
**SUBMISSION TO ESTIMATES AND
FINANCIAL OPERATIONS COMMITTEE
– INQUIRY INTO THE FINANCIAL
ADMINISTRATION OF HOMELESSNESS
SERVICES IN WESTERN AUSTRALIA**

Thank you for the opportunity to make submissions to this inquiry.

Circle Green Community Legal ('Circle Green') is a Western Australian community legal centre that was formed in 2020 by a merger of three specialist community legal centres: the Employment Law Centre of WA, The Humanitarian Group and Tenancy WA. Circle Green Community Legal provides state-wide specialist legal services in employment, residential tenancy law, and humanitarian law.

Circle Green provides legal services to residential tenants across Western Australia including a state-wide telephone advice service, further assistance and casework, and a duty advocacy service at the Magistrates Court. As the Central Resource Unit of the Tenant Advice and Education Services program, Circle Green provides community legal education, professional development for advocates, and law reform advocacy on behalf of the Tenancy Network.

Costs of Homelessness

In assessing current funding levels and service delivery, it is important to also understand the costs associated with evictions, particular evictions into homelessness and how government policy is impacting and exacerbating these costs.

Eviction comes with significant economic and social costs. Housing insecurity and instability can result in difficulties obtaining or maintaining employment, increased demand for health services, and loss of community and social networks. When looking at eviction into homelessness, these costs are substantially increased. Research on the costs of homelessness has found the cost to government of people cycling in and out of homelessness is significant, requiring a large amount of resourcing in health, community services, and the justice system.¹

The 'Housing First' model has a broad range of benefits and shows how far-reaching the impact a stable home can have. The model focuses on the rapid provision of housing to people experiencing homelessness, and then must be coupled with wraparound support services provided on an ongoing basis once people are housed. For people who are exiting homelessness, particularly where they have been homeless for significant period of time, providing supports to maintain their tenancy and early intervention when issues arise is critical to ensuring people stay housed appropriately.

This is even more relevant for people experiencing or with history of family and domestic violence (FDV), those with mental health concerns, and those with children. As part of the government's 10-Year Strategy, "All Paths Lead to a Home" (the "Homelessness Strategy"), a key focus is on preventing homelessness, including provision for support for 'at-risk' tenancies. An element of this is ensuring that the Housing Authority adopts policies and trains staff to be able to identify where social or health issues are impacting on the ability to maintain a tenancy, and are confident and well-equipped to provide support and referrals in a sensitive and culturally appropriate manner. In domestic violence cases or where serious mental illness is impacting the tenancy, there should be internal policy and process to refer these into a 'support track' rather than simply proceeding with eviction.

¹ Tenant Union New South Wales Special Report, *Eviction, Hardship, And The Housing Crisis*, February 2022.

While these issues and recommendations are not strictly concerned with the financial administration and funding of services, it is critical to consider how internal policy and process impacts on broader service delivery and its potential to negatively impact services that may already be operating at or over capacity.

Tenant Advocacy and Education Services

Another critical component of preventing homelessness is access to tenant advocacy and education services. Circle Green operates as the central resource unit for tenant advocates and solicitors operating out of 16 community legal centres across the state. Tenant advocacy services provide much needed advice and education to the one in three Western Australians who rent their homes. Housing is in the top three issues of legal need for Western Australians² and the number one issue for unmet legal need for Aboriginal people in Western Australia.³ Tenant advocacy services play a fundamental role in homelessness prevention.

The core funding for these services is provided through a contract with the Department of Mines, Industry Regulation and Safety, and is funded from the interest generated on tenant bonds held by the Bond Administrator. The protracted period of low interest rates has impacted on this fund, and in 2017 the Department reduced funding to the Tenant Advocacy and Education Services program by 25%. The work of the TAES program is crucial to homelessness prevention across the sector, which in turn impacts upon domestic violence issues, mental health, law and justice, education, and other broader societal implications. The unsustainability and insecurity of this funding impacts those most in need and at-risk, and burdens the community on a disproportionate basis.

The government's Homelessness Strategy identifies that support for at-risk tenancies is "an important opportunity to prevent homelessness", and highlights that "finding ways to support and stabilise tenancies" is critical to improving outcomes, in particular for those households with children. Providing adequate and sustainable funding for tenant advocacy services is a key component of this support.

Wraparound Service Delivery and Coordinated Responses

A key message from government throughout the Homelessness Strategy and in wider communications is the importance of coordinated and collaborative responses to homelessness. We commend the government on recognising that a holistic approach to service delivery results in far better outcomes for those experiencing or at risk of homelessness, and for taking steps towards improved funding of such programs.

