

**Submission
No 210**

INQUIRY INTO SOCIAL, PUBLIC AND AFFORDABLE HOUSING

Organisation: The Shopfront Youth Legal Centre

Date received: 6/03/2014

The Shopfront

YOUTH LEGAL CENTRE

Select Committee on social, public and affordable housing

Inquiry into social, public and affordable housing

Submission from The Shopfront Youth Legal Centre

About the Shopfront Youth Legal Centre

The Shopfront Youth Legal Centre is a free legal service for homeless and disadvantaged young people aged 25 and under. Established in 1993 and based in Darlinghurst in inner-city Sydney, the Shopfront is a joint project of Mission Australia, the Salvation Army and the law firm Herbert Smith Freehills.

The Shopfront's clients come from a range of cultural backgrounds, including a sizeable number of indigenous young people. Common to nearly all of our clients is the experience of homelessness: most have been forced to leave home due to abuse, neglect, domestic violence or extreme family dysfunction. Most of our clients have limited formal education and therefore lack adequate literacy, numeracy and vocational skills. A significant proportion also have a serious mental health problem or an intellectual disability, often co-existing with a substance abuse problem. A substantial proportion also have adverse experiences in the child protection system. The combination of all these issues, results in all of our clients having deeply problematic trauma histories which directly affect their current lives and often are impinging on their ability to achieve the goals they have set themselves.

The Shopfront's main area in its legal practice is criminal law. Two of our solicitors are accredited specialists in criminal law; one is also an accredited specialist in children's law. There is also one solicitor who focuses on victims compensation matters. Our four solicitors appear almost daily for vulnerable young people in the Local, Children's, District and occasionally Supreme Courts. Along with the solicitors there are two welfare positions, currently filled by a Social Worker and Case Worker. Both people holding these positions have extensive experience working with young people who have extremely high and complex needs, including homelessness, mental health, AOD presentations, significant behavioural issues, and disabilities.

b) Data regarding the link between the lack of appropriate social, public and affordable housing in New South Wales and indicators of social disadvantage

At the Shopfront as described above, we work with young people who are extremely vulnerable due to various issues, almost all our young people present with unstable accommodation, ranging from living with friends to chronic street homelessness.

There has been a significant amount of research, that is now widely accepted within government and the welfare sector, including the international welfare sector, which clearly shows the positive impact of affordable housing in raising the quality of life, and reducing social disadvantage. Papers authored by Sam Tsemberis, Eileen Baldry, along with research conducted by the Australian

Housing and Urban Research Institute (AHURI) and many others are widely accessible. Projects such as platform 70, the Camperdown Common Ground project among others are also examples of the positive impact that access to appropriate and affordable social and public housing has on people's lives.

Safe, affordable housing, when provided to young people, allows them the address various barriers such as mental health concerns, involvement in criminal activity, engage with school more productively, gain employment in a sustainable fashion etc. In our experience, young people who are housed appropriately and who are paying affordable rents are able to engage with study, employment and any treatment programs more effectively and productively than their homeless or housing –stressed counterparts.

In trying to illustrate the impact safe, stable, appropriate social, public and affordable accommodation can have we are presenting case studies, which will provide some real life examples and insight into the impact that both access and exclusion to appropriate housing has on the the lives of young people.

Client Case Studies

Harrison

Harrison is in his mid-20s and has an extensive criminal history which began in his mid-teens. When he was 18 he started exhibiting bizarre behaviour including stabbing someone with a fork, an incident which led him to be charged with malicious wounding. He was refused bail and, while on remand in prison, he was psychiatrically assessed and diagnosed with schizophrenia.

Harrison received a custodial sentence for the malicious wounding charge and served a twelve-month non-parole period. When Harrison became eligible for parole, the Probation and Parole Service initially sought to have his parole refused because he did not have adequate housing. Fortunately, with the assistance of a non-government organisation which provides case management for vulnerable young people, Harrison was able to obtain a public housing tenancy with case work support.

It is now about 8 years since Harrison was released from prison. Since then he has been housed in 3 or 4 different public and community housing properties. During this time he has suffered from a number of psychotic episodes, resulting in involuntary hospital admissions. He has also re-offended on occasions, but has not been back to prison (except for a few days on remand). In our opinion, stable housing combined with case management support has made an enormous difference to Harrison's life. Without this, he would almost certainly spent significant time in prison, at great cost to the community.

