



Honourable Peter Collier
Chair - Standing Committee on Estimates and Financial Operations
Parliament House
4 Harvest Terrace
WEST PERTH WA 6000

Dear Honourable Peter Collier,

Thank you for the invitation to provide a written submission on the Inquiry into the financial administration of homelessness services in Western Australia.

The Northern Suburbs Community Legal Centre (NSCLC), first established in 1996, is a non-profit, multidisciplinary legal centre, offering multiple services. Our programs are primarily for people residing in the northern suburbs, with some offered across the metropolitan and regional areas.

The NSCLC provides assistance to over 3000 each year, with approximately 13,000 occasions of legal and non-legal services. There are multiple programs including general legal, specialist family and domestic violence, tenancy and housing support, Aboriginal outreach programs and older people's rights service.

There is no wrong door entry and individual legal needs are recognised as being in the context of complex life issues that often require health, social and financial support. NSCLC provides an integrated approach to supporting clients. This is based on principles of evidence-based practice, collaboration, capacity building and innovation.

Please find attached a summary response to the review. Prevention, early intervention and targeted services to address any risk of homelessness should be considered a priority.

Yours Faithfully,

Kathy Blitz-Cokis
Chief Executive Officer

3rd March 2022

Summary comments

- Homelessness is a risk factor indicator in the National Legal Assistance Partnership, outlining the areas of focus for community legal assistance services across Australia. This is the framework that the Northern Suburbs Community Legal Centre (NSCLC) works within and must address.
- NSCLC provides generalist legal services to three of the largest local government areas in the metropolitan region – Cities of Joondalup, Wanneroo and Stirling. The Older People’s Rights Service (OPRS) is a state-wide program for older people at risk of, or experiencing elder abuse. The NSCLC Tenancy Advocacy and Education Service (TAES) provides advocacy to people residing in the north metropolitan region as well as a weekly duty advocate program to the Joondalup Magistrates Court, supporting people experiencing residency tenancy issues. The Women’s Resource and Engagement Network is a specialist legal and social support program working with women experiencing family violence.

Tenancy and Advocacy Education Services (TAES)

- Review of Section 64 of the *Residential Tenancy Act* and the *no grounds termination*. Currently, if a tenant is on a periodical lease, a landlord can issue 60 days’ notice of termination with no explanation. There is no recourse for tenants to dispute and anecdotally, this clause appears to be relied on in many cases when other avenues fail to address any issues.
- The non-renewal of fixed term agreements with landlords not being required to provide evidence of genuine hardship or disadvantage and may need to sell the property. The lessor does have a responsibility to maintain the property and if tenant attempts to uphold this responsibility it often results in a conflict.
- Families being made homeless with nowhere to go after their tenancy has been terminated, in particular by a court order. There must be an additional step, whereby a register is kept (possibly at the court) and once they have been terminated, they are spoken to immediately to see what support they require or at least within 7 days. It may be that the Department of Housing, Department of Communities, financial assistance services support these families and assist them into crisis accommodation, refuges, or a homeless shelter in the short term.

Women’s Resource and Engagement Network and Vulnerable Women

Women and property matters

- When working with women who have experienced family violence there appears to be a strong desire to agitate for financial relief (property division and maintenance) and those women appear relieved once further assistance is offered. However, vulnerable clients, particularly those experiencing family violence are likely to require additional layers of assistance and protection to progress a financial division with the perpetrator.

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The usual first step in order to progress a financial settlement through the Family Court, the assets, liabilities and financial resources of the parties must be ascertained. A significant process of that step requires both parties to provide and exchange disclosure of their financial information (or the solicitors acting or assisting them). Clients appear to be reluctant to produce this material when requested to do so. Before forwarding any material to the other side, it would be imperative and part of the process to assess the risk to the client in providing these documents to the perpetrator or his solicitor. Addressing such risks may include having to redact documents to remove any details of home addresses and venues where the client (and the family) habitually visit, in circumstances where this is appropriate.

In addition, over and above the need to ensure that the client is not placed at risk through disclosure informing their whereabouts, other information may be gleaned by the perpetrator to harass and criticise the victim, during negotiations and during the process of litigation. Litigation often is a means by which perpetrators can control and harass victims when solicitors are involved, once other mechanisms such as FVRO and protective bail conditions are in place.

- Women experiencing family and domestic violence and seeking accommodation in refuges has a significant intersection with broader homelessness issues and the ability to secure ongoing, safe housing. The lack of social housing and private rentals in Western Australia has a direct impact on length of stay within refuges. This has been the case for some months and is increasingly a large part of addressing emergency situations for women and their families.

