

Fairer responses to homelessness for all Australians

Submission to the Parliamentary Inquiry
into homelessness in Australia

June 2020

Contents

1.	Executive summary & eight recommendations	3
2.	Social Housing Works: prioritising more social and affordable homes with supports	9
2.1	National Housing Strategy: increasing supply of social and affordable homes	9
2.2	Creating a National Action Plan to End Homelessness.....	11
3.	Stopping homelessness before it starts	14
3.1	Better financial supports for Australians in rental stress.....	14
3.2	Stronger social safety net to reduce homelessness	14
3.3	Make renting fairer and safer.....	16
3.4	Break the links between family violence, homelessness & financial insecurity	19
4.	Preventing the criminalisation of homelessness.....	21
4.1	Importance of reducing reliance on the justice system & access to diversion.....	22
4.2	Closing the revolving door between prisons and homelessness	24
5.	The impact of integrated legal services	26
5.1	Achieving more just lives through client-centred legal services	26
5.2	Justice Connect’s specialised, multi-disciplinary model	27



1. Executive summary & eight recommendations

Housing insecurity continues to increase in our community, and this has been exacerbated by the community-wide pressures created by the coronavirus (**COVID-19**) public health pandemic.

Through Justice Connect Homeless Law (**Justice Connect**)’s frontline work with homeless or at risk Australians, we see that this directly leads to the spiralling of legal and life issues, which during COVID-19 has seen more people facing housing and financial stress, isolation, health problems and unemployment and justice system interactions. Legal issues cause and compound homelessness, often making it impossible for people to move into stable housing. The Inquiry into homelessness in Australia (**Inquiry**) presents a valuable opportunity to focus on the intersection between legal issues, homelessness and housing insecurity, which needs to be addressed as part of an effective and lasting national response.

In this submission, Justice Connect draws on almost 20 years of frontline service delivery as Victoria’s specialist legal service for people experiencing or at risk of homelessness. In addressing the Inquiry’s Terms of Reference,¹ we examine the changing nature and scale of homelessness in our community, particularly the urgent need for more suitable social and affordable housing with supports, the prevalence of tenants facing evictions into homelessness and the justice system’s increasing and disproportionate impact on people experiencing or at risk of homelessness. We also share stories and direct quotes from fourteen former clients to highlight the heavy social, health and financial costs of legal issues on Australians who are facing housing insecurity, and to emphasise the importance of access to holistic, integrated legal services in helping to end homelessness.

There’s no place like home: the need for a National Housing Strategy and safer, better renting (Parts 2 & 3)

A lack of affordable, supported and safe housing remains one of the most longstanding barriers for people who are seeking to exit or avoid homelessness throughout the country. For many Australians, the private rental market is volatile and unaffordable²: 64% of women we helped in the last year through our Women’s Homelessness Prevention Project faced eviction for rental arrears. All it takes is for one thing to go wrong – the kids getting sick, or the car breaking down – for many Australians to fall behind in rent and to end up on the brink of eviction into homelessness. Despite significant progress in some state-based rental laws and policies, the tenancy system still leaves vulnerable Australians at risk of eviction into homelessness.

COVID-19 has created and intensified a diverse range of issues for many community members, creating a new cohort of ‘future homeless’ and financially insecure, as well as compounding difficulties experienced by the most disadvantaged clients who Justice Connect already helps through our wrap-around legal services.

In this context, a National Housing Strategy that incorporates an adequate supply of social and affordable housing is vital to provide economically viable, long-term and secure homes for Australians who are locked out of the private rental market. This needs to be coupled with a National Action Plan to End Homelessness, which focusses on addressing drivers of homelessness, including family violence and poverty, rapidly re-housing people who are homeless and providing ongoing, holistic supports so Australians can exit or avoid homelessness. We will only see meaningful change for Australia’s growing cohort of people experiencing housing insecurity through a coordinated strategy that includes:

- Substantial investment in the supply of social and affordable housing with supports;
- Increased funding and access to Commonwealth Rent Assistance to address chronic rental stress;
- Better social safety nets to ensure financial and housing security, which will be key to our community’s COVID-19 recovery process;

¹ Parliament of Australia, *Terms of reference for the parliamentary inquiry into homelessness in Australia* (11 February 2020) (**Terms of Reference**) Terms of Reference 2, 4, 5, 6 and 8, available at https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/HomelessnessinAustralia/Terms_of_Reference.

² Hulse, K., Reynolds, M., Nygaard, C., Parkinson, S. and Yates, J. (2019) *The supply of affordable private rental housing in Australian cities: short-term and longer-term changes*, AHURI Final Report 323, Australian Housing and Urban Research Institute Limited, Melbourne, available at: <http://www.ahuri.edu.au/research/final-reports/323>, doi: 10.18408/ahuri5120101.



- Fairer rental laws and policies, and an accessible justice system that ensures evictions into homelessness are an option of last resort; and
- Early intervention models of support that integrate lawyers and social workers, address drivers and consequences of homelessness holistically, and prevent evictions into homelessness.

Stopping the cycle between the justice system, incarceration and homelessness & the impact of integrated, specialised legal services (Parts 4 & 5)

COVID-19 has also highlighted that laws, policies and practices continue to disproportionately affect people experiencing or at risk of homelessness, and entrench their disadvantage and inequality before the law.³ Enforcement-based responses to poverty, such as police issuing fines and charges directly related to homelessness, effectively criminalise social, health and financial issues for the most marginalised in our community. This approach compounds housing insecurity and further burdens an already stretched justice system, particularly in the context of COVID-19. Over the past 10 years in Australia, there has been a 53% increase in the number of people in prison, and more than half of people exiting prison expect to be homeless on release.⁴ If former prisoners exit into homelessness, they are twice as likely to return to prison within the first nine months of release.⁵ There are clear solutions through engagement with state, territory and local governments across Australia to significantly reduce our reliance on the justice system and to move towards more effective, service-based approaches. These include:

- Contributing to the audit of all laws, policies and practices that impact disproportionately or discriminatorily on people experiencing homelessness;
- Encouraging decriminalisation of ‘poverty offences’, such as public drunkenness and begging;
- Prioritising early intervention approaches to exit people out of the justice system and provide greater access to diversionary programs;
- Breaking the cycle between incarceration and homelessness by investing in keeping prisoners housed with holistic supports; and
- Supporting specialised, integrated legal services that remove barriers for homeless or at risk Australians to access and maintain secure housing.

Eight recommendations to ensure fairer responses to homelessness in Australia

Throughout this submission, Justice Connect makes eight recommendations to achieve fairer responses to homelessness and housing insecurity for all Australians, which will also directly support our community’s ongoing COVID-19 response and recovery. Our recommendations draw on evidence from delivering intensive legal and social work assistance to Australians with complex vulnerabilities, as well as our leadership and engagement of the community and legal sectors.

EIGHT RECOMMENDATIONS TO ACHIEVE FAIRER RESPONSES TO HOMELESSNESS FOR ALL AUSTRALIANS

1. More social and affordable homes with supports through a National Housing Strategy

To meet the current shortfall in social and affordable homes with supports for Australians in chronic rental stress, Justice Connect recommends a National Housing Strategy, including:

- a. New capital investment to generate 300,000 new social and Aboriginal housing properties;
- b. A new tax incentive or direct subsidy to leverage super fund and other private sector investment in 200,000 low cost rental properties for low and middle-income earners.

³ Law Council of Australia, *The Justice Project Final Report - Part 1, People who are Homeless* (Final Report, August 2018) 4 (**The Justice Project – People who are homeless**), available at: <https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/People%20who%20are%20Homeless%20%28Part%201%29.pdf>.

⁴ ABS, Corrective Services Australia, March quarter 2020: available at: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4512.0>; Australian Institute of Health and Welfare (AIHW), *The Health of Australia’s Prisoners 2018*, 2019, pp. 22-24, (**AIHW Health of Prisoners**) available at: <https://www.aihw.gov.au/reports/prisoners/health-australia-prisoners-2018>.

⁵ Baldry E, McDonnell D, Maplestone P and Peeters M 2006 ‘Ex-Prisoners, Homelessness and the State in Australia’, *The Australian and New Zealand Journal of Criminology*, vol.39, no.1, pp. 24. For further discussion, please see part 4.2.



2. End homelessness in Australia through a National Action Plan

To end homelessness in Australia, and significantly assist the COVID-19 recovery process, create a National Action Plan, including:

- a. Addressing key drivers of homelessness, particularly family violence, poverty, and the disproportionate levels of housing insecurity faced by Aboriginal and Torres Strait Islander peoples;
- b. Rapidly re-housing people experiencing homelessness and helping them to stay there;
- c. Providing holistic supports, including integrated social, health, financial and legal services, to people who need assistance to exit or avoid homelessness;
- d. Committing to end homelessness by 2030.

3. Better financial supports and a stronger social safety net to ensure housing security

Given the importance of financial supports and the social safety net for housing security, including during and after Australia's COVID-19 recovery, Justice Connect recommends:

- a. Increasing Commonwealth Rent Assistance (**CRA**) while building more social and affordable housing;
- b. Providing Australian tenants' experiencing the greatest rental stress with a "catch up" increase of 30% (or approximately \$20 per week);
- c. Reviewing the eligibility criteria and assessments to ensure fair access to CRA;
- d. Ensuring that social security payments do not return to pre-COVID-19 rates;
- e. Reviewing and indexing all social security payments, so that essential costs of living can be met during and after the COVID-19 recovery period.

4. Fairer laws to make evictions into homelessness a last resort

To make renting fair and reduce the risk of evictions into homelessness during and after the COVID-19 recovery period, Justice Connect recommends the Federal government engage with state and territory governments to:

- a. Remove landlords' ability to evict tenants on 'no grounds';
- b. Limit rent increases to once every 12 months;
- c. Create tighter regulations around applications for rentals to stop discrimination;
- d. Abolish provisions resulting in evictions for successive breaches of duty and indefinite compliance orders;
- e. Ensure tenants have access to financial supports and relief throughout the COVID-19 recovery period;
- f. Provide access as early as possible to integrated legal services, so that tenancy issues can be resolved and evictions into homelessness are prevented.