Kyle

Kyle, like Harrison, suffers from schizophrenia. He was diagnosed at the age of 17 and received treatment via the early intervention service at his local community mental health centre. Despite the best efforts of his case workers, Kyle was unable to obtain stable and affordable housing.

Kyle spent most of his late teens and early twenties in boarding houses, where the rent was more than he could afford and where he had no security of tenure. Frequent moves between boarding houses meant that he did not remain in the catchment area for any one community mental health service, which meant very little continuity of care.

As well as a serious mental illness, Kyle developed a problem with alcohol and, when intoxicated, tended to get into fights. He did not initiate fights, but typically responded in a disproportionate way when he was attacked or felt threatened. These incidents led to criminal charges and, on most occasions, he was refused bail because he did not have stable accommodation. His homelessness was also a barrier to community-based sentencing and diversionary options, which meant that the court had little choice but to impose full time custodial sentences.

Although Kyle's offending was more serious and violent than Harrison's, in our view his offending was not serious enough to warrant such long periods in custody. Had Kyle had access to secure and affordable housing, he would have had much better access to mental health care and to treatment for his alcohol problem. We expect that, in turn, this would have prevented much of the offending behaviour.

Vicky

Vicky is in her mid-20s and has been a client of the Shopfront since she was 18. Due to a combination of behavioural disorders and inadequate parenting, Vicky became involved with the Department of Community Services during her teenage years. For about 3 years Vicky was homeless and incurred thousands of dollars' worth of fines, mainly for travelling on the train without a ticket.

Vicky's fines prevented her from getting a driver's licence and, unfortunately, before we were able to sort out her fines, Vicky continued to drive without a licence and soon found herself facing very harsh consequences. She spent her 21st birthday in prison for driving while disqualified, and is now disqualified from driving for until she is well into her forties. Ironically, Vicki appears to be quite a competent and safe driver who could be trusted with a licence: she has only been charged with one offence involving dangerous driving, when she sped off to avoid the police because she feared being apprehended for driving unlicensed. Vicky has also been in trouble for shoplifting and fraud offences.

With the help of an after-care service, as a young adult, Vicky was able to obtain and maintain a public housing tenancy.

Four years ago, Vicky gave birth to a daughter, Leyla. Unfortunately, Leyla was removed from Vicky's care at the age of 6 months after having been exposed to violence from Vicky's former partner.

Vicky worked very hard to demonstrate that she has good parenting skills and has developed the necessary insight to protect Leyla and herself from violence in the future. She was also assisted with a housing transfer, in order to get away from the perpetrator of the domestic violence and to be closer to support services.

Following a hearing in the Children's Court, Leyla was restored to Vicky's care, an outcome that would not have been possible without access to stable and affordable housing.

Vicky and Leyla are now doing very well. Leyla is in childcare and Vicky is at TAFE. Vicky has not offended for some years, and is currently applying for the quashing of her habitual traffic offender declarations and the remission of her remaining licence disqualifications.

Serena

Serena is approximately the same age as Vicki and has also been a long-term client of the Shopfront Youth Legal Centre. Serena is Aboriginal and comes from a very disadvantaged background, including having been exposed to domestic violence and sexual abuse as a child.

Since her teenage years, Serena has struggled with alcohol and other drugs abuse, which has contributed to offending. She has made efforts to deal with her substance abuse problem but has always relapsed after a period of time. Her efforts at rehabilitation have been complicated by homelessness, exposure to domestic violence and (more recently) the onset of a serious mental illness. Over the years Serena has spent significant periods of time in custody.

As a young adult, Serena obtained public housing and, for a while, some stability. However, she became involved in a relationship with a man who was extremely violent towards her. The domestic violence ultimately led to her being evicted from her housing. Following this, Serena was homeless for a long period, interspersed with periods of custody, before she was able to obtain a community housing tenancy. This gave her the stability she needed to work on her substance abuse issues and receive treatment for her mental illness.

Although Serena continued to offend, the fact that she had housing, combined with case work support, meant that the court could consider options other than full-time custody. Ultimately, Serena decided to go to a residential rehabilitation program, where she spent three months. During this period due to internal Housing NSW policy she was forced to relinquish her tenancy (her other option was being taken to tribunal and being evicted) and, since leaving rehabilitation, has become homeless again. Serena is currently on an Intensive Corrections Order (ICO), which Serena was deemed eligible for partly due to her accommodation at the time of sentencing. Currently Serena is attempting to live with family, friends, access emergency, and temporary accommodation through Housing NSW and other accommodation services in an attempt to address her homelessness and to try and prevent the very real possibility of ending up incarcerated again due to not having somewhere stable to live – which is a condition of the ICO. There is a lack of affordable for housing in the areas where Serena can live, a minimum of two years on the priority housing wait list, a low saturation of med – long term supported housing. Serena is in an extremely precarious, and vulnerable situation, under considerable emotional and psychological stress, we suggest that if affordable housing was made available in a timely fashion much of the risk of re-offending, being breached on her ICO and a deterioration of her mental health would at the very least be able to be addressed by services more effectively, and at the best be prevented completely.

