

Homelessness Green Paper Submissions
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19 June 2008

Submission to the Federal Government Green Paper on Homelessness

About Redfern Legal Centre

Redfern Legal Centre (RLC) is an independent non-profit community-based organisation with a prominent profile in the Redfern area of over 30 years' standing. We provide free legal advice and assistance, community education and advocacy on law and policy reform issues.

Thank you for giving us an opportunity to contribute to the Green Paper consultation. This response focuses on the capacity of mainstream community based services to contribute to the prevention of homelessness.

RLC welcomes the Federal Government's stance on addressing homelessness in Australia. We seek to provide recommendations on how to prevent homelessness, based on our experience providing services targeted at assisting people who are disadvantaged in our community.

Homelessness Prevention

RLC undertakes a number of programs that prevent homelessness, by providing services to low income and disadvantaged people, including:

1. Tenants' Advice and Advocacy Service

The Inner Sydney Tenants' Advice and Advocacy Service (ISTAAS) assists people to advocate for themselves in tenancy disputes by giving detailed advice and support to tenants. In some cases, the service further assists people by preparing correspondence, legal submissions and evidence for matters in the Consumer, Trader and Tenancy Tribunal. Where appropriate, ISTAAS represents clients in negotiations with landlords and at complex hearings in the Consumer, Trader and Tenancy Tribunal. The tenancy service prioritises its assistance in part based on the risks of homelessness to tenants. In doing so, ISTAAS helps people to stay in their homes and to avoid facing homelessness.

73 Pitt St	Phone (02) 9698 7277	General enquiries	Interviews by
Redfern	Fax (02) 9310 3586	Monday to Thursday	appointment
NSW	email info@rlc.org.au	9 am-9 pm	Monday to Thursday
2016	http://www.rlc.org.au	Friday 9 am-6 pm	6:30 pm-8:00 pm

ISTAAS devotes a high proportion of its skill and resources to challenging oppressive evictions by the Department of Housing. These most vulnerable and disadvantaged of tenants have no realistic chance of obtaining housing on the private rental market, nor of becoming homeowners. A tenant who is evicted from public housing almost certainly has no alternative to homelessness. The circumstances that the Department of Housing uses to justify the eviction are usually linked to the circumstances of disadvantage that determined the eligibility for public housing; such as mental illness, disability, low income, or domestic violence. Behavioural or financial inadequacies caused by these factors should not be used to evict tenants from public housing.

ISTAAS effectively minimises the incidence of short-term homelessness. The service does this by ensuring that the difficult circumstances of some private or public tenants are put to the Tribunal in responding to landlord applications for termination. Advocates are often successful in their efforts to gain the extra time our clients need to obtain alternative housing before they are forced to move from their current homes.

The service also effectively combats the most egregious practices of landlords who occasionally lock tenants out of their homes. In most cases we are able to ensure that the tenant regains access to their home within hours, rather than days or in some cases, weeks.

2. Women's Domestic Violence Court Advocacy Scheme

The Women's Domestic Violence Court Advocacy Scheme (WDVCAS) advocates for women who are victims of domestic violence. Women often leave their home if they are experiencing violence or abuse, which can result in homelessness. In these cases, it may be appropriate to seek exclusion orders against the offender that allows the victim to stay in the home safely. In other cases, it may be appropriate to seek an order that allows the offender to remain in the home subject to a number of mandatory requirements to refrain from abusing the victim. This also allows the victim to remain in the home in relative safety. Without access to a WDVCAS type service, women who are the victims of domestic violence may not be able to obtain court orders that support them to stay in their home.

For an example of a successful preventative model that has recently been trialed in Eastern Sydney, please refer to the Staying Home Leaving Violence initiative.

3. Credit and Debt Service

RLC's Credit and Debt Service provides legal advice, information, referrals and casework to disadvantaged people and financial counsellors throughout NSW. Many of RLC's clients, particularly people with low literacy skills or who are from a Culturally and Linguistically Diverse (CALD) background, are vulnerable to

predatory lending practices and are therefore at a significantly higher risk of homelessness as a result of financial hardship. By providing advocacy, information and access to financial counselling support our credit and debt service contributes to keeping people in their homes.