5. Safer housing for family violence victim-survivors

To break the links between homelessness, family violence and financial insecurity, Justice Connect recommends the Federal government engage with state and territory governments to:

- a. Improve tenancy creation and reduction mechanisms for family violence victim-survivors, prioritising their safety and reducing their financial risks;



- b. Adequately protect victim-survivors by ensuring safety-related modifications to rental properties can be undertaken to improve security;
- c. Ensure victim-survivors are not 'blacklisted' on tenancy databases due to perpetrator conduct, so they can access safe housing;
- d. Increase access to specialised, integrated legal services for victim-survivors with tenancies affected by family violence, so they understand their rights and can avoid evictions into homelessness.

6. Prevent the criminalisation of homelessness

To prevent the criminalisation of homelessness & to reduce the disproportionate impact of laws, policies & practices on homeless Australians, particularly during COVID-19, Justice Connect recommends the Federal government engage with state, territory & local governments to:

- a. Audit all laws, policies & practices that impact disproportionately or discriminatorily on people experiencing homelessness, including in the context of COVID-19;
- b. Encourage decriminalisation of poverty-related offences, such as begging and drunk in public, which people experiencing homelessness are more likely to receive;
- c. Support best-practice protocols & frameworks that enable service-based responses to homelessness, rather than enforcement-centred approaches;
- d. Ensure that homeless Australians have appropriate access to diversionary measures through the justice system.

7. Close the revolving door between prisons and homelessness

To break the Australia-wide cycle between prisons, homelessness and the justice system, Justice Connect recommends:

- a. Increasing access to housing workers in prison, so that Australians have better community reintegration outcomes;
- b. Providing pre-and-post-release integrated legal services that support Australians to access and maintain housing on release from prison;
- c. Improving and lengthening post-release support options, and resourcing rapid re-housing in safe accommodation for Australians leaving prison, so that community members do not exit into homelessness.

8. Increase the availability of holistic, integrated legal services

Wrap-around, specialised legal services should be seen as an important part of achieving long-term housing outcomes for people experiencing or at risk of homelessness across Australia. Justice Connect recommends:

- a. Investing in early-intervention, client-centred and co-located legal services that can proactively resolve legal issues to minimise barriers to housing security;
- b. Supporting the integration of legal, social work, health and other community-support professionals to help people experiencing homelessness and housing insecurity in successfully accessing, navigating and exiting the justice system.

About Justice Connect

Justice Connect is a social justice organisation that believes in a fair and just world, where people have access to justice, rights are upheld, and unfair laws are challenged and changed. In a fair and just world, communities are supported to understand, engage with, and fully participate in our legal system. We work to ensure people and community organisations can access the right legal help at the right time, can avoid the negative impacts on their wellbeing or organisational health due to legal problems, and are empowered to thrive.

We lead innovative solutions to help to close the 'justice gap', including:

- brokering strategic, efficient use of pro bono lawyers and barristers—30,000 hours last year, equating to \$15.6 million of pro bono legal help;
- being an effective partner in delivering holistic and intensive legal services to support clients experiencing significant disadvantage. For example, co-located staff at homelessness agencies and health justice partnerships to engage with the hardest-to-reach clients; and
- leading access to justice innovation through our Legal Gateway and other digital programs.

Justice Connect Homeless Law

Justice Connect Homeless Law (**Justice Connect**) is Victoria's specialist free legal service for people experiencing or at risk of homelessness. Justice Connect staff work closely with pro bono lawyers to provide intensive legal representation (including ongoing casework, negotiations, court and tribunal appearances and advice) to homeless or at risk Australians. Since 2001, Justice Connect has been outreach-based and client-centred, and from 2010, we have added depth to our practice by integrating two staff social workers, allowing us to holistically address clients' legal and non-legal needs under one roof.

In 2018-2019, Justice Connect:

- Provided an integrated combination of specialised legal representation and social work supports to Australians who are experiencing or at risk of homelessness through 612 new client files;
- Strategically prioritised our impactful and innovative work with three key cohorts facing housing insecurity: women and their children, particularly in the context of family violence, people in prison, and rough sleepers;
- Deepened our partnerships with cross-sector allies, particularly through co-locations and embedded partnerships with community-based health and homelessness services, including cohealth, Launch Housing and Sacred Heart Mission – Journey to Social Inclusion and GreenLight; and
- Collaboratively advocated for the best-practice implementation of Victoria's rental reforms, and a fairer, more effective and accessible fines system, along with using casework and client evidence to raise national awareness about the need for more social and affordable housing and the risks of criminalising homelessness.

In the last 12 months, Justice Connect has also directly prevented 157 clients and their families from being evicted into homelessness. Based on findings by the Australian Housing and Urban Research Institute (**AHURI**), this equates to over \$4.6 million worth of savings to the government and wider-community, through avoiding increased health, justice and welfare services costs.⁶ In addition to our integrated model of service delivery, which focuses on early intervention and preventing legal issues escalating to crisis point, Justice Connect uses the evidence from our direct casework to inform systemic change aimed at stopping homelessness before it starts and reducing the negative impact of the law on people experiencing homelessness.

⁶ Estimated annual cost to government services of an individual experiencing homelessness is \$29,450 higher than for the rest of the Australian population. Kaylene Zaretsky and Paul Flatau, Australian Housing and Urban Research Institute, *The cost of homelessness and the net benefit of homelessness programs: a national study* (Final Report No 205, 2013) 14 (**AHURI Study**), available at https://www.ahuri.edu.au/__data/assets/pdf_file/0007/2032/AHURI_Final_Report_No218_The-cost-of-homelessness-and-the-net-benefit-of-homelessness-programs-a-national-study.pdf.



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Justice Connect recognises our partner law firm **Herbert Smith Freehills** for their generous legal support with this submission, and the high-quality work of secondee lawyers, **Breigh Smith (Herbert Smith Freehills)** and **Keren Stuk (MinterEllison)**, during their time with Justice Connect. We also acknowledge our colleagues in the legal assistance, homelessness, housing, family violence and community-service sectors for consultations in relation to this submission. Justice Connect particularly notes our collaborative submission with Australia's other specialist homelessness legal services, LawRight, Public Interest Advocacy Centre, Canberra Community Law and Street Law Centre WA, which is complementary to this paper.

We have shared de-identified Justice Connect client stories and direct insights throughout this submission, which have informed and given light to our recommendations, and we thank them for their valuable contributions.

Justice Connect Homeless Law

PO Box 16013
Melbourne VIC 8007
DX 128 Melbourne
T +61 3 8636 4408
F +61 3 8636 4455
justiceconnect.org.au

Cameron Lavery

Manager and Principal Lawyer
T +61 3 8636 4412
E cameron.lavery@justiceconnect.org.au

Samantha Sowerwine

Principal Lawyer
T +61 3 8636 4470
E samantha.sowerwine@justiceconnect.org.au



2. Social Housing Works: prioritising more social and affordable homes with supports

Australia is currently facing a national housing crisis as a result of decades of under investment in social (public and community) housing stock, which has been placed under further strain due to COVID-19. Social housing stock has not kept up with demand, falling from 5.1% in 2008 to 4.6% in 2018.⁷ While demand for affordable housing continues to outstrip supply, the National Rental Affordability Scheme which provides the key federal lever for affordable housing will end on 30 June 2026. To improve housing security and prevent the insidious, multi-dimensional and damaging consequences of homelessness, Australia requires a National Housing Strategy.

This needs to be coupled with a National Action Plan to End Homelessness, addressing the drivers of homelessness, such as family violence and poverty, and focussing on rapid re-housing and wrap-around supports that help Australians to exit or avoid homelessness.

2.1 National Housing Strategy: increasing supply of social and affordable homes

Underlying all of Justice Connect's submissions is the fundamental need for a National Housing Strategy that prioritises the supply of social housing. Australia currently has a shortage of social housing and an increased prevalence of homelessness, which has been heightened by COVID-19. While the national stock of social housing has increased each year, it has not kept pace with the growing number of households in Australia. The Grattan Institute reported that social housing stock has barely grown in 20 years, while the population has increased by 33%.⁸ A recent Australia-wide report published by the AHURI identifies that an additional 730,000 public housing properties are required over the next 20 years to meet the needs of vulnerable Australians and to ensure that everyone has the most basic right to a roof over their head.⁹

Victoria, in particular, has an acute shortage of social housing.¹⁰ At 3.2%, our state has the lowest proportion of social housing stock per capita in Australia,¹¹ and more than 82,000 people (including 25,000 children) are on the social housing waiting list.¹²

The combined impact of an increasingly competitive private rental market, and the ongoing scarcity of social and affordable housing stock in Australia, is forcing many low-income individuals and families to rely on unaffordable private rental properties in trying to avoid homelessness. Unaffordable private rentals place low-income people on the brink of eviction, and present a real risk of homelessness for all Australians living on or below the poverty line, including those affected by COVID-19.

Falling behind in rent remains the most common reason Justice Connect's clients find themselves at risk of homelessness, particularly living in private rental. Karly's story below highlights the stress and anxiety that comes when facing eviction for falling behind in rent due to the unaffordable nature of the private rental market, and the need for more social housing for women and children.¹³

⁷ AIHW, *Housing assistance in Australia* (2019), available at: <https://www.aihw.gov.au/reports/housing-assistance/housing-assistance-in-australia-2019/contents/summary>.

⁸ John Daley and Brendan Coates, Grattan Institute, *Housing affordability: re-imagining the Australian dream*, 2018, 62 available at: <https://grattan.edu.au/wp-content/uploads/2018/03/901-Housing-affordability.pdf>. Terms of Reference 2.

⁹ Julie Lawson et al, AHURI, *Social housing as infrastructure: rationale, prioritisation and investment pathway* (Final Report, June 2019) 4 available at: https://www.ahuri.edu.au/_data/assets/pdf_file/0014/43214/AHURI-Final-Report-315-Social-housing-as-infrastructure-rationale-prioritisation-and-investment-pathway.pdf.

