story (Appendix F, [18]).

including security of tenure, affordability and location that provides access to required services¹⁰⁴

Lukas' experience typifies the experiences of many older Australians who are placed in housing complexes.

Lukas is in his late 60s and originally lived in public housing in St Kilda. He was happy to be there 'because I was familiar with the area. I got married in Balaclava, I had a house off Toorak Road and I worked in Toorak Road for nearly 24 years'.¹⁰⁵

He transferred out of his public housing in St Kilda, away from his community and base, in the hope that he would be allocated a house where he could live peacefully without continual disturbance from mentally-ill and alcohol affected residents.

However, Lukas found that his high rise in Carlton is just as bad, if not worse. He describes the experience of elderly people in the high rise:

In this type of environment everybody treats us like we are 10 years old. We got no brain anymore. And some of us, we've done 40, 45 years work in our life! After we're 65 years old we become disposable. We're patronised. We're treated like we're stupid.

I see a lot of elderly people. They become so isolated in here, because they're so scared. They become hermits. A lot of people live in the Ministry of Housing, they drop out from family, from friends and everybody. And if a person gets sick, he will be alone. And when these people die, they find them after a couple of weeks. Because the rent has been paid from Centrelink to the Ministry of Housing they wouldn't know – actually one person told me that a person here died and they found him after one year.

They should have somebody to check on them every week. To see if they're okay, I'm the lucky one. I can go out, I can get around. They got nobody knocking on the door saying 'Are you alright? Do you need anybody to do your shopping? Do you feel alright?' Some of them are 85, 90 years old. There's nobody checking on them.¹⁰⁶

Nor is Lukas given the support he requires. The effect of living in the high rise has been to isolate him from his community. The noise created by neighbours suffering mental illness leaves him unable to sleep. As a result of the effects of this on his health he has applied to transfer.

I applied for walk-up flats. Low density. Walk up flats where I can have my life. I would sleep, I would be able to see people in my community, I could go back to doing the voluntary work which I was doing before with my church.¹⁰⁷

Recommendation 8

The Inquiry should recommend that the Office of Housing's public housing allocation take into account the needs of Senior Victorians in allocating appropriate housing.

¹⁰⁴ AHURI, *Housing and support options for older people who are homeless* (August 2005) 2.

¹⁰⁵ Lukas' story (Appendix D), [3].

¹⁰⁶ Lukas' story (Appendix C), [22, 30, 32].

¹⁰⁷ Lukas' story (Appendix D), [26-27].

Appropriate housing should not include high-rise public housing and should prioritise physical security and allowing residents to retain a connection with the community. Further, the Inquiry should call on the Government to provide integrated services for the elderly within the Office of Housing.

Children in public housing

The Commonwealth Government's White Paper on Homelessness has identified the particular vulnerability of children and young people.¹⁰⁸ Over the last five years the number of children who are homeless under the age of 12 has increased by 22 per cent. The vast majority of children who are homeless are with their parents.¹⁰⁹ Many of these family groups are escaping violence, while a smaller group are homeless because of financial stress. Homelessness has a severe impact on children and may be the first step on a path to lifelong disadvantage.¹¹⁰

Marie received priority for housing after her children were sexually abused. She was offered and pushed to accept, a property that would place an 'at risk' child away from her direct supervision.

They offered a property...as you can imagine by this point my children are not very well. Same with myself but moreso them. And they offered me a property. I was eligible for a 4 bedroom property. They offered me a property where 3 bedrooms were in the house and the 4th bedroom was like a dog kennel outside that if you wanted to lock your house, that child would be locked out there. They were high risk for suicide as well.

And I said it's not appropriate. I can't have a child where I cannot see them. My children were having counselling for suicide as it was and they wanted to put one out in this little disgusting thing that's meant to be a bedroom and part of the house...By this point I had a bit more energy and a bit more fight in me and I said well I cannot accept this property cause they basically said to my face you have to accept this or you get nothing and you're homeless.¹¹¹

Claire who has a disabled child, faces a similar lack of understanding from the OOH of the needs of her child:

My housing is inappropriate. The Office of Housing was aware that I needed housing that was appropriate for my son and for me. He has a disability. I have experienced domestic violence. And yet they put us in a place with violent and abusive neighbours. When I first viewed the property I told them that it wasn't appropriate for my son's needs and they said that if I didn't take it and I appealed that there was a 50/50 chance of me not being accepted and if I wasn't accepted I'd be sleeping rough with my son. As I said, my fear's always been sleeping rough with my son which I will not do. I'll do anything before that happens.¹¹²

¹⁰⁸ Commonwealth of Australia, *The Road Home: A National Approach to Reducing Homelessness* (2008). Available at www.fahcsia.gov.au/publications.

¹⁰⁹ Australian Institute of Health and Welfare (AIHW), *Homeless people in SAAP: SAAP National Data Collection annual report*, (2008) 36.

¹¹⁰ Commonwealth of Australia, *The Road Home: A National Approach to Reducing Homelessness* (2008) 5. Available at www.fahcsia.gov.au/publications.

¹¹¹ Marie's story (Appendix E), [46-48].

¹¹² Claire' story (Appendix B), [36].

Mark is a father of two children and was so desperate for public housing after his experiences in transitional housing that he ended up taking housing unsuitable for his needs:

I'm only in a one bedroom flat. I have 30% custody of my daughter. My son's now 18 and they said to me we've got a one bedroom flat and I said 'my general housing application, it was two bedroom'. Oh they said 'oh look, we'll tear this contract up' and I said 'no, you're not' because I just couldn't stay in this transitional property any longer. If I didn't have kids this place would be ideal.

My daughter's 9 and when she comes over she stays in a little bed in the corner of my room. But as she gets older, it's going to get more difficult, particularly with young girls – they want their privacy – obviously...And my son fortunately, he still comes over with her – at 18. He still comes to see his dad, which is great. So he sleeps on the couch in the lounge room.¹¹³

Recommendation 9

The Inquiry should recommend that the Office of Housing take into account the physical and emotional needs of children in the allocation of public housing.

Victims of domestic violence in public housing

Domestic and family violence continues to be the major driver of homelessness.¹¹⁴ According to the White Paper:¹¹⁵

Many service providers report that homelessness driven by domestic violence is different from other forms of homelessness. Many women who escape abusive, violent relationships return to the perpetrator numerous times and cycle in and out of homelessness. This may be because they have no money, family support or stable housing or their partner promises to stop the violence.¹¹⁶

Claire received priority housing as a result of her experiences with domestic violence. She was placed into housing next door to neighbours in an OOH property who are in a domestic violence relationship. She says:

Their property is connected to my own. Their violence therefore extends to me and to my son. On the week we moved in I witnessed the guy slamming the woman's head into a car door and pulling her into a car as she screamed against her will. She was heavily pregnant at the time and my son saw the whole thing as well.

With my neighbours it feels like I'm a victim of domestic violence all over again. I mean, I know I'm better off physically in my place with the doors locked except it doesn't stop the noise and comments like "you fucking cunt" and all the other stuff that comes through the window. My

¹¹³ Mark's story (Appendix B), [35-37].

¹¹⁴ Commonwealth of Australia, *The Road Home: A National Approach to Reducing Homelessness* (2008) 7. Available at www.fahcsia.gov.au/publications.

¹¹⁵ *Ibid.*

¹¹⁶ Flinders University, *Women, domestic and family violence and homelessness: A synthesis report* (2008).

son hears those words and sounds and yet I'm working really hard, I'm trying to give my son a much better life than what I had and I'm putting more effort into that than any person I know.¹¹⁷

Recommendation 10

The Inquiry should recommend that the Office of Housing takes into account the physical security and emotional needs of victims of domestic violence in its allocation of public housing.

Cultural appropriateness

Housing provided to Indigenous members of society often does not accommodate the cultural importance of communal living and the importance of family. The experience of Marie shows that OOH policies and officers may not always be culturally aware and appropriate.

Marie talks about the time she also cared for her friend's four children on top of her own four children:

My children's stepmother who was a very close friend of mine committed suicide because one of the things that impacted her was their sexual abuse. It was 12 months to the day of finding out what happened. She took her life.

I actually cared for her 4 children for a few months after that and they came and lived with me. She had three under 3 and a 6 year old. That was 9 of us in my three bedroom house, sleeping wherever we could.

The Department of Housing and my housing worker were aware of it but that was about it. I actually approached DHS and that for financial assistance cause I wasn't getting any money for them or anything but that didn't go anywhere. I wasn't in a mind frame to argue at that point.¹¹⁸

Recommendation 11

The Inquiry should recommend that that the Office of Housing be responsive to community and cultural needs of public housing residents, including responding to changing circumstances that may arise from cultural practices or norms.

Access to services

The lack of access to services can severely impacts on people in public housing, particularly with respect to those who need access to medical treatment. It can also lead to isolation from community and family. For Claire, who has a son with a disability, the effect of being placed away from necessary services is described below:

I applied for a different area because this would be on the train lines that were better for us. But we were offered housing in another area. Our housing is isolated. Although the public transport is okay, we are miles away from friends, schools and services that my son needs.

¹¹⁷ Claire' story (Appendix B), [34, 47].

¹¹⁸ Marie's story (Appendix E), [42-44].

We are also on the wrong line. We'd need to come into the city and go out again to get to appointments. I can spent a massive amount of time on public transport every week. Sometimes I don't buy my son a ticket because I cannot afford it. Then I risk getting a fine which I also cannot afford. It's a vicious cycle.¹¹⁹

Susan also suffers from a disability and needs access to medical support. She describes pressure on her to apply for a broadband further away from her support.

At the 5 year mark the OOH wrote to me and they wanted to interview me and they told me that I would never ever be housed in the inner south broadband, which was one of my broadbands.

I said, 'What do you mean? I've been waiting for 5 years. That's one of my broadbands'. They said, 'With all your exemptions you'll never be housed. Even if you had no exemptions the wait would still be 8 to 10 years without exemptions on seg 1 for the inner south broadband'.

Recommendation 12

The Inquiry should recommend that that in the allocation of public housing, the Office of Housing consider the services required by applicants, and prioritise providing public housing that offers access to those services.

Safety in public housing

Another recurring issue highlighted through the HPLC's interviews relates to physical safety.

Lukas says:

Of course I don't feel safe in this type of environment. With the people selling drugs, there's always new people coming in. Before Christmas, there's been about 5 or 6 robberies.

And it's not just the noise - this other sick man, he chases me with a knife. This isn't unusual.

You go in the lift and you find people so drunk that they can't even stand up. Many people in this type of environment, they start drinking - they're not strong enough to keep away from the alcohol. That's the only way they can escape. They become aggressive, abusive.

Nobody feels safe. I don't want to feel like I have to lock up myself, but I don't feel safe to even go to the garden. People come there from the pub completely drunk and they make trouble.

Diane says in relation to her complex:

It was hard that my children were coming to visit me in a place I didn't feel safe. Like my youngest son had a person pull a knife on him and the man that pulled the knife on him is a 50 year old crazy guy.

Mostly it's the violence that worries me. I don't leave my house at night. I am required to come home late on Friday nights because of my work but I don't go for walks around the park. Yeah, I'd like to go out and watch the sunset but I don't - because of the people that are around.

¹¹⁹ Susan's story (Appendix A0, [39-42]).

Recommendation 13

The Inquiry should recommend that the Office of Housing develop practices and policies to ensure the physical safety of residents in public housing.

Transfers in public housing

The impact of inadequate housing is magnified because of the difficulty associated in obtaining a transfer on medical and other grounds. For many, the difficulty relates to the administrative burden involved in applying for a transfer. Many residents are informed their wait for a transfer will be more than 10 years. Claire recounts:

I accepted the property because was told that I could transfer within a year of being at the property and it would be an easy process and to accept the property.

The process of applying to transfer was fairly involved. I needed a psychologist's report to prove that living in the premises was affecting my mental health in order to establish a transfer under urgent medical grounds. This was true but in my opinion I should not have required a medical report to prove that the premises were bad for me. It was obvious.

The transfer application also involved a number of other sections with dealt with a variety of issues including the distance to needed to travel to reach my son's school, the amount of time we needed to spend travelling every day, the effect of not having access to services for me and him, information about his disability and the ways in which the premises were inappropriate (including issues with the oven and the backyard). The housing worker not only organized all of this material but she also arranged strong supporting letters from other agencies including those organizations working with my son.

Again, it took a really long time to organise this material, in fact it took a year and a half just to prepare the application. Then, once the application was submitted I didn't hear anything for a really long time until I received a letter to say I was on a waiting list. Then I called up and found out that I was on a segment 4 or 5 or something and that it would be a 40 year wait.

I asked them about my application for transfer on medical needs grounds and was told that the office had no record of my application and that it had been lost. I subsequently found out that for some reason the application had been transferred to 3 different offices.

Lukas had a similar experience in relation both to waiting times and the administrative process involved:

Apparently they lost my application for transfer. I found out about that 3 months later.

The doctor gave me a letter and the hospital gave me a letter of support 'because he's sick, he's getting sick' and I went to South Melbourne and they said the application was lost. I'm not the only case of that, there's a lot of people whose application gets lost from the Carlton office. Lost on the way from one office to another office.

So I said, I got a doctor's letter which office do I have to lodge it in? And they tell me, look we're not interested in what the doctor said. That's what they told me. I say what do you mean you're not interested? That's why I put in the application - because I'm sick!

It'll take 10 years before we move you they tell me. I said look I'll be in a cemetery in 10 years. It's right across the road - much closer.

Recommendation 14

The Inquiry should recommend that the Office of Housing respond to the changing circumstances and needs of public housing residents in considering applications for transfer.

High-risk public housing tenancies

In considering the way in which the Office of Housing (OOH) responds to tenants at risk of eviction, it is useful to consider the profile of public housing tenants. In this regard a recent report notes that in Australia there has been a 'particularly acute' process of residualisation in public housing.¹²⁰

Housing residualisation is a process by which the 'residents of social housing are increasingly drawn from vulnerable populations characterized by disadvantage and complex needs rather than just low income.'¹²¹ A particularly instructive example of this process is that in 1966 over 80% of public housing tenants were in paid employment and by contrast, currently 90% of public housing residents are in receipt of government pensions and benefits¹²². In Victoria, the targeting of housing assistance is reflected by the 'segmented' waiting list for public housing:

- ▶ Segment 1: people with a history of recurring homelessness and have underlying personal factors which contribute to the clients inability to maintain housing;
- ▶ Segment 2: people with disabilities or long term health problems
- ▶ Segment 3: people in housing crisis due to insecure, unsafe or inappropriate housing
- ▶ Segment 4: 'Wait turn' housing for people on a low income.

In applying for housing, applicants are required to provide documentary evidence of their needs and qualification for the relevant housing segment.

The drivers of housing residualisation are in part a result of government efforts to target housing assistance to the areas of greatest need. There other reasons why disadvantaged and vulnerable people are reliant on public housing. The Commonwealth Government has provided significant financial incentives to encourage private home ownership to both investors and first home buyers. Such policies have increased private homeownership but have done nothing to generate housing affordability. The outcome of such policies can be seen in the rental vacancy rate in Victoria which has remained at an incredibly low rate of 1.3% for approximately 4 years and a 'sharp and significant decline in the availability of affordable private rental accommodation in metropolitan Melbourne'¹²³.

In such an environment it is no surprise that vulnerable and disadvantaged people with complex needs wind up in public housing. Furthermore, it is also no surprise that within this vulnerable group there are some people who will have extraordinary difficulty in managing their tenancy due to their support issues. Research by the Department of Human services indicate that by far the main support issues of high risk tenancies are nuisance behaviour, mental health issues, aggressive behaviour, addiction and financial issues¹²⁴.