The 'Housing First' model has demonstrated benefit to people experiencing homelessness and the community as a whole, and the government should be commended for taking steps to incorporate these principles into its practice. However unfortunately there have been multiple attempts at piloting and repiloting these principles in service delivery, without ongoing

² Legal Need in Western Australia, Kalico Consulting, 2017 citing the NSW Law and Justice Foundation's research LAW Survey 2012.

³ The Civil and Family Law Needs of Indigenous People in Western Australia, Cairns: James Cook University, Townsville, QLD, Allison, F, Schwartz, M and Cunneen, C (2014)

funding and support. One such example is the Safe as Houses program (case study below). If the government is committed to appropriate funding of services to prevent homelessness, then it is essential that programs and services with proven success and expertise in the field are appropriately and sustainably funded on an ongoing basis, to ensure clients can access quality services and to ensure efficient use of resources in developing these programs. By only providing short-term funding contracts for programs, services are investing significant resourcing into developing these programs, without any ongoing sustainability commitment from the government or any apparent coordination and resource-sharing between government departments.

Safe as Houses – a case study

Through the provision of the duty lawyer service at the Perth Magistrates Court, it was identified that there was a trend of victims of domestic violence facing termination applications, unable to sustain their tenancies. Having identified the need for specialist services for women facing homelessness after domestic violence, pilot funding was secured from the Criminal Property Confiscation Grants and Lotterywest to establish Safe as Houses. This was a partnership between Tenancy WA (*now Circle Green*), Women's Legal Services, Street Law Centre, the King Edward Memorial Hospital and the Women's Health and Family Services to provide case-managed legal and support services to prevent women and children's homelessness after domestic violence. Safe as Houses commenced operation in April 2017 and assisted over 145 women (50% of whom report having children in their care). The program provided assistance with a range of legal issues including tenancy law, family law, civil and minor crime. However, the real benefit of the program was the provision of a coordinated case management model of service delivery which provided a more efficient, holistic and ultimately more effective way to resolve the complex tangle of legal and non-legal issues family and domestic violence creates, particularly as they relate to housing.

This service reflected best practice and cutting edge service delivery in a number of areas including:

- Collaborative and coordinated service delivery between three specialist community legal centres, with comprehensive information sharing on client matters
- Health justice partnerships with the women's hospital and women's community health service
- Coordinated legal and non-legal support (long recognised as best practice but rarely funded)
- Tailored legal health check tool for identifying the full range of legal, financial and social issues putting a woman and her children at risk of homelessness
- Services directed at preventing homelessness, rather than simply the delivery of an advice.

Unfortunately, funding for Safe as Houses ceased in 2020.

As part of the coordinated response to addressing and preventing homelessness, it is critical that government departments work more effectively together in service delivery and in funding. Following the amalgamation of both Housing and Child Protection in 2017, it was hoped that there would be stronger communications and a more unified approach between the two areas. Unfortunately, there are still cases where evictions are sought in spite of Child Protection actively working with a family and advice that the current housing is essential for achieving child protection outcomes.

Prior to forming Circle Green, Tenancy WA assisted in cases in the Magistrates Court where Child Protection officers, medical professionals, and/or school principals were called to give evidence of family circumstances to oppose termination of a public housing tenancy. Resolving disputes through lengthy litigation involving several government departments is a considerable waste of public resources, which would be far better directed to seeking practical and collaborative solutions to sustain the tenancy and prevent homelessness. Redirection of these resources to achieve the positive outcome of sustaining tenancies would be a far greater benefit across government and for the wider community than the current significant funds expended seeking the poor public outcome of eviction to homelessness, with the high resulting costs to child protection, education, health, policing, and corrections departments. The cost of homelessness to government is well-documented⁴ and is best considered from a whole of government approach.

Data Collection and Information Sharing

There are significant gaps in data and information sharing that must be addressed in order to appropriately direct resourcing for housing and homelessness services. The government's Homelessness Strategy identifies a need for improved collection and sharing of data, between service providers and across all levels of government. There is significant potential here for the creation and provision of a much larger amount of data to help inform service delivery, and facilitate government decision-making, where a lack of transparency and independent analysis of data currently prevents this.

There are several ways in which data collection and sharing can be improved.