4. Prisoners Project

The Credit & Debt Service runs a specialist program to assist people exiting prison to re-establish in the community. The program provides information relating to finance, the law and tenancy to post-release prisoners and their families. One of the aims of the program is to assist in reducing recidivism by giving ex-inmates the skills to better deal with these issues upon release. Another goal of the project is to pre-empt homelessness in situations where prisoners would otherwise be unable to secure affordable and adequate housing or where they are forced into homelessness due to escalating debts.

The implications of the redevelopment of inner Sydney for low-income tenants

The Redfern-Waterloo area is under the control of the Redfern-Waterloo Authority, which was established in 2005 to 'revitalise' the area, replacing local council planning powers.

However, the benefits claimed by the Redfern-Waterloo Authority do not appear to be having any noticeable positive impact on our clients. It is still not clear in what way the redevelopment of Redfern-Waterloo might benefit or protect the interests of low-income renters and tenants of public housing.

We note with concern the lack of progress on an agreed way forward for the Redfern-Waterloo Authority and Aboriginal Housing Company concerning the redevelopment of "the Block". We recognise the importance of the Redfern area to Aboriginal communities throughout Australia and would consider a commitment to the provision of affordable housing for Aboriginal families to be a significant contribution to a homelessness prevention strategy.

RLC's recent submission to the review of the Department of Community Services drew attention to the lack of progress in implementing the reforms that were promised at the 2006 Inquiry into Redfern-Waterloo. This has ongoing implications this dysfunction has for the risk of homelessness for women and children escaping domestic violence, in particular Aboriginal women.

General issues

RLC applauds the Government's current housing initiatives, particularly the National Rental Affordability Scheme, the Place to Call Home Scheme and the revamp of the Commonwealth Property Disposals Policy. In addition to opening up availability of surplus Commonwealth property for housing, we recommend that suitable empty private dwellings be compulsorily acquired for the purpose of

providing low cost public housing. There is ample availability of empty dwellings that could be renovated and made available for this purpose. It was recently reported in the Sydney Morning Herald that there are 122,211 unoccupied residential dwellings in Sydney, many located in the inner city.

Alternatively, empty dwellings could be utilised to provide housing by the introduction of Empty Dwelling Management Orders (EDMOs). EDMOs give power to local authorities to take over management of empty dwellings where the owner is unwilling or unable to bring the property back into use and have been introduced by amendment to the *Housing Act 2004* in the United Kingdom.

Our clients need secure affordable housing in inner Sydney. This can only be achieved if the supply of public housing is increased and the Department of Housing takes a more supportive approach to its tenants. The recent introduction of the *Housing Amendment (Tenant Fraud) Act 2008 (NSW)* is counterproductive and adverse to the needs people of who are disadvantaged and on low incomes.

There is an opportunity to utilise the forthcoming re-negotiation of the Commonwealth-State Housing Agreement (CSHA) to protect vulnerable households from homelessness. The CHSA will expire at the end of June, but is being extended until Jan 09 to enable consideration of appropriate changes. A significant boost to the funding available for housing would go some way towards making up for the effects of a decade of neglect and under-investment.

The CSHAs also included requirements about oversight of public housing provider decision making. That's where the Housing Appeals Committee came from. This should be made considerably more accountable. Housing NSW's decisions should be appealable to the Administrative Decisions Tribunal. Such a provision is particularly needed in light of the extensive new powers that the public housing providers enjoy under the new Housing Amendment (Tenant Fraud) Act.

Summary of Recommendations

In consideration of these issues, RLC makes the following recommendations:

- 1. The increased provision of affordable rental accommodation.**
- 2. Repeal the punitive provisions of the Housing Amendment (Tenant Fraud) Act 2008.**
- 3. Government to compulsory acquire properties that are untenanted or otherwise empty for longer than 18 months and convert to affordable public housing. Alternatively, to implement the use of EDMOs under similar circumstances.**
- 4. Ongoing secure funding for community based services that have a demonstrated capacity to provide services that prevent homelessness.**

It is our view that the above recommendations provide a suitable starting point for preventing homelessness in Australia.

Yours faithfully,
REDFERN LEGAL CENTRE

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