¹⁰ See, e.g. Parliament of Victoria, Legislative Council - Legal and Social Issues Committee, *Inquiry into the Public Housing Renewal Program* (June 2018) (**Inquiry into the Public Housing Renewal Program**), available at: https://www.parliament.vic.gov.au/images/stories/committees/SCLSI/Public_Housing_Renewal_Program/LSIC_58-11_PHRP_Text_WEB.pdf.

¹¹ Derived from Department of Environment, Land, Water and Parks, *Victorians in Future 2019* (VIF2019) (July 2019) 8 available at: https://www.planning.vic.gov.au/_data/assets/pdf_file/0032/332996/Victoria_in_Future_2019.pdf; Department of Health and Human Services, *Housing Assistance: Additional Service Delivery Data 2018 – 19* (September 2019) 8 available at: <https://www.dhhs.vic.gov.au/publications/annual-report-department-health-and-human-services>. The national average is 4.5%.

¹² *Inquiry into the Public Housing Renewal Program* (n 10) 23.

¹³ All Justice Connect client names have been changed in this submission.



Single-mother receiving cancer treatment and her three children avoid homelessness during COVID-19 through holistic legal services

Karly had been living in a private rental property with her three children for several years. Karly had been working her entire adult life until she was diagnosed with cancer in 2019, when she began receiving intensive treatment multiple days each week at her local hospital. This left Karly and her children without a reliable source of income.

When Karly first came to us, she had received a 60-day Notice to Vacate because her landlord wanted to move into the property, and she was worried about being pushed into homelessness. The risk of eviction exacerbated Karly's significant health issues, particularly as her compromised immune system meant that she needed to be in isolation during the COVID-19 public health pandemic.

Justice Connect's lawyers advised Karly about her tenancy rights and options in the context of COVID-19 and immediately entered into negotiations with her landlord. When negotiations couldn't prevent Karly's homelessness, the lawyers represented her at VCAT, where they successfully avoided her eviction. However, Karly could not afford to keep paying rent in her private rental.

Throughout this time, Justice Connect's social worker offered specialist housing supports to Karly, which helped her to obtain a three-bedroom social housing property in her local area, and also secured financial brokerage to cover removalist and car registration costs. The Justice Connect lawyers also continued their advocacy with the landlord, enabling Karly to leave the private rental property without incurring the financial expenses that could have damaged her precarious finances.

This wrap-around outcome has kept Karly and her young family in stable housing during COVID-19, and has allowed her to continue attending cancer-treatment at her local hospital. Karly expressed her relief, sharing: *"Thank you so much, I'm just starting to see the light at the end of the tunnel."* Karly's family-support worker also offered the following feedback: *"Thanks for all of your help...we have all been praying for something to pop up so she can move, get settled and focus on beating this cancer."*

During a previous consultation, Justice Connect client Marie,¹⁴ who identifies as Aboriginal, expressed the relief for herself and her kids at being offered social housing after 10 years on the waiting list:

'...the most beautiful house I've ever seen in my life.

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.

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.'

¹⁴ Justice Connect (then the PILCH Homeless Persons' Legal Clinic), *"We Can't Go Private ..."* Inquiry into the Adequacy and Future Directions of Public Housing in Victoria (2010), available at: https://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/56th/ph/submissions/S103_PILCH_HPLC.pdf.



Marie's comments remind us that secure and stable tenure is one of the major features of social housing, which allows both public and community housing to play a significant role in improving the lives and wellbeing of marginalised Australians.

For this reason, as part of the Everybody's Home¹⁵ campaign, Justice Connect together with our cross-sector allies are calling on the government to increase social and affordable homes in Australia by 500,000 properties to safely house many Australians who are unable to access or afford the private rental market.

Recommendation 1: More social and affordable homes with supports through a National Housing Strategy

To meet the current shortfall in social and affordable homes with supports for Australians in chronic rental stress, Justice Connect recommends a National Housing Strategy, including:

- a. New capital investment to generate 300,000 new social and Aboriginal housing properties;
- b. A new tax incentive or direct subsidy to leverage super fund and other private sector investment in 200,000 low cost rental properties for low and middle-income earners.

2.2 Creating a National Action Plan to End Homelessness

More than 116,000 Australians are experiencing homelessness, which is an increase of 13.6% in 5 years.¹⁶ In 2018-2019, over 290,000 Australians were assisted through specialist homelessness services. By creating and implementing a National Action Plan to End Homelessness that has achievable targets, the Federal government has a unique opportunity to end homelessness by 2030.

A National Action Plan to End Homelessness should include:

- Addressing the drivers of homelessness, including family violence, poverty, and the disproportionate levels of housing insecurity faced by Aboriginal and Torres Strait Islander peoples;
- Rapidly rehousing people who are experiencing homelessness; and
- Providing holistic supports, including social, health, financial and legal services, to vulnerable Australians to exit or avoid homelessness.

Putting Housing First

A 'Housing First' approach – providing long-term housing with wrap-around, long term supports – will underpin a successful homelessness response across Australia.¹⁷ The unprecedented action taken by the Commonwealth and State governments to address primary homelessness in response to the COVID-19 pandemic shows what is possible with genuine political will and a coordinated strategy. Across Australia, governments prioritised rapid housing options for people experiencing homelessness. In Victoria and New South Wales, temporary accommodation was offered to people who were sleeping rough in combination with the use of assertive outreach models. Since April 2020, one hundred people who were sleeping rough in NSW have been transitioned into permanent accommodation.¹⁸ It is essential that that we continue to implement a

¹⁵ Everybody's Home Campaign, *A Better Deal for Renters* (1 April 2020) (**Everybody's Home – A better deal for renters**) available at <https://everybodyshome.com.au/our-campaign/a-better-deal-for-renters/>.

¹⁶ Council to Homeless Persons, *Homelessness in Australia* (September 2018) available at: <https://chp.org.au/wp-content/uploads/2019/01/Homelessness-in-Australia-Fact-Sheet.pdf>.

¹⁷ Shannen Vallesi et al, *50 Lives 50 Homes: A Housing First Response to Ending Homelessness in Perth. Third Evaluation Report*. (Centre for Social Impact UWA, Business School, Perth, 2020).

¹⁸ B Knight, *Has the coronavirus pandemic proved that homelessness is solvable?*, ABC Online (8 June 2020) available at <https://www.abc.net.au/news/2020-06-08/housing-homeless-in-pandemic-has-worked-lets-make-it-permanent/12330442>



Housing First response and ensure that those who have received temporary accommodation during COVID-19 are given long-term, stable housing with continued supports, so they do not have to re-enter homelessness.

Holistic supports are essential for people with complex vulnerabilities

To achieve the best outcomes for disadvantaged Australians, multi-disciplinary supports are vital in relation to accessing and maintaining housing.

Several intensive housing assistance programs currently operate around Australia, and they serve as best-practice models to assist vulnerable people to maintain long-term, safe and appropriate housing. These programs are tailored to support tenants to sustain their housing and to address ongoing conflicts with neighbours, as well as providing referral pathways to appropriate health, social, financial and legal services. Having the support of intensive caseworkers in addressing conflicts with neighbours can make a significant difference for disadvantaged Australians and prevent an escalation to eviction.

These services are highly beneficial but due to budget constraints, many programs have specific eligibility criteria and are geographically restricted. More resourcing is required to increase the reach and number of intensive housing support programs to assist some of the most at-risk Australians through secure housing. An example of a tailored support program is GreenLight Supportive Housing Program (**GreenLight**), which is discussed in the below snapshot, and involves several close community-based partners of Justice Connect.¹⁹

GreenLight: 'Housing first' and 'Sustaining tenancies' principles with wrap around support

The GreenLight Supportive Housing Program is funded by the Victorian Government's 2018 Homelessness and Rough Sleeping Action Plan. The service works with people over 25 who have experienced rough sleeping and/or chronic homelessness in the Port Phillip, Melbourne, and Yarra local government areas. GreenLight helps people to maintain their new housing through wrap-around supports.

There are three GreenLight teams located around inner-Melbourne, as well as two program wide mental health clinicians, who provide clinical support, secondary consultation and capacity building to clients and staff. Each team has a team leader, supportive housing worker and peer settlement worker to assist clients manage their housing as well as connect with new community and enhance social inclusion and economic participation. These multidisciplinary teams provide brief intervention, floating support, case management and service coordination services, tailored to the needs of each individual client.

Justice Connect has built on existing partnerships to collaborate with GreenLight, including the establishment of strong bi-directional referral pathways and training for frontline Greenlight workers. Justice Connect's lawyers run regular, customised training for workers to help them identify legal needs of individuals assisted through GreenLight, including tenancy issues, human rights, fines and charges. This connection has allowed both services to connect with clients facing complex vulnerabilities and offer targeted and intensive legal and non-legal assistance.

Integrated assistance models

A coordinated National Action Plan to End Homelessness in Australia needs to include integrated services, including legal services, to help Australians in establishing and maintaining their tenancies. This integration can be through co-location, embedded partnerships or strong referral pathways. For example:

- Justice Connect's innovative Under One Roof project, which co-locates a staff lawyer at frontline housing-support and homelessness service, Launch Housing and has developed an embedded

¹⁹ This includes Sacred Heart Mission, The Salvation Army, and VincentCare. DHHS, *Victoria's homelessness and rough sleeping action plan* (January 2018), available at https://dhhs.vic.gov.au/sites/default/files/documents/201802/Rough%20Sleeping%20Action%20Plan_20180207.pdf.



partnership with Sacred Heart Mission – Journey to Social Inclusion, has allowed our program to intervene earlier through a direct access point to assist vulnerable Victorians; and

- Justice Connect’s integrated Homeless Persons’ Liaison Officer program, which involves co-locating a staff social worker within a homelessness health service, cohealth Central City Community Health Service (**cohealth**), offering clients of the many health and homelessness services at cohealth an opportunity to connect with Justice Connect, and holistically address legal and non-legal needs.²⁰

The value of multi-disciplinary legal services has been highlighted by the experiences of Justice Connect’s clients, including Jennifer’s story below.

