

# Inner Sydney VOICE

AUTUMN 2015 • ISSUE 124



NSW ELECTION SPECIAL EDITION

## FINDING DIRECTION

NGOs AGREE AFFORDABLE HOUSING IS THE MOST PRESSING ISSUE IMPACTING RESIDENTS AND SERVICES ESPECIALLY IN INNER SYDNEY. HOW CAN THE INCOMING NSW GOVERNMENT ADDRESS HOUSING WHEN THE NEED IS SO GREAT?

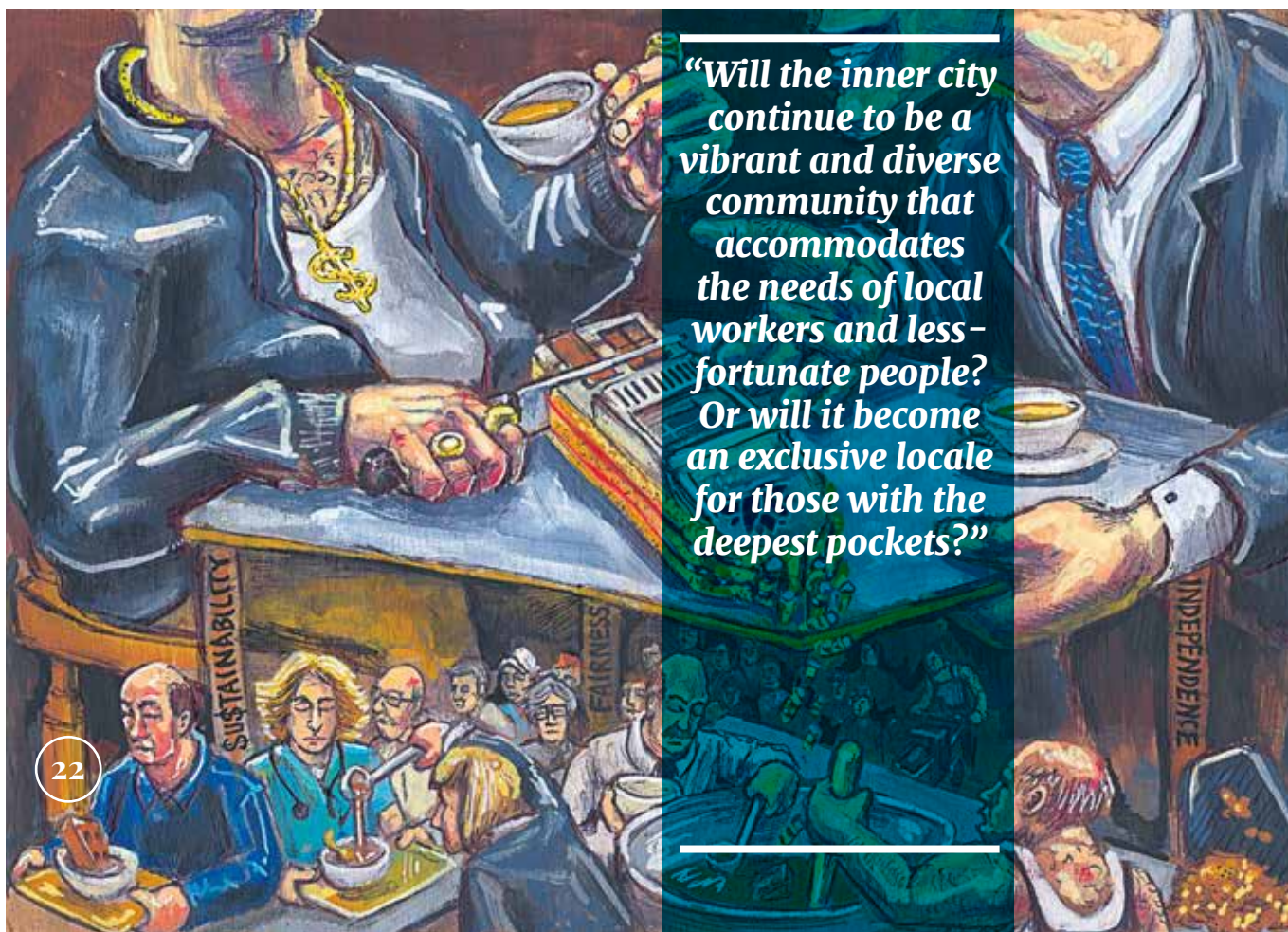
### +PLUS

NCOSS: MAKING NSW FAIRER  
SHELTER'S TEN HOUSING ISSUES  
RENTAL HOUSING JUSTICE

DISABILITY AGENDA AFTER NDIS  
ADDRESSING YOUTH HOUSING  
THE FUTURE OF PUBLIC HOUSING

LAW AND ORDER REVISITED  
COTA: OLDER PEOPLE IGNORED  
RETHINKING URBAN PLANNING

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**“Since the establishment of the Smith Street Working Group, police call outs to Smith Street have fallen from around 10 per day to between 6 and ten a month”**



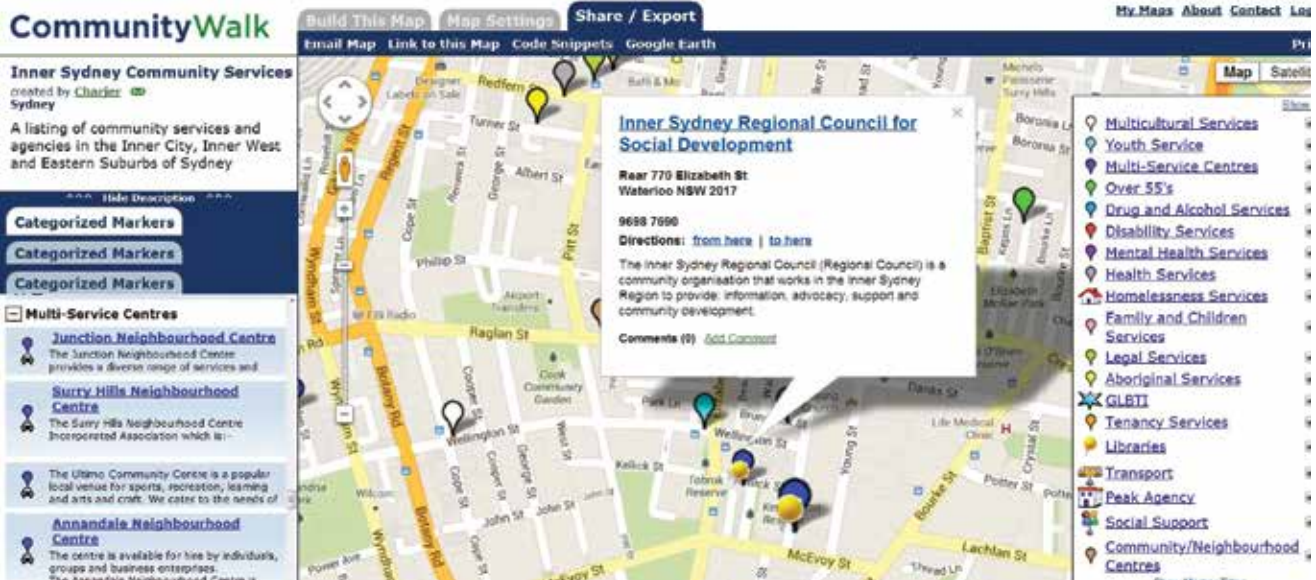
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# Online community services map is live!

Find community services in the eastern suburbs and inner city.



Check out the link on our website [www.innersydney.org.au](http://www.innersydney.org.au)  
 To add or update service listings please email [admin@innersydneyrcsd.org.au](mailto:admin@innersydneyrcsd.org.au)

## Farewell Mary Waterford

It was with a sense of sadness that the members of NCOSS' Regional Forum farewelled Mary Waterford from their ranks. Mary has captained the ship at Inner Sydney Regional Council's sister organisation, Western Sydney Community Forum for the last 7 years and now feels it is time for the next step in her journey.

As Tracey Howe, NCOSS CEO so aptly put it, 'Mary has been a legendary piece of the NSW community sector jigsaw.' She has accumulated 40 years of community sector experience and is gracious, insightful and generous with her knowledge.

Not surprisingly, Mary was voted in December as one of 25 leaders as Probono Australia's Impact 25 - The Not for Profit Sector's Most Influential People in 2014.

Mary was active in the creation of a fair and equitable Australia and a great ally to Western Sydney and the Blue Mountains communities. She will be greatly missed.

Mary is personally passionate about social justice issues and will continue as she and her partner are planning on six months or so of bushwalking, camping, travelling & some time in Timor-Leste, where she will further the work of the Blue Mountains East Timor Sisters project.

-Charmaine Jones





**INNER SYDNEY  
REGIONAL COUNCIL**  
FOR SOCIAL DEVELOPMENT

#### ABOUT

Inner Sydney Voice is the journal of the Inner Sydney Regional Council for Social Development Inc; a non-profit organisation committed to the idea of information as a tool for community development. The organisation defines Inner Sydney as being the local government areas of Botany Bay, Leichhardt, Randwick, City of Sydney, Waverley and Woollahra.

#### ACKNOWLEDGEMENT OF COUNTRY

We acknowledge and pay our respects to the traditional custodians of the lands across the areas we service, particularly the Gadigal people of the Eora Nation, traditional custodians of the land on which our office is located. We pay our respects to Elders, past and present.

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#### Autumn 2015 • Issue 124

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# Editorial

In the lead up to the NSW election on 28 March 2015 groups have been lobbying for their agendas. Human Service peaks and community groups get drawn into this pre-election “we are listening” game by the possibility that they may get a much needed reform up against the competing demands for resources. After the election often little changes for the wicked problems covered by the community sector ask.

This ISV has bought together the election asks from across the sector not as a last minute lobbying guide, although you can use it for that, but rather as an overview of what issues the incoming government needs to be pushed to address over the next four years.

It did not start out to be the ISV housing edition, but it became one when housing emerged as the common thread through the election asks as welfare policy confronts Sydney’s expensive real estate with insufficient low income housing! If you do not have appropriate stable housing it is difficult to deal with other issues.

NCOSS want everyone to discuss the issue of poverty and disadvantage in NSW because as they remind us; Any of us are just one step away. They have a campaign website with resources for 13 issues they have identified as needing to be addressed. *Working together for a fairer NSW* (page 6) covers the NCOS election agenda.

Shelter NSW in *Housing at the right price, in the right place, with the right amenity* (page 8) raise ten key housing issues government must address, from building 100,000 affordable houses to stopping the erosion of affordable rental stock. The Tenants Union compliments this in *Rental reform for housing justice* (page 14) with primarily a focus on the problems facing private renters. *The future of public housing* (page 16) comments on the government proposal to move more tenants through social housing into the private rental market.

In *Five foundations for youth housing* (page 18) Yfoundation explores the interaction between youth housing and other factors impacting youth while in *Seen but not heard: older people ignored* (page 20) COTA NSW look at issues facing older people including the need to address housing insecurity among older people. *Disability agenda for the NSW Government* (page 22) looks at the disability challenges not covered by the NDIS including the need for social housing and low / no interest home loans.

Spring 2014’s ISV introduced the *Community Charter for Good Planning in NSW* produced for the NSW election. *Achieving effective strategic urban and regional planning* (page 11) explores how one aspect the planning system could be changed in line with that Charter.

*No reason for a ‘law and order’ election* (page 24) revisits falling crime statistics and suggests areas requiring greater focus by government including domestic violence and prisoner rehabilitation programs. *Community Justice Centres: The road less Travelled* (page 26) is the story of an inner city Melbourne program run by the innovative Neighbourhood Justice Centre that many would like to see the NSW Government roll out.

Finally as Westconnex seeks to extend Sydney’s road network we reprint a *Reply to Freeway lobby* (page 31) from May 1978’s Inner Voice Vault.

Charmaine Jones & Geoff Turnbull  
Co-editors Inner Sydney Regional Council for Social Development.