¹²⁰ Jacobs, Atkinson, Spinney, Colic-Peisker, Berry and Dalton, What future for public housing? A critical analysis, p 2

¹²¹ Habibis, Atkinson, Dunbar, Goss, Easthope, Maginn, A sustaining tenancies approach to managing demanding behaviour in public housing: a good practice guide, p viii

¹²² Jacobs et al, Op Cit, p 25, Department of Human Services, Support for High-Risk Tenancies Strategic Project (2006), p 16

¹²³ Department of Housing Services, Rental Report: September Quarter 2009, pp 7 & 8

¹²⁴ Department of Human Services, Support for High-Risk Tenancies Strategic Project (2006), p 17

Challenging behaviour was clearly identified by the Tenants. In relation to the issue of domestic violence, Claire states that:

My neighbours are involved in a domestic violence relationship. Their property is connected to my own. Their violence therefore extends to me and to my son. On the week we moved in I witnessed the guy slamming the woman's head into a car door and pulling her into a car as she screamed against her will. She was heavily pregnant at the time and my son saw the whole thing as well.

We have been in the property for over 2 years and there have been more or less daily episodes of domestic violence. And it's not just domestic violence, they also have a problem with me and my son because they think we complained to the Director of Housing about them. We didn't complain about them and we told them this but it didn't matter. They actually told my son they would run him over with their car and my son (because of his disability) takes things literally so he is terrified and thinks they will actually do it. The guy next door has also threatened to bash me and when I told the police they told me I needed to film the threat with a movie camera if I wanted them to help. I need proof because it's their word against mine. But where am I going to get a movie camera?

In relation to tenants with mental health issues we spoke with Mark who referred to his own struggles with depression and yet stated:

We've got, on every floor, quite a few people – like two people on every floor have got severe mental health problems and mental health history. I believe everybody's got the right to public housing. But the problem is it's impacting on everybody else that don't have chronic mental health issues. We've got a lady on my floor who just gives the other women hell. She doesn't hassle any of the other blokes. She'll go in a rip all their washing out of the laundry and throw it all over the floor. She'll slam doors and throw rubbish around the laundry and Because obviously there's no care for her, she's just been dumped there and it's known that she's got a huge mental health history and a lot of the women are frightened – she's violent. I don't know how people know her history, but they do.

On one occasion this woman – she's knocked on my door bawling and screaming. Well I tried to calm her and tried to listen to her as best I can. I walk her back to her flat and discovered that she had ripped her security phone off the wall, because it was making a noise and she couldn't deal with it. I think these people need support and often care to remain healthy while in housing. Yet they dump them in a flat and expect us to deal with it! It's sad. Because no one cares, or gives a damn. We're not professional carers and it becomes our responsibility. I'm far from being a mental health professional and I'm going 'I'm not even getting paid for this job'. So therefore I think someone is derelicting their duties in reasonable *care for people that have got these issues.*¹²⁵

¹²⁵ Mark statement, paragraph 43 & 44

Aside from her own support needs, Diane also referred to the impact of other tenants who presented challenging behaviour and had their own high support needs:

The issue was more the people there.

There were lots of drug users. And trouble, a lot of trouble. We've had four deaths that I can think of here in the last ten years. My best friend OD'd last - two years ago, three years ago. There was a murder and that guy had drug issues. And there were two other ODs that were found days later.

A lot of these people that I've known over the last ten years have used that as an excuse to move out, the trouble here. But I was actually too scared to even use it as an excuse to move out because moving is such a daunting prospect. I kind of feel it's my house and it would be too scary to start again.

It was hard that my children were coming to visit me in a place I didn't feel safe. Like my youngest son had a person pull a knife on him and the man that pulled the knife on him is a 50 year old crazy guy.

The trouble is that they put a whole lot of people with mental health issues and drug issues into housing with I think not adequate enough support. For instance, I have a lady with Alzheimer's upstairs and she does a lot of strange things like pour water over the balcony and she wakes me up at night, turns the washing machines off, stuff like that.¹²⁶

Such comments also demonstrate the ways either evicting people with challenging behaviour or transferring people to different housing fails to address underlying problems. Indeed these comments show the movement of people through public housing 'means a transient population with people moving on before relationships can be formed. It creates a neighbourhood with weak social ties and a sense of alienation from the environment. When combined with demanding behaviour it may be associated with feelings of (sic) unsafety, leaving residents feeling trapped rather than sustained by their neighbourhood.'¹²⁷

'At risk' tenants are more likely to be evicted from public housing and more likely to end up homeless¹²⁸. Whilst experiencing homelessness these tenants are also more likely to be isolated from family and community and '[i]n addition to higher rates of mental illness, people who are homeless experience poor dental health, eye problems, podiatry issues, infectious diseases, sexually transmitted disease, pneumonia, lack of preventive and routine health care and inappropriate use of medication.'¹²⁹

It is clear that '[h]igh risk tenancies present an intervention opportunity for the prevention of homelessness. Stabilising housing has been shown to be an essential element for the progression or

¹²⁶ Diane statement, paragraphs 11 - 15

¹²⁷ Department of Human Services (2006), p 5

¹²⁸ Habibis et al (2007), p 3

¹²⁹ The Road Home: A national approach to reducing homelessness, Commonwealth Government (2008), p 10

success of other treatment interventions, for example drug and alcohol, mental health.¹³⁰ In addition to the enormous personal cost of eviction from public housing, it is worth also referring to the other costs of eviction:¹³¹

- ▶ administrative costs of evicting a tenant including all necessary documentation and the time to attend VCAT and clean premises etc;
- ▶ costs to the housing system of providing emergency housing support; and
- ▶ health system costs of responding to deterioration in health as a result of homelessness including demand for mental health, drug and alcohol, child and family services.

As such, high risk tenancies also provide an opportunity to save on a number of costs associated with eviction and homelessness.

High risk tenants and the Office of Housing response

There appear to be two main manifestations of at risk tenancies; rent arrears and anti social behaviour. In relation to the issue of anti social behaviour, there is no widely accepted definition of this term which refers broadly to activities which disturb the peace and upset neighbours. The absence of a definition perhaps reflects the subjectivity of the term. As an alternative the term ‘demanding behaviour’ might be used to refer to ‘socially instructive practices, such as excessive noise or verbal abuse, which threaten public housing tenancy sustainability.’¹³²

Despite the two broad categories of high risk tenancy issues, the *Residential Tenancies Act 1997* (the **Act**) specifically frames a number of grounds on which challenging tenant behaviour can be managed. Among other things, under the Act a tenant can be evicted for illegally using premises, for damaging premises or for endangering the safety of neighbouring occupiers¹³³. The OOH has also been noted to strongly resist applications for the creation of a tenancy where the listed tenant has died or moved and a family member is a resident of the premises.¹³⁴

The ‘duty provisions’ of the Act provide another procedure by which tenants can be evicted for illegally using the premises, causing nuisance or interference, damaging the premises or common areas and failing to keep premises clean (among other things).¹³⁵ On one occasion the HPLC acted for a family of four (including 2 children) who had lived in Director of Housing premises for almost 16 years. It was alleged that our client had harassed, assaulted, abused and threatened the neighbours and played loud music.

In order to prepare for the hearing, HPLC lawyers contacted the OOH to obtain further details about the specific nature of the allegations alleged against our client. This information was not forthcoming.

¹³⁰ Department of Human Services (2006), p 81

¹³¹ Habibis et al (2007), p 4

¹³² Ibid, p 2

¹³³ Section 250, 243, 244

¹³⁴ See sections 232 and 233 of the *Residential Tenancies Act 1997*.

¹³⁵ See sections 59 to 68 of the Residential Tenancies Act 1997 and compliance procedures in part 5 of the Act.

In fact, the OOH stated that the lawyers would need to make a Freedom of Information application in relation to the requested information. Finally, at the hearing the OOH permitted the tenant to view the allegations in relation to breaches of duty. The file disclosed handwritten allegations that were neither signed nor dated and it was impossible to determine who had made the complaints. Further, there was no information on file to indicate that any attempt had been made to substantiate the allegations nor had there been any attempt to put the allegations to the tenants in question.¹³⁶

The entitlement of the OOH to evict public housing tenants has now been restricted by the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**). Under the Charter it is unlawful for the OOH to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.¹³⁷

In light of the numerous human rights abuses experienced by people experiencing homelessness,¹³⁸ there are a number of Charter provisions relevant to public housing tenants at risk of eviction. Among other human rights, the HPLC has regularly raised the protection of families and children (section 17) and the right to protection from arbitrary or unlawful interference with home (section 13) in advocating on behalf of public housing tenants at risk of eviction. We consider the following examples demonstrate how the human rights message does not appear to have penetrated the practices of housing workers.

Illegal use evictions

Pursuant to section 250 of the Act, a landlord may give a tenant a notice to vacate rented premises if the tenant has used the rented premises or permitted their use for an illegal purpose (the **illegal use provision**).

As part of a 'Safety and Security Enhancement Project' the Director of Housing (the **Director**) has come to place increasing reliance on the illegal use provision of the Act. This provision has largely been used to remove tenants for either possession or trafficking of drugs.

Illegal use: example 1

The HPLC recently assisted a young person (John) with a highly complex background. Prior to being housed when he was 21, John had been chronically homeless since he was about 15. Since that time he had couch surfed, slept in his car and developed an extensive criminal history and substance abuse problems. In addition, John had significant mental health issues and had attempted suicide in the past.

The HPLC came to assist John after the OOH issued him with a Notice to Vacate for illegally using the premises. In deciding to issue the notice, the OOH worker noticed 'suspicious activity' at the premises

¹³⁶ This is contrary to the requirements of part 2.4.2 of chapter 2 of the Tenancy Breaches & Dispute Resolution chapter of the Tenancy Management Manual.

¹³⁷ Section 38

¹³⁸ Human Rights and Equal Opportunity Commission, *Homelessness is a Human Rights Issue* (2008). These human rights violations include, violations of the right to dignity and respect, the right to participation, the right to liberty and security, the right to freedom from cruel, inhuman or degrading treatment, the right to freedom from discrimination, the right to privacy, the right to social security, the right to the highest attainable standard of health and, of course, the right to adequate housing.

at contacted the police. The police subsequently charged John with a number of offences but the basis of the Notice to Vacate was possession of two cannabis plants. The HPLC came to assist John after being contacted by a housing worker who was staggered to discover that police had been contacted and a Notice to Vacate issued without his involvement. The housing worker had been appointed under the Social Housing Advocacy and Support Program (**SHASP**)¹³⁹ to assist John to apply for and maintain his housing.

The HPLC relied on the Charter in response to the attempt to evict John. In creating human rights arguments, the following facts were relevant:

- When John applied for public housing his application proved his complex history in detail and noted that housing was an essential aspect of improving his health and a key strategy in keeping him out of jail;
- the OOH had extensive information about him including information about his substance abuse and mental health issues, his chronic homelessness and above all his high needs for support;
- The housing support worker had not been called in relation to concerns of the OOH about John's tenancy. The housing worker was told that he was not contacted because he did not 'pop up on the system.'

John received the Notice to Vacate at almost the same time as police charges were issued against him. There was no attempt by the OOH to understand the effect eviction would have on John's health and life. There was no attempt to engage with his worker or to salvage the tenancy.

Research conducted by AHURI provides a very detailed map of the ways in which to sustain at risk public housing tenancies. The AHURI research makes the useful comment that '[u]nderstanding the link between demanding behaviour and social disadvantage is essential for social housing workers... it provides the foundation for developing a sympathetic relationship with tenants, which without being sentimental or over-involved, can assist them to accept the need for support to develop the personal, social and life skills they need to sustain their tenancies.'¹⁴⁰ Unfortunately for John, there was no engagement or interest whatsoever in his housing options following eviction.

In the case of John and many other public housing tenants, the OOH passes responsibility for housing support to a local SHASP agency. While there is a clearly a role for housing workers and SHASP agencies, the OOH cannot shirk its central role in tenant management and cannot hand pass its human rights obligations. In issuing any Notice to Vacate and in applying for possession of any public housing premises, the OOH must consider the effect on rights of the tenant at the same time as considering the rights of other tenants. Applied here, the eviction of John would have returned him to homelessness with disastrous consequences for his mental health, substance abuse issues and sense of home and community.

¹³⁹ 'The overall aim of SHASP is to provide advocacy and support services to existing social housing tenants and prospective public housing tenants in order to assist them in accessing and sustaining their housing.' Department of Human Services, Evaluation of the Social Housing Advocacy and Support Program (2009), p 1

¹⁴⁰ Habibis et al (2007), p 10

Illegal use: example 2

In the experience of the HPLC, the actions of the Director of Housing (**Director**) are embodied by decisions such as that of *Director of Housing v TP (Residential Tenancies)*¹⁴¹ (**TP decision**). In this decision the tenant (**TP**) was issued with a notice to vacate when the Victorian Police advised the Director that a small number of cannabis plants had been seized at her Director of Housing premises. It was accepted by the Director that the plants were being stored at her premises by DG, the father of the youngest two of TP's children.

The facts of this decision are concerning for a number of reasons. Firstly, the Director was aware that TP was the victim of domestic violence committed by DG. Indeed, TP gave uncontradicted evidence that she had objected to the plants being stored at her premises but subsequently relented because she felt threatened by DG. The Director was intimately aware of the issue of domestic violence because it had placed TP on a transfer waiting list to (in part) obtain new housing and escape from violence. The Director was further aware that TP had not been (and would not be) charged as a result of the discovery of the plants as they had nothing to do with her or her four children. Finally, the parties also agreed that the cannabis plants owned by DG had been on the premises for a mere three days before being seized by the police.

When this matter was first before the Victorian Civil and Administrative Tribunal (**Tribunal**), the tenant and her four children were evicted. When this family was evicted, the Director was aware that this family:

- ▶ had been subjected to ongoing domestic violence and had not been able to control the offending behaviour;
- ▶ were being evicted into an environment where rental availability and affordability was at an all time low;
- ▶ would likely be rendered homeless by the eviction; and
- ▶ would likely be forced to move into extremely unsafe rooming house accommodation.

The tenant obtained legal assistance to appeal to the Supreme Court. When the matter was eventually returned to the Tribunal, the Director continued to fight for possession of the premises and to evict the family notwithstanding the absence of guilt and the severe consequences of such action. The actions of the Director in the TP decision to be representative of the way in which the Director often acts without regard to human rights.

Anti-social behaviour initiative

DHS has implemented a program that places additional barriers to access and maintain public housing to people flagged as 'having a history of anti-social behaviour'.¹⁴² This is clearly inconsistent with the direction of the Government's response to homelessness, which recognizes 'the complexity and

¹⁴¹ [2008] VCAT 1275.

¹⁴² DHS, *Anti-social behaviour initiatives: Application and tenancy management framework for Pilot Offices* (2009) 6.

sophistication required to meet the individual needs of people experiencing or at risk of homelessness and to overcome their barriers to social inclusion'.¹⁴³

Under the DHS program, a household is flagged as having a history of anti-social behaviour where a notice to vacate was issued by the DHS within the last two years for a number of identified reasons.¹⁴⁴ This applies not only to tenants, but also other residents or former residents of premises where a notice was issued,¹⁴⁵ and there is no requirement that there must have been sufficient basis for the notice having been issued or independent review by VCAT.

Once flagged, a person seeking assistance must be actively engaging with support workers who will regularly report to the DHS.¹⁴⁶ The relationship between a vulnerable person and his or her support workers is vitally important in assisting them to address their complex needs;¹⁴⁷ requiring support workers to “dob” on their clients to enable the client to access public accommodation (which is often the only form of appropriate accommodation for disadvantaged clients)¹⁴⁸ will effect the trust upon which the relationship is built and will have consequential effects on client outcomes.

The program also limits the term of tenancy agreements.¹⁴⁹ As earlier noted in this submission, international human rights norms require that the right to housing requires security of tenure,¹⁵⁰ and forbids government from taking retrogressive measures with the realization of citizens' rights.¹⁵¹

The Victorian Homelessness 2020 strategy discussion paper notes that '[p]eople who experience homelessness are not a homogenous group so our responses cannot be uniform'.¹⁵² The introduction and maintenance of stringent DHS policies which target vulnerable people with complex needs, reduces the supports available to them, breaches their human rights and endangers their ability to access or maintain housing, is extremely concerning.