Single-mother with health issues and escaping family violence avoids rental arrears eviction after accessing integrated legal and social work assistance

Jennifer is a single-mother working part-time to support three young children. She experienced family violence from a young age, and more recently from her husband after their marriage broke down. This led to Jennifer fleeing the family home into a private rental property. She began to fall behind in rent because of confusion over the frequency of her rent payments, and this confusion was exacerbated by serious depression and anxiety, a lack of any support or counselling after recent trauma, and further health complications that forced her to exhaust all her sick leave at work.

Jennifer contacted Justice Connect after receiving a notice to vacate for arrears. Through Justice Connect’s social worker, Jennifer gained access to \$900 private rental brokerage, which her lawyers then used as part of their negotiations for an affordable payment plan. Through this wrap-around advocacy, the landlord withdrew the eviction proceedings, avoiding the stress and inconvenience of attending VCAT.

Jennifer repaid her arrears and signed a new two-year lease. She is also now getting support for her mental and physical health issues following a referral from the Justice Connect social worker, and has been able to maintain her job and a safe home for her young family.

Targeted programs such as Greenlight and other holistic legal and community-support services, when coupled with legislative and procedural reforms, provide a wrap-around response that empowers Australians with complex vulnerabilities to remain safely housed.

Recommendation 2: End homelessness in Australia through a National Action Plan

To end homelessness in Australia, and significantly assist the COVID-19 recovery process, create a National Action Plan including:

- a. Addressing key drivers of homelessness, particularly family violence, poverty, and the disproportionate levels of housing insecurity faced by Aboriginal and Torres Strait Islander peoples;
- b. Rapidly re-housing people experiencing homelessness and helping them to stay there;
- c. Providing holistic supports, including integrated social, health, financial and legal services, to people who need assistance to exit or avoid homelessness;
- d. Committing to end homelessness by 2030.

²⁰ See part 5.2, which discusses Justice Connect’s specialised, integrated legal services in more detail.



3. Stopping homelessness before it starts

3.1 Better financial supports for Australians in rental stress

Around 2 in 5 Australians live in rental stress, including 1 million Victorians.²¹ The cumulative pressures of scarce social and affordable housing stock across Australia and an increasingly competitive private rental market is forcing many low-income families to rely on unaffordable private rental properties in trying to avoid homelessness.²²

In addition to a National Housing Strategy, it is critical that the Federal government commit to taking immediate action to address the issue of chronic rental stress faced by many low-income earners, particularly as part of the COVID-19 recovery process. Currently, even with the temporary COVID-19 tenancy protections and supports, many low-income earners in Australia live below the poverty line and their financial hardship is compounded by rising rents and the constant threat of eviction.

Making sure rent assistance is effective

Based on insights from Justice Connect's frontline casework, the Commonwealth Rent Assistance (**CRA**) has not been adequately adjusted to reflect increasing rents. If appropriately indexed to rental prices, CRA can effectively assist in preventing rental stress. The potential impact of CRA is demonstrated by data from 2018, showing both that 68% of households would have experienced rental stress if they were not receiving CRA, and also that 40% of households were still experiencing rental stress.²³ Given the rising demand for private rentals, including due to the scarcity of social and affordable housing, landlords are generally able to increase rents, which results in any incremental increases in CRA often flowing to the landlord instead of the tenant.²⁴

To appropriately support the 'future homeless' cohort created by COVID-19, it is vital that low-income Australians can access increased supports to avoid housing insecurity, including ensuring fair access to CRA and increasing CRA for people in housing stress.

3.2 Stronger social safety net to reduce homelessness

As seen throughout COVID-19, for Australians who are experiencing unexpected changes in their circumstances, such as unemployment, health issues or isolation, access to social security payments is often the only way to avoid entering into homelessness.²⁵ In a 2019 survey of the Australian community sector conducted by the Australian Council of Social Service, 69% of professionals surveyed identified inadequate rates of social security payments as a key driver of homelessness in Australia.²⁶

It is clear that a stronger and more flexible social safety net is required to reduce and prevent homelessness in Australia, helping to ensure that people have the financial means to pay their rent and stay safely housed.

Raise the Rate: social security payments for vulnerable Australians

Australia's social security system is currently contributing to housing insecurity rather than providing an adequate safety net to prevent homelessness.²⁷ As at April 2019, only 0.5% of private rental properties in Australia were affordable and appropriate for a single mother who relies on a single parenting pension, and

²¹ Everybody's Home, *Everybody's Home Campaign, (Everybody's Home)* available at: www.everybodyshome.com.au; Australian Bureau of Statistics, 4130.0, Housing Occupancy and Costs, 2015-16, Table 13.5 household Estimates, Selected household characteristics, State and Territories, 2015-16.

²² Term of Reference 2.

²³ Australian Government, Productivity Commission, *Productivity Commission Research Paper – Vulnerable Private Renters: Evidence and Options* (September 2019) 40 available at: <https://www.pc.gov.au/research/completed/renters>

²⁴ Ibid 38, Table 1.2.

²⁵ Australian Council of Social Service, *Surviving, not living: the (in)adequacy of Newstart and related payments Submission to the Senate Community Affairs References Committee* (September 2019) 7 available at: <https://www.acoss.org.au/wp-content/uploads/2019/11/SurvivingNotLiving.pdf>.

²⁶ Natasha Cortis and Megan Blaxland, *The profile and pulse of the sector: Findings from the 2019 Australian Community Sector Survey* Australian Council of Social Service (2020) available at: <https://www.acoss.org.au/the-profile-and-pulse-of-the-sector-findings-from-the-2019-australian-community-sector-survey/>.

²⁷ Victoria Legal Aid, *It starts with a home: Ten legal issues that cause – or are caused by – homelessness in Victoria* (February 2020) 21 available at: <https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-submission-it-starts-in-the-home-march-2020.docx>.



none were affordable for a woman on Newstart.²⁸ This is reflected in Justice Connect's Women's Homelessness Prevention Project, with 89% of clients on the brink of homelessness last year being reliant Centrelink.

Prior to COVID-19, people who received the then Newstart payment had an income well below the poverty line and 60% of people on Youth Allowance had less than \$14 per day after paying rent.²⁹ In March 2020, the Federal government introduced a range of measures, including the JobSeeker (formerly Newstart) payment of \$560 per week, to address the pandemic. Before this response to COVID-19, the Newstart rate had not been increased in real terms for 25 years, while living costs (including rent) for people on low incomes have steadily increased.³⁰ While these measures have been positive, there are likely to be far-reaching consequences if these social safety net improvements are not maintained during & beyond our COVID-19 recovery.

Justice Connect strongly supports the Raise the Rate campaign, and recommends that the new JobSeeker and Youth Allowance Payments be maintained in the long-term to provide a living wage for vulnerable Australians.³¹ Social security payments should also be indexed twice yearly to Consumer Price Index or a standard Australian Bureau of Statistics measure of wages before tax, whichever is higher, to ensure social security maintains parity with cost of living.³²

Improving the 'mutual obligations' regime

The lack of flexibility in the mutual obligations regime can have long-term and damaging consequences for people experiencing or at risk of homelessness, who often have a range of complex vulnerabilities that impact their ability to engage with Centrelink on a regular basis. Many Australians facing housing insecurity are attempting to address essential human needs on a daily basis (such as food, shelter and safety), and these mutual obligations are a heavy burden that leave them entrenched in both homelessness & the justice system.

Many of Justice Connect's clients are heavily reliant on the Disability Support Pension or JobSeeker payment to make their regular rental payments. The financial hardship created when payments are suspended creates significant barriers to accessing or maintaining secure housing. In the context of recovering from COVID-19, the extension of exemptions from mutual obligations to homeless or at risk Australians would enable them to focus on obtaining safe, stable homes, as well as reconnecting with community and pursuing job opportunities. For Justice Connect client Ahmed, cycling through the social security system exacerbated his existing vulnerabilities and created further barriers to exiting homelessness.

Chronically homeless man sleeping rough for over 20 years required to comply with onerous Centrelink job-seeking requirements and unable to exit homelessness

Ahmed had been sleeping rough for over twenty years when he came to Justice Connect for intensive legal support to resolve his fines for poverty-related offences, including begging, drinking in public and using public transport without a valid ticket. Ahmed had also experienced family violence from a young age, had been a victim of crime and had mental health and substance dependence issues.

Despite Ahmed's complex vulnerabilities, he was required to comply with Centrelink's job-seeking obligations without any concessions or flexibility, and was frequently suspended from receiving his payments. With the help of Justice Connect's social worker, Ahmed was able to obtain compensation from the Victims of Crime Compensation Scheme and obtained the required evidence which allowed him to reduce the frequency of his job-seeking obligations. This small change to Ahmed's job-seeking obligations significantly changed his demeanour, improved his mental health, and allowed him to focus on securing housing and reconnecting with his son.

²⁸ Anglicare Australia, *Anglicare Australia Rental Affordability Snapshot* (April 2019) 10 available at: <https://www.anglicare.asn.au/docs/default-source/default-document-library/final---rental-affordability-snapshot302da309d6962baacc1ff0000899bca.pdf?sfvrsn=4>.

²⁹ Raise the Rate campaign, *About the campaign* (27 March 2020) available at: <https://raisetherate.org.au/about/>.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.



Recommendation 3: Better financial supports and a stronger social safety net to ensure housing security

Given the importance of financial supports and the social safety net for housing security, including during and after Australia's COVID-19 recovery, Justice Connect recommends:

- a. Increasing Commonwealth Rent Assistance (**CRA**) while building more social and affordable housing;
- b. Providing Australian tenants' experiencing the greatest rental stress with a "catch up" increase of 30% (or approximately \$20 per week);
- c. Reviewing the eligibility criteria and assessments to ensure fair access to CRA;
- d. Ensuring social security payments do not return to pre-COVID-19 rates;
- e. Reviewing and indexing all social security payments, so that essential costs of living can be met during and after the COVID-19 recovery period.