Eviction Data

In order to fully comprehend the scope of homelessness in Western Australia, and in particular the impact that eviction from public housing causes, it is imperative that the Housing Authority regularly reports the number of people evicted from public housing, including a breakdown to detail the number of children evicted from public housing. In the past, the Department have resisted providing this data, on the basis that it is not readily collated and would require considerable resourcing. However, Housing Authority applications for housing and annual rental assessments require tenants to provide details of children living in the property. While understandably this data may not be completely accurate, due to changing family

⁴ <http://www.csi.edu.au/research/project/cost-of-youth-homelessness/>
<http://www.csi.edu.au/news/media-release-stable-housing-will-save-australia-millions/>
http://www.csi.edu.au/media/uploads/AHURI_Final_Report_No265_What-are-the-health-social-and-economic-benefi..._2edQIW.pdf

circumstances, this would provide a useful starting point to understand how many children are being evicted from public housing.

As part of this reporting, it would be essential to identify how many tenancies were terminated by the Housing Authority by issuing a termination notice and how many were terminated through an application to Court, as well as the reasons for the termination of the tenancy. The use of the word 'eviction' is often used simply to describe the physical removal of a person from the property, usually at the end of lengthy legal proceedings. It is important for these purposes that the definition encompasses any circumstance where the Housing Authority is leveraging and exercising their power, such that it will eventually lead to a tenant being dispossessed of the premises. The definition of 'eviction' for these purposes should cover all forced evictions, being those initiated by landlords where tenants have no choice, or more critically, where tenants *believe* they have no choice other than to relocate.⁵

Waitlist Data

The Housing Authority previously published information on their website, showing wait periods for each region, and for each type of housing. This was incredibly useful for service providers as it meant providing realistic advice for clients about waiting periods for public housing, and also gave some insight into pressures in certain regional and remote areas. This data is no longer published and instead the public information is that the wait for public housing is around 2 years.⁶ It is important to get more detailed data, as many areas, in particular regional and remote areas, report anecdotally that the wait is 5, 7, or 10 years for housing. If the wait time has genuinely dropped to 2 years, it is essential to understand why this is, or whether this figure is calculated on a different basis. It seems likely that this figure is calculated by also including the priority waitlist wait times, but even this seems unlikely as many people wait more than 12-18 months on the priority list. By having more transparency on these figures, it creates a space for accountability and critical analysis. The New South Wales Department of Communities and Justice provides an online guide to wait times for social housing which gives housing applicants an idea of how long they may need to wait for a social housing property in specific areas across NSW. The Department of Communities in Tasmania releases a Housing Dashboard each month which sets out a range of indicators detailing the breadth and depth of housing services that are available. These are good examples of how the Department of Communities in Western Australia could provide more transparency and data on its services in a way that is much more accessible for the community.

Another key piece of data that could be collected at the time of application for public housing assistance is where a person is coming from, for example, leaving a private rental, transitioning out of the healthcare or justice system, or exiting homelessness. Not only would this provide an evidence base for tenant journey mapping, but it would also be immensely useful for housing providers to know where a person might require additional support to manage their tenancy, or where early referral to support services may be beneficial. This in turn, would reduce the need for more intensive interventions later on, and would reduce the risk of that person being evicted into homelessness for issues that could have been addressed

⁵ Tenants Union of NSW Special Report, *Eviction, Hardship, And The Housing Crisis*, February 2022, citing M. Desmond; T. Shollenberger (2015). Forced Displacement From Rental Housing: Prevalence and Neighborhood Consequences. *Demography*, 52(5), 1751–1772. doi:10.1007/s13524-015-0419-9

⁶[https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/1c9d0767b9356fb048258725000e6fe0/\\$FILE/C41+S1+20210527+p884c-886a.pdf](https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/1c9d0767b9356fb048258725000e6fe0/$FILE/C41+S1+20210527+p884c-886a.pdf)

or mitigated much earlier on. This would also line up with the Homelessness Strategy's priority of ensuring people exiting government services are connected with appropriate services. A tenant journey mapping project was undertaken by the Department of Communities in collaboration with the community sector – and this was a great example of collaboration and coordination between services – but it is unclear how the outcomes from this project have been implemented and when further work can be undertaken in this space.

Finally, in relation to data collection at the time of application, it would be useful to track 'returns' to public housing to inform service delivery and strategy. For example, if over 50% of applicants for public housing were previous tenants of the Housing Authority and had been evicted, it would be clear that eviction was not the right solution for those people and could inform policy to achieve better outcomes in future. By mapping a person's full journey with public housing, including evictions and subsequent applications, it would be possible to identify the types of supports a person might need to sustain their tenancy and prevent homelessness from reoccurring.

Providing key data, including financial information for public housing, expands the use of performance information to increase transparency and accountability and to improve policy decisions. The lack and inaccessibility of publicly available and up to date financial information on public housing makes it difficult to estimate and compare costs and effectiveness of delivering social housing.

For any further information, please contact Alice Pennycott, Managing Solicitor – Tenancy