**“Housing emerged as the common thread through the election asks as welfare policy confronts Sydney’s expensive real estate”**



# WORKING TOGETHER FOR A FAIRER NSW

POVERTY AFFECTS NEARLY 900,000 PEOPLE IN NEW SOUTH WALES – MORE THAN IN ANY OTHER STATE OR TERRITORY. TRACY HOWE EXPLAINS THAT THE COUNCIL FOR SOCIAL SERVICES NSW (NCOSS) WANTS TO SEE EVERYONE SPEAK ABOUT THE ISSUE OF POVERTY AND DISADVANTAGE IN OUR STATE, PLAN FOR A FAIRER NSW AND ACT TO ADDRESS POVERTY, DISADVANTAGE AND MARGINALISATION.

The rate of poverty in NSW is also among the highest in Australia at 14.8%. In addition to the hundreds of thousands of people living in poverty in NSW, a further 7% are near, or at risk of poverty.

The NCOSS election platform, *One Step Away*, provides an agenda to start that discussion. It is based around four themes that have shaped the development of 13 specific proposals for action. These are:

- Bridging the divide to reduce inequality
- Ensuring everyone has access to universal services
- Planning so that communities flourish
- A fair say in decision making

The product of extensive consultation with the sector, the recommendations provide a roadmap to improve the wellbeing, resilience and opportunities for people experiencing poverty, disadvantage and marginalisation and, if adopted, will contribute to building a stronger, fairer state:

1. Develop and implement a Cost-of-Living Strategy to ensure all

people on low incomes can afford the essential services required for a decent standard of living.

2. Commit to investing a substantial amount of capital funding over four years to significantly increase the supply of social and affordable housing during the next term of government.
3. Develop, in partnership with the NGO sector, a new 5-year NSW Homelessness Action Plan aimed at ending homelessness in NSW, preventing homelessness and intervening early.
4. Ensure people with disability can access independent advocacy, information and representation, through providing recurrent funds and growth.
5. Renew the commitment to reducing violence against women.
6. Improve choice and increase availability of essential aids, equipment and assistive technology for people with disability.
7. Grow the provision of integrated mental health care and support

The current number of social housing dwellings is only sufficient to meet

**44%**

of the real need, based on highly targeted eligibility requirements.

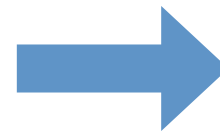
At the time of the 2011 Census NSW had

**28,190**

people counted as homeless and a further

**26,927**

living in marginal housing.



This represented increases of

**27%**

and

**31%**

respectively since the 2006 Census.

in the community to improve outcomes for people living with mental health conditions, their families and carers.

8. Increase investment in children and families to ensure that all children have a great start in life.
9. Remove transport as a barrier to accessing health services by properly resourcing community transport providers and developing a coordinated and consistent approach for responding to people in need of transport assistance.
10. Work in partnership with Aboriginal communities, organisations and people when developing policy, programs and services to address disadvantage among Aboriginal people in NSW.
11. Resource a regional support NGO network to ensure a viable community sector across NSW.
12. Develop a NSW Community Participation Strategy to improve the way people and communities have a say in government policy processes and decision-making.
13. Develop and implement a fair, efficient, evidence-based sector funding policy.

**“The sooner we realise that poverty is not an isolated problem for those who fall through the cracks but a pervasive problem that affects us all, the better”**

NCOSS has produced factsheets on each of these issues which can be found on [speakplanact.net](http://speakplanact.net).

The sooner we realise that poverty is not an isolated problem for those who fall through the cracks but a pervasive problem that affects us all, the better.

Here in NSW, our cost of living – particularly the cost of housing – means that our family, our friends or indeed any one of us is just one step away from poverty or disadvantage. But we also know that now, in NSW, we are in the best position we have been in decades to make a change.

It was recently announced that NSW is back on top as the best economic performer in the country. It's good

news for the state but we must make sure that everyone benefits from this news. NCOSS wants to see our leaders and each and every candidate talking about their plan to achieve a fairer NSW for everyone.

NCOSS has been working with its members to take action before March 28 that will help end poverty and disadvantage in NSW. We'll also be looking to work with government, with business, with all our stakeholders to put our platform recommendations into action after the election.

A state that recognises any one of us is just one step away from experiencing poverty and that communities flourish when the right supports are in place, needs to act to support these initiatives.

You can get involved and help achieve fairness for everyone by meeting with or writing to your local candidates or MPs about the recommendations that are most important to you, your organisation and the people you work with or by sharing the platform with others. Find out more information and get involved at [speakplanact.net](http://speakplanact.net)

*Tracy Howe is the CEO of NCOSS*

In 2014–2015 just **2%** of the states **\$15 billion** infrastructure budget is allocated to social housing capital works.

None of the **\$6.6 billion** in project commitments and reservations under the Restart NSW Fund has been earmarked for housing

**48%**

of low-income households in NSW are in rental stress. NSW had both the highest rate of rental stress in a capital city and the highest rate in the balance of the state

According to national research commissioned by the Mercy Foundation, the number of older women renting privately has risen by almost **50%** since the 2006 census. Older women staying temporarily with others or in overcrowded housing has risen by **17%** over the same period

See more at [speakplanact.net](http://speakplanact.net)  
Please share #onestepaway



# HOUSING AT THE RIGHT PRICE, IN THE RIGHT PLACE, WITH THE RIGHT AMENITY

IT'S ONE OF THE MYSTERIES OF MODERN POLITICAL LIFE THAT THE ISSUE OF UNAFFORDABILITY OF HOUSING IN NSW – SEEMS TO PASS WITHOUT SERIOUS POLICIES OR COMMITMENTS FROM THE PARTIES AT EVERY ELECTION. **ADAM FARRAR** EXPLORES THE HOUSING AFFORDABILITY CRISIS FACING LOWER INCOME PEOPLE IN NSW AND SPELLS OUT WHAT SHELTER NSW THINKS THE NSW GOVERNMENT SHOULD DO TO ADDRESS THE PROBLEM

The only government policy responses on housing affordability we hear about seem to respond to demands from industry groups to release more land, in the hope that this will solve the problem of affordability. Of course, supply is part of the picture. But increasing supply, either through new release areas or increased density, does not outweigh the main drivers of house price inflation and housing poverty – speculative investment and the steady loss of low-priced rental.

In fact, if there are few election statements on house prices, there is a deep silence on rental affordability. But rental affordability for lower income households is where the real hardship and exclusion in our state is felt. In Sydney, there is a shortage of rental housing that is affordable and available to very low income households (those in the bottom 20% of incomes) of 52,600 dwellings – there is a shortage of 85,600 across NSW.

When you add low income households and look at the bottom 40% of

incomes the shortage of housing that is affordable and available (not occupied by higher income households) becomes 135,000 across NSW.

### SHELTER NSW'S RESPONSE

Shelter NSW's election platform, *Housing at the right price, in the right place, with the right amenity*, says: 'Despite the dire state of affordability in NSW, for far too long governments have turned away from the systematic action needed to make a real difference. We must start by acknowledging the scale of the challenge. Research is clear that we need around 100,000 more homes to be affordable for low income renters – quite apart from making entry to home ownership more affordable.'

A new government needs to commit to a sustained 'boost' in both the private and public rental markets that would seriously work towards the target of 100,000 additional affordable rental housing (starting with at least 20,000 extra units of social housing dwellings over 10 years). This chal-

lenge can be achieved if government makes housing a priority once again, and acts on a number of fronts at once.

### INCREASE HOUSING SUPPLY

Four of the proposed measures directly address the challenge of increasing the supply of affordable rental.

The most direct of these is to increase the supply of social housing by 2,000 dwellings a year over the next 10 years. Housing that is affordable to very low income households will never be delivered by the market alone. It demands public investment. The current strategy of simply stabilising the public housing portfolio within existing resources is simply not tenable.

The level of affordable rental housing needed cannot just be financed from consolidated revenue. Just like other infrastructure, funds to make these sorts of major investments in the future of our state have to be raised from a variety of sources. The government has already established 'Waratah Bonds' to raise money for infrastructure through the Restart NSW Fund. But the money in the Restart NSW Fund may only be used for major infrastructure or for certain types of infrastructure indicated in the Act. Adding affordable housing to the purposes for which the Restart NSW Fund can be used would create a new source for financing affordable housing.

The planned growth of Sydney (and other urban centres) can also carry its share of the job of making sure







the reshaped city is fair and efficient. Across the city there are plans to rezone land to allow for new housing and increased density to meet population growth. When the government rezones land to enable this kind of development the land increases in value and the government gives the land owner/ developer a windfall gain. Without imposing any 'big new tax' on development, this sort of windfall gain should be shared with government to contribute community benefits, such as affordable rental housing.

Currently this is only possible in a couple of brownfield precincts in inner Sydney (Ultimo-Pyrmont, Green Square, and also UrbanGrowth NSW Development Corporation's affordable housing scheme in Redfern-Waterloo). But the State Government's proposed changes to the Planning Act would have removed the provisions (Section 94F) that allow this. What is needed is to make this section more effective by amending the state environmental planning policy (SEPP 70) to identify all the local government areas in the

Greater Metropolitan Region and North Coast and South Coast regions as areas with a need for affordable housing.

As well as the planning mechanism, Shelter is calling on government to establish a proportion of new dwellings in precincts earmarked for higher-density development to be affordable rental housing. Shelter believes this must be 15% of such new dwellings. This will ensure that lower-income households also have access to the benefits that are expected to come from higher densities. This will contribute to greater social mix, countering the polarisation of our towns and cities by wealth and income.

#### STOP THE LOSS OF LOW PRICED HOUSING

Increasing supply is only one part of an effective approach to making our housing more affordable and fairer. It is also just as important to make sure that the loss of low priced housing is stopped. With every low-priced house that's lost, another household is forced farther away to find a place they can afford – further dividing our city.

The new development that is seen as the solution to our housing shortage is often the cause of the loss of housing that is affordable to low or very low income households.

Hence, Shelter calls on all Parties to begin to stem this loss in two important areas.

The first is to reject the current proposal to make it easier to dissolve strata schemes so developers can get access to these sites. The strata-titled buildings that are likely to be targeted for this redevelopment are the very ones that house lower income owners and renters – often older owners of apartments. But if they are forced to sell up or move, they are very unlikely to have satisfactory, alternative, options in housing markets where the redevelopment pressures are greatest.

The government currently proposes to reduce the votes required by an owner's corporation of a strata-titled building to accept a developer's proposal and dissolve the strata, from the current 100% to 75%. Shelter calls on

• continued on page 10

### MAKING OUR HOUSING SYSTEM WORK FOR EVERYONE IN NSW: 10 ACTION AREAS FROM SHELTER NSW

- **Increase social housing** — with a 'Social Housing Boost' to increase supply by at least 2,000 new properties a year for 10 years.
  - **Establish new ways to finance affordable-rental housing** — by widening the purposes for which Restart NSW Fund moneys may be spent to include affordable housing.
  - **Protect lower-income homeowners and tenants in strata-titled buildings from developer-led dispossession and displacement** — by tightening controls on dissolution of owner's corporations.
  - **Share the benefit of windfall development gains** — by allowing developer contributions for affordable housing, using the principle of value sharing.
  - **Promote opportunities for all in urban renewal initiatives that involve increased dwelling densities** — by requiring 15% of new dwellings in areas earmarked for higher density development to be affordable housing.
  - **Stop dividing our cities between rich and poor areas** — by protecting both public-housing estates and dispersed public housing located in high-value locations.
  - **Target the real causes of homelessness and barriers to reducing it** — by increasing the number of rental properties available to low income people at affordable rents and meeting the full cost of effective services.
  - **Establish a capital-funding stream to appropriately house people with disability with high support needs and people with disability who want to live more independently** — by supplementary funding to that committed under the National Disability Insurance Scheme.
  - **Make private rental more secure** — by amending residential tenancies law to prohibit 'no cause' evictions.
  - **Reduce barriers to mobility for homeowners** — by phasing out conveyance /stamp duty for owner-occupiers, offset by increased revenue from land tax.
- Together, these would begin to tackle the failures in our market – at least those the NSW Government can influence – that have made it so unfair, as well as unaffordable.

• continued from page 9

the new government to keep the present requirement for unanimous agreement, because it protects the homes of households with lower incomes.