¹⁴³ Victorian Homelessness 2020 strategy discussion paper, p 13.

¹⁴⁴ Reasons include damage (*Residential Tenancies Act 1997* (Vic) section 243), condition of premises (s 245), failure to comply with Tribunal order (s 248), successive breaches by client (s 249) and/or use of premises for illegal purpose (s 250).

¹⁴⁵ DHS, above n 53.

¹⁴⁶ *Ibid*, 8.

¹⁴⁷ Discussion paper, 13.

¹⁴⁸ Australian Housing and Urban Research Institute, *Heroin use and housing* (November 2003) 3; Department of Disability, Housing and Community Services (ACT) *Public Housing Asset Management Strategy* (2003) 3.

¹⁴⁹ DHS, above n 53, 10.

¹⁵⁰ CESCR, above n 45.

¹⁵¹ CESCR, above n 46; CESCR, above n 4.

¹⁵² Discussion paper, 7.

Rent arrears

As the Department of Human Services noted in 2006:¹⁵³

Poverty has been identified as the main cause of rent arrears, which is the principal cause of evictions. People in high-risk public housing tenancies have been identified as having low incomes and being in situations of relative poverty.

Rent arrears is an important indicator of how well a tenant is managing the tenancy. Other indicators are maintenance of the property, maintenance debts and neighbour complaints. A breach of the tenancy agreement can be pursued when problems in any of these areas are not satisfactorily resolved.

Landlords interviewed in recent UK research¹⁵⁴ claimed that there are growing numbers of highly vulnerable people who are 'unable to negotiate their way'. It is suggested that accumulation of rent arrears is more likely to involve people who 'can't pay' rather than people who 'won't pay'.¹⁵⁵ The issue of multiple debts has also been highlighted in the UK literature with people being overcommitted, with minimal financial literacy¹⁵⁶ and often excluded from mainstream banking products, for example, access to financial counselling.

Rent arrears constitute the main reason for eviction from public housing¹⁵⁷ and it appears to remain a truism that '*accumulation of rent arrears is more likely to involve people who 'can't pay' rather than people who 'won't pay.'*'¹⁵⁸

Despite this, the Director takes a strict (and often uncompromising) approach to recovering rental arrears. As the OOH *Debt Management Manual* notes, '[t]he OOH rental arrears policy and procedures aim to reduce and prevent further rental arrears in order to maximise the revenue available for housing assistance programs and to assist tenants to maintain their tenancy.'¹⁵⁹ As Lukas observes, '*If I have a problem, no-one wants to listen. But if I was behind \$2 in rent, they'd come and knock on my door straight away.*'¹⁶⁰

The HPLC is often approached by tenants who are facing enforcement action by the Director for rent arrears. This generally comprises an application to the VCAT for a possession order – effectively evicting the tenant into homelessness, as there are few (if any) alternatives for evictees from public

¹⁵³ Department of Human Services, *Support for High-Risk Tenancies Final Report* (2006) 15.

¹⁵⁴ Office of the Deputy Prime Minister. *Improving the effectiveness of rent arrears management. Good practice guidance* (2005).

¹⁵⁵ Phelps, L. and Carter, M. *Possession action - the last resort? CAB evidence on court action by social landlords to recover rent arrears*, (2003) 24.

¹⁵⁶ Financial literacy '...the ability to make informed judgments and to take effective decisions regarding the use and management of money': R Lovatt, R Newcombe and C Whitehead, *Financial awareness and the role of social landlords*. (2003) 4.

¹⁵⁷ Department of Human Services, *Support for High-Risk Tenancies Final Report* (2006) 74

¹⁵⁸ Department of Human Services, *Support for High-Risk Tenancies Final Report* (2006) 74

¹⁵⁹ Department of Human Services (Office of Housing), *Debt Management Manual – Rental Arrears* (August 2006) 1-6.

¹⁶⁰ Lukas' story (Appendix D), [22].

housing. A 2006 study by AHURI notes that *'overwhelmingly, the Victorian interviewees moved into situations of primary, secondary or tertiary homelessness after they were evicted'*.¹⁶¹ Public housing tenants recognize this difficulty – as Lukas says, *'It's part of the system because the housing officers they know accommodation is scarce ... if we leave here where do we go? On a pension we can't live anywhere else. We can't go private'*.¹⁶²

In mid-2009, the HPLC was approached by 'Maria', the aunt of four young people who were living in public housing. Maria and the oldest child 'Catherine' (aged 22) were appointed guardians of the younger siblings under a supervised custody order following removal of the children's mother for issues relating to the children's care. Catherine was temporarily studying outside Victoria, and having trouble keeping Centrelink and the OOH notified of her income and change in circumstances. When Catherine's Centrelink payments were stopped, she ceased to be eligible for rebated rent, and payments could no longer be automatically deducted from her Centrelink allowance. Catherine remained unaware that the rebate or automatic deduction had ceased to have effect, and was therefore not making voluntary payments of rent, and fell in to rental arrears. The other three children, aged 18, 14 and 13, who were receiving care from Maria while their sister was away, were served with notices of hearings issued by the OOH, seeking a possession order.

When HPLC lawyers attempted to present the tenants' complex issues to OOH officers, they were resisted at every turn. OOH officers refused to negotiate a payment plan, adjourn the hearing or otherwise seek an outcome that would keep these vulnerable children in a home. Their conduct was disappointing, and they had very little regard for the exceptional circumstances of Catherine and her siblings. However, when the matter was brought before the VCAT, a satisfactory payment plan was ordered. The OOH's officer's stubbornness added immeasurable stress and anxiety to Maria and her nieces and nephews, not to mention the additional costs involved in prosecuting a matter before the VCAT (and the subsequent pressures on an already under-resourced and over-burdened justice system).

This case, one of many examples that the HPLC is regularly presented with, exemplifies the Director's approach to managing rental arrears that fails to take into account tenants' human rights, that is unnecessarily process-driven, inefficient and ultimately ineffective. The Department of Human Services has recognized that:

A range of service models have proved to be successful with high-risk and marginalised populations whose tenancies face imminent failure. A principal feature of success in these models is the engagement of the client and the development of a trusting work relationship. Once engaged, providers can work with high-needs clients to assist them manage some of their problems.

Other features of these successful service models, identified both in the literature and in local regional housing initiatives,¹⁶³ are flexibility and coordination. Flexibility in these models was the capacity to negotiate, modify and do things differently to help 'get people over the line', and included the availability of flexible funds. Coordination, which could include joint work,

¹⁶¹ AHURI, *Evictions and Housing Management* (June 2006) 41.

¹⁶² Lukas' story (Appendix D), [21].

¹⁶³ Victorian Homelessness Strategy At-Risk Tenancy Pilots

case coordination or case management, means the organised efforts of various providers who might be involved with people in vulnerable housing situations, such as high-risk tenancies.¹⁶⁴

However, this type of approach does not appear to be a feature of the Office of Housing's process for managing rental arrears. In the HPLC's opinion, the Office of Housing must adopt an approach that is consistent with the human rights of public housing tenants.

High risk tenancies – the way forward

For the respondents in HPLC interviews, challenging behaviour was clearly an issue in relation to the sustainability of their tenancies. We note that such views and comments clearly support an argument which favours a strong response to challenging behaviour.

From the casework and advocacy of the HPLC we have also seen the flip side of challenging behaviour and the OOH response. We have seen how people with chronic homelessness together with health and substance abuse issues have been granted priority housing for those issues and then evicted on the basis of those very same issues.

Accepting that public housing has now become 'socially residualised' and has the overwhelming task of providing a home for some of the most vulnerable and disadvantaged Victorians, we submit that a disciplinary strategy is not appropriate in relation to challenging behaviour. We agree that:

The disciplinary approach tends to divide tenants into 'good' responsive tenants who are deserving of support and 'bad' unresponsive ones who are not. This ignores the complexity of the construction of 'demanding behaviour' and the environmental factors that may lie behind it...

Tenants whose habits and life circumstances combine to create situations which threaten the viability of their tenancy often choose to exit a tenancy rather than deal with demands that they change. Although this may be understood as their choice, their response may derive from circumstances of limited opportunity and a lifetime of negative outcomes... Disciplinary approaches ignore the effects of poor health, low skills and poverty on self-esteem and coping skills.¹⁶⁵

We recommend that recourse to enforcement procedures be used only as a last resort and that the Office of Housing be required to document attempts to salvage high risk tenancies. Further, information should be provided to tenants about what can be done to avoid eviction and what supports (including legal and advocacy) are available. In addition to advice given to tenants, support agencies should also be notified as soon as possible that eviction proceedings are either threatened or undertaken.¹⁶⁶

¹⁶⁴ Department of Human Services, *Support for High-Risk Tenancies Final Report* (2006) 74.

¹⁶⁵ Habibis et al (2007), p 14

¹⁶⁶ Habibis et al (2007), p 76

Recommendation 15

That recourse to enforcement procedures be used only as a last resort and that the Office of Housing be required to document attempts to salvage high risk tenancies

Recommendation 16

That prior to use of eviction or compliance procedures, the tenant and his or her worker always be given a warning (written and verbal) that the threat of eviction and the warning.

Recommendation 17

That in warning tenants, the Office of Housing provide information about what can be done to avoid eviction and what supports (including legal and advocacy) are available

Recommendation 18

If eviction of compliance procedures are either threatened or undertaken, that support agencies be notified as soon as possible.

The complexity of a 'sustaining tenancies' approach is beyond the scope of this submission however we endorse the comprehensive approach of the Australian Housing and Urban Research Institute as set out in their report 'A sustaining tenancies approach to managing demanding behaviour in public housing: a good practice guide.' As a minimum, we agree that 'support works' for tenants with challenging behaviour. One interview respondent (Marie) referred to becoming homeless when she was 15, after her mother had been murdered. She recounted how she had been homeless for 10 years and had first developed a heroin habit before graduating to amphetamines. After splitting with her partner Marie told of her suicide attempt and subsequent rehabilitation:

I stayed in transitional housing for 3 months and then I was able to get a priority one and get into public housing. I was assisted by a group which helps people with drug issues. They were wonderful. They got my application in and I was able to get priority one because I had 3 children who were living with their father - but this way they were able to get continuity of contact... I got a 3 bedroom unit and the unit itself was great.¹⁶⁷

Research has shown that 'There is convincing evidence that provision of coordinated support to clients with complex needs is associated with positive tenancy outcomes. It is notable that high-needs people who can be identified as having service supports in place at the commencement of a tenancy, with a commitment to provide ongoing support, have far fewer issues.'¹⁶⁸

¹⁶⁷ Diane statement, paragraph 9 & 10

¹⁶⁸ Department of Human Services (2006), p 20, referring to Kolar, V (2004). *Home first. A longitudinal study of outcomes for families who have experienced homelessness*. Hanover Welfare Services: Melbourne.

The HPLC considers that its own casework and various tenancy decisions demonstrate the limited view of support held by the Office of Housing. Support should not simply be delegated to external agencies but should be considered core business of the Office of Housing as a public housing authority. We consider that as a minimum, high risk tenants be targeted for ongoing support to maintain their tenancy and that this support should form a key component of the relationship between the Office of Housing and tenant (ie, no action is taken in relation to the tenancy before speaking with support agency). We recommend that in exercising rights under the Act, the Office of Housing enact a protocol (**compliance protocol**) to assist workers in making crucial decisions in relation to compliance or enforcement. We would expect a compliance protocol to require the Office of Housing to rely on and consider the opinions of housing support workers in making decisions about individual tenants.

Recommendation 19

That high risk tenants be targeted for ongoing support to maintain their tenancy and that this support should form a key component of the relationship between the Office of Housing and tenant (ie, no action is taken in relation to the tenancy before speaking with support agency).

Recommendation 20

That in exercising rights under the Act, the Office of Housing enacts a protocol (*compliance protocol*) to assist workers in making crucial decisions in relation to compliance or enforcement.

Recommendation 21

That a compliance protocol requires the Office of Housing to rely on and consider the opinions of housing support workers in making decisions about individual tenants.

Notwithstanding the complexity of ‘sustaining tenancies’ of tenants with complex issues, we think that human rights and the Charter provide an ideal task of balancing challenging tenant behaviour against the interests of other tenants. The Charter demands that the OOH consider the human rights of all public housing tenants and specifically those with high needs.

At this stage in the experience of the HPLC there appears to have been limited engagement with human rights by OOH staff. Revision history notes to the ‘Tenancy Breach and Dispute Resolution’ chapter (the **dispute resolution chapter**) of its Tenancy Management Manual state that in October 2008 the ‘entire chapter’ had been updated to include consideration of the Charter¹⁶⁹. It is exceedingly difficult to determine exactly *how* the manual had been updated and harder still to discover any reference to the Charter or human rights (other than the revision notes). It is astounding that the Charter is not a central component of any document which purports to guide workers in relation to evicting public housing tenants. On the basis of the dispute resolution chapter, OOH workers could be forgiven for being entirely unaware of human rights and the Charter.

¹⁶⁹ Office of Housing – Tenancy Management Manual Chapter 2, Tenancy Breach and Dispute Resolution.doc, page 7-2

Recommendation 22

That all Office of Housing staff receive training on human rights and homelessness

Recommendation 23

That the Office of Housing policies and procedures engage with human rights and the Charter. Specifically that the Tenancy Breach and Dispute Resolution chapter of the Tenancy Management Manual include specific, detailed instructions in relation to considering the human rights of tenants at risk of compliance procedures or eviction.

The dispute resolution chapter refers exclusively to rights and entitlements under the Act.

Often it makes unequivocal proclamations such as:

*'The OOH issues a notice to vacate pursuant to section 250 of the RTA where a report has been made of unlawful activity occurring from the rented premises.'*¹⁷⁰

Section 250 of the Act states that a landlord may – not must, give a tenant a notice to vacate for illegal use. That is, the Act does *not* mandate landlords to issue notices to vacate however the policy of the OOH appears to be a directive requiring the OOH to issue notices in these circumstances. Again, there is no mention of the Charter. Again, there is no suggestion that OOH workers should exercise their powers of eviction judiciously and consider the consequences of such action on vulnerable tenants.

As such, at the very least the OOH must think about the outcome of any enforcement action against public housing tenants. It must think about the consequences of eviction and understand the consequences of homelessness on people with high needs. In considering the rights of these tenants, the Charter also permits the OOH to consider whether there is any justification for limiting their rights¹⁷¹. This facility enables the OOH to balance the challenging behaviour against the rights of other public housing tenants and would only justify an eviction where the consequences for a tenant with challenging behaviour was outweighed by the consequences for other tenants.

Recommendation 24

Before issuing a notice to vacate, housing workers should be able to identify 'high risk' tenants and should be able to balance their interests (including the consequences of homelessness) against the effects of the alleged challenging behaviour.

In referring only to the Act and failing to consider human rights, the OOH is failing to comply with its obligations under the Charter and missing an opportunity to develop a human rights culture within the department. Furthermore, in considering the human rights of tenants with

¹⁷⁰ Ibid, p 15-2

¹⁷¹ Section 7(2) of the Charter states that 'A human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including – (a) the nature of the right; and (b) the importance of the purpose of the limitation; and (c) the nature and extent of the limitation; and (d) the relationship between the limitation and its purpose; and (e) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.'

challenging behaviour, there is the obvious benefit of increasing the possibility that a tenancy will not fail and avoiding the associated costs with eviction and homelessness. In the experience of the HPLC, the OOH appears to delegate support responsibility to SHASP agencies however in our view this is not good enough. The OOH cannot and must not delegate its human rights obligations.