Older People's Rights Service (OPRS)

- Anecdotally, the ability to prove elder abuse can be difficult and complex. Often lack of recollection of events and discussions with little or no written documentation are barriers to uncovering the true extent and nature of what has occurred.
- In 2019, a sample of 50 files were reviewed. These files ranged in time from 2007-2018. The specific aim was to identify key issues and themes that were not evident from the standard data collected for funding reporting purposes.
- The key findings – Clients were 76% female and 24% male; 63% of women and 42% of men reported a family conflict or recent crisis; 95% of women and 34% of men reported chronic health conditions; 52% of clients reported a mental health concern (self or family member); almost 20% reported drug and/or alcohol issues (family member); 4% reported being homeless and 16% reported being 'non-homeowners', totalling 20%.
- It is important to note that women without partners were the greater cohort of older people seeking OPRS assistance and a greater proportion legal of concerns related to finances and accommodation.

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- Gainful employment and being financially secure is an important aspect of overall wellbeing for older people and their independence. The 2016 Australia at a Glance¹ series identified that homelessness is a growing problem for older Australians and likely to increase over time due to an ageing population, as was employment issues and declining rates of home ownership. Over the last decade, the number of older homeless people increased by 49 per cent, with the most significant changes for people aged 55–64 and 65-74 years².
- Although older women do not account for the majority of homeless people, they represented a rapidly growing demographic of the homeless population— increasing by 31 per cent³.

Case examples from OPRS

- A client/lady had allowed someone, a friend of a friend, that was in need, to move in temporarily, but the person remained months beyond what they were supposed to, took over the home, engaged in drug use, undesirable guests and violent outbursts and threats. While waiting for a violence restraining order to be served, the client had no choice but to leave her unit and rely on friends herself. She wasn't sure if she wouldn't be locked out of her own place and reported as abandoning the lease. After months she was finally able to return to her unit.
- A daughter and her mother living in the granny flat on the daughter's property. When things became 'pear shaped' and the mother left, violence restraining orders were applied for on both sides. This ended in a voluntary 'undertaking' between them, rather than court approval of either or both of the orders. The client remained locked out of the granny flat with all her belongings, and for all practicality was prevented from having any of her possessions, had nothing except for what was in her emergency bag. She was eventually able to go stay with her son for the time.
- A client/lady fled her home and was living in her car or staying in motels a few days when her pension came in. Her son that was living with her, had 'rage' problems, especially under the influence of drugs/alcohol. She didn't want to go back, and she didn't want to involve the police. The family violence advocate from another community legal centre attempted to assist with accommodation.
- Several situations where the children of one partner, when their parent requires care, and they have never 'gotten along' with the parent must make arrangements that leave the parent's partner 'scrambling' for a place to go. They are usually vulnerable themselves and at risk, and their accommodation needs don't get adequately considered, if at all.

¹ <https://www.aihw.gov.au/reports/older-people/older-australia-at-a-glance/contents/summary>

² <https://www.communities.wa.gov.au/media/2120/elder-abuse-strategy-nov19.pdf>

³ <https://www.aihw.gov.au/reports/older-people/older-australia-at-a-glance/contents/summary>

Respondents and Restraining Orders (ROAR)

- A lawyer from the NSCLC attends the Joondalup magistrates court every second Tuesday, which is the day the court allocates for new restraining order objections.
- In 2019, the NSCLC conducted a file audit for the 2018- 2019 period. The intent of the file audit was for an overall view of ROAR clients and the impact of the service
- Key findings – clients 70% were men and 30% women; 62% of all respondents were for family violence restraining orders; 52% had dependant children; of those 62%, the self-reports included 21.4% drug and alcohol use, 74% financial hardship, 34.4% mental health concern, 14.3% risk of homelessness.

Final comments

- Prevention, early intervention and targeted services should be a priority.
- The experience of NSCLC programs working with clients at risk of homelessness is that targeted and specialised information would benefit people in the early stages of their matters being addressed. This includes information being accessible and co-located within the magistrate's court setting for people with tenancy and restraining orders to outline their options depending on any court decisions and outcomes.
- Dedicated and specialist services for older women at risk of or experiencing elder abuse to address specific accommodation and housing matters.
- Dedicated and specialist legal services for women in settling their property division with ex-partners where violence has been a risk factor.