Another direct way to avoid further dividing our cities between rich and poor areas is to maintain the social mix in part already provided by our public housing. Last century, a lot of public housing was built in inner and coastal areas which were not then considered desirable. These days the land on which this housing is sitting is valuable and government is selling and redeveloping some of it. This public housing, especially in inner-urban areas undergoing intense gentrification, contributes to social mix.

The government must keep public housing in high-value locations (e.g. The Rocks, Millers Point and other suburbs in inner and eastern Sydney) to allow for a fairer distribution of housing opportunities and access to services and employment opportunities. One of the more shocking arguments in public policy these days is that it is not ‘fair’ for some public tenants to have access to the amenity that goes with high value areas, since other public tenants miss out – but to ignore the far greater unfairness of a divided city.

#### MAKE IT EASIER FOR HOME OWNERS TO MOVE

While a fair housing system must not force people to move in search of affordable housing, neither should it make moving so expensive that home owners stay in housing that no longer meets their needs.

A number of government inquiries have highlighted the negative effect that conveyance duty (stamp duty) has on mobility. A ‘typical’ NSW homebuyer of a median-price dwelling pays about \$19,230. However, conveyance duty is the second most important of state taxes, contributing over \$6 billion.

In contrast, the other property tax, land tax, contributes only \$2.3 billion. Yet economists recognise that land tax is a more efficient tax, so, it would be better to phase out conveyance duty for owner-occupied dwellings and replace the lost revenue with more revenue from land tax. The base

of land tax should be broadened by applying it to all landowners, but a low threshold should be set, under which the rate of tax would be zero — with this threshold set so that there would be no tax liability on most agricultural and other low-value land; and landowners who were ‘asset rich but income poor’ could defer their liability until the owner sells

So four of Shelter’s ten key areas for action look at increasing the supply of affordable rental, three others focus on ensuring that movements within our cities are fairer and more efficient. One other tackles the major structural change in how we live.

#### MAKE PRIVATE RENTAL MORE SECURE

Nearly a quarter of NSW households now live in private rental housing. Low and moderate income households in particular can’t afford home ownership, but are no longer eligible for dwindling social housing. Private rental is now where lower income households will make their long-term homes, but the laws around residential tenancies have not caught up – and leave tenants without decent security.

A Tenants Union of NSW survey (2014) found that two-thirds of the tenants surveyed had moved between 1 and 4 times in the last 5 years. Over 90% of the tenants in the survey said they would be worried about finding a suitable place at a rent they could afford, if they had to move from their current housing.

The government must consider how this tenure can offer people homes not just insecure shelter; and should amend the Residential Tenancies Act to prevent evictions where there is no just cause. It should only allow a landlord to terminate a tenancy for reasons that are specified in law and can be challenged in the Civil and Administrative Tribunal.

#### HOUSING FOR THOSE THE MARKET FAILS

Our final two key areas for action recognise that there are some people, for whom the present housing market is simply failing – those who are homeless and many people with a disability.

The best thing to fight homelessness is to intervene early — to prevent people becoming homeless in the first place or from sliding back into homelessness. While this is a central plank of the new ‘Going Home, Staying Home’ restructure of homelessness services, it won’t happen if people at risk of homelessness can’t afford a home.

Homeless prevention depends on the availability of affordable housing and on preventing the poverty that lies behind almost all homelessness. To be serious about preventing the risk of homelessness, the new government should adopt our 10 year target of making 100,000 more rental properties available to low income households at affordable rents.

The National Disability Insurance Scheme has increased the expectations of people with disability that they can now live more independently in the community. But the ‘individualised funding’ to participants in the Scheme is not available to pay for direct housing costs, apart from home modifications. It is clear that there must be a mechanism to address any such extra demand for independent living. As yet, there has been no announcement how the modest amount earmarked by the NDIS to help raise funds for capital – at least for some people with disability – will be used or by whom.

Whatever the NDIS provides, the government must commit to a supplementary initiative to contribute to affordable-housing supply projects in NSW, and help leverage whatever the NDIS provides to help with the cost of capital.

#### CONCLUSION

The failures of the housing system as it is are too serious to ignore. The cost being borne by low and moderate income households is not tolerable. So Shelter is calling on the government to take the big actions that are needed. A fair housing system would enable all its citizens to find their housing at the right price, in the right place, with the right amenity and security.

Adam Farrar is a senior policy officer at Shelter NSW. The proposal can be found on [www.sheltersnsw.org.au](http://www.sheltersnsw.org.au)



## ACHIEVING EFFECTIVE STRATEGIC URBAN & REGIONAL PLANNING

*PLANNING FOR PEOPLE:  
A COMMUNITY CHARTER  
FOR GOOD PLANNING  
SPELLS OUT THE PLANNING  
SYSTEM CHANGES THAT  
MANY ORGANISATIONS  
ARE ASKING THE NSW  
GOVERNMENT TO  
INTRODUCED IN NSW.  
JOHN MANT LOOKS AT  
WHAT THE CHARTER  
COULD MEAN  
FOR STRATEGIC  
PLANNING IN NSW.*

**T**he *Community Charter for Good Planning NSW – Planning for People* - (Spring 2014 ISV) sets out for the state government what should be achieved in any future reform of the State's planning system. Judging by its last effort, the government needs all the help it can get.

The Charter was drawn up by representatives of a wide range of community, neighbourhood and environmental organisations including Inner Sydney Regional Council. It sets out the principles, expected outcomes and mechanisms required to achieve good planning.

The Charter itself is quite short. There is a longer companion document which acts as a more detailed guide on how planning should be changed.

The companion urges mechanisms through which land use planning decisions can be effectively integrated with other Government decisions relating to infrastructure and natural resource management. This is something that planners have always talked about but

have not achieved.

To achieve that elusive integration, the Companion document recommends a distinction should be made between strategic planning and development assessment.

This article describes the differences between what I have called planners' strategic plans and, for want of a better description, effective strategic planning.

### PLANNERS' STRATEGIC PLANNING

Since the 1940s, when legislation for Urban and Regional Planning first was introduced, strategic planning and development assessment have been not seen as separate exercises but, rather, two sides of the same coin.

In the 1940s the new profession of planning had to muscle in to the existing silos of the very traditionally structured state and local governments. Despite many bureaucratic turf wars, planners have only been partially successful. While their plans are called

“strategic plans”, they are essentially coloured maps that separate land uses. The powers of each traditional silo to do its own silo ‘strategic’ planning remained unintegrated.

Subsequent planning legislation, actual or proposed, still only gives the Planning Department the power to set up a system for controlling land uses. The Department does not have the power to direct the activities of the more powerful silos, such as roads, transport, mining, water, education, health and so on.

A recent example is the planning for WestConnex. This ill-considered project has had little regard to the planners’ strategic plan for Sydney, which has as its core objective reducing, rather than reinforcing, the dominance of the CBD. WestConnex is a classic example of a simplistic silo solution to a complex set of strategic issues. In the end urban planners only pretend they are in charge.

**LAND USE STRATEGIC PLANNING**

Traditionally, land use planners have done their strategic planning as follows:

- Population is projected to some fixed date in the future.
- This projection is converted, first, into households, and, second, into a demand for houses and jobs.
- The physical and natural geography of the area to be planned is assessed and land that can potentially accommodate the increased demand for houses and jobs is identified.
- An assumption is made about what percentage of growth will be on “greenfields” land and what percentage will be by way of redeveloping existing urban areas.
- Certain standards are then applied to identify the percentages of specific land uses that will be needed for the new and redeveloped land.
- The “cadastral plan” (a plan showing property boundaries) for the area is then coloured in to reflect the existing, the new and the redeveloped land use zones.
- Written controls to support the separate zones are prepared.

The product of this type of strategic planning is a coloured cadastral map. ‘Strategic planning’ starts with the assumption that all uses will be separated – traditionally this has been into detached house zones, medium and high density zones, shopping areas, commercial areas, industrial areas, schools and open space. A ‘special uses’ zone is used for uses that don’t fit into one of the standard zones. While recently these zone names have been given less descriptive titles, the intent remains the same.

Because the product of planning has to function as both a strategic plan and as the basis of land use regulation, every parcel is zoned. The future land use pattern is fixed, even though, given the time taken by the planning exercise, the assumptions on which the plan was based can be out of date by the time the plan is published.

***“The product of planning has to function as both a strategic plan and as the basis of land use regulation, every parcel is zoned. The future land use pattern is fixed, even though... the assumptions on which the plan was based can be out of date by the time the plan is published”***

Publication of the plan fixes land values and makes difficult any future changes that could reduce values. Windfall gains potentially are granted to those land-owners who benefit from an up-zoning. Mechanisms designed by government to capture some of that value may, or may not, be imposed at that time. Imposing them after the zoning map has been published can be difficult.

Overall, the assumption is that the major objective of planners is to separate land uses, rather than, for example, do whatever it takes to create ecologically sustainable development.

**EFFECTIVE STRATEGIC PLANNING**

We can contrast planners’ strategic plans with effective strategic

planning. The process is different, as is the product and its effectiveness.

Instead of an “end state” cadastral plan for some date in the future, an effective strategic plan is a management tool setting out what needs to be done if a particular vision of the future is to be achieved. This type of strategic plan can be done for any scale of problem and any scale of time.

**PROCESS**

**Vision** – With a plan for an urban or regional area, those doing the planning (this could and should include the widest range of people interested in the issues) should articulate in descriptive (not abstract) terms the desired vision of the future. So a physical description rather than words like vital and beautiful.

**SWOT** – A traditional SWOT analysis then looks at where we are now, and analyses what is going to assist us to

achieve the vision and what are the strengths, weaknesses, opportunities and threats.

**Objectives or Outcomes** – Using the SWOT analysis, the planning team then works out what outcomes or objectives have to be achieved to build on the strengths, deal with the weaknesses, take advantage of the opportunities and combat the threat. All of the issues identified in the SWOT should be addressed. (At this point silo representatives are likely to urge their specialist output, for example, additional traffic lanes, as an objective to, say, an accessibility problem.)

**Strategies** – Next, how, in broad terms, is each objective to be achieved? Is a supply or a demand strategy to be

followed? Or a combination of both?

**Actions** - Having identified the strategy or strategies to be followed, the team then needs to identify what actions are required to achieve the objectives. Who has to do what tomorrow?

The reality of the necessary actions occurring will test the reality of the vision, objectives or strategies, which may need to be adjusted.

#### COMPARISON BETWEEN PLANNERS' STRATEGIC PLANNING AND REAL STRATEGIC PLANNING

The output on a planners' strategic plan is a set of zones and accompanying development controls. The controls are the plan.

By contrast, for an effective strategic plan, zoning and development controls are merely a strategic *action* that may be needed to achieve an objective to achieve a particular vision. A highly effective strategic plan might, in fact, need few changes to land uses.

#### AN EXAMPLE OF THE PRODUCT OF EFFECTIVE STRATEGIC PLANNING

Some time ago in a distant city a typical planning authority was called on to provide a new metropolitan strategic plan. The existing very traditional end-state land use zoning plan had reached its nominated end point.

At the time an optimistic population projection was expected and therefore the strategic planning team had in process the identification of large new areas for rezoning, subdivision and development.

A new planning department was imposed over the traditional planners' organisation. This new department was then staffed, not just by the urban planners, but also by urban economists and those experienced in analysing the drivers of urban development and their social consequences.

A strategic analysis identified that the major cause of the development of

the proposed new areas were demands from the public housing authority, whose tenants benefitted from rents based on the actual cost of each new house, and cottage builders whose customers benefitted from subsidised loans, provided they were for first homebuyers buying a new house.

At that time, in the middle-ring suburbs, where there were schools, bus services and other facilities with declining customers, some existing houses cost less than it cost to construct a new house on the outer fringe.

To stop bribing new first home buyers and public housing tenants, the latter increasingly unemployed, to live on the fringe, the strategies and actions of the new strategic plan changed. Instead of new rezoning cheap fringe land, action was taken to change the terms of the Commonwealth State Housing Agreement. More first home buyers were able to get cheap loans to buy existing houses. The housing authority was able to charge rents on a different basis than the cost of the particular house being rented. It became possible to adopt a much wider range of solutions to adding to the public housing stock.

The strategic planning changed from a supply solution (that is, rezone more development land) to a demand solution (changes to the bureaucratic drivers that were creating what was judged to be an increasingly inequitable city).