3.3 Make renting fairer and safer

Evictions are a primary driver of housing insecurity,³³ and one of the most common issues leading to risk of eviction includes tenants falling behind in rent. Forty-four per cent of Australian tenants are concerned that a request for repairs could get them evicted,³⁴ and 83% of tenants in Australia do not have fixed term leases.³⁵ Existing legal frameworks make it too easy to evict vulnerable people into homelessness, and better protections for renters are needed to stop homelessness before it starts.³⁶

Impact of COVID-19 on Australian tenants

COVID-19 has exacerbated the existing issues in relation to evictions, and is creating a new cohort of 'future homeless' and financially insecure, as well as compounding difficulties experienced by the most vulnerable. The Federal government has estimated that as many as 1 million Australians may become unemployed as a result of COVID-19, 24.4% of employed Australians do not have paid leave entitlements and one-third of people currently in the private rental market have previously been identified as being in housing stress.³⁷ This unprecedented stress on low-income tenants across Australia has resulted in increased demand for specialised tenancy legal services, including Justice Connect.

As a result of the National Cabinet's moratorium on evictions related to financial stress, evictions for rental arrears have temporarily been suspended. However, after the temporary COVID-19 tenancy protections end and without the critical supports of JobKeeper and increased JobSeeker (formerly Newstart) payments, many tenants are likely to face increased financial insecurity, crippling debt from rental arrears, and be at serious risk of eviction into homelessness. Given the ongoing economic impacts of COVID-19, we know there will be additional renters in Australia facing housing insecurity, making access to holistic supports even more essential. Louise's story below demonstrates the impact COVID-19 has had on tenants and the types of challenges many Australians are likely to face when the temporary protections end.

³³ The Justice Project – People who are homeless (n 3) 44.

³⁴ CHOICE, National Shelter, National Association of Tenants Organisations *Disrupted: The consumer experience of renting in Australia* (December 2018) available at: <https://www.choice.com.au/money/property/renting/articles/choice-rental-rights-report-dec-2018>.

³⁵ Everybody's Home – A better deal for renters (n 15).

³⁶ Term of Reference 4.

³⁷ Centre for Social Impact, *Homelessness and COVID-19* (26 March 2020) available at: https://www.csi.edu.au/media/uploads/csi-covid_factsheet_homelessness.pdf.



Holistic legal services help family violence victim-survivor impacted by COVID-19 and her young kids to secure safe housing

Louise* is a family violence victim-survivor with diagnosed post-traumatic stress disorder and anxiety, who has previously experienced homelessness in her youth. She is a single mother of three kids, including a daughter with an autoimmune condition. During the initial stages of COVID-19, Louise had fallen behind in her rent after she lost her casual job of seven years due to the pandemic. This was prior to the eviction moratorium, so Louise's private rental landlord successfully obtained a VCAT possession order against her. When Louise initially spoke with us, she was back on the brink of homelessness, and expressed significant concerns about the related risks to her daughter's health during COVID-19.

Justice Connect's lawyers advised Louise about her legal rights and tenancy options, entering into extensive negotiations with the landlord, which successfully stopped her being evicted into homelessness. Justice Connect's social worker collaborated closely with other specialist workers to develop a support plan for Louise and her three children, which provided vital stability.

Through this integrated legal and social work advocacy, Louise was empowered to secure a suitable, long-term social housing property. Justice Connect's social worker also obtained financial brokerage to cover removalist costs, so all of Louise and her family's belongings could be moved without extra financial strain. Louise expressed her gratitude for this smooth transition into a new home, where her daughter can safely prioritise her health throughout COVID-19.

COVID-19 has also highlighted the volatility of the private rental sector and the real risk of more people entering into homelessness unless better, ongoing protections for renters are implemented. Before and during COVID-19, falling behind in rent has been the most common reason Justice Connect's clients find themselves on the brink of homelessness. Emily's story below highlights the stress and anxiety that comes when facing eviction for falling behind in rent, as well as the role of integrated legal & social work services in tenancy sustainment.

Integrated legal and social work assistance ensures family violence victim-survivor affected by COVID-19 avoids homelessness

Emily* is a single-woman, who has a history of experiencing family violence and has lived in her private rental property for a year. Emily has complex health issues, including diagnosed post-traumatic stress disorder and kidney problems. Emily generally works casually in the aged-care sector. However, she recently experienced flu-like symptoms and has been unable to work due to COVID-19 transmission concerns, which alongside her existing medical expenses, caused her to receive a Notice to Vacate for falling behind in rent.

When Emily spoke with Justice Connect, her landlord had also given her a Notice to Vacate based on the end of her fixed-term lease, and had applied to VCAT for her eviction. After advising Emily about her tenancy legal rights, the Homeless Law lawyers negotiated for her and represented her at VCAT. Through this extensive advocacy the lawyers prevented Emily's eviction, including by arranging an affordable repayment plan for the rent arrears, and also securing a new lease for Emily.

In addition to offering Emily direct supports, Justice Connect's social worker obtained financial brokerage towards her rent arrears, and offered her tailored connections to ongoing housing, financial and family violence services. Justice Connect's integrated legal and social work assistance helped Emily remain safely in her home, where she can safely continue prioritising her health during COVID-19.

To prevent evictions into homelessness rapidly increasing at the expiry of the COVID-19 temporary tenancy protections, it is critical that the Federal government consider a long-term, integrated and preventative response. Now is the time to embed better residential tenancies protections across Australia to make renting fair, including by:



- **Removing landlords' ability to evict tenants on 'no grounds':** The ability for landlords to effect 'no grounds evictions' or without a valid reason, creates an insecure environment for tenants, making them fearful of exercising rights, such as repairs or rent increase disputes.
- **Limiting rent increases to once every 12 months:** For tenants on periodic or rolling leases, rent increases may be implemented in regular instalments that leave tenants vulnerable to predatory behaviour and further exemplifies the power imbalance that exists between landlords and renters. Each state and territory should adopt limits on imposing rent increases more than once every 12 months for both fixed term and periodic leases.
- **Creating tighter regulations around applications for rentals to stop discrimination:** While every state and territory has legislation targeted at reducing incidents of discrimination,³⁸ without tighter regulations around rental applications, it is difficult to enforce existing anti-discrimination laws by ensuring that landlords do not discriminate in the application process.
- **Abolishing provisions resulting in evictions for successive breaches of duty:** Successive breaches of tenant duties, such as keeping a property reasonably clean or not causing nuisance, can result in evictions that have a disproportionate and unfair impact on highly vulnerable people. For example, a person living with post-traumatic stress disorder may be evicted without appropriate engagement from landlords to address issues arising from complex vulnerabilities.
- **Abolishing indefinite compliance orders:** In many states and territories, broad and indefinite compliance orders can currently last the duration of tenancies, increasing the risk of homelessness. To stop arbitrary, unreasonable and avoidable evictions, each state and territory should ensure that compliance orders are limited to periods of six months and worded as specifically as possible.
- **Ensuring financial protections and access to integrated legal services:** Tenants who have outstanding rental arrears or suffered reduced income at the end of the COVID-19 rent reduction period will need continued access to financial assistance during the pandemic recovery period. They will also need access to integrated legal and social work services as early as possible to resolve tenancy issues and stay housed.

Recommendation 4: Fairer laws to make evictions into homelessness a last resort

To make renting fair and reduce the risk of evictions into homelessness during and after the COVID-19 recovery period, Justice Connect recommends the Federal government engage with state and territory governments to:

- Remove landlords' ability to evict tenants on 'no grounds';
- Limit rent increases to once every 12 months;
- Create tighter regulations around applications for rentals to stop discrimination;
- Abolish provisions resulting in evictions for successive breaches of duty and indefinite compliance orders;
- Ensure tenants have access to financial supports and relief throughout the COVID-19 recovery period;
- Provide access as early as possible to integrated legal services, so that tenancy issues can be resolved and evictions into homelessness are prevented.

³⁸ See, e.g. *Discrimination Act 1991* (ACT); *Anti-Discrimination Act 1977* (NSW); *Anti-Discrimination Act 1992* (NT); *Anti-Discrimination Act 1991* (Qld); *Equal Opportunity Act 1984* (SA); *Anti-Discrimination Act 1998* (Tas); *Equal Opportunity Act 2010* (Vic); *Equal Opportunity Act 1984* (WA).



3.4 Break the links between family violence, homelessness & financial insecurity

Family violence is both a cause and a consequence of homelessness, with 40% of all specialist homelessness services clients in the last year having experienced family violence.³⁹ Family violence victim-survivors are likely to experience homelessness due to:

- being forced to leave homes when attempting to flee a violent family member;
- financial disadvantage resulting from leaving an abusive partner, such as functioning on a lower income in the same house from which the perpetrator is excluded;
- suffering from mental illness, isolation and other long term effects of domestic violence; and
- increased debt liabilities for property damage caused by perpetrators.

Although there have been some positive developments in Australia to tackle homelessness and family violence, including the Victorian government's \$2.7 billion investment into keeping women and children safe following the Royal Commission into Family Violence⁴⁰, there are still significant gaps in legal protections for victim-survivors across Australia. Through Justice Connect's longstanding, specialist work with family violence victim-survivors,⁴¹ we regularly see inadequate protection of tenancy rights, unfair debts incurred as a result of perpetrator damage or rental arrears and, consequently, the risk of homelessness. Grace's story below shows that victim-survivors need increased legal protections and the support of integrated lawyers and social workers to navigate their tenancy issues and avoid further trauma.

Single-mother of three accesses wrap-around legal and social work services to end lease nine months early after escalating family violence

Grace is a single-mother of three young children. She previously lived in a private rental property with her ex-partner and father of her children, but was forced to leave due to escalating violence including threats to kill. Grace signed a twelve-month lease at her new private rental, but shortly afterwards her ex-partner discovered where she was and began to regularly attend the property to abuse her. As a result, Grace was forced to stop the successful business she had been running. When the violence escalated further, Grace contacted police and was told she had to leave immediately as her ex-partner had access to firearms.

After relocating again, Grace asked her previous landlord if the lease, which had nine months left to run, could be terminated early, but was told there would be significant upfront costs for breaking her lease. Grace then connected with Justice Connect for intensive legal and social work assistance. Grace's lawyer made an urgent application to VCAT to have the term of her lease reduced to the date of hearing, and negotiated with the landlord's agent to obtain their consent. At the VCAT hearing, Grace's lease was ordered to end the same day, meaning Grace would not accrue any more arrears, and was only liable for a small amount of arrears that had already accrued.

