

PEOPLE WHO ARE HOMELESS

People who are homeless are highly vulnerable to legal problems.

The LAW Survey found that respondents in disadvantaged housing had significantly higher odds of experiencing legal problems overall, substantial legal problems and multiple legal problems compared to other LAW Survey respondents.¹



Integrated legal assistance and social support is effective in preventing homelessness and addressing many of the underlying issues placing people at risk of homelessness.

For example, Justice Connect Homeless Law prevented the eviction of 139 clients and their families in 2014-15 through the provision of a combination of legal representation and social work support.²



Due to their public visibility, **people who are homeless experience more frequent interactions with police and are at greater risk of receiving 'move on' cautions, fines and infringement notices, and being charged for summary offences such as begging or public drinking.**

Many homeless people cannot afford to pay fines and consequently, debt quickly accrues and financial disadvantage is compounded. For example, it is common for people who are homeless to accrue thousands of dollars in public transport fines.⁵

Lack of affordable, secure housing and appropriate crisis accommodation is a key underlying factor precipitating, or exacerbating, a person's interaction with the justice system and adversely impacts upon justice system outcomes.

- Without access to safe bail accommodation, homeless people are more likely to be remanded in custody than granted bail.
- Lack of post-release accommodation for recently released prisoners can increase the risk of recidivism and re-incarceration.
 - Former prisoners in Victoria and NSW are more than twice as likely to return to prison within nine months of release if they are homeless.³
 - In 2015, **25%** of prisoners were homeless in the four weeks prior to entry into prison and **31%** of prisoners expected to be homeless upon release.⁴



Inadequate exit strategies and lack of transition support for people leaving government institutions is resulting in high rates of homelessness amongst persons exiting state care.

For example, the most common pathways into homelessness among **2,388 homeless people** from three homeless hostels in inner city Sydney were:

28% release from prison

21% discharge from a psychiatric hospital and

28% loss of public housing tenancy.⁶



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Priorities in this area include:

- Provide reliable, secure and recurrent funding of specialist homelessness legal services and related critical supports.
- Improve legal, policy and service frameworks to prioritise homelessness prevention.
- Invest in safe, secure and appropriate housing, including crisis, bail and post-release accommodation, for vulnerable groups who are at risk of homelessness.
- Invest in better exit strategies, including wraparound supports, transition services, throughcare and affordable accommodation, for people exiting state care.
- Review and amend laws that criminalise homelessness.
- Review problematic tenancy laws, policies and practices, with a view to achieving an appropriate balance between the human rights of tenants at risk of homelessness with the rights of property owners.

1. LAW Survey, 2012.
2. Justice Connect Homeless Law, 2016.
3. Eileen Baldry et al, 2006.
4. AIHW, 2016.

5. Victorian Department of Economic Development, Jobs, Transport and Resources, 2018; Commonwealth Department of Human Resources, 2018.
6. Olav B Nielssen et al, 2018.