The strategic outcome led to considerable savings to the state budget and a better social structure for the metropolitan area. The city was also better able to cope when some of its major industries declined.

The strategic plan did provide an important supply strategy - the rapid development of a high amenity new suburb directed at second home buyers. In time, some of the cottage builders changed their products to take advantage of this and redevelopment opportunities in the inner suburbs.

#### CONCLUSION

Effective strategic planning should be done on a whole of government basis. It should be able to overcome the silo mentalities of the very traditional organisation structures to be found in state government and in local government.

Effective strategic planning is both meaningful and capable of being participated in by everyone in the community. However, effective strategic planning should be much more than merely the list of wants all too often found in community 'plans'. It must identify how those wants are to be supplied.

A wide selection of strategies should be available, rather than the single strategy of a planners' plan - the separation of future land uses.

A pathway from now to the future can be produced, rather than a static end state plan. An effective strategic plan can and should be revisited regularly because things change and different opportunities arise.

The City Council's 2030 Plan was more an effective strategic plan than the land use zoning plan that followed as one of the strategies. 2030 has been successful in driving the City's direction for the last ten years.

The Community Charter for Good Planning proposes that a unit of strategic planning policy be created to prepare an effective strategic plan for the future of Sydney's metropolitan area.

There is a strong case for responsibility for this unit to be in the Premiers Department and for the Planning Department to be renamed the 'Development Control and Assessment Department'. This would signify a real shift to effective strategic planning and would encourage the current 'Planning' department to concentrate on creating a more skilled and transparent development assessment service.

**John Mant is a planning layer and Councillor on the City of Sydney City Council. His CV includes rewriting the NSW Local Government Act, being a NSW ICAC Commissioner and reforming the planning system in South Australia.**

ABOUT ONE IN THREE VOTERS RENTS THEIR HOUSING. PAUL VAN REYK EXPLORES WHAT THE TENANTS' UNION OF NSW SEES AS THE CHALLENGES FACING GOVERNMENT IN DELIVERING A BETTER DEAL FOR TENANTS.

# RENTAL REFORM FOR HOUSING JUSTICE



The Tenants' Union NSW (TU) is for Just Renting – the reform of tenancy laws that deliver greater justice in rental housing. There are six areas in which the TU most wants to see reform of the Residential Tenancies Act to achieve this.

## 1. Remove 'without grounds' notices of termination

If you receive a 'without grounds' notice, you are not entitled to know the landlord's reason for wanting to end your tenancy. This means that 'without grounds' notices can be used to terminate tenancies for a multitude of bad reasons, such as retaliation and discrimination.

Further, when a landlord applies to the NSW Civil and Administrative Tribunal (NCAT) for termination orders following a 'without grounds' notice, NCAT must terminate the tenancy, regardless of the circumstances of the case or the hardship it would cause. It can refuse to terminate only if you prove that the termination notice is retaliatory – which can be hard to prove.

'Without grounds' notices should be replaced with a comprehensive list of reasonable grounds for termination, such as where the tenant is in breach of residential tenancy agreement, or the landlord wants to move in, or the premises are to be renovated such that vacant possession is required. When hearing applications for termination (on whatever grounds), NCAT should be allowed to refuse the order, considering

the circumstances of the case, the relative hardship of the parties and, where a tenant is Aboriginal, the tenant's cultural connection to country.

## 2. Limit excessive rent increases

Under the Act, if you are outside the fixed term of your tenancy, your landlord can give you notice to increase the rent by any amount they want. The only limit is the power of NCAT to order that the rent increase is excessive – but it is up to you to apply and prove it with evidence about market conditions and other factors. NSW is the only state or territory with no limit on the frequency of rent increases during periodic agreements.

TU believes that where a rent increase exceeds the increase in the Consumer Price Index (CPI) over the relevant period, the onus should be on the landlord to prove that the increase is not excessive. Where the increase is less than the CPI, the onus should be on the tenant to prove that it is excessive. The frequency of rent increases should be limited to not more than once in 12 months.

## 3. Reform break fees

Under some tenancy agreements, you may have to pay your landlord a 'break fee' if you end your tenancy before the end of the fixed term. The Act sets the amount of the break fee at four weeks' rent or, if you are leaving in the first half of the fixed term, six weeks' rent. This is payable even though your landlord might rent the premises out again immediately

after you leave.

Break fees should be set at three weeks' rent, which would provide reasonable compensation to landlords, without penalising tenants who have to move. Where a tenancy is ended before the date the tenant is to occupy the premises, there should be no break fee or compensation payable.

## 4. Greater freedom of choice about pets and household members

Most tenancy agreements contain an additional term prohibiting you from keeping an animal without the consent of your landlord. It is common for landlords and agents to refuse consent, regardless of the circumstances.

The law should be changed to prohibit terms that restrict the keeping of companion animals, except where the restriction reflects another law (for example, a strata by-law).

Most tenancy agreements also set a maximum number of persons – including children – who may ordinarily live at the premises. Under the Act, there is nothing to stop landlords from setting an unreasonably low and restrictive maximum number. It is common for landlords and agents to set the maximum number of persons to simply reflect the number of persons in the application for the tenancy – and not the size of the property.

This means that tenants may have to ask for their landlords' consent before an additional occupant – such as a partner, spouse or even a new baby

– moves in. The TU is aware of cases where landlords have refused to allow children to join a household, and have given termination notices because the addition of a child breaches the maximum number of persons allowed.

The law should be changed to provide that the maximum number of residents must be reasonable, and that the term cannot be used to restrict the addition of a partner or child to the household.

### 5. Raise the standard of rental housing

There are two specific areas for reform here; requiring the installation of electrical safety switches, or residual current detectors (RCDs) and window-limiting devices that prevent people – particularly children – from falling from windows.

### 6. Housing for marginal renters

The Boarding Houses Act 2012 now covers some renters – residents of registered boarding houses – who previously were not covered under the Residential Tenancies Act. But still, many marginal renters are not covered, including residents of small boarding houses, lodgements in private houses, share houses, residential colleges, refuges and crisis accommodation. Their exclusion makes some of the most vulnerable in our community even more vulnerable.

The TU advocates that all renters who are otherwise excluded from tenancy legislation should be covered by the occupancy principles set out in the Boarding Houses Act, with straightforward access to the NSW Civil and Administrative to deal with disputes.

### STRENGTHEN THE SOCIAL HOUSING SECTOR

Social housing can be a lifesaver. However, we don't have enough of it, and what we do have operates on terms that are often unfair, perverse and damaging.

We need to grow the social housing

system everywhere, with new stock built and existing stock maintained – and where there is a question of old stock being redeveloped or sold, there must be transparency and consideration of the views of tenants and local communities.

We need to reduce work disincentives, particularly in public housing, so that tenants have nothing to lose from working.

The physical standard of social housing must be improved, through repairs and maintenance processes that prioritise the work that tenants say needs doing.

Recent needlessly harsh changes that result in long-term household members being evicted, even though they are eligible for social housing, should be reversed.

Finally, social housing decision-making should be reviewable by the NSW Civil and Administrative Tribunal.

### REFORM STATE LAND TAX FOR AFFORDABLE HOUSING

Land tax is an important source of NSW state government revenue. Land tax also has the potential to improve housing affordability for purchasers and renters, and economic activity generally, by discouraging speculation in housing and encouraging productive uses of land. Our present system of land tax does not realise this potential, and should be reformed.

The TU supports a broad-based land tax applying to all land, including land used for owner-occupied housing. Exemptions should be few and for the purpose of well-defined public policy benefits.

The rate of land tax should be set so that it replaces other taxes – particularly stamp duties.

### GREATER FAIRNESS IN RESIDENTIAL PARKS

TU would like to see improvements to the fairness of the proposed Resi-

dential (Land Lease) Communities Act 2013 through the Regulation. Three key ways this could be achieved are:

- Reducing the number of homeowners required to challenge a site fee increase to 10%.
- Setting upper limits for voluntary sharing arrangements.
- Requiring operators to compensate homeowners for the on-site value of their homes if the park is sold.

### TENANTS' MONEY TOWARDS TENANTS' SERVICES

Over \$1 billion of tenants' money is lodged as bonds at the NSW Rental Bond Board. This money generates tens of millions of dollars in interest each year: about \$60 million in 2013–14. More than two-thirds of this money is paid to NSW state government agencies, primarily the NSW Department of Finance and Services, and the NSW Civil and Administrative Tribunal. A small portion is used to fund Tenants Advice and Advocacy Services (TAASs). Total funding to TAASs has not increased in real terms for over 12 years – despite the number of tenants growing by 25 per cent over that time.

TU calls for funding to TAASs to be increased now by \$5.2 million per annum and that this funding should grow in line with the number of tenants.

We also call for more of the interest to be returned to tenants individually tied to the Commonwealth Bank's Everyday Account rate for a deposit of \$100,000 (currently 0.2 per cent per annum).

The TU is running a campaign More Bang for Your Bond and you can get more information and join the campaign at [yourbond.org](http://yourbond.org).

Paul van Reyk is a Special Projects Officer at the Tenants' Union of NSW. More information on the policy issues discussed in this article can be found at [www.tenantsunion.org.au](http://www.tenantsunion.org.au). If you need tenancy advice head to [www.tenants.org.au](http://www.tenants.org.au).

# THE FUTURE OF PUBLIC HOUSING

INNER SYDNEY REGIONAL COUNCIL (ISRC) HELD A FORUM IN JANUARY TO GATHER INPUT FROM TENANTS AND WORKERS FOR ITS RESPONSE TO THE SOCIAL HOUSING IN NSW DISCUSSION PAPER.

VANESSA CARTWRIGHT FROM *THE SOUTH SYDNEY HERALD* COVERED THAT FORUM AND DISCUSSES SOME OF THE ISSUES RAISED.

The NSW government has been operating without a clear social housing policy. One move to rectify this shortcoming was the discussion paper entitled *Social Housing in NSW*, released in November 2014. In response to the discussion paper and recent changes in the structure of social housing, concerned inner Sydney tenants and community members attended an ISRC forum on January 14 to voice their recommendations about alleviating the social housing crisis.

Housing is a human need and a human right. This consensus should inform all social housing policies, emphasised Tenant Participation Resource Worker David White. However, housing security is not a reality for many Sydney residents. Forum participants raised the difficul-

ties of accessing secure and affordable housing in the inner Sydney area. Census data indicates that over 40 per cent of low-income private rental households in NSW are in “housing crisis”; that is, they pay over 50 per cent of their income in rent.

Forum attendees lamented this expensive private rental market and the increasing shortage of housing – factors contributing to the waiting list of over 59,000 “approved” applicants on the NSW Housing Register. Heartfelt stories were shared about struggles to acquire and retain public housing (owned by the government) and community housing (owned by community providers).

A lack of compassion for individual situations and extenuating circumstances sometimes leads to questionable evictions that compromise people’s

futures. A large-scale example is the controversial sale of the public housing at Millers Point and the iconic Sirius apartments at The Rocks. The strategy of removing or relocating social housing tenants and selling properties to the highest bidder is what UNSW professor Bill Randolph calls “state-imposed social apartheid”.

The state’s Minister for Family and Community Services, Gabrielle Upton, has said that proceeds from the multi-million-dollar sales of social housing properties will be put “back into the social housing system”. However, it is unclear what proportion of the sales will be re-allocated. Maintaining financial viability is certainly important, and the discussion paper describes the aim to “support people to move into (or remain in) the private rental market.” Forum attendees recommended that this process should involve increased case management, cross-communication between support networks, and better employment incentives. There needs to be an adequate safety net between obtaining a job and losing social housing, as well as care and consideration for those who are too unwell or too old to work.

Greens MP Jamie Parker has condemned the move to market rent as “a cruel ideological attack”. The recent enforcement of market rent for local, non-profit aged care facilities and youth centres is pressuring some of these crucial services to close.

At the same time, the discussion paper’s Pillar 1, providing “opportunity and pathways for client independence”,

## PUBLIC HOUSING AND THE NEXT FOUR YEARS

Everyone knows the problems of the public housing system; the Auditor General laid the problems out for government in 2013. As the recommendations about what to do about it were handed down by the Inquiry into Social, Public and Affordable Housing, the Government started yet another process for input with its *Social Housing in NSW Discussion Paper*.