Integrated legal help keeps women and children safely housed

In the context of the growing prevalence of homeless or at risk women across Australia, and the compounding impact of family violence and COVID-19, accessible and tailored legal services are a vital part of a

³⁹ AIHW, *Homelessness Services Annual Report 2018-19, Table FDV.1: Clients who have experienced domestic and family violence* (18 December 2019) available at: <https://www.aihw.gov.au/reports/homelessness-services/shs-annual-report-18-19/contents/client-groups-of-interest/clients-who-have-experienced-family-and-domestic-violence>.

⁴⁰ State Government of Victoria, *Victorian Budget 19/20: Keeping women and children safe* (27 May 2019) available at <https://budget.vic.gov.au/keeping-women-and-children-safe>.

⁴¹ Justice Connect, *Keeping Women and Children Housed: Women's Homelessness Prevention Project – Two Years, ten client stories and ten calls for change* (December 2016) available at: <https://justiceconnect.org.au/wp-content/uploads/2018/08/Keeping-Women-and-Children-Housed-web.pdf>.



multidisciplinary service response to homelessness, family violence and financial insecurity.⁴² Research indicates that many people facing housing insecurity first-turn to non-legal services when they encounter a legal problem,⁴³ and usually only seek help from one non-legal professional.⁴⁴ Multi-disciplinary services are vital to ensure that both legal and non-legal needs can be collectively addressed.⁴⁵ This streamlined approach means that the problems that have contributed to, and resulted from, their interaction with the justice system are able to be dealt with concurrently, resulting in a more lasting resolution.⁴⁶

Since 2014, Justice Connect's Women's Homelessness Prevention Project (**WHPP**) has proven highly effective at keeping women and children safely housed through integrated legal and social work assistance. It is the only service of its type in Victoria, and the WHPP's specialised, early-intervention model was cited by the Law Council of Australia's Justice Project Final Report as best practice for successfully preventing and reducing homelessness.⁴⁷ In five years, the WHPP:

- holistically helped 280 women and 391 children through wrap-around legal, housing and social work supports;
- achieved an 84% success rate in finalised legal matters; and
- directly prevented 148 women and 202 children from being evicted into homelessness.

Pitcher Partners recently prepared a pro bono report that costed the benefit of the WHPP to be 6.3 times the level of investment, with a cost saving to government of \$4.9 million. 56% of women helped by the WHPP last year facing eviction were in private rentals, and over the WHPP's five years, 84% of women we helped identified as having experienced family violence. Paula's story below shows the importance of specialist and integrated legal help to prevent homelessness before it happens for women experiencing personal and financial hardship.

Single-mother with history of family violence, homelessness and health issues supported to stay housed after falling behind in rent

Paula is a 32 year old separated mother with care of three young children who works part time. Paula was made homeless at age 17 when she was forced to flee violence in the family home from her father. She became pregnant and was married at age 19. Paula's marriage broke down and her husband became violent, which led to Paula fleeing her husband's parents' home where she had been staying and entering her first private rental property with the three children.

So Soon after moving in, Paula began to accrue rental arrears as a result of confusion over the frequency of her rent payments. This confusion was exacerbated by her serious depression and anxiety issues and lack of any support or counselling. In addition, Paula became physically unwell, requiring surgery, which led to her exhausting all sick leave from work. When Paula presented to Justice Connect, she was worried about losing her job, her housing and her children as a result of her financial circumstances.

Paula's Justice Connect lawyers entered into negotiations and achieved an affordable payment arrangement with the real estate agent, while our social worker organised an emergency meeting with her local housing access point. The Justice Connect social worker also secured financial brokerage for Paula and referred her to a financial counsellor. Our social worker further helped Paula to obtain food vouchers and warm clothing for her children, as well as engaging her with a GP for a mental health care plan. Through this holistic and intensive help, Paula has remained in the property and is now on a two year lease, which has stabilised her health and enabled her return to work.

⁴² Rhonda Phillips and Cameron Parsell, *The role of assertive outreach in ending 'rough sleeping'*, AHURI (Final Report No. 179, January 2012), 1 (**AHURI – The role of assertive outreach in ending 'rough sleeping'**) available at: https://www.ahuri.edu.au/__data/assets/pdf_file/0010/2062/AHURI_Final_Report_No179_The_role_of_assertive_outreach_in_ending_rough_sleeping.pdf/.

⁴³ Law & Justice Foundation of New South Wales, *No Home No Justice? The legal needs of homeless people in NSW* (Report, July 2005) 95 (**Law & Justice Foundation – No Home, No Justice**) 26.

⁴⁴ Law Council of Australia, *The Justice Project Final Report – Part 2, Legal Services* (Final Report, August 2018) 74 (**The Justice Project – Legal Services**) available at: <https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/People%20who%20are%20Homeless%20%28Part%201%29.pdf>.

⁴⁵ Ibid 74.

⁴⁶ Ibid 78.

⁴⁷ Justice Connect, *Finding shelter from the law: fairer responses to homelessness in our community* (March 2020) 30 (**Justice Connect – Finding shelter from the law**) available at: <https://justiceconnect.org.au/wp-content/uploads/2020/04/Justice-Connect-Position-Paper-Finding-shelter-from-the-law-March-2020.pdf>; Term of Reference 8.



Recommendation 5: Safer housing for family violence victim-survivors

To break the links between homelessness, family violence and financial insecurity, Justice Connect recommends the Federal government engage with state and territory governments to:

- a. Improve tenancy creation and reduction mechanisms for family violence victim-survivors, prioritising their safety and reducing their financial risks;
- b. Adequately protect victim-survivors by ensuring safety-related modifications to rental properties can be undertaken to improve security;
- c. Ensure victim-survivors are not 'blacklisted' on tenancy databases due to perpetrator conduct, so they can access safe housing;
- d. Increase access to specialised, integrated legal services for victim-survivors with tenancies affected by family violence, so they understand their rights and can avoid evictions into homelessness.

4. Preventing the criminalisation of homelessness

Justice Connect has helped thousands of Victorians experiencing homelessness and housing insecurity to resolve overwhelming fines and charges for what we call 'poverty offences', including being drunk in public, begging and conduct on public transport. From this extensive work, we have seen first-hand the disproportionate impact of fines and charges on people experiencing homelessness. Former Justice Connect client, Hayley, found herself homeless after fleeing from an ex-partner due to family violence and having nowhere safe to go. During this time, Hayley received several fines and charges, including for begging, which she said made her feel:

'Ashamed for getting them in the first place, because I'm one that doesn't break the law.'

Former Justice Connect client Julia reveals how financial penalties and charges only serve to increase the strain struggling people are already under:

'The effect of having the fines is very stressful because when you are unemployed or on a pension, it is pretty difficult to survive as it is... You don't have a spare \$200 just to give to a fine and if you're homeless as well it's more stressful because it is already incredibly hard not having a place of your own.'

The COVID-19 recovery period presents real risks of increased homelessness and legal needs in our community. Laws which prohibit begging and public drinking, street sweeping offences and 'move on' directions, often serve to effectively criminalise homelessness. They also endanger people experiencing homelessness by essentially excluding them from safe public spaces.⁴⁸ While outdated poverty offences are

⁴⁸ The Justice Project – Legal Services (n 44).



still in legal operation, there will always be pressure to use them and less opportunity for service-based responses to address the underlying causes of offending.

4.1 Importance of reducing reliance on the justice system & access to diversion

All Australian states and territories have laws that effectively criminalise homelessness and poverty. In 2006, the then UN Special Rapporteur on the Right to Adequate Housing, Miloon Kothari, concluded that the enforcement of public space laws in Australia ‘criminalizes the homeless and may violate civil rights, including the right to be free from inhuman or degrading treatment or punishment’.⁴⁹ In 2009, the bi-partisan House of Representatives Standing Committee on Family, Community, Housing and Youth recommended that the Australian Government, in cooperation with state and territory governments, conduct an audit of laws and policies that impact disproportionately on people experiencing homelessness.⁵⁰ To date, this audit has not been conducted.

Through Justice Connect’s day-to-day work, including during COVID-19, it is clear that relying on the justice system to respond to homelessness only serves to perpetuate disadvantage and places further weight on an already stretched system.⁵¹ Justice Connect has identified several ways to reduce reliance on the justice system through early intervention, targeted law reform, and access to diversion,⁵² including:

- **Decriminalising poverty offences:** Enforcement of offences that have the effect of criminalising homelessness,⁵³ for example begging and public drunkenness, perpetuate financial and social disadvantage and make it harder for people to exit homelessness. It is recommended that these offences are repealed or decriminalised. Justice Connect recognises some progress in this area at a state level, with Tasmania for example announcing that it will remove the offence of begging from the *Police Offences Act 1935* (Tas).⁵⁴ We also note the Victorian government’s 2019 announcement that it will remove the offence of public drunkenness under s 13 of the *Summary Offences Act 1966* (Vic) and replace it with a health-based response in consultation with impacted communities, which will provide appropriate supports to vulnerable Victorians.⁵⁵
- **Early intervention to prevent people entering the justice system – a framework for enforcement officers:** Where possible, people who are homeless should be assisted to avoid entering the justice system in the first place.⁵⁶ In NSW, for instance, the City of Sydney has developed a *Protocol for Homeless People in Public Places* and Justice Connect (in collaboration with homelessness, justice, government and other agencies), has developed a proposed protocol in Victoria to guide interactions between public officials and homeless persons.⁵⁷ Frameworks such as these Protocols ensure that enforcement officers are trained to identify and avoid the risk of enforcement-based interactions, to exercise discretion in considering alternatives to fines & charges, and to interact with people experiencing homelessness in a respectful and appropriate way.
- **Access to Diversion:** people experiencing homelessness across Australia need to be diverted out of the criminal justice system as early as possible. Court diversion programs in various forms have been a part of the justice system in Australia for several decades. Diversionary programs allow Magistrates to deal with a charge by diverting the matter from the matter from the criminal justice system, avoiding a finding of guilt, and allowing a person to participate in rehabilitation or

⁴⁹ Miloon Kothari, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living – Addendum: Mission to Australia (31 July to 15 August 2006), UN Doc A/HRC/4/18/Add.2 (11 May 2007) [47].

