

**Submission  
No 18**

## **INQUIRY INTO THE PROTOCOL FOR HOMELESS PEOPLE IN PUBLIC PLACES**

**Organisation:** Legal Aid NSW

**Date Received:** 28 February 2020

## Inquiry into the Protocol for Homeless People in Public Places

Legal Aid NSW submission to NSW Legislative Assembly Committee on Community Services

*28 February 2020*

323 CASTLEREAGH ST  
HAYMARKET NSW 2000 / DX 5 SYDNEY

**Legal Aid**   
NEW SOUTH WALES

---

## About Legal Aid NSW

The Legal Aid Commission of New South Wales (**Legal Aid NSW**) is an independent statutory body established under the *Legal Aid Commission Act 1979* (NSW). We provide legal services across New South Wales through a state-wide network of 24 offices and 221 regular outreach locations, with a particular focus on the needs of people who are socially and economically disadvantaged.

We assist with legal problems through a comprehensive suite of services across criminal, family and civil law. Our services range from legal information, education, advice, minor assistance, dispute resolution and duty services, through to an extensive litigation practice. We work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients.

We also work in close partnership with LawAccess NSW, community legal centres, the Aboriginal Legal Service (NSW/ACT) Limited and pro bono legal

services. Our community partnerships include 29 Women's Domestic Violence Court Advocacy Services.

The Legal Aid NSW Civil Law Division focuses on legal problems that impact most on disadvantaged communities, such as credit, debt, housing, employment, social security and access to essential social services. This submission draws on the casework experience of our civil lawyers in providing these services.

Should you require any further information, please contact:

Natalie Bradshaw

Solicitor in Charge, Housing Specialist,  
Civil Law Division

████████████████████

E:

██

---

## Introduction

Legal Aid NSW welcomes the NSW Legislative Assembly Committee on Community Services' Inquiry in the Protocol for Homeless People in Public Places (the Protocol).

Legal services focused on issues that assist people to break the cycle of disadvantage and obtain secure housing, are integral to the NSW government's response to homelessness. This submission outlines the civil law services that Legal Aid NSW provides to people that are homeless and the work that we do to try to reduce the barriers to re-enter housing. We have included case studies to exemplify the impact of this work.

We recommend that specific reference about the varied civil law services provided by Legal Aid NSW and others be included in the Guidelines for Implementation of the Protocol to maximise the opportunities for referrals, and to ensure holistic service delivery for homeless people in NSW. We also recommend that the Protocol itself (or the Implementation Guidelines) provide some information and guidance to the signatory agencies on the range of complex legal and non-legal problems that homeless people can face. Should the recommendation be accepted, Legal Aid NSW would be happy to provide this content and our civil solicitors will be available throughout the Inquiry's proceedings to provide further information or clarification if required.

The Protocol for Homeless People in Public Places and the Guidelines for Implementation are an important element of the NSW Government's response to homelessness. The Protocol and the Guidelines are used by government agencies that are signatories, and they are also used as a reference guide by local councils and the non-government sector. As such, it is crucial that the Guideline document provides sufficient detail and information about the breadth of services for people experiencing homelessness across NSW, to ensure that homeless people are assisted to receive services that are targeted to their needs.

Legal Aid NSW acknowledges the NSW Government's commitment to breaking the cycle of disadvantage and homelessness. In particular, the Premier's Priorities include a commitment to reduce street homelessness across NSW. This priority also includes reducing recidivism in the prison population and reducing domestic and family violence reoffending. Legal Aid NSW Civil Law services align closely with the Premier's Priorities, with its focus on housing and homelessness issues as priority areas. This is further strengthened by Legal Aid NSW's commitment to target these services to Aboriginal clients, prisoners, young people and people experiencing domestic violence.

## Legal Aid NSW Civil Law Division

Our Civil Law Division has over 200 staff and a presence in most regional offices. The Division's structure includes specialist and generalist teams and Legal Aid NSW's service delivery model varies according to the level of vulnerability of the client and the area of law involved.

---

Civil law advice clinics operate in most of the 26 legal aid offices. In addition, there are over 190 civil law outreach services located in Aboriginal, CALD and regional and remote communities throughout NSW.

Outreach services, including homeless outreach services, are undertaken by both generalist and specialist civil lawyers across the Division. They are place-based and designed to respond to the particular needs of disadvantaged communities and address barriers to accessing legal services.