Concerned tenants and agencies have made three submissions on the issue in the last year and during the next parliamentary term the NSW Government needs to do something about it! Paul Green, who chaired the Social Issues Inquiry, told a housing industry forum recently the easy response to the latest discussion paper was to simply say implement the Inquiry recommendations.

The problem facing government is that it cannot build a social housing system that does what it wants to do unless it looks at social housing as a whole of government issue. The discussion paper rejects this approach. Two Parliamentary Inquiry reports and a mountain of submissions unpack the issues but they cannot supply the political will to build a robust social housing system – the incoming government has to be pushed to find that for itself.

Inner Sydney Regional Council for Social Development





raises a significant but sensitive issue. Independence via education and employment is vital to breaking cycles of poverty. But there will be many challenges involved in developing schemes appropriate to the needs of social housing tenants. Forum attendees warned of doorknocking scams where purported training organisations have been getting social housing residents to sign payments for programs to which they are unable to commit.

The discussion paper's Pillar 2, "A social housing system that is fair", raised forum debates about the definition of fairness and the potential to accommodate residents with a greater variety of incomes. A July 2014 independent report by SGS Economics and Planning recommended that having a range of social, affordable, private and aged care housing in Millers Point could reap better long-term economic outcomes for NSW. This finding derives from the relatively high employment opportunities in the inner city and the contributions of lower-income workers to the city's functions. As Sydney

**"A lack of compassion  
for individual situations  
and extenuating  
circumstances  
sometimes leads to  
questionable evictions  
that compromise  
people's futures"**

MP Alex Greenwich has stated, "Any global city needs people at all income levels to help that city thrive."

The SGS report also made suggestions relevant to the forum's discussion of Pillar 3, "A social housing system that is sustainable". SGS recommended that long-term leases to the market, rather than outright sales, would give the NSW government better options for property allocation in the future. Furthermore, socio-economic benefits could accrue from replacing social housing stock within the inner city, rather than relocating it to poorly serviced areas. This

finding matched forum participants' instincts about the importance of preserving community ties for long-term residents and the elderly.

The ISRC forum raised burning questions about the future of social housing in Sydney. Will the inner city continue to be a vibrant and diverse community that accommodates the needs of local workers and less-fortunate people? Or will it become an exclusive locale for those with the deepest pockets? In the words of Chris Martin, Senior Policy Officer of the Tenants' Union of NSW: "...if the social housing policy that follows from the present discussion does not consider the reality of the private rental market, how it fails low-income households, and how other government policies have shaped it that way, any initiatives for 'opportunities and pathways' out of social housing will only raise false hopes or real fears."

Vanessa Cartwright writes and subedits for the South Sydney Herald (SSH). This article appeared with Alex Grilanc's Illustration as *Community concerns housed at tenant forum* in the February 2015 issue of the SSH.



# FIVE FOUNDATIONS FOR YOUTH HOUSING

THE 'HOUSING CRISIS' IS BECOMING COMMONPLACE, AND THE CRISIS IS PARTICULARLY ACUTE FOR YOUNG PEOPLE. CHRIS STONE EXPLORES THE HOUSING OPTIONS NEEDED TO PREVENT YOUTH HOMELESSNESS.

**D**ue to a substantial and continuing increase to the average cost of a house relative to the average income, getting a mortgage to own your own home is a long way off for many young people – and for a growing number will never be possible. In other countries where long term renting is more common the legal structure tends to give tenants greater security and there are options such as 99-year leases. In Australia the social and legal assumption is that renting is a short term arrangement while you save for a mortgage deposit, but this is an increasingly false assumption. Home ownership rates are decreasing and terms such as 'generation rent' are being coined.

Renting is not free from challenges. Young people are staying longer with their parents and this is partly, perhaps mostly, driven by financial considerations. Rents have increased along with

housing prices and the rental market has become more competitive meaning that young people find it hard to get a tenancy, as older tenants with more established incomes are usually preferred by real estate agents.

Other factors compound these problems. Youth unemployment is high and the level of qualifications required for many jobs is going up, requiring longer periods as a student with little or no income. Also, more and more entry-level jobs require experience, meaning that voluntary and unpaid internship work must be undertaken. It is becoming more common for young people to remain partially financial dependant for years after moving out. Of course these are the fortunate young people able to draw on family resources.

For young people from low income families, such ongoing support may not be possible. Increasing numbers of

low income households are in 'renting stress' with more than 30% of their income needed just for the roof over their heads. Factors such as domestic abuse and family background can force a young person to live independently well before they can generate sufficient income to do so. A housing crisis is, for the least fortunate, a homelessness crisis.

All this paints a dark picture, but young people are often surprisingly resourceful and resilient. We as a society can support their resilience and enable them to overcome the challenges that face them. Suitable housing alternatives can play a significant role. We need to ensure our young people have a place to call home, but home is more than just a dwelling. It is difficult to call a place home when your safety there is threatened or when you may be forced to leave at any time. A place where you cannot be physically and mentally well is not a home. Nor is a place where you feel isolated from friends, family and community – the absence of such support networks will mean that what home you have may be lost when challenges arise. Similarly a

home with no access to employment opportunities and the education to get and keep a job is unlikely to remain a home for long.

Yfoundations has for the past 35 years been working with young people, and the community services that help them, to develop strategies to combat youth homelessness. We frame the issue by talking about five 'foundations' to end youth homelessness: Safety and Security, Home and Place, Health and Wellness, Connections, and Employment and Education. These foundations help clarify both the problems and the solutions. Without the foundations a young person cannot be said to have a home, with them they have not only a home, but the ability to keep it.

The five foundations suggest a number of possible changes to the physical, legal and social structures of housing:

**Safety and Security:** Certainty over occupancy is important to being able to emotionally invest in a place as a home. The growing impossibility for many of obtaining the security of home ownership means that alternatives need to be provided; for example, increasing the viability of other forms of 'ownership' such as lend-lease and 99-year lease arrangements are possibilities. Alternatively, many countries have strong public or community housing systems (subsidised housing provided to low income families as long-term or permanent homes). Australia is increasingly moving to a model where public and community housing is regarded as a temporary privilege, provided to help a person get into the private rental market (as long as they obey behaviour guidelines). Perhaps this change needs to be resisted, and an acknowledgement made that subsidised secure housing is required to satisfy the human right to a home for all Australians. However, to do this would require significant investment to increase the public and community housing stock back to historical levels or beyond.

**Home and Place:** A physical place of shelter that a person can emotionally invest in as a home is required. In general the availability of dwelling stock needs to be increased, and we need creative ways to achieve this. Thinking about what young people need in a home can provide some room for innovation. For example, young people (increasingly even including couples and young families) are more willing to enter share housing. Some even prefer it. This allows for denser living conditions. It may be possible to encourage development of low-cost housing in inner city areas by allowing dedicated youth housing with standards that permit higher density while still protecting what young people need in a home.

**Health and Wellness:** Denser forms of housing can cause problems for the physical and mental health of residents if sensible regulations are not in place. Boarding houses, traditionally housing mostly unmarried men, have for many years seen an increase in usage by students and young single parents. This industry was substantially unregulated and some horrendous and dangerous practices existed in some residences. There have been some improvement in the regulations in recent years, and despite protests by some in the industry there is no evidence that these rules have significantly damaged the viability of these businesses. More needs to be done to enforce and strengthen these regulations to ensure they provide adequate homes.

**Connections:** Feeling a connection to friends, family, community and/or the broader society is an important part of feeling at home. The presence of informal support networks can provide critical help when tough times arise. Such help will often be given well before a young person is willing to try and obtain support. Early assistance can stop a small problem becoming significant, reducing the

demand for support from government or charities. New mediums for maintaining such networks now exist, such as social media and the internet broadly. The provision of an internet connection through free public wi-fi spots or subsidised NBN access may be a cost-effective way of avoiding more costly later assistance. Of course, face-to-face interactions remain important and so a variety of youth-friendly public spaces are needed. These can range from skate parks to a place to park a pram and get a cheap coffee (invaluable to young single parents).

**Education and Employment:** Without the income from employment (and thus without the education increasingly needed to obtain such employment) a young person will not be able to get and keep a home. There are also significant benefits to personal development and mental well-being that come from employment and education themselves. As with social connections, learning and work are increasingly pursued online and so internet access is important, but in-person interactions remain significant. This means that access to places of employment, campuses and public transport are critical. Well-thought out zoning and further investment in public transport is becoming increasingly important as vehicle running costs rise and rates of young people holding driving licences and owning cars decrease.

Many, perhaps all, of the potential changes suggested here have practical difficulties. However, these practical difficulties have practical solutions. Efforts need to be devoted to developing such solutions, or better alternative changes, if we are going to address the acute youth housing crisis, and the youth homelessness crisis it is ultimately driving.

Chris Stone is Senior Policy Officer at Yfoundations – [www.yfoundations.org.au](http://www.yfoundations.org.au)

## SEEN BUT NOT HEARD: OLDER PEOPLE IGNORED

DESPITE THE FACT THAT 43% OF VOTERS IN NSW ARE AGED 50 AND OVER, THERE HAVE BEEN FEW 'WINS' FOR OLDER PEOPLE SINCE THE LIBERAL/NATIONAL GOVERNMENT CAME IN TO POWER IN 2011. SUSAN HUMPHRIES EXPLORES THE CHALLENGES FACING GOVERNMENT ACCORDING TO COUNCIL ON THE AGEING NSW (COTA NSW), THE PEAK BODY REPRESENTING OLDER PEOPLE IN THE STATE.

There almost two and half million people in NSW aged 50-plus who are major contributors to the state. They have a huge positive impact on the economy and of course on the community as a whole. Given this, it is astonishing how little attention is paid to their needs by those seeking election to the NSW state government.

COTA NSW was pleased to see the current government allocate \$107 million to pensioner concessions and rebates when the government dropped the ball here. On this point, Mr Day, COTA NSW CEO, says that "COTA NSW has been pleased to learn that the Baird Government has now pledged to cover the cost of concessions for seniors and pensioners for a further three years at a cost of \$343 million."

Aside from the state government's commitment to concessions, COTA NSW has not found a great deal to applaud. The government's Ageing Strategy, released in 2012, has resulted in few significant initiatives.

For example, the Ageing Strategy identified 'linking seniors to information' as a 'highlighted' area for action. However, what we've seen since then is a steady decline in the level of useful information offered to older people.

The down-grading of the Seniors' Information Service has been a negative. Older age involves a series of

ongoing transitions. The most obvious example of this is the transition from work to retirement. People need access to clear, impartial information about how to manage this period, as it has huge implications on their financial and housing choices. Yet there's little to assist people at this critical point.

For several years COTA NSW has advocated for a government-funded Home Options Advisory Centre, whose purpose would be to assist people to plan and make better decisions about their future housing needs as they age. This initiative has been passed over by successive governments. As a result, in real terms this means that, without

adequate information, some people make poorly informed decisions and are at risk of ending up in real poverty as they age.

COTA NSW believes that housing is set to become an increasingly thorny issue in NSW.

In 2014 COTA NSW undertook a survey of over 2,000 people aged 50 and over in NSW and produced the associated *50+ Report*, which found growing levels of housing insecurity among older people.

About 20% of survey respondents under 60 paid rent or board, with this figure only falling to 10% after the age of 60. Even at 80, 10% of respondents





**“Older female respondents were among those most likely to be experiencing financial hardship and, in turn, to be experiencing increased levels of housing insecurity”**

are paying rent or board in the private rental market. Given that Sydney is one of the most expensive housing markets in the world, older renters are in an extremely parlous situation.

Perhaps even more troublesome is the gendered nature of the housing crisis. In our inaugural 2013 *Consumer Survey* we found that older female respondents were among those most likely to be experiencing financial hardship and, in turn, to be experiencing increased levels of housing insecurity. Alarmingly, our 2014 survey – which looked in far greater detail at the nexus between a person’s

socio-economic circumstances and their housing situation – suggests that older women are, particularly if they are single or divorced, living in more precarious circumstances than their male counterparts.