Conclusion

In responding to the inquiry into the adequacy of future directions of public housing, the HPLC chose to focus on the experiences of public housing tenants to demonstrate the reality of housing insecurity in Victoria. The stories about public housing so often refer to violence, insecurity, drug issues, tenants with mental health issues and other behavioural challenges. Above all, we heard of the passage of tenants from homelessness and its associated misery.

One tenant told us, 'I was pretty much born into homelessness. I was abused as a child and I moved around a lot with my mum. We moved around a lot when I was a kid, like a lot! I think I once counted it was about 20 times or something.'¹⁷²

Mark told us, 'At this point I wasn't in a great state of mind at all. I was certainly not thinking clearly. I'd lost my children and my partner. It was very difficult for me at the time and I was pretty volatile sort of state... Yeah, I never knew that these sorts of things even existed, I'd never been homeless. Didn't see the day that it was going to happen.'¹⁷³

However we also heard about the power of housing to address disadvantage. During the course of one the interview a tenant spoke of multiple relocations, of abuse, of ill health and of trying to raise a family. Marie's story shows the enormous difficulties of raising a family as a single woman and of the difficulties of working and trying to maintain private housing. And then after years of waiting and immense personal suffering, Marie was finally awarded adequate housing. She described the experience as follows:

...Aboriginal housing offered me a property and it's the most beautiful house I've ever seen in my life. After over 10 years on the waiting list.

It was brand new, never been lived in. It's the best. It's like heaven! I just feel so lucky.

The impact of getting housing has been huge for the children. Not only because they weren't settled but the impact of moving around and the other thing is that even when you are allocated transitional housing you have to take whatever they offer you.

Well that's all good and well. But the majority of children that are involved in transitional housing or priority housing have experienced some sort of trauma in their life... because that's the only way you're eligible for it. And the trauma and impact of them actually setting up a life somewhere and then moving once again to somewhere that may be nowhere near triggers other traumatic memories and creates an idea in the children's head that they have no security or stability.

No-one cares that they form friendships with kids at school and then they've got to change schools and even when you're in transitional housing, you can't create a life because you're not going to be there.

¹⁷² Claire's story (Appendix B), [6]

¹⁷³ Mark's story (Appendix C), [8]

Our new house - it's the base of everything. It's the base of the structure of healing. It's everything. I'm just so grateful that I've got this beautiful house and we will always have this and that's all that really matters.¹⁷⁴

Such comments allude to the importance of adequate housing as a component of the enjoyment of all economic, social and cultural rights.

Our response to the inquiry into public housing demonstrates that in many cases public housing is not adequate, habitable, accessible, appropriate or safe. This submission echoes the findings of United Nations' Special Rapporteur on Adequate Housing (Mr Miloon Kothari) that 'Australia has failed to implement its international legal obligation to progressively realize the human right to adequate housing to the maximum of its available resources.'¹⁷⁵ Hopefully the insights and comments of the public housing tenants in this submission make clear the human costs of such failings. We must do better.

¹⁷⁴ Marie's story (Appendix E), [49]-[54].

¹⁷⁵ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living: Mission to Australia (31 July to 15 August 2006) UN Doc A/HRC/4/18/Add.2 (2007), p 32

Appendix A – Susan’s story

Homelessness - background

1. When I first became homeless I lived in a bus shelter. I stayed there for a couple of days until the police came by and asked me what I was doing. I told them I was waiting for the last bus which had actually left about 40 minutes beforehand and they said they’d come by again in about half an hour and if I was still there they’d give me a lift. I had a lot of stuff with me because I was very unrealistic about what life on the streets would be like and I had to dump a lot of my stuff in the rubbish bin and then I went down to the beach and stayed in a cave.
2. I can’t remember how long I stayed in the cave but I remember why I left and that was because of the water rats - at first I thought it was rubbish rustling behind me but as the sun came up I saw that they were these big disgusting water rats and I have never ran so fast in all my life.
3. After that I lived in a variety of places – in trees, in parks, under benches, on benches.
4. When I was almost 14 I found accommodation in a youth refuge and that was my first experience of emergency housing. I told them I was nearly 16 because I knew that if there was a missing persons on me, which actually there wasn’t at all, but if there had been then it was less likely that they’d care about it because I was nearly 16. The problem with that is that they expected when I turned 16 that I would be getting income support from social services. So when I allegedly turned 16, which was really 14, they kept asking for money to contribute for rent in the refuge and I kept putting them off saying, ‘I don’t know what’s happening – they’re going to give me a back pay’ and just put it off as long as I could and then in the end I just left because I knew nothing would be coming.
5. I spent the next 16 years moving between the streets and emergency accommodation. I didn’t apply for public housing because I heard the waiting list was so long that it wasn’t worth bothering. Also it was hard enough to get emergency housing. All my energy was taken up with that and with surviving from day to day.

Applying for public housing

6. It wasn’t until about the late 90s that I heard that there was this seg 1 thing with recurring homelessness and I wasn’t really sure how it worked. Then when I was homeless again at one point I thought I’d look into it. The problem I had was that there were so many refuges turning me away because I’d stayed there before. They would tell me that I’d been doing it long enough now; they were only interested in the good kids straight out of home. As if I was bad for some reason because I was still out there and it’s like it’s a fault thing. I mean no-one chooses to live out on the streets. If you know what’s it like out there you don’t choose to do it so long. You want something better for yourself and your life.
7. When I thought about applying I went to a refuge and tried to get accommodation - I just had so many knockbacks over the years with assumptions being made that because I was articulate, I was educated and had other resources and stuff like that when, if anything, I was less educated than the majority of people who they let in the doors.

8. I wasn't a substance user at that time and didn't have obvious mental health issues so they seemed to think 'we have more needier people than you'. Anyway when I applied to get into this emergency housing, they had vacancies but they made you wait for an appointment for an interview for a couple of weeks. It's so stupid. It was just so lucky that the day before I was due for my interview I got laryngitis because that meant I couldn't speak during the interview and if I couldn't speak I couldn't sound articulate. It was so amazing. I've never had laryngitis in my whole life. It was like fate had dealt me this wonderful hand! I could barely even drink water and they struggled to hear me and I was just nodding at things and they let me in and it was just like, oh you beauty.
9. I could stay in the place for 3 months. So for my half my tenancy I had this laryngitis and they're doing a seg 1 for me and I cannot believe it and of course I was basically writing it because they didn't seem to know what they were doing
10. I finally got the seg 1 in and I was told by the Office of Housing I would need 6 to 9 months. I needed ground floor, low density and a bath and I got all those exemptions. I was on 3 broadbands which is the maximum you can be on. So I thought, okay I could be placed in one of 50 or 60 suburbs, but I'm only waiting 6 to 9 months so after that at least I can plan my life.

Transitional housing

11. They tried to push me into this substandard rooming house for my wait. They kept saying, 'It's only going to be 6 to 9 months. It'll be alright' and I told them that I was not going into a rooming house, because I'd lived in rooming houses before. They're not safe and the area wasn't safe and I thought I'm just not doing it. So I put up a fight and got a transitional housing unit, which was really nice.
12. This was in 2001 and at the one year mark I was still there. I hadn't unpacked because I thought, I won't get used to this place even though it's really nice because I'm waiting for my place. I was thinking it should be any day now because they said 6 to 9 months and it's been 12 months now.
13. After about another 6 months the transitional housing people wanted to evict me on a 30 day, or a 120 day notice or something. Because I'd lived there too long; not because I'd done anything wrong. Their funding was based on how many people came through the door.
14. I said, 'What do you want me to do? I'm on 3 broadbands. I can't go on 4. I can't go on 5. I'm doing everything that's required of me. You know this is what I'm waiting for'.
15. Then they started threatening me quite regularly with 120 day notices when the paper work wasn't done for my transitional housing through the agency that was meant to support my transitional housing. The leases were made up for 3 months at a time and I had to be in transitional housing to get permanent housing. So when the support agency stopped doing the paperwork they were potentially stuffing up my long term housing, as well as my current housing.
16. I called the agency and I said, 'Can I speak to such and such'. That's who I thought was doing the paperwork and they said, 'Oh she doesn't work here anymore'. I said, 'Well when did she leave?' 'Oh about 4 months ago'. I said, 'Well now who's responsible for the paperwork?'. 'Oh I'm sorry you haven't been allocated to anyone'. 'This is my housing' I

said, 'What you mean I haven't been allocated to anyone? A blind monkey with one arm could do the paperwork standing on its head'. I even asked them whether I should come and help them with filling out the paperwork because they couldn't seem to handle it themselves.

17. It would take me about 2½ months to sort out this paperwork and as soon as it was done I'd have the same problem 2 weeks later because they would back date the lease, 2½ months, and then because it was 2 weeks more before the next lease was due, rather than making it current they would back date it 2½ months. 2 weeks later I get another letter, 120 days notice - they said I didn't need the housing because the paperwork for the renewal hasn't been done by the worker. It was frustrating.
18. Come 2 years waiting for the 6 to 9 months I'm still not unpacked and I'm thinking is this going to happen? I don't know what's happening and they're getting really antsy and the transitional housing manager decided to threaten me with an eviction unless I went on a broadband I didn't want to go on.
19. She suggested I go out to Frankston or Dandenong where I might have a chance of getting housing sooner. But this was away from my medical support and people who I knew. It was really quite distressing for me to have them tell me where I should be living for the rest of my life. I saw my public housing as somewhere where I would be forever that would be safe and affordable; it would be adequate and to tell me I've got to move out to Frankston or Dandenong I thought was really wrong because this is where I'm living not them and it's not up to them to tell me if I meet all the requirements of me being there. I don't damage the place. I pay my rent on time. Don't you tell me where I should be living.
20. I needed to be close to my specialists and it would just have put me in a really bad financial position because they had 3 zones back then. To put me in a zone 3 would cost me more in terms of travel. Also it would have been too exhausting physically for me to go and make all those sort of trips which would then make my health even worse.
21. By then the whole thing was incredibly distressing because I was too scared to open up my mail, to check the letterbox, to answer the door because they kept threatening me with 120 day notices and so many times I was so upset that I just wanted to walk out the door and not turn back. I thought what's the use, I'm never going to get the housing.
22. I felt like there was nothing more I could do. I had met all my obligations in terms of my tenancy and the Office of Housing and yet I was still being threatened with homelessness and I just wanted somewhere to live that was mine that I could call home. I was getting older and my health was deteriorating and then to have the extra stress on top of it made me sort of wonder if it was all worthwhile or even if it would ever eventuate.
23. I just thought they were being unnecessarily cruel. There was a time when they did an inspection and they didn't have a problem with it. They gave me the due notice but because this was a property that had a private owner and they had a long term lease on it, apparently the owner had indicated prior to this inspection that they wanted to come and see the property too and they didn't let the owner know. So a week or two later they said we're coming again to do an inspection and I said, 'You can't'. I said, 'you've already been and I'm not happy with you coming through again' and they said 'Oh, but we forgot to let the owner know'. I said 'That's your problem, come back in 6 months and you can do

another one'. They told me if I didn't allow the second illegal inspection they would move me out far away from all my supports and to shared accommodation with someone with a severe mental health problem, a substance abuse problem and up 3 flights of stairs without a lift.

24. I said, 'Are you threatening me?' and they said, 'No, we're telling you how it's going to be'. So I had to allow them to come and do the illegal inspection. I had no rights and yeah, I mean it was just horrible. I was basically all up there for, 5½ years I went through this. Their 6 to 9 months still turned into nothing.
25. Eventually at about 2½ to 3 years I unpacked because I thought I should unpack and then I was worried, what if I get evicted? Like it was really just hard and I just thought I can't live like this out of bags and I need to just try and believe that my place will come up.
26. It was hard to plan my life as well. I wanted to go and study and I could be in one of 50 or 60 suburbs. It could be anywhere. How do I know if it's going to be close to public transport to get me to a TAFE or university or something like that? So it was pretty stressful transitional housing.
27. The threats from the transitional housing agency continued on a very regular basis, and were just horrible. It was incredibly distressing for me. I thought about killing myself on many occasions and I told them that and they didn't care. They did not care.
28. For them it was like, almost like beauty it'll free up the place. I just thought it was wrong, their whole attitude was wrong. It wasn't about the care of the person and the person being at the centre of it all and caring about their current wellbeing let alone their future wellbeing. For them it was about numbers, their money and their funding. It wasn't about the person at the end of the day and how wonderful it'd be for this person to have a stable place to live.
29. It's funny, when you first move into transitional housing they give you this beautiful letter and it's almost like hallmark sort of written. It was so beautiful. You almost got out a hankie. How you'll never have another episode of homelessness and you're here and to make the transition into your permanent housing more smooth and bullshit. It was really just horrible and to think that they tried to push me into a rooming house for those 6 to 9 months. I would have been there for years.

Public housing offer No. 1

30. After I'd been in transitional housing for about 4 years I was sent a letter from the Office of Housing saying they were going to make me an offer. You get really nervous because you're only made one offer and you think if it's some little ghetto, it's just going to be horrible. I'm all nervous and excited at the same time. Finally I'll just have my place. But it wasn't low density. They had forgotten and I was like, but it says, I've got approval, I've got the letters, it says I was approved for low density. They told me to come and look at it anyway.
31. There were, I think, 3 levels and I went and looked at it and I was just, it was so horrible. There were 2 windows in the whole place. A window in the bedroom, a window in the lounge room, no window in the bathroom, no exhaust fan in the bathroom. It had a bath. It was the ground floor. It wasn't low density and I just looked and well, it was so little and it stunk. I don't know whether someone had died there but it was really stinky. All the floor

carpet was ripped up and there was an electric heater under the lounge room window, one of the 2 windows, right under it and you're thinking, 'Gee that hot air's going to escape right out that window'.

32. Anyway the bathroom was really really little - it had a bath but it was this tiny little narrow bathroom and the kitchen was part of your lounge room. Like a little kitchenette and the bench wasn't even big enough to put more than a kettle on it. I was thinking, I've got a microwave. Where would that go?
33. I said to the woman showing me the place, 'Where would I put a washing machine?' I notice there's a little clothesline, my private little clothesline out the front but where would I put a washing machine and we're standing in the kitchen, lounge room and she scratches her head and she goes, 'Oh, that's a good question' and she goes and looks in the bathroom. I mean you couldn't swing a cat in it and she comes back into the, well call it the kitchen lounge room and goes, 'I guess you'd have to put it here' and I said 'In the lounge room, where the fridge would probably go' and she goes, 'I guess you'd just have to decide which was more important'. I said, 'What? Food or clean clothes? And she goes, 'yes' and I said, 'This is horrible', I said, 'I would kill myself'. I said 'It's so dark in here. There's only 2 windows'. I said, 'Are you sure there shouldn't be like an exhaust fan in the bathroom at least to stop mould? There's no window. There's no nothing'. And she said, 'Look, it's up to you'.
34. I told them that I would kill myself within 12 months if I had to live there. It was so dark and dingy. I said, 'You know I used to live in a cave that had more natural sunlight and was cleaner than this place'. I said, 'Give me that cave above this any day, it was cleaner and had more natural sunlight'. The place would have been alright for some bachelor that just wants to sit there with a little bar fridge by his single little recliner chair and didn't own anything or want anything or have any friends.
35. But if you refuse a property you then automatically lose your transitional housing. You get taken off the list and you have to reapply again.
36. And I knew I wouldn't be eligible for seg 1 because I'd lived in transitional housing for so long. It was just lucky I knew not to refuse the property but to ask them to withdraw the offer because it hadn't met what they had approved for my housing. I knew to say to them I'm not refusing the property but you'll have to withdraw the offer because it doesn't meet the needs I've been approved for. Lucky that I knew that.
37. Most people don't cause I've got some horrid stories of people who thought that they had to just accept it even though the Office of Housing got it wrong and they were told by transitional housing agencies that if they didn't accept the offer made to them that they would lose their transitional housing, So it was lucky I knew and they withdrew the offer, no dramas.
38. I have a friend who was in transitional housing who had refused a property but thought it was okay. She had someone else looking after her affairs and she didn't know that if she refused it she was off the list. So she's living there in transitional housing and a year later she gets an eviction notice because she's no longer waiting for public housing which she thought she was and she couldn't get a pension, although she really needed one and the rules had changed about getting pensions and stuff like that. They brought in a new

system and she was clearly incapable of working, very clearly when you met her and so she couldn't get a proper income, was being evicted from the housing, couldn't even understand where her application went and then was told she didn't meet the criteria for seg 1 after living in transitional housing for a couple of years. She jumped off the 4th storey balcony. Drunk, jumped off and she's now a vegetable in a nursing home. She's probably 50. Vegetable in a nursing home and she has her pension now. She has permanent housing now.