## Homeless Outreach Program

The Department of Communities and Justice and Legal Aid NSW jointly fund the Homeless Outreach Program to provide legal services to clients that are homeless or at risk of homelessness. There are six Legal Aid NSW civil solicitors across NSW, in Lismore, Coffs Harbour, Newcastle/Gosford, Western Sydney, South Coast and Wagga Wagga, who work to remove barriers to re-entry into housing or to prevent homelessness. In addition to providing assistance around tenancy issues, our lawyers assist people to resolve civil law problems that are known to contribute to homelessness, such as debts, fines and social security and tenancy disputes.

### ***Case study 1***

A women's homelessness service referred a client to Legal Aid NSW, who had multiple debts including rent arrears and a pay day loan. Legal Aid NSW assisted her to obtain a write off \$3000 of her debts, allowing her to redirect available funds to rent and rent arrears.

### ***Case study 2***

A Specialist Homelessness Service provider referred a client to Legal Aid NSW who had fled a domestic and family violence relationship. She was pregnant and living in her car. Legal Aid NSW assisted her with 5 separate consumer issues that arose from financial abuse, including credit card debt and loans that her ex-partner accrued in her name. Over \$30,000 of consumer debts were waived and our client was able to pay rent and retain her housing.

## Civil Law Specialist Services

The Civil Law Division also dedicates resources to specialist legal services, for priority client groups. Some of these teams have multidisciplinary models, in which solicitors work with social workers, financial counsellors, lay advocates and community engagement officers.

---

Our specialist services include Housing Law, Civil Law Service for Aboriginal Communities (includes Aboriginal Women Leaving Custody), Children’s Civil Law Service, Consumer Law (including Disaster Recovery Solicitor), Elder Abuse Service, Refugee Service, Mental Health Advocacy Service, Work and Development Order (WDO) Service, Employment Law and Human Rights Law. All these practice areas provide legal services that assist clients that are experiencing homelessness, remove barriers to re-entry to housing or prevent homelessness. Housing Law solicitors frequently advise tenants in relation to their housing rights and obligations, litigate matters to prevent homelessness and provide services to clients that are homeless.

## Work and Development Order (WDO) Service

The Legal Aid NSW WDO Service helps vulnerable people with fines they are unable to pay, by linking them to services where they can clear fines through treatment, education or volunteer work. NSW Government partners that offer Work and Development Orders include the Department of Communities and Justice, Corrective Services and all NSW Local Health Districts.<sup>1</sup>

Homeless people living in public places often receive fines for a wide range of offences including transit offences. Diverting homeless clients from the fines enforcement system, clearing outstanding debt and providing links to community and health services through a WDO can assist them to obtain housing.

### **Case study 1**

A young man with mental illness who was scheduled at Macquarie Hospital Mental Health Unit, had been living under a bridge prior to admission and was very unwell following a relapse of schizophrenia. He had over \$23k fines debt. The type of fines were typical for a person experiencing homelessness, including fare evasion, trespassing and lighting fires.

After our client was stabilised in hospital, he was discharged on a Community Treatment Order. The Legal Aid NSW WDO team worked with the social worker and arranged for him to be sponsored on a WDO for the duration of the 6-month CTO. We also lodged a successful write off application for some residual debt that was not cleared under the WDO. The social worker was able to link him with a housing provider who found him stable accommodation.

---

<sup>1</sup> In 2019 the WDO service won a Premier’s Award in the category of “tackling longstanding social challenges”.

---

### ***Case study 2***

A Bundjulong woman, homeless and sleeping in her car at a truck stop for over eight months, was fined \$900 as the car was unregistered. She said “I wanted to throw the towel in.” But through Legal Aid NSW she was able to be linked with the local homelessness service, a WDO sponsor, who assisted her to clear her fines through an education program.

## Elder Abuse Service (EAS)

Legal Aid NSW’s Elder Abuse Service is a Commonwealth funded pilot for 3 years. It is focussed on providing support to older people living on the Central Coast who are experiencing or at risk of abuse. The abuse of older people is a complex health and social problem with devastating consequences including homelessness. Older women, aged 55 and over, was the fastest growing cohort of homeless Australians between 2011 and 2016. Legal Aid NSW lawyers work together with a social worker to address the different aspects of elder abuse and provide support and advocacy for clients.