Female respondents to the 2014 survey were over-represented in the lowest income group, with more than 25% indicating they received an income less than \$25,000 per annum. Similarly, women in our sample worked longer than men and had less superannuation. Disturbingly, these results are found amongst a group of respondents who are highly educated relative to the general population.

While it is alarming, in and of itself, that there is a growing population of older women who are experiencing significant financial disadvantage and precarious housing situations, it is crucial to note that older women are the ‘canaries in the mine’. As patterns of home ownership shift, increasing numbers of older people are reaching older age without the prospect of ever owning a home.

While female respondents to our survey are emerging as a particularly vulnerable group, recent unemployment data suggests that older people in general are increasingly finding it difficult to access and retain employment. The Commonwealth Department of Employment recorded a 16% increase in unemployment amongst people over 55 years of age in the 12 months prior to September 2014.

Given the level of the current unemployment benefit – which, at \$258 per week is \$130 per week less than the age pension – it is difficult to see how this population will be able to access secure or satisfactory housing, particularly in the years where they await eligibility for the age pension, which will be set at 70 by 2035.

Urgent action is needed to address these mounting problems, or we risk seeing the rise of an elderly underclass.

At the close of 2014, COTA NSW submitted its *Pre Budget Submission (PBS)* to the Baird Government. Our key policy document, the PBS makes a series of recommendations about areas where policy action – and the associated budgetary allocations – should be made.

Above all, COTA NSW called on the government to develop a strategy to devise affordable housing options for older people in general, and older single women in particular.

We want to see action to drive change in the private housing market, so that a wider range of high-quality, secure, affordable housing options are created, including boarding houses, residential parks and retirement villages.

We want the government to work with the community housing sector to develop and deliver innovative models that can provide affordable rental accommodation to women who are ageing, who do not own their own home, and who are living on low to moderate incomes.

COTA NSW is also calling for action on social housing, with older people made a priority.

It seems to be business as usual for the major parties, with both sides of the political divide seemingly content to leave older people seen but not heard. Naturally, we urge all major parties in government or opposition to demonstrate their commitment to these policy areas.

COTA NSW encourages all voters to visit the websites of the political parties running candidates in their electorates to assess their commitment to older voters. We also urge whoever is elected to face up to the challenges facing older Australians.

**Susan Humphries is the communications Manager at COTA NSW. You can find the documents referred to in this article on their website at [www.cotansw.com.au](http://www.cotansw.com.au)**

# DISABILITY AGENDA FOR THE NSW GOVERNMENT

AUSTRALIA IS MOVING TO A NATIONALLY CONSISTENT SYSTEM OF SUPPORT FOR PEOPLE WITH DISABILITY FOLLOWING MANY REFORM INITIATIVES ON THE STATE LEVEL. EVEN THOUGH THE NATIONAL DISABILITY INSURANCE SCHEME (NDIS) SHIFTS POLICY FOCUS ON DISABILITY TO THE NATIONAL LEVEL, THERE IS STILL MUCH WHICH CAN ONLY BE ACHIEVED BY THE STATE, WRITES ENIS JUSUFSPAHC

One in five people in NSW have a disability, which is equal to the national rate (*Disability, New South Wales, 2001, ABS*). In 2012–13 NSW Government expenditure on disability services was \$1.25 billion (*Disability support services provided under the National Disability Agreement 2012–13, AIHW*). Around half (54%) of service users lived with family (Disability support services provided under the National Disability Agreement 2012–13, AIHW). Half the people with a disability who used accommodation services used services provided by the state government (*Disability, New South Wales, 2001, ABS*).

In order to address these issues *Ageing, Disability & Home Care, Family and Community Services* (ADHC) of the NSW Government introduced a number of initiatives, the first of which was *Stronger Together: A New Direction for Disability Services in NSW 2006–2016*. *Stronger Together* marked a major step in addressing the needs of people with disability. It included a significant expansion of the disability service system, developed a person-centred approach that enables

people with disability to plan their life, determine how and who delivers their support services, as well as building long-term pathways throughout the service system. *Stronger Together: The second phase 2011–16* places greater emphasis on the closure of large residential centres and building a service system with the right capacity.

In the last three years, ADHC has introduced a number of innovative projects on a state-wide level in order to better position NSW residents in being able to take full advantage of the NDIS, such as:

- My Choice Matters (the Consumer Development Fund), which educates people with disability in life planning;
- the Industry Development Fund, which works with service providers in developing their service to continue under the individualised funding model;
- individualising support packages for current disability services recipients;
- the Supported Living Fund, which provides people living in congregate care the ability to live independently; and
- AbilityLinks, which works with

individuals to achieve the person's goals outside the disability service system – be it education, health or social inclusion.

*Ready Together: a better future for people with disability in NSW* introduced a marked shift in state government policy on disability support services. The *National Disability Insurance Scheme (NSW Enabling) Act 2013* (the Enabling Act) provides for the transfer of the NSW state government's disability assets and service delivery to the nongovernment sector, including the transfer of the Home Care Service of NSW (Home Care). This is apparently to remove government as the largest player from the disability services 'market' in order to create a more equitable playing field.

However, disability services are not a traditional 'market', as people have a need for services which is not consistent with price. There is significant under-supply of services with high demand, and most services are publicly funded in the first place as disability supports are a human right and not simply a consumable service.

NSW Government operated Home Care's revenue amounts to \$234.4 million in funding through the Home and Community Care (HACC) program. (*Family and Community Services Annual Report 2013–14, FACS*) According to the Australian Productivity Commission, the Australian Government spent \$1,063.7 million on Community Care in NSW without information and assessment (*Report on Government Services 2015, Aged Services, and Productivity Commission*). The state's Home Care then amounts to 22 per cent of total expenditure on Community Care in NSW. This means that Home Care is indeed a significant service provider, but not as large as many in the sector believe it to be.

In many regional and outlying areas, Home Care is the only provider of

community care services and is the “service of last resort” for people “residing in places which lack basic services essential to the proper functioning of those persons”, which is defined in s4(1)(c) of Community Welfare Act 1987. There is concern that the transfer of management to another provider could impact on continued access to essential services currently available through the forty-five state-wide branches.

This structure has been very successful for the last 26 years and it is vital that this structure be maintained, to ensure equitable access to ageing and disability services across NSW, in addition to safeguarding the quality of care provided by Home Care staff that is renowned for their experience and skills. Over the years, ADHC has worked hard to train and develop a loyal and committed workforce; it would be a significant loss for clients, and their local communities, if this asset was lost.

## THE ROLE OF GOVERNMENT

In NSW, disability policy and actual service delivery has been the state government’s responsibility but it is now transitioning to a national system under NDIS. The State Government is in the process of transferring direct service delivery to the non-government sector in preparation of the full roll out of the NDIS by 2018. 2014 saw the introduction of the Disability Inclusion Act 2014 (DIA). DIA replaces the NSW Disability Services Act regulating support services for people with disability and, significantly, commits government into creating more inclusive and accessible communities for people with disability through a State Disability Inclusion Plan.

National priorities are quite different from state priorities, with the overwhelming focus at the national level being placed on direct supports,

employment, income support and housing as opposed to state-type issues such as criminal justice, education and health. Even though we are transitioning to the NDIS, it’s important to remember that the NSW state government has legislative and morale responsibility for people with disability, and continuation of a well-resourced Disability Department (or ADHC) is vital to maintain state-based initiatives and obligations, including:

- To transition to the NDIS and to continue to monitor its implementation in NSW, including individualising funding packages ahead of the NDIS launch.
- To implement initiatives under the DIA which meet key performance measures and the principles of the UN Convention on the Rights of Persons with Disabilities.
- To develop and drive the implementation of the State Disability Inclusion Plan, which guides how all of government works to improve access and outcomes to government services and facilities, including health, education, criminal justice, transport and housing.

Within this context, NSW voters should reasonably expect the state government to develop specific programs/initiatives complementary to the NDIS which would assist NSW residents.

Some of the initiatives / programs needing to be looked at by the NSW Government are:

- To ensure adequate support services for people with disability who are not eligible for the NDIS through an overflow program similar to Community Care Supports Program.
- To develop sustainable models of social housing for people with disability through government investment, a funding scheme to develop social housing stock to encourage social housing providers to build accessible housing and low/

no-interest home loans for people with disability.

- To ensure accessibility of public transport, including expanding the Taxi Transport Subsidy Scheme.
- To ensure people with disability have access to a range of appropriate local, state-based services for supports and information, including on specific disabilities such as vision impairment and acquired brain injury.
- To ensure access to expert advice and advocacy for both service providers and people with disability through continued support for local, state-based disability peak bodies.
- To enable research, innovation and community development, in order to increase the quality of supports offered to the sector.
- To ensure ongoing funding for My Choice Matters, so that NSW residents know their rights and are prepared to make the most of the NDIS.
- To progress plans for closure of congregate care and residential institutions for people with disability; many which are owned and administered by the state government. (In 2011 there were 20 large and 10 small residential institutions for people with disability, Disability Support Services 2011–12, AIHW)
- Consider broadening the scope of the Industry Development fund to include other peak bodies and research institutions as partners.

There may be a tendency with the NDIS introduction for the NSW Government to step away from the disability area, arguing it is being handled by the NDIS. The challenge for the state government is to ensure people do not slip through the state – federal cracks and that the kinds of initiatives outlined above are put in place.

**Enis Jusufspahic is the Home and Community Care (HACC) Development Officer (Eastern Sydney)**

NSW ELECTIONS IN RECENT DECADES HAVE BEEN DESCRIBED AS 'LAW AND ORDER' AUCTIONS. **GARNER CLANCEY** EXPLORES THE CRIMINAL JUSTICE ISSUES THAT SHOULD RECEIVE GREATER ATTENTION BY GOVERNMENT AFTER THIS ELECTION

# NO REASON FOR A 'LAW & ORDER' ELECTION

Over the years both major parties have sought to outflank their opponents by promising tougher criminal justice policies. More police; greater police powers; longer prison sentences; and greater use of imprisonment; have been regular features of these 'law and order' auctions. Thankfully, there is little reason why the 2015 NSW election should take this path.

## FALLING CRIME AND RISING PRISON NUMBERS

Crime has been generally falling in NSW since the early 2000s. Key volume offences have fallen dramatically in the last 13-14 years, and in some instances, have returned to levels not seen since the early 1990s. Some of the relevant statistics were highlighted in a previous Inner Sydney Voice Article ('Property Crime Decline', Autumn 2014 Edition). Pleasingly, these falls continue.

A media release from the NSW Bureau of Crime Statistics and Research on 3 December 2014 accompanying the most recently released NSW crime data stated the following:

"In the 24 months to September 2014, **none** of the major offence categories showed a significant upward trend across the state as a whole ... Commenting on the findings, Dr Weatherburn said that it was reassuring to see that **once again none of the top 17 offences had increased**" (emphasis added).

To put this in context, the following highlights the number of incidents and the annual decline of particular

offences in NSW since October 2000:

- Break, enter and steal from dwelling (burglary) has fallen on average 6.5% each year since October 2000. This is a reduction from approximately 81,000 incidents in 2000/01 to approximately 34,000 incidents in 2013/14.
- Motor vehicle theft has fallen on average 9.7% each year since October 2000. This is a reduction from approximately 55,000 incidents in 2000/01 to approximately 15,000 in 2013/14.
- Robbery without a weapon has also fallen on average 9.7% each year since October 2000, falling from approximately 7,600 incidents in 2000/01 to 2000 incidents in 2013/14.
- Malicious damage to property (which includes graffiti) has fallen on average 2.5% each year since October 2000, falling from approximately 97,000 incidents in 2000/01 to 69,000 incidents in 2013/14. (This data has been extracted from the NSW Bureau of Crime Statistics Crime Trends Tool).

Falling crime rates should be reason enough to ensure that we aren't subjected to a 'law and order' election in March. If, however, you or any politicians require further convincing, then be assured that these falls in crime have not resulted in recent governments going 'soft on crime' (whatever that might mean). For example, falling rates of many crimes have not resulted in fewer adult prisoners in NSW. Below is the total number of adults impris-

oned in NSW per quarter for the last two years.