Public housing offer No. 2

39. Anyway then at the 5 year mark the Office of Housing wrote to me and they wanted to interview me and they told me that I would never ever be housed in the inner south broadband, which was one of my broadbands.
40. I said, 'What do you mean? I've been waiting for 5 years. That's one of my broadbands'. They said, 'With all your exemptions you'll never be housed. Even if you had no exemptions the wait would still be 8 to 10 years without exemptions on seg 1 for the inner south broadband'.
41. I was just gobsmacked. I was like, 'What you wait 5 years to tell me that one of my broadbands isn't available?'. Anyway, knowing how stupid the Office of Housing is I thought about it for a couple of months, and I thought I don't believe them. I just can't trust them. I thought don't listen to them. You stick with your 3 broadbands cause I was thinking I don't even know which one to exchange it with.
42. Anyway, 3½ months after that conversation I got a letter with an offer on the inner south broadband. I was like you are kidding me? You know you told me I'll never be housed in this broadband and then you make me an offer 3½ months later! I thought I wonder who died?
43. As it turns out I was lucky enough to get a house, a one bedroom house near the beach. A beautiful big back yard and I kept thinking, even to this day, I've had it for some years now, but even to this day I think I'm so glad I never listened to them because I never would have got this place. I would have got some little ministry ghetto. Lucky I didn't listen to them.
44. They had to make some changes to the place. Like put in a bath and fix the guttering and apparently it had termites. So they had to get rid of that. It took a few more months for me to actually move in but I finally moved in and even to this day I still cannot believe I've got such a nice place. I'm only going to be leaving in a body bag because I'm never going to choose to leave there. There is no circumstance in life that will make me ever want to leave there .
45. I just feel sorry for all the people that don't get a place that they feel they can actually call home and there's so many of them. All those that move into those dodgy dingy substandard little places like I was shown and there are worse out there than what I saw. I feel sorry for them because they're people who aren't going to live a long life. I would really like something to be looked at in terms of longevity of people in public housing. See what their life span's like or the quality of their life and what public housing does to it
46. I had this friend who was in transitional housing like me, for 5 years. She eventually got made an offer and we went and looked at it together. They had told her the address

before officially going to look at it and it was a converted motel and some were bedsits, some were 1 bedroom, some were 2 bedroom and it was considered low density. In that 5 years, the definition of low density changed. It used to be there couldn't be more than 6 or 8 properties on a block, all ground floor. This one had about 50 or 60 places. So that was a real shock and she'd lived in really nice transitional housing, really, really nice. We look at this place and it was tiny. It was so so tiny. It was ground floor. It met the low density requirement. It was in the broadband she ideally wanted. The people who were meant to support her in transitional housing, which were the same people who allegedly supported me, had promised her that she had housing establishment fund money to help her with a fridge or washing machine or bed when she moved and they turned their back on her when she got the offer. They said, 'Oh no we can't afford to give you blah, blah, blah' and I kept saying to her, 'They have money for you. It's allocated for every client. They have money there for you'. I said 'You should be able to get it' and she was really utterly distressed. I mean it's stressful to move and let alone to somewhere that you think I'm going to live this forever and I don't really like it and there's just so many people around which can freak out a lot of people living there. She had been a victim of domestic violence and she'd waited 5 years in transitional housing.

47. The day she was due to move she was found dead by the removalist. She'd overdosed. She couldn't bear to face to go there and she owned nothing and no-one would help her and she couldn't cope with that transition of moving from one place to another.
48. There's so many stories like that and it just shows how lucky I was. This is one in a million kind of thing, if that. I would have greater odds of winning Tatts Lotto than getting a nice place in public housing - you know what the odds are to win Tatts Lotto?
49. You have a better chance of dying through a vending machine falling on you if you live in America than what you do of winning Tatts Lott. So I kind of think the odds of getting such a nice place is pretty amazing. Even to this day, nearly every day I wake up and go wow I can't believe, still years later, what a nice place I've got.

Impact of public housing on wellbeing

50. I applied for Uni when I knew I got the place, even though I was waiting to move in. My application got rejected even though I had a really good application and they loved it. It got rejected under access and equity because I hadn't been privileged in life prior to my life circumstances not being great. I had to first show I'd had privilege and then lost it in order to regain it again. They didn't recognise my long term disadvantage. So, yeah, it was all bit much for that Uni. But then unperturbed, I mean you have to be if you spend that amount of time being homeless, I applied for another Uni and they accepted my application..
51. And once I moved in I could go to Uni. I had a base and somewhere to call home and somewhere where I felt safe, somewhere that was affordable. Somewhere that I really do believe meets my needs. I'm not crammed into some little ministry ghetto with people with all sorts of problems crammed together not knowing if someone's going to have some screaming fit all night or a banging sort of thing or the police and ambulance and all that. That would have been just really unsettling for me; the unpredictability of neighbours and the close proximity of people there. So it's just good I've got a house and I don't need to worry about that kind of stuff.

52. It made such a huge difference to my life. For me, homelessness created so many other problems with my physical and mental wellbeing. Having that stability of home, feeling safe and secure, knowing that this is a place I know I could live in for the rest of my life. It's made a huge difference. It means I can go to Uni and that I can lock into medical services. It's meant that I have somewhere I can call home and I can't begin to tell you what that means. That it's not just, oh yeah I'm going home and you don't really feel or believe that that's your home. It's just because you happen to be staying there. This is somewhere where I have a home. It's my home and it means the world to me. I mean I couldn't ask, particularly with public housing, for a better home than what I have. I just really feel sorry for all the people that get to move into those dodgy dingy substandard little places like I was shown and there are worse out there than what I saw. I feel sorry for them because they're people who aren't going to live a long life. I would really like something to be looked at in terms of longevity of people in public housing. See what their lifespan's like or the quality of their life and what public housing does to it. Whether it's helpful or detrimental to their state of wellbeing. I think you'd find that it's, in most cases, not and I was just really fortunate.
53. I just hope I live another 24 years so at least I can say I was 24 years homeless and 24 years out on the streets.
54. It's just a pity that I will never get back all those years of homelessness. I don't get my life back. I don't get my health back. I think that the outcome for my health could have been a lot better had I been able to have a home and have certain things looked at and had that degree of stability that I could have maintained supports and medical sort of stuff. So I can't go back and change that. When you're homeless for a year, sure that's shit. But when you're homeless for 24 years, you don't get back being a teenager, or a young adult or an adult. You don't get back your education or your health. You've lost that for good.

Appendix B – Claire’ story

1. I am a women with a child who has a diagnosis of high functioning autism.
2. I have experienced homelessness in a number of different settings – as a young single woman, as a woman escaping domestic violence and as a mother of a disabled child.

Childhood homelessness

3. My parents separated pretty much after I was born but I remember we lived in rental properties but the cheaper sort of end of the market of rental properties that were available. I remember share houses and a one room cabin. At the share house I was sexually abused by other residents.
4. My parents split up because my Dad had a gambling addiction and a drinking problem.
5. After my parents split up, Mum worked really hard to keep us from living on the street but it wasn't easy. We slept on couches of friends (and friends of friends) and family. I remember travelling to Scotland to stay with my grandmother at one point. Even in Scotland we moved around, staying with aunties and cousins.
6. I was pretty much born into homelessness. I was abused as a child and I moved around a lot with my mum. We moved around a lot when I was a kid, like a lot! I think I once counted it was about 20 times or something.
7. The longest time that I spent anywhere was when my Mum got a job at an old people's home in Melbourne when I was about 9. We had been living at my grandmother's house and then we lived in a flat for a couple of weeks and then she got a job and it had accommodation. The problem was that the accommodation was a bungalow and it didn't have any water, it didn't have any... it was basically 1 room (the lounge room) and then it was divided and there were 2 bedrooms but they didn't have doors or anything and there was a sheet of thin, I don't what you'd call it, it wasn't MDF, it was a thin piece of wood put up to make a wall. I lived in this flat from when I was 9 until I was 13 or 14. I had no privacy. I felt uncomfortable when I wanted to get changed.
8. We moved out of that flat when my mother met my stepfather. At this point my Mum and Stepfather bought a house. But I didn't get along with my stepfather who also abused me. I became homeless because he got a metal pole and told me to 'get the fuck out of my house.' My mum didn't do anything. She basically just supported my stepfather.

Youth homelessness

9. After moving out, I lived with a friend for about 8 months until her mother told me I had to leave. I kept going to school. Then I stayed for a few months with a guy I'd been seeing. During the whole time I kept in contact with my mother and eventually she let me rent a mice infested granny flat at the back of her place. She made me give back the keys to the house and even though the flat didn't have a laundry I wasn't able to use her washing machine or her kitchen. I also had no cooking equipment. I had to borrow a saucepan and to hand wash all my clothes.
10. Despite all this I kept going to school. It was incredibly difficult. I was in year 12 and on no income at all. I tried to get social security but this didn't work because I understood that I

needed a letter from my parents saying that I'd been abused. My mother wouldn't give me any money either. I had to pay her rent and I had to pay my own bills and stuff. I used to go to school and I used to sleep at lunchtime and when my friends finished eating their lunch and they were gonna throw it in the bin, I'd say you know 'are throwing that out?' and they'd say 'yeah' and I'd eat their leftovers and that was the only food I had.

11. When school finished for the day I'd often go to my friend's house or I'd go somewhere after school until it got night and then I'd get changed and basically and I would go out to nightclubs and I would get into nightclubs and I would pick up men and I would get them to buy me drinks cause I had no money and I'd get them to buy me a hot dog at 3 o'clock in the morning and I'd go and sleep at their house and then I'd go from their house and I'd go to school and then I'd sleep in the common room in between my periods trying to do VCE. I wanted to do my VCE because my dream was to go to the Victorian College of the Arts and I needed my VCE to get in.
12. I did this until I was kicked out of school because I was homeless. I basically had to leave because I had no way of managing school at the same time as I was trying to manage everything else.
13. I ended up moving out of the granny flat behind my mother's house when I found a job working in an old person's home in exchange for accommodation. It was actually the same job my mother had when I was younger and I was living in the same bungalow. I stayed there for a year until I met someone. Then I moved into a share house with him but we were evicted.
14. After this we ended up living in a number of different places. I think it was about 2 years before I ended up moving into youth housing. We moved in and out of share houses and cheap rental properties. Ultimately we ended up sleeping in parks and trains and stuff. We'd sleep rough for a couple of weeks and then we'd find a place.
15. Then after a while we'd be back to sleeping rough. We stayed in a friend's backyard for a while. A friend of ours was sleeping in a bungalow but there wasn't enough room for us so we just stayed in the backyard. We didn't have a sleeping bag or tent or anything. But the thing was, it was a highlight. I mean it's not good being homeless but it was actually a really nice place to be at. It was safe. The people were lovely.
16. At that stage, I didn't realise that I was suffering from Post Traumatic Stress Disorder ('**PTSD**') as a result of being abused for years as a child. I had panic attacks and nightmares and could only sleep with the lights on. I had always had a problem with addiction - you know marijuana or alcohol or anything to sort of numb my feelings. Then after my relationship broke up with my partner I was really devastated and I started using heroin. I used heroin 4 times a day for 12 months. So it wasn't like 20 years of addiction or anything like that but heroin's very addictive and if you use, like I was shooting it up, so if you shoot up heroin 4 times a day for 12 months your body's very addicted.

Youth housing

17. I got some counseling for the PTSD and almost immediately I stopped using heroin. I had to arrange for private counseling because I was unable to get any other assistance. Then I ended up in youth housing. At this stage I was recovering from heroin addiction.

18. I ended up getting housing in youth housing for homeless youth. It a shared house sort of situation and I shared with 3 other people. A worker came over once a week. Now the worker just brought over forms to get public housing for everyone who lived there and it was a very simple process because basically she just filled out all the forms and we just signed the form and it was an easy process.
19. The worker helped with the housing forms but she didn't help with any of the other issues I was experiencing. I told her about the childhood homelessness and abuse and yet she didn't help me get further counseling for the PTSD.
20. The house was good however there were incidents of violence and on one occasion I was raped at the house. Generally I got along with people until my housemates started using smack after a few months. I had PTSD, I wasn't working, no one else there was working and I was in this house 24 hours a day. I had my dog with me and you know was trying really hard. I was going bike riding with my dog every day and I was working on you know myself and I had to get out. I just couldn't handle living where people were using.
21. I had been in youth housing for about 6 months before moving out and sleeping rough and couch surfing. I made so many transitions, I was house sitting, I stayed in a refuge, I stayed with strangers and friends of friends. I didn't want to end up addicted again.

Public housing – first experience

22. I think I had been homeless for about 12 months before I was offered public housing. I don't know how they found me. The property was fine, it was a 1 bedroom house in Preston. The problem was that I was being charged the un-rebated rent amount and was finding it very difficult to survive.
23. After about 12 months a friend came down from Katherine and I decided to follow her back. At this stage I kept paying for the property but I sold some of my stuff so I could get to Katherine.
24. When I got to Katherine I was homeless again, but holiday homeless. I was sleeping in the back of a friend's car. I ended up getting a job at a book store so I returned to Melbourne and handed in my keys to the public housing premises. At this stage I ended up being sent a cheque for all the rent I had overpaid. When I returned to Katherine, I had lost my job.
25. Unfortunately I ended up meeting someone in Katherine and he was violent towards me. When I tried to leave him, I became homeless again. I couldn't go to the refuge because he knew people there. I couldn't go and sleep on the riverbed because that was where Aboriginal people stayed and I understood I wasn't supposed to stay there.
26. Ultimately I found another job but at about the same time, I discovered I was pregnant. I then needed to save to get back to Melbourne. When I returned, I ended up staying in the granny flat behind my mother's house although by this stage it had been turned into a workshop. It was literally one room and I did not have access to a bathroom.

Public housing – second experience

27. After I got back from Katherine I was homeless on and off for about 6 years until I obtained my second public housing premises.