Gary

Gary is currently 21 years old. He has experienced chronic homelessness since he was 15 years of age and has engaged in substance misuse since he was 13 years old. Gary has been charged with criminal matters since he was 18 years old and has repeatedly been in court over the last three years for offenses in relation to his substance misuse.

Gary has previously experienced visual hallucinations, auditory hallucinations and paranoia which have recently been placed in the context of his

polysubstance abuse. He has also been diagnosed with various complex learning difficulties including ADHD, poor executive functioning and dysgraphia.

Since Gary became homeless he has lived in a number of youth crisis accommodation refuges, short term accommodation services and has spent the remainder of the time couch surfing, staying in hostels and also street homeless. Gary has been willing to live in semi-supported accommodation however due to his history of behavioural issues, substance misuse, legal issues and not meeting the criteria of being engaged in a day program he is not suitable for these services.

Gary previously completed a three month rehabilitation program however due to being homeless he exited from the rehabilitation program into backpackers accommodation and as a result of not having any suitable and affordable accommodation he relapsed and has continued to engage in substance misuse and offending behaviour.

Gary is due to enter a rehabilitation program for another three month period and still does not have access to suitable, affordable accommodation upon the completion of the program which would assist him in his long term recovery and assist in the abstinence from his offending behaviour as well as provide him with the stability he needs to be able to access consistent mental health services and participate in recovery programs.

Lachlan

Lachlan is a young Aboriginal man who was referred to the Shopfront at the age of 18 years.

Lachlan had numerous outstanding fines and needed advice.

We soon discovered that Lachlan had a very traumatic and difficult history as a child, teenager and now young adult. Lachlan's mother experienced mental illness and when he was a young teenager relations with his mother broke down. Lachlan was compelled to leave home and ended up at the home of his biological father, who he had never met before. His father was a violent man who subjected Lachlan to physical and sexual abuse and exposure to drug abuse and criminality. This led to a period of chronic homelessness for Lachlan as a teenager and young adult. Lachlan had been introduced to drugs by his father and developed a substance abuse disorder at a very young age, and became involved in the criminal justice system.

In December 2010 Lachlan committed a serious offence of armed robbery when he approached a service station attendant with a knife and stole money. A short time after the offence he contacted police and admitted to the commission of the offence, took police to the scene of the crime and showed them where he had discarded the knife used in the offence. Lachlan was charged and bail refused.

When taking instructions from Lachlan it became clear that he was experiencing symptoms of mental illness. We had Lachlan assessed by a psychiatrist whilst in gaol, and he was diagnosed with schizophrenia. The psychiatrist was of the opinion that Lachlan was experiencing a psychotic episode when he committed the armed robbery.

Lachlan was released on bail to a residential rehabilitation service which also catered to residents with mental health needs. After spending many months at

this Service, he travelled to the Coffs Harbour area to live with the family of his then girlfriend.

The social worker at the Shopfront, supported Lachlan with linking into mental health services, Headspace in Coffs Harbour, a sexual assault counsellor and a psychologist for general counselling.

When Lachlan was due to be sentenced, the District Court Judge took into account Lachlan's strong subjective circumstances and his progress in terms of his personal rehabilitation. Instead of sentencing him to a term of imprisonment, which is usual for this type of offence, he sentenced Lachlan to a suspended sentence for 2 years.

Lachlan moved to a remote bush residence owned by the Anglican Church that often housed young homeless people to assist them in their rehabilitation. A condition of his suspended sentence was that he reside at those premises.

Unfortunately the psychiatrist Lachlan had seen in Coffs Harbour had prescribed Lachlan the wrong medication. The psychiatrist believed Lachlan continued to exhibit symptoms of Attention Deficit Hyperactivity Disorder and prescribed him Ritalin. Lachlan became increasingly unwell because Ritalin is a psycho-stimulant that can trigger an underlying psychotic illness. Lachlan was taking this medication for months before he became extremely unwell.