More than 10,000 adults have been imprisoned daily in NSW for the last 12-18 months. This means that the NSW prison system is operating at close to its overall bed capacity, with two and three inmates per cell being common. Given that NSW has the worst average out of cell time figures in Australia (on average, just 8.2 hours out of cells per day), inmates entering NSW prisons 'enjoy' long periods in cramped cells.

Perhaps the long hours spent in cells goes some way to explaining the high recidivism rate of those leaving NSW prisons - approximately 46% of prisoners who leave NSW prisons return within two-years. This rate of return to prison is worse than Victoria, Queensland, Western Australia and South Australia.

## POLICY CHALLENGES FOR GOVERNMENT

A sensible debate about criminal justice policies in NSW should include a focus on domestic violence and sexual assault. It would also focus on rehabilitating those entering the prison system, both during and directly after periods of imprisonment. Strategies to tackle the ongoing over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system should be prioritised and careful consideration of the impact of social-welfare policies (including housing) on those in contact with or on the periphery of the criminal

## NUMBER OF ADULT PRISONERS IN NSW 2012-2014

Dec 2012	Mar 2013	Jun 2013	Sep 2013	Dec 2013	Mar 2014	Jun 2014	Sep 2014	Dec 2014
9645	9868	9814	10071	10152	10741	10529	10426	10630

Source: NSW Custody Statistics Quarterly Updates March 2013 – December 2014



justice system should be central to any criminal justice policy debate.

While there have been substantial falls in many crime categories in NSW in recent decades, incidents of domestic violence and sexual assault remain high, and have in fact increased in the last 14-15 years:

- Domestic violence related assaults have increased on average 2.1% each year since October 2000, rising from approximately 22,000 incidents in 2000/01 to 29,000 incidents in 2013/14.
- Incidents of sexual assault have also increased on average 2.1% each year since October 2000, rising from approximately 3,700 incidents in 2000/01 to 4,800 incidents in 2013/14. (This data has been extracted from the NSW Bureau of Crime Statistics Crime Trends Tool).

Given that these offences have notoriously low reporting rates, the above figures are likely to be only a small proportion of the total number of incidents that have actually been perpetrated.

While crimes in public often receive the lion's share of media and political attention, traumatic crimes committed in the home have quietly grown, claiming more victims. These crimes have devastating impacts on women, children, families and communities. They gnaw away at individual opportunities, trapping innocent victims in states of anxiety and fear.

In spite of government policies designed to prevent domestic violence and sexual assault (such as 'It stops Here' and 'Staying Home Leaving Violence'), these offences continue to increase. Moreover, changes to funding for the delivery of women's services in NSW risks further restricting access to limited support services and undermining many of these recent government policies. Without access to appropriate support, accommodation, counselling and associated services, many victims of domestic violence and sexual assault will endure ongoing victimisation.

The increasing prison population in NSW presents a number of challenges. The costs of delivering custodial services obviously rises with growing numbers of prisoners, many of whom are Aboriginal and Torres Strait Islanders. The over-representation of both adult and juvenile Aboriginal and Torres Strait Islander inmates remains a national and local disgrace. Comprising only 2.9% of the population, but 23% of the NSW prison population, Aboriginal and Torres Strait Islander adults are significantly over-represented in the NSW prison system.

The figures are considerably worse for young Aboriginal and Torres Strait Islander people – their rate of detention in NSW is almost 29 times greater than for non-Indigenous young people. Tackling this ongoing systemic issue requires coordinated investment in communities, programs and people to tackle risk factors associated with offending.

With large numbers of prisoners returning to prison within two years of release, there also needs to be increased attention given to rehabilitation programs located in prisons and support services outside of the prison walls. With elevated risk of reoffending directly post-release, more services need to be available to released prisoners.

Recent funding cuts to agencies engaged in this work will do little to aid the transition from prison into the community. Long waiting lists for public housing, increasing use of pre-employment screening checks by employers, and difficult labour market conditions are just some of the contemporary challenges facing the many prisoners being released in NSW, that need to be central to debates about reducing crime.

At the heart of any attempt to address crime in NSW are social conditions and risk factors associated with crime. Child abuse and neglect, alcohol and drug use, and poor educational attainment, are consistently identified risk factors for crime. Any

debates about criminal justice policies also need to consider social-welfare policies and programs that seek to address these risk factors.

The last 12-18 months have proven very difficult times for many services providing social-welfare programs in NSW, with state and federal government funding reforms impacting on service delivery. Maintaining appropriate levels of social support, child care, school enrichment programs, parenting skills training and a myriad of other social-welfare programs need to be considered integral to any attempts to prevent and reduce crime. Services and programs need to be funded adequately and funding needs to be sustainable. Funding uncertainty makes retention of staff difficult, client engagement and program delivery difficult, and it complicates any attempts to evaluate efficacy.

## CONCLUSION

At an election it is timely to reflect on some criminal justice indicators and issues and look at the challenges facing the incoming government. Significant falls in many crime types and continuing high levels of imprisonment provide two very strong reasons why this election should not be dominated by law and order posturing.

With the costs of administering the criminal justice system rising with record high numbers of police, judicial officers and prison staff, it is important that sensible approaches be adopted by government. Focusing on domestic violence and sexual assault, tackling the ongoing over-representation of Aboriginal and Torres Strait Islander people in prison, improving programs (pre and post-release) to reduce return to prison rates, and delivery of social-welfare programs to support those most vulnerable of committing crime and entering the criminal justice system, are just some features of a sensible NSW criminal justice policy.

Garner Clancey is a Lecturer in Criminology at Sydney Law School, Sydney University.

# COMMUNITY JUSTICE CENTRES: **THE ROAD LESS TRAVELLED**

AUSTRALIA'S ONLY COMMUNITY JUSTICE CENTRE IS THE NEIGHBOURHOOD JUSTICE CENTRE IN INNER-CITY MELBOURNE. ITS INTEGRATED APPROACH TO JUSTICE, SERVICE CO-ORDINATION AND CRIME PREVENTION IS ONE MANY WOULD LIKE TO SEE TRIED IN NSW. **ANN STRUNKS** TELLS US ABOUT A PROJECT THE CENTRE UNDERTOOK IN COLLINGWOOD.



**S**mith Street Dreaming is an Indigenous music festival that celebrates the lives of the people who live and work on one Melbourne's most iconic streets. It's also a one-of-a-kind.

In 2012, local Elders and members of the Indigenous community started a conversation with local police, business owners, service providers and the Neighbourhood Justice Centre (NJC). Through raw, honest and long-overdue conversations we realised we all wanted the same things: social inclusion, cultural respect and diversity, safety, and community.

From talk came music. Smith Street

Dreaming honours the rich diversity, culture and spirit of Collingwood, and we reminded each other that we build strong communities by sharing stewardship of all these things. The NJC is very proud to have been at the vanguard of the formation of the Smith Street Working Group that runs this annual event.

Our festival is a milestone for how the Working Group is resolving long-standing tensions, tackling the underlying causes of crime, and building safer communities. For the NJC, the Working Group is the milestone for how the community justice achieves these

goals by taking the right approach, instead of the ordinary one.

This is why this is not an overview of how we are reducing offending rates and building inter-cultural harmony through conflict resolution and alternative dispute methodologies. It is the story of how Justice is doing these things by stepping out of its comfort zone and walking in someone else's shoes.

## WINDS OF CHANGE

History is the best vantage point from which to appreciate what the Smith Street Working Group has achieved.

Collingwood lies at the heart of the City of Yarra, one of Melbourne's oldest



inner city suburbs. Like our Sydney cousins, Collingwood is a paradoxical mix of rapid transformation and stagnation. High income earners are driving (ware)house prices through the roof even as some of our city's most vulnerable and disenfranchised live in the towering estates and downtrodden back streets that few outside the area realise exist.

The rakish heart of Collingwood is Smith Street.

Stylish eateries, bars and shops are rapidly papering over its shabby past, and at once bohemian, chic, edgy, tatty and hip, it's a street upon which the rich rub shoulders with the poor, and beside excess, addiction, poverty and social exclusion struggle in plain sight.

While those suffering the usually cargo of addictions and desperation come in all shades, none are as vulnerable as our local Aboriginal community.

#### BEFORE WE DREAMED

Around 320 Aboriginal people live in Yarra, most within a stone's throw of Smith Street. Collingwood sits on the land of the Wurunderjeri people and Koories are proud of their historical ties and deep social connections to the place, and to this day, Smith Street is an important meeting place for Aboriginal people living or visiting the area.

As Archie Roach observed: "If people just saw it from the outside...they'd think: "Oh...Koorie people drinking in a pack". But it's more than that. [Smith Street] is where I learned my history...because all the old fellas, they knew more about me than I did.' Despite Archie Roache's insights, when the Neighbourhood Justice Centre (NJC) opened its doors in 2007, there were significant tensions between local Koories, business operators and the police. Views differed as to the causes. Traders had reason to complain that members

#### WHAT IS THE NEIGHBOURHOOD JUSTICE CENTRE?

The Neighbourhood Justice Centre (NJC) opened in 2007 and is Australia's only community justice centre.

It is located in the suburb Collingwood and serves the justice needs of residents of the City of Yarra through a range of co-located and co-ordinated justice and social services.

Underpinned by principles and practices of therapeutic jurisprudence and restorative justice, we provide new and innovative ways for dealing with crime, social disorder and social conflict.

The Centre's busy Magistrate's Court has jurisdiction to hear:

- all matters that the Criminal Division hears (except for sex offences)
- matters involving Family Violence and Personal Safety Intervention Orders
- Children's Court matters
- Victims of Crime Assistance Tribunal matters
- Victorian Civil and Administrative Tribunal residential tenancy matters, guardianship matters and a range of other civil disputes.

In keeping with the principles of community justice, our Court has one magistrate who hears all matters.

In this way, our Magistrate has a deeper understanding of the wider social conditions that affect criminal behaviour and rehabilitation.

Our Client Services Team provides assessment, treatment and referral services to persons referred through the Centre's justice processes, and Yarra residents who self-refer.

In addition, a range of justice and social service agencies work collaboratively to provide integrated, co-ordinated services.

Services include mediation, legal advice, employment and housing support, financial support, drug and alcohol counselling, family violence and victim support, and mental health services.

Our Crime Prevention Team and Community Engagement Team build partnerships and networks with and across justice-related agencies, social service providers, local businesses and business associations and importantly, the people of Yarra.

We are working with the community to reduce criminal and other harmful behaviour, improve the wellbeing of our community, tackle the underlying causes of criminal behaviour and disadvantage, and build the capacity of the community to solve its own problems.

Five kilometres north of the heart of Melbourne, at 19.5 square kilometres the City of Yarra is one of Australia's smaller inner city municipalities.

Yarra is home to 83,593 people and 33,500 households. Around 66,792 work here.

Approximately 29 per cent of the Yarra's community was born overseas and there are around 67 languages spoken in the area.

The NJC was established to service the City of Yarra a part of the State Government's A Fairer Victoria policy.

of the Aboriginal community were acting egregiously, and fearing for the safety of themselves and their customers, they blamed Koories for driving away trade. Police said they wasted time and resources dealing with disorderly and criminal behaviour, much of which stemmed from the local Aboriginal community. Our Aboriginal neighbours justifiably argued they had every right to gather in a public place, and pointed to a history of dispossession, disconnections from family and community, structural exclusion, racism, substance abuse, endemic poverty, and other easily identifiable disasters. As usual, the truth is more complex, elusive, and mercurial.

The City of Yarra and Collingwood in particular, has one of the highest crime rates in Victoria. Illicit drug use is a significant issue for Yarra, and drug users come from further afield to buy and sell and attend the variety of social services, including the major public hospitals operating in the area. Collingwood deals with higher rates of drug and alcohol related crime than other local government areas, except for our neighbour, the City of Melbourne.

Painfully, members of our local Aboriginal community, in particular the self-named 'Parkies', who meet on Smith Street and surrounding streets, are victims of the Stolen Generation, and most suffer from the intergenerational traumas induced by intergener-

***“Despite the fact that drug and alcohol abuse cuts across race lines, Parkies are targeted as the primary cause of anti-social behaviour in Collingwood”***

ational racism and flawed 'solutions'. Little wonder Australia's shame is still visible on streets across the nation.