⁵⁰ House of Representatives Standing Committee on Family, Community, Housing and Youth, Parliament of Australia, *Housing the Homeless: Report on the inquiry into homelessness legislation* (2009) 81.

⁵¹ Ibid.

⁵² Term of Reference 2.

⁵³ The Justice Project – People who are homeless (n 2).

⁵⁴ *Police Offences Amendment (Begging) Bill 2018* (Tas); Will Hodgson, Premier of Tasmania, *Removing the offence of begging* (27 June 2019) available at: https://www.premier.tas.gov.au/releases/removing_the_offence_of_begging; Term of Reference 8.

⁵⁵ The Hon Jill Hennessy MP, Attorney-General, *New Health-Based Response To Public Drunkenness* (22 August 2019), available at: <https://www.premier.vic.gov.au/new-health-based-response-to-public-drunkenness/>; Term of Reference 8.

⁵⁶ Term of Reference 2.

⁵⁷ Justice Connect - Finding shelter from the law (n 47) 68-71.



other programs to assist with their needs.⁵⁸ However, Diversion programs are often underutilised. For example, over a 13 year period in Victoria, diversion has gradually declined from 8.1% of sentenced cases in 2005-06 to 5.9% in 2017-18,⁵⁹ and many people can be locked out of Diversion programs if police have complete discretion to consent to Diversion. These services need to be appropriately resourced across Australia to ensure that people are diverted out of a cycle of homelessness and the justice system.

Chris's story below highlights how enforcement-based responses make it harder for vulnerable Australians to exit homelessness.

Woman experiencing homelessness charged with begging after fleeing violent relationship

Chris was in a violent relationship. After suffering an assault, she fled her home with only the clothes on her back and some essentials. Chris made her way into the Melbourne CBD, believing that was the safest place to be and the most likely place she would be able to secure a night's accommodation at short notice. Chris made a sign that read *"Homeless due to domestic abuse. I'm Chris. I'm 40 & am asking for your help to get a safe warm bed. Any donations of food, coffee or spare change are much appreciated. Thank you."* Police approached Chris who was sitting on the footpath with the sign beside her, and asked what she was doing. The police statement confirmed that Chris said that she was *"trying to get enough money so that I can get a room, go to somewhere safe, instead of going into a laneway getting raped and bashed"*.

Chris was then charged with begging. Unfortunately, Chris was unable to get any accommodation and was forced to return to her former home with her partner. After suffering further violence a couple of months later, a full intervention order was made to protect Chris. With appropriate supports, Chris was then able to enter transitional housing. Justice Connect's criminal lawyer provided specialised legal advice about Chris' rights, including the option of representation to contest the charge. At court, police prosecutors chose not to exercise prosecutorial discretion and withdraw the charge on the basis that Chris did not call police on the night she fled and did not report the incident. Chris ended up pleading guilty because she just wanted the matter dealt with, so she could safely move on with her life.

Recommendation 6: Prevent the criminalisation of homelessness

To prevent the criminalisation of homelessness & to reduce the disproportionate impact of laws, policies & practices on homeless Australians, particularly during COVID-19, Justice Connect recommends the Federal government engage with state, territory & local governments to:

- a. Audit all laws, policies & practices that impact disproportionately or discriminatorily on people experiencing homelessness, including in the context of COVID-19;
- b. Encourage decriminalisation of poverty-related offences, such as begging and drunk in public, which people experiencing homelessness are more likely to receive;
- c. Support best-practice protocols & frameworks that enable service-based responses to homelessness, rather than enforcement-centred approaches;
- d. Ensure that homeless Australians have appropriate access to diversionary measures through the justice system.

⁵⁸ See, e.g. 'Diversion', *Magistrates' Court of Victoria* (26 November 2018) available at: <https://www.mcv.vic.gov.au/find-support/diversion>.

⁵⁹ Sentencing Advisory Council, *Sentencing outcomes in the Magistrates' Court* (8 August 2019) available at <https://www.sentencingcouncil.vic.gov.au/statistics/sentencing-statistics/sentencing-outcomes-magistrates-court>.



4.2 Closing the revolving door between prisons and homelessness

The latest Australian survey of prisoner health indicates that 33% were experiencing homelessness prior to incarceration and over half of prisoners expect to be homeless on release.⁶⁰

Between 2014 and 2019, the number of people imprisoned in Australia has grown by more than one quarter,⁶¹ despite the national rates of crime dropping over that time.⁶² Meanwhile, between 2011 and 2016, homelessness in Australia also increased by 14%.⁶³ With imprisonment costing around \$231 each day per prisoner,⁶⁴ the number of full-time prisoners increasing significantly each year,⁶⁵ and the heightened risks of COVID-19 for prisoners, it has never been more vital to stop the cycle of incarceration and homelessness.

Without access to suitable and safe housing with supports upon release, prisoners are being set up to fail. Not only does exiting prison without a home increase the likelihood of reoffending, but without an address to return to, many remand prisoners are not able to secure bail, and sentenced prisoners are not able to access parole. This leaves many people in prison who should or could be in the community. Given the current rate of recidivism sits at 45.6%,⁶⁶ and with the cost of incarceration around \$118,000 per person every year,⁶⁷ access to secure housing with supports is a critical component of tackling Australia's growing and costly imprisonment rate.

Justice Connect sees first-hand the importance of access to post-release housing through our Closing the Revolving Door Prison Project (**Prison Project**), which works towards breaking the links between prison, housing insecurity and the justice system.⁶⁸ In the last 12 months, our Prison Project had an 87% success rate in resolving tenancy legal issues and debts that are direct barriers to stable housing on release. This includes directly preventing 29 prisoners on remand or short sentences with complex needs from being evicted into homelessness, which represents a cost saving of around \$854,000 to the health, justice and welfare systems.⁶⁹

Tanya's story below demonstrates the role of intensive legal help in making sure that women exiting prison to have a home to go to on their release.

⁶⁰ AIHW Health of Prisoners (n 4) 13.

⁶¹ Australian Bureau of Statistics, *Prisoners in Australia* (5 December 2019) available at: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4517.0>.

⁶² Australian Bureau of Statistics, *Recorded Crime – Offenders, 2013-14* (25 February 2015) available at <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4519.0~2013-14~Main%20Features~Key%20Findings~1>; Australian Bureau of Statistics, *Recorded Crime – Offenders, 2018-19* (6 February 2020), available at <https://www.abs.gov.au/ausstats/abs@.nsf/0/DA308C67766C3735CA257751001BD477?Opendocument>.

⁶³ Australian Bureau of Statistics, *Census of Population and Housing: Estimating homelessness* (2016), available at: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/2049.0>.

⁶⁴ Australian Productivity Commission, *Report on Government Services 2020*, Table 8A.19.

⁶⁵ Australian Bureau of Statistics, *Prisoners in Australia* (5 December 2019), available at <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4517.0>.

⁶⁶ Australian Productivity Commission, *Report on Government Services 2019*, Part C Table CA.4 available at: <https://www.pc.gov.au/research/ongoing/report-on-government-services/2019/justice#attachables>

⁶⁷ *Ibid*, Chapter 8, Table 8A.18 available at: <https://www.pc.gov.au/research/ongoing/report-on-government-services/2019/justice/corrective-services>.

⁶⁸ Justice Connect, *Closing the Revolving Door* (January 2020) available at: <https://justiceconnect.org.au/wp-content/uploads/2020/04/Closing-The-Revolving-Door-Snapshot-Jan-2020.pdf>.

⁶⁹ Estimated annual cost to government services of an individual experiencing homelessness is \$29,450 higher than for the rest of the Australian population – see AHURI Study (n 6) 14.



Aboriginal woman with a history of homelessness, incarceration and state care exits into post-release housing through holistic legal services

Tanya is an Aboriginal woman who lost both parents by the time she was 12 years old. From this young age she entered a spiral of state care, homelessness and incarceration. The trauma and grief Tanya experienced led to substance dependency. After years of couch surfing, sleeping rough and incarceration, Tanya secured transitional community housing, which she described as *“the best thing to happen to me”*. The housing offered security and was instrumental to reducing her offending and substance abuse.

When Tanya’s father-figure uncle passed away, she experienced a relapse and disengaged with support services. When Tanya was referred to Justice Connect by a housing support service in prison, she had received a ‘no specified reason’ Notice to Vacate for failing to engage with her support worker, which was a requirement of her transitional housing. The Notice to Vacate was due to expire two months prior to her release date. Justice Connect negotiated with the community housing landlord to withdraw the Notice to Vacate, including suggesting steps to support engagement post-release. During negotiations it became clear that Tanya was required to lodge an updated housing application, another requirement in transitional housing. Justice Connect worked with the support worker to ensure the application was lodged. Due to Justice Connect’s holistic advocacy, the housing provider agreed not to enforce the Notice to Vacate. Tanya was released into her transitional housing property and engaged with post-release supports.

Through Justice Connect’s negotiations with the community housing provider, Tanya had the chance to reconnect with her community. However, without targeted legal intervention and housing supports, she would have been one of the 54% of prisoners who exit prison into homelessness.⁷⁰

Recommendation 7: Close the revolving door between prisons and homelessness

To break the Australia-wide cycle between prisons, homelessness and the justice system, Justice Connect recommends:

- a. Increasing access to housing workers in prison, so that Australians have better community reintegration outcomes;
- b. Providing pre-and-post-release integrated legal services that support Australians to access and maintain housing on release from prison;
- c. Improving and lengthening post-release support options, and resourcing rapid re-housing in safe accommodation for Australians leaving prison, so that community members do not exit into homelessness.

⁷⁰ AIHW Health of Prisoners (n 4) viii.