### ***Case study 1***

The EAS is assisting an 81 year old woman who was being treated in hospital for health problems including malnutrition. Prior to discharge she was referred to the EAS. The client disclosed that her adult son who lived with her was abusive and controlling and contributed to her health problems. The client was unable to get her son to leave the property and as a result could not return home.

The EAS was able to support the client to reunite and live temporarily with her daughter while the EAS pursued evicting the client’s adult son from her property.

### ***Case study 2***

The EAS is assisting a 68 year old woman whose son was attempting to evict her from her home. The woman had a significant financial interest in the property but was not registered on title. The son was trying to evict his mother so that he could redevelop the property. The EAS was able to assert the client’s financial interest in the property so that she was able to stay in her home.

---

## Children's Civil Law Service (CCLS)

The Legal Aid NSW Children's Civil Law Service (**CCLS**) is a Sydney-based specialist team, made up of lawyers, paralegals, and two youth workers, who work together to assist young people with complex needs with their legal and non-legal issues. A large proportion of CCLS clients (up to 83%) are homeless or at risk of homelessness.

Young people can be referred to the service through the Legal Aid NSW Children's Legal Service, the Shopfront Youth Legal Centre and the Aboriginal Legal Service NSW/ACT. CCLS is specifically funded to provide civil law services to young people in the Youth Koori Court, which sits at Surry Hills and Paramatta Children's Court.

CCLS takes a holistic approach that involves young people being supported not just for one civil law issue, but for many civil law issues and by both lawyers and, in some cases, by youth casework team members.

The work of the CCLS also extends to systemic advocacy on issues impacting young people with complex needs, including the criminalisation of young people in residential out of home care (OOHC), who are a priority client group for the CCLS.

In 2019-20, CCLS is also being funded to provide a civil lawyer to participate in *A Place to Go*, an initiative of Their Futures Matter. *A Place to Go* aims to improve supports and deliver a better response for 10-17 year olds entering and exiting the juvenile justice system, with a focus on young people in remand. *A Place to Go* draws on services from across NSW Government and non-government service providers to deliver a coordinated and multiagency service solution that can support a young person to change their life trajectory. The CCLS lawyer provides young people in *A Place to Go* with wraparound and comprehensive legal support.

## Civil law services to prisoners

There is currently one dedicated civil solicitor providing services through the Prisoners Legal Service (PLS). PLS works with Legal Aid NSW solicitors across the Division to deliver legal services to people in custody. The housing team works closely with the PLS to advise and assist prisoners maintain their tenancies where their period of incarceration is short term, or to remove the barriers to securing housing on their release from prison.

## High Intensity Program Units (HIPUs)

As part of the NSW Government's Strategy to Reduce Reoffending, Corrective Services NSW established ten High Intensity Program Units (HIPUS) in seven correctional centres across NSW. The HIPUs have over 400 places across NSW for prisoners on short sentences and the provision of service is tailored to meet the needs of the prisoners and their levels of capability. A prisoner specific law check-up has been developed to assist staff working with prisoners to identify unmet civil law needs. Those prisoners are then referred to Legal Aid's civil lawyers who assist clients to resolve their issues with the aim



---

of removing the barriers to homelessness and reducing the risk of recidivism on their release.

## Services Contact details

### **Homeless Outreach Solicitors**

Northern Rivers: (02) 6621 2082

Mid-North Coast: (02) 6651 7899

Hunter: (02): 4929 5482

Central Coast: (02) 4324 5611

Western Sydney: (02) 9891 1600

South Coast: (02) 4422 4351

### **Legal Aid NCAT Appeal Service**

(02) 9219 5800

### **Elder Abuse Service**

(02) 4324 5611

### **Law Access NSW**

1300 888 529

### **Work and Development Order Service**

Sydney Metro: (02) 9219 5000

Central West & North West NSW: (02) 6362 8022

South West & Western Sydney: (02) 9601 1200

Central Coast & Hunter: (02) 4324 5611

North Coast & North Eastern NSW: (02) 6621 2082

South Coast, Southern NSW & Far West: (02) 4228 8299

### **Children's Civil Law Service (CCLS)**

Direct referrals from Children's Legal Service (Crime), Shopfront, Aboriginal Legal Service (NSW/ACT)