Eventually, Lachlan had a further psychotic episode that resulted in additional offences which were in breach of his suspended sentence. Lachlan was taken to a psychiatric unit for 3 days where his mental illness was treated and then stabilised. He was then taken into custody by police to face new charges before the Local Court and breach proceedings in the District Court.

It was imperative that the Shopfront put together a support plan that would assist Lachlan to obtain bail and hopefully persuade the District and Local Courts not to sentence Lachlan to imprisonment. A treatment plan was prepared which persuaded the court to allow Lachlan a further opportunity to demonstrate a commitment to rehabilitation.

Unfortunately in this time, due a number of factors, Lachlan reoffended and was incarcerated in July 2013. He was then released under the supervision of Probation and Parole (P&P) in November 2013.

Lachlan was released with standard parole conditions, including a residential condition and a condition to not consume illicit drugs. The residential condition involved living with former foster parents approximately 40kms from Goulburn.

Lachlan subsequently broke one of their house rules by consuming some alcohol and his foster parents evicted him from the property.

Lachlan then became homeless, and presented at P&P approximately 4 days after this occurred, as he had been admitted to the psychiatric facility in Goulburn during this time. P&P were of the view that due to Lachlan not having anywhere 'suitable' to reside they would need to submit a breach report.

After some advocacy from The Shopfront, P&P agreed to submit another report which reduced the severity of the breach, and also informed SPA that they had approved Lachlan to live at a friend's house in Goulburn. P&P were very clear that this was a sub optimal option and added parole conditions which Lachlan

was required to comply with. These included reporting to parole daily, actively seeking accommodation and a direct instruction not to consume alcohol.

Shortly after these conditions were imposed the Shopfront case worker went to Goulburn to meet with Lachlan.

On this day Lachlan presented as highly anxious, unable to concentrate, unable to sit still and voiced concerns about his mental health, his drug use and where he was currently living. Lachlan was attempting to find accommodation, however there are 2 refuges and 2 caravan parks in Goulburn, all of which were full during this time. At no point did parole facilitate a referral, or take Lachlan to Housing NSW to start the public housing process and apply for some of the 28 days temporary accommodation which people in Lachlan's situation are eligible for.

On this same day the Shopfront case worker accompanied Lachlan to Housing NSW, as in spite of the breach being submitted, and the likelihood of an arrest warrant being issued, Lachlan was identifying that his stress levels were high and this often led to offending behaviour, Lachlan identified, if he had somewhere safe, stable and quiet to sleep that night, it could go a long way to mitigate his engagement with criminal behaviour and further charges. The Shopfront case worker agreed, however in spite of strong advocacy, application for accommodation was declined.

The Shopfront Case worker then successfully applied for emergency brokerage through another specialised service and paid for one night of accommodation in a Goulburn motel.

The arrest warrant was issued the next day and Lachlan proceeded to spend the next two months in custody while waiting for review proceedings to be heard at the State Parole Authority (SPA). During this time The Shopfront Caseworkers successfully applied for a tenancy to be granted to Lachlan through the Inner City Youth At Risk supported housing program – a highly intensive housing program.

The Shopfront case workers then put forward a plan to SPA, which pivoted around provision of suitable accommodation through this specialised program. Lachlan's parole was rescinded and he was released on parole on February 14, 2014.

It is now just over 2 weeks since his release and Lachlan has an apartment, with furniture, case workers who see him daily and are on call on the weekends.

A case plan has been developed, and Lachlan along with seeing his case workers daily, appointments are lengthy min. 2 hrs, depending on what needs to happen on any given day. Lachlan meets with his parole officer weekly, has put himself on a opioid replacement program, which he attends daily, has submitted applications for specialised trauma counselling and has completed a referral and assessment to his local mental health service.

Lachlan displays optimism for his future, however states he is still extremely anxious and often finds it hard to regulate his emotions and his extreme anxiety. Lachlan is a young man who has a huge amount of potential, he is resilient, intelligent and committed to making positive changes in his life. He states he would like to further his education, and study languages in order to perhaps be an interpreter one day.

Lachlan would still be in custody currently, if affordable, safe, appropriate housing was not available for him, he would still not be receiving care for his mental

health needs (as it is necessary to note that he received no medication for his psychiatric condition while in custody), he would have no therapeutic supports and would be feeling all the adverse and detrimental effects of being incarcerated as a 22 year old Aboriginal man. Without affordable housing, Lachlan would not have his freedom, and the community would be paying a significant amount in order to fund his incarceration period.

The Shopfront Youth Legal Centre March 2014

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