5. The impact of integrated legal services

People who are homeless or at risk of homelessness are vulnerable to substantial and multiple legal problems,⁷¹ and accordingly often need high levels of legal support. While individual legal needs differ, research indicates that those who are experiencing housing insecurity are not well equipped to access or navigate the justice system.⁷² They often ‘...have poor legal knowledge, language or communication needs, cognitive impairment or mental health conditions, or limited technological capability or access,’ and will require intensive and more frequent legal assistance.⁷³

Integrated service delivery models present a unique opportunity to meet these particular and varied needs of Australia’s most vulnerable community members, including those who have been directly affected by COVID-19. The benefits and demonstrated impact of integrated legal services for people experiencing or at risk of homelessness are a key strategy for preventing and reducing the impacts of homelessness in Australia.⁷⁴

5.1 Achieving more just lives through client-centred legal services

Through Justice Connect’s work, we have seen that many people experiencing or at risk of homelessness are facing personal and financial complexities that make it impossible for them to address their legal issues without tailored, integrated legal and non-legal supports. We have also observed that COVID-19 has disproportionately impacted on people experiencing or at risk of homelessness, increasing the demand and ongoing need for prevention-focussed, holistic legal services.

Specialist legal services are key for homeless or at risk Australians

Tailored legal services are a vital part of a multi-disciplinary service response to homelessness.⁷⁵ Specialist homelessness legal services in many states and territories, including Justice Connect in Victoria, are central in reducing entrenched homelessness and improving access to justice. These targeted services are able to identify the common barriers faced by this highly marginalised cohort and implement innovative solutions to better ensure access to justice. This assists identification of core issues and the facilitation of a more informed delivery of legal services to achieve positive outcomes.⁷⁶

The interlinked and complex vulnerabilities often experienced by homeless or at risk Australians generally increases the intensity of legal help required.⁷⁷ Early access to specialised legal help is vital for people with complex needs, and crucial to resolving legal issues before they escalate to crisis point.

Integrated and collaborative legal help achieves longer-term outcomes

Community-based homeless, housing, family violence support and health services are also central in helping to resolve the legal problems of people experiencing or risk of homelessness.⁷⁸ The majority of homeless Australians may not recognise that their problems are legal, or not know where to go for the appropriate legal support.⁷⁹ Given the complexities of this priority cohort of justice system-users, community-support services can provide a critical element in ensuring that homeless or at risk Australians are able to access, understand and navigate the justice system.

⁷¹ The Justice Project – Legal Services (n 44) 4.

⁷² Victoria Legal Aid, *Intersections between mental health and the legal system and the impacts for people and communities: Submission to the Productivity Commission’s Inquiry into the Economic Impact of Mental Ill-Health* (April 2019) 32 (**Victoria Legal Aid – Intersections between mental health and the legal system**) available at <https://www.legalaid.vic.gov.au/about-us/news/reflecting-on-intersections-between-mental-health-and-legal-issues>.

⁷³ The Justice Project – Legal Services (n 44) 4.

⁷⁴ Terms of Reference 6 and 8.

⁷⁵ AHURI - The role of assertive outreach in ending 'rough sleeping' (n 42) 1; Term of Reference 5.

⁷⁶ The Justice Project – Legal Services (n 44) 53.

⁷⁷ Victoria Legal Aid – Intersections between mental health and the legal system (n 72) 32.

⁷⁸ Law & Justice Foundation – No Home, No Justice (n 43) 179; Term of Reference 5.

⁷⁹ Law & Justice Foundation of New South Wales, *Legal Australia-Wide Survey – Legal Need in Australia* (August 2012), available at: [http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/\\$file/LAW_Survey_Australia.pdf](http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Australia.pdf). 187. 12-17% of people seek legal advice, 27% see a health care professional.



In Justice Connect's experience, the legal problems of those who are homeless or at risk of homelessness are often related to personal, health and financial needs. Holistic, integrated services are vital to ensure that both legal and non-legal needs can be collectively addressed.⁸⁰ The transformative value of these collaborative models is evident in the wrap-around outcomes seen through Lilly's story below.

Homeless family violence victim-survivor helped to resolve criminal charges, secure safe housing & reconnect with her kids

Lilly experienced extensive family violence committed by multiple perpetrators, which resulted in serious health concerns, pushed her into homelessness and caused her to lose care of her two young children. When she first met with Justice Connect, Lilly was facing charges at the Magistrates' Court related to her drug dependency, which she had developed when seeking to feel safe and to reduce the pain of her isolation and trauma. Lilly also faced a charge for possessing a weapon that she carried due to fear of her violent ex-partner.

Lilly's anxiety about going to court unsupported meant that she had failed to attend Court and a Magistrate had issued warrants on four separate occasions. Often in circumstances like these, the system's response is to remand people in custody until their matter can be heard. Thankfully, Lilly received specialised advice and ongoing representation through Justice Connect's criminal lawyer and targeted non-legal supports from our Homeless Persons' Liaison Officer (**HPLO**) social worker. This included the HPLO helping Lilly to access court, facilitating transport and short-term housing, and offering direct assistance to feel more comfortable at her hearings, along with a supporting letter to the Magistrate. Due to intensive legal & social work advocacy, Lilly secured a 12 month undertaking without conviction, which was a real relief to her.

Although Lilly had previously struggled to engage with community workers, the HPLO built genuine trust with her over six months, providing vital brokerage for essential needs, securing her a new driver's licence and recommencing her Centrelink payments, actively referring her to alcohol and drug counselling and family violence case management, and helping her to make a priority public housing application. These holistic outcomes have given Lilly crucial safety and stability, empowering her to reconnect with her children and to prioritise her continued health recovery.

5.2 Justice Connect's specialised, multi-disciplinary model

Justice Connect's targeted, wrap-around legal and social assistance is focussed on intervening early to avoid evictions, and dealing with the key problems that prevent safe and sustainable housing, such as housing debts and advocating for victim-survivors with tenancies affected by family violence.⁸¹

In the last 18 months, Justice Connect's holistic services have successfully prevented 253 clients and their families from being evicted into homelessness, equating to over \$7.4 million worth of savings to the government and wider-community, through avoiding increased health, justice and welfare services costs.⁸² Justice Connect's multi-disciplinary practice, which has been central to our COVID-19 response, includes:

- the specialised Homeless Persons' Liaison Officer (**HPLO**) program, which is a first-of-its kind program and includes a social worker to support clients experiencing or at risk of homelessness to resolve Victorian court and tribunal matters, and to maintain or access housing. Since being established by Justice Connect in 2010, the HPLO program has supported over 1200 clients;
- a criminal law program which provides complex clients with casework, advice or in-court representation for their criminal legal issues, with a focus on diverting people out of the criminal justice system at the earliest opportunity. Over the last four years, the criminal law program has helped 312 vulnerable Victorians to interact with and access the justice system;

⁸⁰ Ibid 26; The Justice Project – Legal Services (n 44) 74.

⁸¹ Terms of Reference 4 and 8.

⁸² Estimated annual cost to government services of an individual experiencing homelessness is \$29,450 higher than for the rest of the Australian population – see AHURI Study (n 6) 14.



- a co-location project 'Under One Roof' that embeds staff lawyers and social workers in frontline community and health services. The Under One Roof model was profiled in the Victorian Government's 2016 *Access to Justice Review*⁸³ and the Law Council of Australia's 2018 *Justice Project Report*⁸⁴ as providing a best practice model of help for disadvantaged people.⁸⁵



Through Justice Connect's co-locations and deep partnerships, we know that providing people experiencing housing insecurity with targeted, flexible and collaborative assistance leads to better engagement with the justice system and fairer outcomes. The value of these integrated models is evident in the wrap-around outcomes achieved for Sandy, a single mother and family violence victim-survivor.

Mother of three navigates the justice system, resolving housing, mental health issues, family violence, child protection and criminal law issues

Sandy connected with Justice Connect when she and her three young children were facing eviction. Sandy had experienced family violence for more than 10 years. Despite having an indefinite family violence intervention order against her ex-partner, he continued to track her down and abuse her over many years, which had impacted on her mental health and safety.

Justice Connect's HPLO engaged with Sandy when it became clear she was dislocated from any supports ahead of her VCAT eviction hearing. Collaborating closely, the HPLO and Justice Connect lawyers were able to successfully prevent Sandy's eviction. Soon afterwards, the ex-partner found Sandy and perpetrated further violence, so she sent her children to their grandparents and started sleeping in her car. Justice Connect's lawyers assisted Sandy to end her lease and to resolve other legal barriers to accessing safe, alternate housing. The HPLO worked closely with Sandy to manage her highly vulnerable circumstances from a non-legal perspective – housing options, safety and mental health recovery planning, material aid, petrol vouchers to see her children and connections to other services.

The HPLO also connected Sandy to Justice Connect's specialist criminal lawyer, and they worked closely to support Sandy with her rights as a victim of crime and with her other minor criminal law issues. Our criminal lawyer provided ongoing advice and representation across Sandy's Magistrates' Court appearances, while the HPLO gathered supporting evidence, and successfully secured Sandy a new, safe property. The following week, just before Christmas, she was housed and finally reunited with her children.

⁸³ Victorian Government, *Access to Justice Review, Volume 1, Report and Recommendations* (August 2016) available at: <https://engage.vic.gov.au/accesstojustice>.

⁸⁴ The Justice Project – Legal Services (n 44) 73.

⁸⁵ Term of Reference 8.



It is clear that to end homelessness and to stop escalated housing insecurity during the COVID-19 recovery period, we need to prioritise prevention and early intervention. Through integrated legal services, we can make evictions into homelessness a last resort and prevent people like Sandy and her children from experiencing the trauma of becoming homeless.

Recommendation 8: Increase the availability of holistic and integrated legal services

Wrap-around, specialised legal services should be seen as an important part of achieving long-term housing outcomes for people experiencing or at risk of homelessness across Australia. Justice Connect recommends:

- a. Investing in early-intervention, client-centred and co-located legal services that can proactively resolve legal issues to minimise barriers to housing security;
- b. Supporting the integration of legal, social work, health and other community-support professionals to help people experiencing homelessness and housing insecurity in successfully accessing, navigating and exiting the justice system.





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