28. I tried to get organizations to help me obtain public housing but they wouldn't help me. . I was given the run-around. Just before I had my baby I managed to get a rental house that I couldn't afford on the money I was on and I was completely freaking out so I basically started begging my ex to come down to Melbourne. And sort of saying "I'm really sorry." You know, "I am such a problem and could you please come down to Melbourne." And then he came down and I was like fully 9 months pregnant and he was here less than a week and he kicked me off the bed for taking up too much room when I was 9 months pregnant. And I mean literally kicked me off and I hit the floor.
29. It ultimately took months for me to extricate myself from this relationship and although I ended it, he harassed me for years. I would enroll in a course and he would start turning up so I'd have to quit. Some times I'd be at home and he would break in and walk in on me in the shower. It was really scary. I ended up packing up the entire house in secret because I was worried he would discover I was moving. I then moved into a small flat in Preston and only days after I'd moved in I was given a notice to vacate because the owner had defaulted on his mortgage. At this point I was about to have a nervous breakdown. I was on the phone - hysterical - because I was completely exhausted physically, emotionally, mentally and financially. I was terrified what my partner was going to do if he found me. I believed he would kill me if he found me. I was terrified of sleeping rough with the baby. Absolutely terrified. Like going that's not happened. And I was doing it with no support so I was on the phone going this is the situation. Luckily the notice was withdrawn and we were able to stay a little longer.
30. But I eventually had to move and was in and out of properties with my child. I felt like I was reliving my childhood. Just finding properties was difficult with my child, for example I'd go to the inspection and he would open the real estate agent's car and get in and lock the doors and refuse to get out. Or he would kick me and bite me in front of the real estate agents. It made it a bit hard to get a property. For example, in one place the windows wouldn't close and it was old and full of mice and rats and stuff. In another place the owner put the property up for sale and wanted inspections every day of the week. He ended up agreeing to only 2 inspections a week (after I stood up for myself) but my child found these inspections incredibly hard. Children with autism need routine and familiarity and these inspections were enormously difficult for him.
31. At this stage I hadn't applied for public housing. I had so much going on. I was trying to take care of my baby, to deal with the effects of past trauma, to pay the bills and to deal with a violent ex-partner. On top of all this, housing was just too much. And I was actually a pretty good tenant. In all of the private rental premises, payment of rent was a priority for me because I did not want to return to homelessness. I was seen as a good tenant and always paid rent on time. Because of the importance of having housing and paying the rent we missed out on other things such as food. I can remember times in which we just ate brown rice. I can remember occasions in which we lived on rice for months.
32. I was never evicted but did have to move twice due to domestic violence and once because the landlord was selling the premises.
33. I did try and get help from other agencies and organizations but everyone kept telling me that I would not get housing. I was telling them, 'I'm living in severe poverty, I'm not coping, my ex' has found me, my life is in danger' or I would tell them about the needs of

my child. My child was not sleeping. I was not sleeping. I felt suicidal. They'd tell me – 'Oh, you'll be paying the same amount of rent,' and that my current place was cheap. This was true, I was staying in cheap rental premises but they were cheap because they were terrible and – for example – had no running hot water. The attitude was – if you are in private rental things will be fine. They also told me I'd end up with junkies and wouldn't get accepted anyway. They said it would involve years of waiting. They'd push me off onto another agency.. Ultimately they either talked me out of applying or simply refused to fill in the forms. I don't think they wanted to do it. I was with X agency and they constantly referred me to Y Housing and Z Housing. I can't even count the number of times that I spoke to Y Housing and Z Housing. It must have been 30-50 times.

34. Things changed when I met a worker ('Sally') from Q Agency. I had dealt with agency in the past and had not had any success. At first she referred me to Y Housing and I agreed to contact them even though I knew it would be a waste of time. When they refused to help, I told Sally and she was mortified at my treatment. I told her about everything I had been through and everything my child had been through. She couldn't believe that services could be so nasty and unhelpful, simply saying "you do all the work yourself". Even though she was helpful it still took a year for all the paperwork to be put in. Sally wrote a letter of support and there were also a couple of letters from other people but I'm not sure why it took such a long time.
35. Once the application was put in, I was housed within 3 months. It was excellent but there are problems with the house. My neighbours are involved in a domestic violence relationship. Their property is connected to my own. Their violence therefore extends to me and to my son. On the week we moved in I witnessed the guy slamming the woman's head into a car door and pulling her into a car as she screamed against her will. She was heavily pregnant at the time and my son saw the whole thing as well.
36. We have been in the property for over 2 years and there have been more or less daily episodes of domestic violence. And it's not just domestic violence, they also have a problem with me and my son because they think we complained to the Director of Housing about them. We didn't complain about them and we told them this but it didn't matter. They actually told my son they would run him over with their car and my son (because of his disability) takes things literally so he is terrified and thinks they will actually do it. The guy next door has also threatened to bash me and when I told the police they told me I needed to film the threat with a movie camera if I wanted them to help. I need proof because it's their word against mine. But where am I going to get a movie camera?
37. My housing is inappropriate. The Office of Housing was aware that I needed housing that was appropriate for my son and for me. He has a disability. I have experienced domestic violence. And yet they put us in a place with violent and abusive neighbours. When I first viewed the property I told them that it wasn't appropriate for my son's needs and they said that if I didn't take it and I appealed that there was a 50/50 chance of me not being accepted and if I wasn't accepted I'd be sleeping rough with my son. And I said of my fear's always been sleeping rough with my son which I will not do. I'll do anything before that happens.

38. I also accepted the property because was told that I could transfer within a year of being at the property and it would be an easy process and to accept the property. We had no alternative.
39. I applied for a different area because this would be on the train lines that were better for us. But we were offered housing in another area. Our housing is isolated. Although the public transport is okay, we are miles away from friends, schools and services that my son needs. We are also on the wrong line. We'd need to come into the city and go out again to get to appointments. I can spent a massive amount of time on public transport every week. Sometimes I don't buy my son a ticket because I cannot afford it. Then I risk getting a fine which I also cannot afford. It's a vicious cycle.
40. I applied to transfer and was told that it would be a 40 year wait. This was not what I was told initially. I *had* been told I could transfer in one year. Then when I wanted help with the transfer application I went back to Sally and to her agency but this time nobody could help me. Then I went to a number of other agencies and none of them could help either. Eventually the same agency that had helped me get the housing helped me put in a transfer application
41. The process of applying to transfer was fairly involved. I needed a psychologist's report to prove that living in the premises was affecting my mental health in order to establish a transfer under urgent medical grounds. This was true but in my opinion I should not have required a medical report to prove that the premises were bad for me. It was obvious.
42. The transfer application also involved a number of other sections with dealt with a variety of issues including the distance to needed to travel to reach my son's school, the amount of time we needed to spend traveling every day, the effect of not having access to services for me and him, information about his disability and the ways in which the premises were inappropriate (including issues with the oven and the backyard). The housing worker not only organized all of this material but she also arranged strong supporting letters from other agencies including those organizations working with my son.
43. Again, it took a really long time to organise this material, in fact it took a year and a half just to prepare the application. Then, once the application was submitted I didn't hear anything for a really long time until I received a letter to say I was on a waiting list. Then I called up and found out that I was on a segment 4 or 5 or something and that it would be a 40 year wait. I asked them about my application for transfer on medical needs grounds and was told that the office had no record of my application and that it had been lost. I subsequently found out that for some reason the application had been transferred to 3 different offices. Then I needed to get more assistance from a housing agency. Meanwhile I'd lost contact with the worker who had helped me and found out that she could only help me put in the application and that she couldn't help any further.
44. At this point I started getting assistance from another housing agency with a worker who I liked. This worker filled out the forms to appeal the decision of the Office of Housing but we then told that the forms had been lost. Then I was told that the application had not been lost but that it had not been accepted and that they had failed to notify me. Now I've got more problems because the housing worker who was helping me has left. The last time I spoke to her she said, "I'm leaving, it's my last day!" She didn't hand my file over to anyone or tell me who would be handling my matter. Now I've been told I will need to wait

months to find out why my appeal was rejected and I'll also need to wait for months to meet my new worker.

45. And meanwhile while I'm still living in this property and as well as all the stress from the neighbours and the inappropriateness and the safety issue and the location of the property, I've also got the Office of Housing threatening to kick me out every few months. Because of my experience of domestic violence I'm on something called 'Deny Access' from Social Security. Deny Access is a Centrelink program that applies when you can prove that your life is in danger if anyone knows where you live and it means that there's only 3 people in Social Security who can access your records. Because I'm part of the 'deny access' program, the Office of Housing is making me reapply to live here every 6 months but it's actually turning into more like every 3 months that I have to do the paperwork. And it's kind of confusing but they're cutting me off from income assistance and then my housing is put at risk. I wrote them a letter 6 months ago saying to them, because I had this yet again, saying to them 'my son was assaulted at school, I'm home schooling him, I'm under huge amounts of stress and having to reapply to live here takes me about 4 days' because on top of that I was reapplying to live here again and chasing up all the paperwork for them but then I'd send it to them and they'd lose it! And I'd have to re-do it again. So it wasn't just once every 6 months I was doing this, it was every 3 months, every month even!
46. And reapplying for housing is an ordeal. For me it involves going to a post office box in a different area because of domestic violence issues. So it involves travelling 1.5 hours to collect my mail at the post office box and then another 1.5 hours to get back. Then it involves making contact with the Social Security worker who does have access to my file which can take a week to 2 weeks. Then it's getting an income statement off them and it's getting that and it's going usually back to my post office box for them to get back. Then it involves getting a form from the Department of Housing that I have to either pick up myself or spend you know an hour on the phone waiting, asking, requesting that to be mailed to me which again is another trip to the post office box.
47. After filling out the form, I then need to find a witness. Getting a witness is really hard for me because people at the Post Office say "Oh, we don't know your circumstances." Also I need some identification that says I live at the property because my ID actually says I live elsewhere due to my fears of my ex partner. So when I ask for assistance people think I'm being dodgy but I'm not, it's just complicated. The impact of housing on my life has been massive. My housing is not appropriate. It is not safe. It's in the wrong area. I feel isolated living here. I have to travel heaps further for everything that I've got to do so I spend a lot of my time on public transport. It's stressful being cut off and being told I'm going to be evicted all the time because I'm constantly being cut off because of their lack of flexibility and forms.
49. My flat is bad for my health and bad for the health of my son. With my neighbours it feels like I'm a victim of domestic violence all over again. I mean, I know I'm better off physically in my place with the doors locked except it doesn't stop the noise and comments like "you fucking cunt" and all the other stuff that comes through the window. My son hears those words and sounds and yet I'm working really hard, I'm trying to give my son a much better life than what I had and I'm putting more effort into that than any person I know.

Appendix C – Mark’s story

50. I have an indigenous background and am a person with a mental health issue. I have suffered with depression for about 10 years and at the time I became homeless, I was pretty much on my own. Although I have not been able to maintain contact with a psychologist, I have continued to take my medication.

Homelessness

51. My experience of homelessness was sudden. It came out of the blue. I was in a de facto relationship nearly 20 years and then it broke down in 2006. I was suddenly homeless and isolated from my family, including my 2 kids.
52. After my relationship ended I made my way to my father’s place in Hastings. It was fairly tedious living with him. I hadn’t lived at home since I was about 22.
53. Yeah. My father’s not difficult but he certainly got his own ways that he lives. So I moved out of the family home. Went to my brother’s. I stayed there in my caravan for about 6 weeks. My brother then offered to take it up to Inverloch, it would have been better for me. So I went up and moved in caravan in his property. And I stayed there for about 8 weeks.
54. Then I was offered a handshake agreement to rent a place privately. Yeah, that wasn’t one of the wisest decisions I’d ever made, that’s for sure.
55. So heading towards summer, this fellow that rented the premises decided that he wanted the property back. Yeah, because it’s a bit of a holiday destination down that way and they know they can get exorbitant fees for the rental. So I was pretty much used to keep the property maintained to get a few bucks in his pocket. You never get it rented over winter. So I was there, look approximately about 5 months and then I couldn’t find another property because you got to summer and it was just a nightmare.
56. He said I’ve got to leave and I didn’t enquire. I wasn’t in a state of mind to argue or battle the situation which I possibly could have. Because it was only a handshake agreement. I expected that it would have stood up with him but it didn’t. I actually didn’t know the chap very well. So I came back to Melbourne and ended up in Springvale. I dragged my caravan back to Springvale and I moved in to my nephew’s backyard which the nightmare just got worse and worse. He’s got drug and alcohol issues. Chronic issues. He was a chronic alcoholic and all the above, all the other substance abuses.
57. At this point I wasn’t in a great state of mind at all. I was certainly not thinking clearly. I’d lost my children and my partner. It was very difficult for me at the time and I was pretty volatile sort of state. So I went back and I lived with him for approximately 3 months and I spoken to a friend of his that referred me to X Crisis Accommodation Agency. Yeah, I never knew that these sorts of things even existed, I’d never been homeless. Didn’t see the day that it was going to happen.

Emergency housing

58. It was in 2007. I found myself in November 2007 at X Crisis Accommodation Agency. I was fortunate enough to get a bed after about 10 days of ringing. I rang every day about 9 o’clock. Then I was fortunate enough that I was single at that time. And as I say, I really

had to press to get in there. Cos I sort of feel that if I didn't get a little bit forceful then I wasn't going to get in. It was November 2007. And I stayed there for 3 months. I must admit, moving all over the place had been a nightmare.

59. Look, the quality of the accommodation was reasonable. That is I had my own room, with my own key to get in and out. I couldn't really complain about it. It was just shared bathroom the common situation which I didn't find it was a problem because my neighbour was pretty much a similar chap and an older bloke and we got along well.
60. People got along pretty well but there were always problems because someone inevitably ripped someone off and it would generally be related to substance problems. So therefore you've got these conflicts of people. So there was a bit of violence in there. On the odd occasion, I'd experienced a few violence issues and this was a bit of an eye opener because it was the first time that I had been exposed to this world. At the start I didn't have a clue where I was going and after moving in it started to feel a bit like an 'institution'. Not that I've ever been to jail, but I actually felt that it couldn't have been much worse.
61. As soon as I moved in I started looking for private rental properties. I had access to computers and did it myself. And of course I couldn't find anything that I could afford or that was where I want to be. I'm sure you can't be picky and choosy, but I sort of have a few areas I'd like to be... I had family in Frankston and it would have been good to move down there or somewhere near my kids but I found nothing.

Housing workers

62. Anyway, I didn't need to keep hunting for housing because I was about a month after moving in I discovered that I had been allocated transitional housing. I was fortunate I had a good worker from X Crisis Accommodation Agency. My first worker was an absolute godsend. She didn't mind getting her elbows there. She got in there and pushed and shoved and she got me into transitional because I reckon they got in there and fought hard for me. I reckon whoever makes the decision decide whoever is going to kick the biggest dirt and then this is where the clients go. She was a fairly forceful woman and she did me a lot of favours to get me in there which I was very grateful for.
63. I had the fantastic worker for about a month. Then they assigned me another worker. It was very very difficult. I had to go back over the same old story again. I didn't want to keep open and the same old wounds. I wasn't fond of doing this 'cos I had depression problems. And I was rock bottom. I really was. I didn't know what I was going to do. I thought I was going to top myself at one time. So, yeah, they have to keep me going over the same old story, got taxing. Repeating all the sad stuff reminded me about it. It really did. I thought, 'hear we go again, I'll have to explain the same old story'... I understand that it needs to be done, but surely there's notes and records that they can get from the previous worker to see what was going on.
64. The second worker I had was the nicest girl - she was. But she had absolutely no interest in housing or homelessness. She was a dancer who was still at University. For her the whole business was just something for some spare cash, I'm sure. And I understand it but I'd like to think that the people that do work there were interested in the segment that they were working in. She had no idea. None. This is the problem with the X Crisis Accommodation Agency. They go and employ people who've got no interest in

homelessness or housing or education or support anything like that. From what I saw, you apparently don't need a qualification. I felt like I was educating them the whole time. And I didn't have much experience. And yet even still I felt I knew more about the homeless issues than she did. I'm just lucky I was more or less my own best advocate; I dread to think how she'd have handled someone with drug and alcohol issues. I don't think she would have managed at all. She was a very timid young woman. And I just can't see it was the right sort of mentality to work in that area.

65. I had the second worker for a month and she did absolutely nothing. I don't think it was because she didn't want to do any work. I just don't think she had any idea as to what she was supposed to do. And then she was gone, I've got no idea what happened to her or where she went – nobody told me. Then I got another worker. She was also a lovely girl. She really was. And she tried to do her best but I think the situation is they ... and once again, she was studying in a completely unrelated area. I didn't get angry; I was too depressed to be angry.
66. It's interesting - I had one worker who got a huge amount done in 1 month. Then I had 2 other workers who did absolutely nothing and wasted my time for months. They were supposed to be working on my segment 1 application. The whole process took an eternity. It wasn't processed because it hadn't been finished. At the time I didn't understand why it was taking so long to get it done. Cos I had all the relevant information. I partly organised it myself. I'd been given my general housing application so at least I got the ball rolling cos I didn't really know about the segments 1, 2 and 3. I knew that there was something like that that was to be done. But time was rolling on and it was later in the year and I'd been in transitional housing for months and it still hadn't been processed. My housing application was never finished and after a certain point I never heard from my housing workers again.
67. I wasn't kicked out of X Crisis Accommodation Agency. I know other people had no where near the length of stay that I had and I think that this is the grey area once again. Agencies can pick and choose who's going to stay according to what personalities they like. I'm sure of that. Absolutely no doubt about it. Because, I know I sound like I'm blowing my own trumpet but because I didn't make their life difficult, I think it made my life a bit easier with them. I'm sure if I had of made it difficult, they would have made my life difficult.

Transitional housing

68. Transitional housing impacted on me because I had to share with other blokes. It was a real nightmare. Cos one of the things that I said to them before I went into transition, I said I don't want to have to live with people that they have done alcohol and substance abuse issues. I may have been plain and clear ... I just didn't want to deal with those sort of people. I've seen the ramifications of alcohol and substance abuse. I'd just come from it with my nephew. And I went, I can't go through this again.
69. When I got to the transitional housing, there was only one person in the flat. There were apparently 2 blokes in the place, but one of the blokes I hardly ever saw and he came and went within about 4 weeks. I'd probably only seen him twice, apparently he was living with his girlfriend. Then we had another chap, a young fellow and I've never seen anybody as dirtier in my life. When I walked into the place, I felt I couldn't live with him. I couldn't

believe the state that the place it was disgraceful. Even things like the ducting and heating system, he turned it on and ash would blow out. He'd just flick his butts in there, butt them on the floor. Dishes hadn't been done, the benches were covered in dirt. I just went "I can't deal with this."

70. I could have refused to accept it, I suppose, but I don't know where I'd have ended up. I think I would have been put in the too hard basket. I'm sure that that stamp would have gone next to me going 'difficult' push me to the back of the queue and I certainly wasn't going to take that chance.
71. So I explained to the X Crisis Accommodation Agency that it's not good enough. It's just not on. They said they've had difficulties with this other tenant that was there and they've been trying to get him out of the property. The place smelt like a tip and he was a violent man. He attacked me with a garden rake because I'd woken him up. I apparently woke him while I was doing dishes and I was doing the dishes because I decided I was going to clean the place up and get it to scratch. So we had a scuffle and I defended myself and he called the agency to complain about me. I explained my side of things and then nothing happened. There was no inspection. No further contact by workers or by anyone else.
72. At this stage I wasn't really coping. I didn't deal with it at all well. My depression was rock bottom and then I figured "I've got to live in a hell hole". It didn't cheer me up. And my kids couldn't visit because children under 16 are not permitted on transitional properties. I still saw them, though. I thought they were not going to stop me having a connection with my children. I was taking them to McDonalds and the movies and stuff but after a while it got too hard and I had them over to the transitional property. It was my home... normal life. And I couldn't afford taking the kids out all the time; I was on Newstart and didn't have much money floating around.
73. Things ended up getting a bit better in the transitional place because my housemate moved out. When he left, I put my foot down. I said 'It's got to come up to scratch before you put anybody else in'. I said 'If someone moves in the way it is now, they'll believe that's the acceptable living standard, and in reality it is well below what anybody would put up with'. I told them that and they agreed, ironically. I had a conference with the manager of the X Crisis Accommodation Agency and he goes 'ah maybe you're just a clean freak' and I went "you've got to be kidding me don't you, that's a really, that's a cop out, that's just rubbish." He didn't say much to that. He knew I was right. And that's what he tried to drive home with me and I really did get quite pissed off and he said to me you're a clean freak and went you're nuts and the thing is why I shouldn't I want to live in a clean environment?
74. Anyway, so he didn't disagree with anything I said but I could see he wasn't really listening, it was lip service, basically. He was just trying to appease me. But really I could see him looking down his nose going 'you're asking a lot, you're homeless!'. That was what it was like, I felt like it was a privilege to have transitional as opposed to my right.
75. But the thing was, I had to stand up for myself and say this is unacceptable. I had to do it myself and I reckon if someone else had been in my situation it might have worked out differently. For example if someone couldn't express themselves how could they argue for their rights? How could they say a house or a home had to be at a certain standard or quality? That's one of the problems with the Director of Housing, if you don't know how to

stand up on your own two feet and to speak out then nothing will ever be done. You don't need to be aggressive but you do need to be firm.

76. I was in transitional housing for about 7 months and I lived with the first guy for about 6 weeks.
77. Then after a while there was a new guy who moved into the place. Fortunately we got along pretty well but it could have been tasty, that's for sure. I could just see it with the bloke and I knew people that knew him from on the street and he takes not a lot of shit and I thought 'Well, I'm not going to upset this bloke.' So I lived with him for a while and I couldn't believe it because after a while I discovered he was a substance abuser. Even though he did it in his room and that sort of thing, it just pissed me off because of the fact that I requested, look don't put me through that, I'm going to have to deal with it and occasionally he'd leave a pick here and a pick there and just, you know, I'm going 'well I don't do this why do I have to deal with it?'
78. That said, I tried to take care of him. Obviously his main criteria was getting his drugs and his booze – nothing else mattered and I couldn't sit there and eat in front of the bloke. So I fed him.
79. Fortunately he was a pretty reasonable bloke and I said to him look mate can you put that in your room and he went 'ah, sorry mate', he was apologetic. But nevertheless I still had to deal with it but I was only there for about a month or 6 weeks with him. I was lucky I got out when I did because I heard that they were going to move someone else in and this other guy was really bad news. He had loads of issues and I'd heard about him. I don't know how people find this stuff about, but they do.

Public housing

80. As I said above, my segment 1 housing application was never finished and was never submitted, as far as I am aware. But I ended up getting public housing through a housing organisation who knew my circumstances because I'd been helping them on a project. You know what they say – it's not what you know, it's who you know.
81. I was working on a project for a housing organisation with a friend that I met in transitional housing. I got along well with the people in the housing organisation and I think they were aware of how badly I was handling my housing situation and the effect that it was having on my mental health. I was suicidal. Someone went to bat for me and said "we've got to get this bloke the place" because I think they were sure I was going to top myself, because I really did get to the lowest point.
82. So I ended up getting a flat. I was very fortunate. Lucky I didn't rely on my worker because I'd still be waiting. She never finished my application. Since being offered housing and moving in – a long time ago – I never heard a whisper from my old worker. Nothing.
83. I ended up in a high rise. Yeah I'm doing it tough(!). I'm a poor as a church mouse with a million dollar view, it's beautiful. The place is pretty good and relatively quiet because its housing for people over 55 years old. We all know the stigma attached to high rise – violence, alcohol, drugs – the whole bit. And usually all three on the one day. But with older people, we don't have those concerns; it's really not a problem.

84. But, on the other flip of the coin, I'm only in a one bedroom flat. I have 30% custody of my daughter. My son's now 18 and they said to me we've got a one bedroom flat and I said 'my general housing application, it was two bedroom'. Oh they said 'oh look, we'll tear this contract up' and I said 'no, you're not' because I just couldn't stay in this transitional property any longer. If I didn't have kids this place would be ideal. I'd be quite happy because we don't have a lot of the issues that other high rises do because it's solely for older aged residents.
85. I've got a lounge room, kitchen, separate bathroom, toilet and my bedroom – built in robes – they've only been renovated probably in the last, I guess, five or six years I suppose. So it's a neat little kitchen and so forth. If I was a single bloke, you'd hear no complaints from me about it.
86. My daughter's 9 and when she comes over she stays in a little bed in the corner of my room. But as she gets older, it's going to get more difficult, particularly with young girls – they want their privacy – obviously. She needs to have her own privacy and then obviously it'll get more difficult as she gets older. And my son fortunately, he still comes over with her – at 18. He still comes to see his dad, which is great. So he sleeps on the couch in the lounge room.
87. I'm actually waiting for a letter from my daughter's psychologist to say it's having a negative impact that she can't have her own bedroom and so forth. Because when I was in transitional housing I built her up that sing 'we'll get a place and we'll have a yard and you'll have your own room'. And I know it's a small thing, but it didn't turn out that way.
88. So I'm in the process of preparing a transfer application because I desperately would like to get a two bedroom place. Living here has an impact on me because I suffer from fits of depression as it is. I'm actually not doing too bad at the moment, but just like with residents that I befriend – because I know everybody in the building – I mean they're dead the next day. It really does impact me.
89. And look a lot of people aren't actually happy – a lot of the oldies can see. Well I'm the young buck, see? Well I'm very quiet and there's not a problem, but I've tried to get a few things. We tried to get a resident's committee going and all they could see was I was creating waves. Because a lot of the older generation unfortunately don't see it as their right, they think it's a privilege that they've got housing and don't want to create any waves.
90. The whole building has problems with heating and cooling. The heating is hydronic and its bloody useless, it just doesn't work. And when the place gets hot, it stays hot. Shocking. Like when we were talking about that 44 degree day – it was 60c in the flats. We've actually lost a lot of people. We lost a chap on that 44 degree day. I spoke to him the day before and he was fine. The next day he was gone. He wasn't a young chap, don't get me wrong, but he looked like he still had plenty left in his engine and then there was a heatwave and bang! It knocked him over, the poor old fellow.
91. I have generally found the Office of Housing pretty good to deal with. It's not too bad I must admit. Maintenance and that usually gets done when I request it to get done. Unfortunately the Department had their head in the sand about a lot of problems. Because

I've been banging on about mental health issues, because I believe it's become a dumping ground for people with mental health issues.

92. We've got, on every floor, quite a few people – like two people on every floor have got severe mental health problems and mental health history. I believe everybody's got the right to public housing. But the problem is it's impacting on everybody else that don't have chronic mental health issues. We've got a lady on my floor who just gives the other women hell. She doesn't hassle any of the other blokes. She'll go in a rip all their washing out of the laundry and throw it all over the floor. She'll slam doors and throw rubbish around the laundry and Because obviously there's no care for her, she's just been dumped there and it's known that she's got a huge mental health history and a lot of the women are frightened – she's violent. I don't know how people know her history, but they do.
93. On one occasion this woman – she's knocked on my door bawling and screaming. Well I tried to calm her and tried to listen to her as best I can. I walk her back to her flat and discovered that she had ripped her security phone off the wall, because it was making a noise and she couldn't deal with it. I think these people need support and often care to remain healthy while in housing. Yet they dump them in a flat and expect us to deal with it! It's sad. Because no one cares, or gives a damn. We're not professional carers and it becomes our responsibility. I'm far from being a mental health professional and I'm going 'I'm not even getting paid for this job'. So therefore I think someone is derelicting their duties in reasonable care for people that have got these issues.

Appendix D – Lukas’ story

Homelessness – background

1. I lost everything after the divorce and ended up in public housing maybe 10 years ago.
2. I was in a couple of places before I ended up in Inkerman Street, St Kilda.
3. I was happy to be in St Kilda because I was familiar with the area. I got married in Balaclava, I had a house off Toorak Road and I worked in Toorak Road for nearly 24 years.
4. I was happy in that flat. I kept the flat nice. I used to get along with everybody. They never had a complaint against me, but I had to move out of my flat. One person made everybody run away. All night, every night he was banging and banging.
5. One day I say to him can you please keep it down? And he yells at me and I lost it and I grabbed his arm. He told his case worker and they took me to court to get a restraining order. I explain to the magistrate and she doesn't grant the order. She says, well of course he got annoyed, he can't sleep, this man makes so much noise he can never sleep!
6. One person makes all this noise – in the end this person stayed there but 7 people move out because of him.
7. That's what I find with these places - there's people with mental issues, they're drinking and continuously yelling. So everybody will move out except the person that make the noise.
8. So they transfer me to Carlton. I thought maybe Carlton would be ok. I'm 67 now. As I'm getting older I need to speak Italian more, I was thinking that maybe I'd be around people in the Italian community. But there's not many Italians here anymore. And in Carlton, I was so unlucky - same problem with the noise, maybe worse.
9. When they showed me the property - it was completely black everywhere. Everywhere. From the last tenant. They told me they painted. It was paint which you can't even wash because if you wash a couple of times the paint disappears.
10. I told the housing officer look I got a week before moving in is it possible to clean the flat? Sir, that's no problem, he said. By the time I went in, signed everything, then I come here, they hadn't done nothing.
11. The window can't be closed. They were supposed to spend \$8,000 or something like that on repairing the flat. That's what they told me. \$8,000. I can't even close the window now. The shower was broken, the blinds fell down on my head at least 20 times. And I was the lucky one because some others they got carpet that was 25 years old!!
12. So I move in here and 40% of people here would have a mental issue and another 40% alcohol, drug or something different.
13. There's 2 people who live close to me with mental issues, yelling and screaming for 24 hours. Nobody does anything! I approached the office many times and tell them this and I get verbally abused 'why are you lying'. The police have been here so many times.

14. Apparently I have to go to court just to get these people quiet. One of them is screaming and yelling 24 hours non-stop. Police can't do nothing, security can't do nothing. It makes no difference.
15. I tell the Office, look this person they don't need the police, they need medical attention. Some support, not police or this and that. They find out that the woman who makes this noise has cancer. And then they want me to lodge a complaint against this person and ask me to take her to court. I say, it's not my problem. I mean this problem was here before I move in. This person she needs a doctor. She doesn't need police or security.
16. I don't want to make her live on the streets! She's a sick woman! I say I'm not taking a sick person to court.
17. But I can't sleep with the constant noise, continuously yelling. And for me it's even harder because I was born during the Second World War and a bomb exploded where I was born and affected my hearing - I get tinnitus and all the yelling sets it off.
18. And it's not just the noise - this other sick man, he chases me with a knife. This isn't unusual. People they come and buy drugs in here and we can't do nothing. You go in the lift and you find people so drunk that they can't even stand up. Many people in this type of environment, they start drinking - they're not strong enough to keep away from the alcohol. That's the only way they can escape. They become aggressive, abusive.
19. After 3 months I applied for a transfer because I was getting sick. I had been to see the Italian social worker and the social worker says are you alright? You look very sick. She said are you eating alright, is something wrong? I went to see the doctor, the doctor he said what's wrong you look so sick. I think I have had one nights sleep since I move in.
20. I went to see the social worker downstairs for help. We've got 2 social workers downstairs but they weren't interested in helping. So I put in the application to transfer then. I spoke to the housing officer and the housing officer started abusing me saying it'll be 7 or 8 years before we move you, this and that. Bullying me, verbal abuse. It's part of the system.
21. It's part of the system because the housing officers they know accommodation is scarce. They know they can say whatever they like because if we leave here where do we go? On a pension we can't live anywhere else. We can't go private.
22. In this type of environment everybody treats us like we are 10 years old. We got no brain anymore. And some of us, we've done 40, 45 years work in our life! After we're 65 years old we become disposable. We're patronised. We're treated like we're stupid. That's the way I feel. If I have a problem, no-one wants to listen. But if I was behind \$2 in rent, they'd come and knock on my door straight away.
23. Anyway apparently they lost my application for transfer. I found out about that 3 months later.
24. The doctor gave me a letter and the hospital gave me a letter of support 'because he's sick, he's getting sick' and I went to South Melbourne and they said the application was lost. I'm not the only case of that, there's a lot of people whose application gets lost from the Carlton office. Lost on the way from one office to another office.

25. So I said, I got a doctor's letter which office do I have to lodge it in? And they tell me, look we're not interested in what the doctor said. That's what they told me. I say what do you mean you're not interested? That's why I put in the application - because I'm sick!
26. It'll take 10 years before we move you they tell me. I said look I'll be in a cemetery in 10 years. It's right across the road - much closer.
27. I applied for walk-up flats. Low density. Walk up flats where I can have my life. I would sleep, I would be able to see people in my community, I could go back to doing the voluntary work which I was doing before with my church.
28. And then I realise, people they only move out of here if they're dead people. I've never seen anyone moved out and transferred to another area. With a lot of properties you see people move in or move out - but here, only in a pine box.
29. I've done everything by the book, but I don't get anywhere. There's a total lack of support in this area. We've got nobody to advocate on our behalf. Like the support workers we've got downstairs, one week they're not in their offices because they're sick; another week because they go on holiday – they're never there. What do we have to do? Where we can go for support? My Italian social worker is helpful but she doesn't have any power against the Office of Housing.
30. I want to get out, get on my feet. I see a lot of elderly people. They become so isolated in here, because they're so scared. They become hermits. A lot of people live in the Ministry of Housing, they drop out from family, from friends and everybody. And if a person gets sick, he will be alone. And when these people die, they find them after a couple of weeks. Because the rent has been paid from Centrelink to the Ministry of Housing they wouldn't know – actually one person told me that a person here died and they found him after one year.
31. There's so many people who live in this type of building. And some of them, especially the elderly, they're very fragile. Especially with the hot weather, they get very sick. Because this building, it becomes like a sweat box. And many of them, they've got nobody to check on them..
32. They should have somebody to check on them every week. To see if they're okay, I'm the lucky one. I can go out, I can get around. They got nobody knocking on the door saying 'Are you alright? Do you need anybody to do your shopping? Do you feel alright?' Some of them are 85, 90 years old. There's nobody checking on them.
33. Of course I don't feel safe in this type of environment. With the people selling drugs, there's always new people coming in. Before Christmas, there's been about 5 or 6 robberies.
34. Nobody feels safe. I don't want to feel like I have to lock up myself, but I don't feel safe to even go to the garden. People come there from the pub completely drunk and they make trouble.
35. And at the moment I'm here with this application, then I've done everything – it's cost me money to do this, cost me money to do that and still I haven't got no idea where I'm standing at the moment.

36. And I'm ready to abandon the flat. I'm ready to give the flat away. I don't know where I could go. But I've had enough.

Appendix E – Marie’s story

Homelessness - background

1. I first became homeless about 15 years ago. I couldn’t afford to rent and although I applied for public housing, I wasn’t made an offer.
2. I was on the waiting list a number of years before I ended up staying in a transitional hostel. I had 2 children at the time. It was difficult because so many different kinds of people live there and there were people with health issues, people that had high risk diseases who were also residents of where we were staying and I just had to watch my children constantly.
3. It was difficult for the children because they couldn’t have their own things and things to play with because there’s other children there as well, so it could cause conflict, so you just had to basically if you wanted to do anything you had to stay in your room and do it. We were there for about 12 months.

First Office of Housing Property

4. I ended up moving out of the transitional hostel because I was offered a property. The application had been for metropolitan Melbourne but the property they offered was actually in Mildura which wasn’t where I’d want to be but because I needed the house I took it.
5. The house in Mildura was riddled with cockroaches. I had the exterminators come and try and get rid of them three times and they still didn’t work.
6. I actually complained to the Department of Housing because I thought it was their responsibility because they were there before I moved in but they said it’s not their responsibility to get rid of them.
7. After three years at the house in Mildura, I moved interstate because I found personally that all the support organisations were more efficient and better there.
8. I had neighbours knocking on my door constantly wanting things and people being bashed and knocking on my door wanting help.

Period of homelessness

9. When I was in interstate I stayed in a transitional hostel once again and then I was able to get a private rental property.
10. I was there for about a year and a half before I found out that my mother had cancer and she lived in Melbourne so within a day of finding that out I came back to Melbourne. I called Office of Housing and I was still on the waiting list for public housing. We tried to get into a transitional hostel but that was full.
11. So I stayed with my sister who had a housing commission house in Ballarat which was hard because I was travelling to Melbourne every day to see my mum in hospital. It had three bedrooms and there were herself and her two children. By this time there was 5 of us so it was 8 of us in a 3 bedroom house. We stayed there for six months and then she said she didn’t want us to stay with her any longer.

12. I don't know what happened but she just rang me one day when I was in the hospital with my mum and said you can't come back here. I'd gone in for the day and taken the whole family to see mum at hospital so we actually lost all our belongings as well because she kept everything.
13. So not only did we end up having nowhere to stay and I'd spent all my money on sending the fridge up but we actually had no belongings as well. Anyway so we ended up in Dandenong with a girlfriend and I stayed there for a while with my partner and my children and just travelled in to Melbourne every day to look after my mum. I was actually pregnant as well. So I was doing all this travelling as well being very pregnant. I gave birth 6 weeks after my mum died. I had a little girl.
14. After that I stayed in my mum's place for a little while but as soon as she was being released from hospital I knew that we couldn't stay there because she had a 2 bedroom flat.
15. After that I probably stayed at my other sister's for 4 weeks.
16. The kids weren't coping that well. We were effectively homeless - packing up our stuff and moving from place to place and they'd get used to it and then we'd move again.

Private rental

17. Just before my mum died she helped in renting a private property so if it wasn't for her I wouldn't have been able to get the house cause she gave me the money to rent a private property and assisted in the process. She acted as the referee and negotiated it because she's a respectable citizen basically.
18. I couldn't have done it myself, people are very wary of unemployed people to start with and my partner couldn't work because he was watching the kids while I was caring for my mother and being Aboriginal as well made it very difficult to rent private properties because of discrimination.
19. We ended up getting a three bedroom beach house in Frankston. The house was old but I still loved it and we were opposite the beach. It was the first time in a long time we had a place where it was just us and we were a bit secure. The impact was huge.
20. We were there for about 14 months. Then I inherited some money when my mum passed away and actually bought a property and that was in Dandenong. I lived there for 2 years.
21. I was in a domestic violence relationship at the time and eventually the relationship broke up. I wasn't able to afford to pay everything on my own.
22. I sold the place and then ended up skipping around sisters' houses. It put a strain on relationships and they're not the kind of people I would choose to live with either even though they're family. My sister's an alcoholic and her husband's on drugs, he's an alcoholic as well.
23. After that I managed to get a good job. At this stage the children were 2, 8, 13 and 14. I was a sole parent and was suffering from lupus.
24. To manage lupus you've just got to try and be as healthy as possible and rest... fatigue is one of the major triggers so you can't be tired. Fatigue was hard to avoid though with 4 kids and a job.

25. The rental property that I got was an absolute beautiful house and but I paid for it. I think I paid \$320 a week or something.
26. I'd been living in the private place for 12 months before I discovered that one of my family members had actually been molesting two of my children.
27. From that day of finding that, I resigned from work and the police told me that I needed to move asap because they only lived about two streets away and also I was disowned by the whole family.
28. The police didn't offer any referrals but I was fortunate enough to know someone that worked in the domestic violence organisation and they linked me in with a service and they were great. We had to go and live in a refuge.

Transitional property

29. Within 2 weeks they had got me a transitional property.
30. During my time in transitional housing I actually had 2 workers, I had a worker through the place that had housed me and I had a worker through the domestic violence organisation.
31. They had a policy that they had to put in the application for priority housing. The organisation as a whole were great. They helped me heaps but one of the workers that had been allocated to me to put in this application for priority housing hadn't done their job properly.
32. They were very slack with doing it and there's a timeframe and once you've passed that timeframe I think you're not eligible. So a lot of little niggly things happened where people weren't doing their jobs properly basically and so I had to make a heap of official complaints and stuff. At one stage I received an official notice to vacate the property because they hadn't done their job properly.
33. When they did the application, they didn't do it properly and so that affects whether you're approved or not because I think I was actually rejected originally.
34. I don't think the worker had been in the job that long and there's certain guidelines that you've got to fulfil to make yourself eligible. They just hadn't documented enough stuff and submitted enough things even though they'd been provided. I fixed it though because I did what was needed to be done instead of them doing it. It ended up taking 12 months to get the application in when I think there's a 6 month timeframe that you've got to work within.
35. I feel sorry for the next person that isn't as articulate as me. There's a lot of people that are in this situation who are actually traumatised and have mental health issues because of all this stuff and I don't doubt that there's a lot of people that actually can't help themselves. Like I did.
36. If you haven't got a good worker it just impacts people's lives - it actually probably costs people's lives. I can imagine people have actually taken their own life over this kind of stuff.
37. I guess another thing that I've experienced and still do is that there is reverse discrimination and because I actually take pride in myself and dress well and I'm articulate it's as if they think I'm not actually someone that would need help.

38. And I'd just like to mention the one other thing that I've found and have observed over the years is a lot of mainstream organisations have workers that aren't culturally appropriate. And that actually causes conflict as well and then ends up being that the client doesn't receive the help they need.
39. I feel like they make assessments and assess whether they feel that the person's put themselves in that situation themselves.

Offer No. 1

40. There was a bit of drama after that as well because I was actually on 2 waiting lists. I was on mainstream and Aboriginal housing.
41. Mainstream offered me a property after 2 years of transitional and the other thing is that their policy is that you can only stay in transitional for 2 years then you're evicted.
42. Through this whole process one of my younger children was actually suicidal and my children's stepmother who was a very close friend of mine committed suicide because one of the things that impacted her was their sexual abuse. It was 12 months to the day of finding out what happened. She took her life.
43. I actually cared for her 4 children for a few months after that and they came and lived with me. She had three under 3 and a 6 year old. That was 9 of us in my three bedroom house, sleeping wherever we could.
44. The Department of Housing and my housing worker were aware of it but that was about it. I actually approached DHS and that for financial assistance cause I wasn't getting any money for them or anything but that didn't go anywhere. I wasn't in a mind frame to argue at that point.
45. I think that makes all the difference. I was very very unwell and couldn't even advocate for myself so I didn't get anything. Eventually their father took the kids.
46. They offered a property in Heidelberg and as you can imagine by this point my children are not very well. Same with myself but moreso them. And they offered me a property. I was eligible for a 4 bedroom property. They offered me a property where 3 bedrooms were in the house and the 4th bedroom was like a dog kennel outside that if you wanted to lock your house, that child would be locked out there. They were high risk for suicide as well.
47. And I said it's not appropriate. I can't have a child where I cannot see them. My children were having counselling for suicide as it was and they wanted to put one out in this little disgusting thing that's meant to be a bedroom and part of the house.
48. Well the policy is that if you're on priority housing, if you don't accept your first property you go back to the bottom of the waiting and you're homeless once again. By this point I had a bit more energy and a bit more fight in me and I said well I cannot accept this property cause they basically said to my face you have to accept this or you get nothing and you're homeless and I said well I'm willing to take you to Court and I did and they said if you lose you're homeless. And I said well I can't live like that it's too high risk for my children and I took them to Court and I won! After they told me no-one's ever succeeded.

Offer No. 2

49. Anyway so I won that so then I waited a few months, so I'm still in transitional housing, and then Aboriginal housing offered me a property and it's the most beautiful house I've ever seen in my life. After over 10 years on the waiting list.
50. It was brand new, never been lived in. It's the best. It's like heaven! I just feel so lucky.
51. The impact of getting housing has been huge for the children. Not only because they weren't settled but the impact of moving around and the other thing is that even when you are allocated transitional housing you have to take whatever they offer you.
52. Well that's all good and well. But the majority of children that are involved in transitional housing or priority housing have experienced some sort of trauma in their life... because that's the only way you're eligible for it. And the trauma and impact of them actually setting up a life somewhere and then moving once again to somewhere that may be nowhere near triggers other traumatic memories and creates an idea in the children's head that they have no security or stability.
53. No-one cares that they form friendships with kids at school and then they've got to change schools and even when you're in transitional housing, you can't create a life because you're not going to be there.
54. Our new house - it's the base of everything. It's the base of the structure of healing. It's everything. I'm just so grateful that I've got this beautiful house and we will always have this and that's all that really matters.

Appendix F – Diane’s story

1. I first became homeless when I was 15. My mum was murdered in '79 and I ran away from home. My mum was a single mother and I was forced to go live with my dad because he was next of kin and I was just pretty fucked up and I ran away from home 6 months later.
2. I contacted a welfare worker and stayed with a church family. Then I ended up in a halfway house. That didn't work out so I ended up on the streets of St Kilda.
3. For the next 10 years I was on the streets, staying in men's rooms in boarding houses or couch surfing.
4. I had a heroin habit for the first 7 years and then someone introduced me to amphetamines and told me that was a way of getting off the heroin.
5. I then had an amphetamine habit for the next 3 years. I had a child when I was still homeless but I ended up handing him over to care.
6. So after about 10 years later before a welfare worker introduced me to Narcotics Anonymous. They helped me get housing and I got my child back.
7. I got married a couple of years later and my husband and I were able to move into private rental.
8. We ended up buying a house in about 1994 or '95. We separated in 1999 and I went into rehab because I had a suicide attempt. I was actually clean for 5 years again, but then I had a suicide attempt and I had a mental breakdown. On getting out of rehab, I left my husband and came to town.
9. I stayed in transitional housing for 3 months and then I was able to get a priority one and get into public housing. I was assisted by a group which helps people with drug issues. They were wonderful. They got my application in and I was able to get priority one because I had 3 children who were living with their father - but this way they were able to get continuity of contact.
10. I got a 3 bedroom unit and the unit itself was great.
11. The issue was more the people there.
12. There were lots of drug users. And trouble, a lot of trouble. We've had four deaths that I can think of here in the last ten years. My best friend OD'd last - two years ago, three years ago. There was a murder and that guy had drug issues. And there were two other ODs that were found days later.
13. A lot of these people that I've known over the last ten years have used that as an excuse to move out, the trouble here. But I was actually too scared to even use it as an excuse to move out because moving is such a daunting prospect. I kind of feel it's my house and it would be too scary to start again.
14. It was hard that my children were coming to visit me in a place I didn't feel safe. Like my youngest son had a person pull a knife on him and the man that pulled the knife on him is a 80 year old crazy guy.

15. The trouble is that they put a whole lot of people with mental health issues and drug issues into housing with I think not adequate enough support. For instance, I have a lady with Alzheimer's upstairs and she does a lot of strange things like pour water over the balcony and she wakes me up at night, turns the washing machines off, stuff like that.
16. I've complained about her and what happens is they've got a complaints procedure whereby once you've done two or three written complaints they'll take the person to Court. But then it's required that I go to Court as well even though I've done written evidence and done sheets to note everything that's gone on. I'm required to give up my time and go to Court as well, which I'm not prepared to do because I've only just gotten part time work. So even though you have got some rights its really hard to actually activate those rights.
17. I guess it's also hard being around so many drugs, as a recovering drug addict. I remember at one stage I'd given up and I walked out the front and someone just pulled drugs out of his pockets and waved them in my face. I mean as far as drug issues go its really up to me to have the strength to say no, that's not my deal any more. But it is confronting.
18. I guess I'd say that public housing meets my needs in the provision of housing. The issue is it bundles me in with other people with problem issues. Like if I wanted to use now, today, right now, say I decided to go to score, I know five people, that I can go and ask right now. And it would be nicer not to have those opportunities.
19. But mostly it's the violence that worries me. I don't leave my house at night. I am required to come home late on Friday nights because of my work but I don't go for walks around the park. Yeah, I'd like to go out and watch the sunset but I don't - because of the people that are around.
20. I get really nervous over loud arguments and stuff. Like the flat directly upstairs from me I've had to call the Police a number of times because every single girl that lives in that flat seems to get bashed by their boyfriend. And seeing how my mum died in a situation with her boyfriend if I hear altercations I really freak out. So I mean I'm more likely to act maybe than somebody else, someone else might just roll and go back to sleep. But I've actually rung them in tears, especially when I've heard someone screaming.
21. Maybe they need a broader area or something and to buy more private dwellings over a large area so that a whole lot of people aren't sort of thrown together with issues and without support. Instead they make ghettos.
22. It's also about stigma too. My Housing Commission property is close to Kew Primary School, and I had a girlfriend with three kids at Kew Primary – I think it's called Kew Primary – and those kids were stigmatised by being known as living in the Housing Commission. There's people with issues everywhere, in every suburb but putting them together in one space doesn't help.