Despite the fact that drug and alcohol abuse cuts across race lines, the local Aboriginal people, and pointedly, the Parkies, are targeted as the primary cause of anti-social behaviour in Collingwood. The Aboriginal community might well rephrase this to say they have been the primary scapegoats. Equally, while disingenuous to say the long-established businesses have tolerated anti-social behaviour, it's fair to say new business operators demand 'something is done' without understanding the history or historical significance of Collingwood.

**SOMETHING NEEDS TO GIVE**

As this potted history explains, over the years authorities have sought ways to combat the anti-social behaviour and tensions that have made Smith Street notorious.

In 2004, local and state governments, social services and Yarra Council formed

the Street People's Committee, and planned a range of services to curb excessive drinking and attendant problems.

The committee sought a mobile assistance patrol to get intoxicated persons off the street and into appropriate care – for example, home or hospital. A sobering up clinic would support the patrol, and an Aboriginal cultural centre run by and for Aboriginal people, would complete the triangle. For a host of reasons, these initiatives were not funded. Two years after the NCJ opened its doors, Yarra Council banned alcohol consumption in public areas in the City of Yarra. Council says it introduced Local Law 8 to reduce alcohol-related violence and self-harm, but the NJC understands it was primarily legislated to address traders' complaints leveled at the Koories of Smith Street.

In 2010, a year after its introduction, alcohol and drug centre Turning Point evaluated Local Law 8 and found it was highly detrimental to the Indigenous community. As the law took effect, the Koorie community dispersed. Long-standing social networks and friendship groups fragmented, the 'bush telegraph' that transmitted news, information and stories was disconnected, and people missed vital support services because health and welfare workers found it harder to locate their clients.

Some in the Aboriginal community relocated to Richmond, a neighboring

**POLICE PERSPECTIVE.**

Peter Beckers is Senior Sergeant at Collingwood Police Station. He came to Collingwood in May 2011 and got to know the locals and the issues. He met Hieng Lim and Di Harris at a public meeting and joined with them to start the Smith Street Working Group. He says the broad representation on the Working Group with people from diverse services and diverse cultural backgrounds means it's a rich tapestry.

"It works. It captures everyone and creates ripples in the pond. The Working Group has a holistic approach. We get together and really talk – honesty, plain English, no one steps on each other's toes. It builds partnerships, cohesion and pride in our work."

"Everyone in the Working Group has taught me a lot. One of the Aboriginal Working Group members keeps telling me "You don't have to walk on eggshells Peter." And that's what it's like – open communication."

He thought the Smith Street dreaming festival was "fantastic, really enjoyable. Two years ago I would never

have stood there in plain clothes talking to an Aboriginal."

When asked why most of his officers were there in plain clothes he said: "I didn't want my members to go there as security. I wanted the barriers broken down so we were seen as human beings, mingling at the same level, not a standoffish approach, but here we are, exactly the same as you. Most locals know who we are, so it was good for them to see us there mixing with them."

"The impact of the festival has been amazing. Things have quietened down around Stanley and Moore Streets. It's had a ripple effect. There's real community engagement now. Police are seen as more human and my officers get out there and talk now to the Aboriginals instead of just directing them.

They make conversation with them. There's an attitude now from everyone of, let's embrace the Aboriginal peoples' knowledge and expertise and let's reap the rewards.

My officers are out there talking to everyone on the street, engaging the whole community on a regular basis."

suburb and a world apart. Richmond grapples with harder drugs, and as one observer told the NJC, what authorities could see happening on Smith Street, hid from view in Richmond's laneways.

Colin Hunter, Senior Koorie Elder, Yarra Council community planner and key member of the Smith Street Working Group says the law did, in part, reduce drinking. However, he says the law also compelled people to drink at home, which led to overcrowding and violence, put other tenants at risk, jeopardised housing tenure, and strained the resources of the housing services.

In 2011, Capire Consulting Working Group evaluated the law and found police applied Local Law 8 in a "targeted and discretionary fashion." As one social service worker told the NJC, the law had one positive outcome: it increased Koorie involvement in Council process as they railed against the racist aspects of the law.

Today Local Law 8 rarely is enforced. The local Aboriginal community meets on Smith Street, and students, after-work crowds, and weekend partygoers continue their revelries.

On a positive note, in this period, Victoria Police and the Department of Justice created a range of Aboriginal outreach and liaison roles (staffed by Aboriginal Australians), and significantly, the Department of Justice signed the Aboriginal Justice Agreement.

### COUNCIL'S PERSPECTIVE

"The Smith Street Dreaming was a unique and moving experience. As a councillor whose ward takes in Smith Street, and a member of Yarra's Aboriginal Advisory Working Group, I have been keen to see a way to integrate all the social and cultural elements which make up Smith Street's identity. Smith Street Dreaming did just that. The team behind the festival demonstrated the enormous power of community collaboration, goodwill and mutual respect, and delivered a festival that inspired and elevated all those who participated. It exposed the soul of Smith Street, which was something very special."

Councillor Amanda Stone,  
City of Yarra.

Yarra Council initiated its first Aboriginal Partnership Plan 2004-2008, developed an Aboriginal History Walk and other cultural events, and Indigenous council staff made much needed headway.

For all this, up until 2012 the fact remained: police were responding to upwards of ten incidents a day in response to traders' request for assistance. There were ongoing reports from traders about threatening behaviour by some Parkies, and for some traders the crisis was at breaking point. Additionally, the Smith Street Traders Association said that trade was slow and attributed the malaise, in part, to the behaviour of the Parkies.

On the other side of the street the Koories, particularly the Parkies, felt besieged, and worse, believed they were being forcibly removed and displaced from their rightful meeting places. Gentrification comes at a cost for everyone. So, why has the NJC's Smith Street Working Group achieved so much, so quickly?

### WHEN WE TALK, WE LISTEN

The genesis of Smith Street Working Group is an interesting one, as it is part strategic, part organic.

In 2012, NJC Crime Prevention project manager, Hieng Lim, witnessed the arrest of three local Aboriginal people. At the time, he was in a nearby shop talking to shop trader Dianne Harris. Dianne was to become one of the

leading champions of the Smith Street Working Group, a huge force behind the festival and a remarkable example of openness and reconciliation. For now, she was at wits end about the anti-social behaviour and shop thefts perpetrated by local Koories on a regularly basis.

Lim reported the arrest and the trader's complaints to NJC management and the local police inspector. Lim said the law responded to a minor infraction with unwarranted heavy-handedness; the response being indicative of entrenched misconceptions and a complex amalgam of animosities. Of the behaviour that led to the arrest Lim said, while not excusable, it was understandable when viewed through the long lens of cultural alienation.

And though we agree the traders' grievances with local Koories are often justified, we know the tensions are indicative of wider and deeper social issues playing out every day across the nation. Lim's report landed on desks at the NJC and Victoria police, and with it a new approach to building community harmony. NJC Director, Kerry Walker explains, "We were working with the police on a range of initiatives to address offending, but this was the first time we broached the topics of police culture and responsibility, in conjunction with the traders' grievances and Parkies civic responsibilities and behaviour."

### UNITING A STREET

Community justice works best when it works flexibly, which is why the path that led to a music festival is a winding one.

We foresaw our ability to open dialogue between traders, police and the Aboriginal community even if we had no plans to formalise relations under the banner of a committee or working group.

"Our initial aim was to find ways to share the stewardship of Collingwood," says Kerry Walker. "We wanted to help Smith Street transition through gentrification without displacing people who've every right to be here, protect our heritage and ensure economic activity continued to thrive."

Our first targets were the 'low hanging fruit' — police, social services and local council. However, instead of bringing the authorities to the table *en masse*, we built relations with individual key players.

### PARKIE'S PERSPECTIVE

Tracey was a Volunteer/Marshall at the Smith Street Dreaming Festival. She was invited to take on this role by workers who attend the Billabong BBQ. She lives in the Collingwood housing commission flats and identifies herself as a Parkie. When asked what she thought of the festival, Tracy stated:

"The festival was great, fantastic. We need more of them. It was great to get the community together, the Koorie mob with the rest. People came in from all over. It has helped relationships on Smith Street. The shop people wave to us now, instead of ignoring us. The festival showed our people in a good way, we're not just hopeless people with problems."

As Lim explains, “We crafted relationships with each of our stakeholders in parallel before bringing them together because building trust is complex and takes time.”

Over many months we worked with police, community service providers, city council, the traders and Aboriginal Elders. Our softly, softly approach gave each person the breathing space to voice understandable cynicism and suspicion, air grievances, ask candid questions and question the NJC’s legitimacy and capabilities.

“In some instances we worked with stakeholders such as the police, on projects they were running. On the opposite end of the scale we met Elders and local Parkies on street corners and park benches,” Lim says. “Over the months we realized we were doing more than brokering dialogue; we were forging alliances that were naturally falling into an organizational framework”. The metamorphosis of hundreds of individual conversations was the Smith Street Working Group.

#### SHARE THE PROBLEMS, SHARE THE SOLUTIONS

Aboriginal Elders, police, traders, social service providers, Council and the NJC convened the first Smith Street Working Group in late 2012.

It took a few more months of ‘footpath meetings’ before Parkies came to the table, but the fact that the most vulnerable people now share stewardship of our neighbourhood is a testament to the tenacity of community justice.

The Working Group adopted a mix of informal and formal processes. For the Aboriginal community, the informal is formal, so to this day meetings are “getting together for a yarn”. NJC workers still largely manage formal process such keeping minutes and documenting proceedings.

In keeping with the community justice model, the Working Group’s activities pursued both community development and crime prevention foci. Importantly, it began by reaching the understanding that citizens can have differing values and still build cohesive communities. Promptly, it agreed to build a positive image of Smith Street and forge good relations between those who live, work and use the precinct by:

- creating harmony specifically between traders, police and the local Koories
- generating peaceful co-existence between everyone who visits, lives or works on it
- making Smith Street safe and harmonious for everyone who visits, lives or works on it.

Trust is a remarkable teacher. The group quickly decided to: establish a Cultural Awareness leaflet to assist police communicate with Aboriginal people and understand their culture; for Elders, NJC’s Koorie Justice Workers and members of the Working Group to explain Aboriginal culture and communication at police induction days; and produce an identity kit to assist police identify Aboriginal outreach workers

**“Since the establishment of the Smith Street Working Group, police call outs to Smith Street have fallen from around 10 per day to between 6 and ten a month”**

when out on foot patrol. These ideas are in progress. A music festival took precedence.

That the newly formed collective of Elders, Parkies, traders, police and justice-related agencies willingly met once a month (and daily towards Indigenous music festival took everyone by surprise.

#### ISSUES AND CHALLENGES

It hasn’t been an easy road. There have been many challenges establishing and maintaining the Working Group.

The first meeting was very confrontational and in the early days the “poor relationship” between the key stakeholders (the police, the Aboriginal community and the shop traders) was a major hurdle.

“The police saw their role limited to responding to law and order and enforcement issues. Traders believed in their right to make a living and felt this right was violated. And the

Aboriginal community believed they were being labelled and racially vilified,” says Kerry Walker. “But you must remember that long-running conflict had bred distrust and an ‘us versus them’ mentality. And everyone had witnessed a succession of strategies trialled by various tiers of government that had either limited success, or were perceived as inappropriately imposed short-term solutions that failed to take into account the needs of everyone in the community.”

#### WHAT DID WE DO RIGHT?

Smith Street Dreaming 2013 happened because a complex web of coincidences and relationships converged, and the zeitgeist was right. The festival was the manifestation of respect for the local Aboriginal people, giving them the opportunity to celebrate their identity and connection to place. It also gave the justice system —specifically the NJC — a place to have low-risk conversations with a wide range of groups to generate respect and a shared sense of civic pride and stewardship. (About 500 people came to the first festival. The Working Group decided to use minimal promotion as we wanted a good crowd, not an overwhelming one).

#### WE’RE STILL DREAMING

In 2014, more than 1,200 people from all walks of life enjoyed musicians Joe Geia, Deline Briscoe, Crystal Mercy, Bart Willoughby and Nikki Ashby. Uncle Jack Charles was Master of Ceremonies.

Since the establishment of the Smith Street Working Group, police call outs to Smith Street have fallen from around 10 per day to between 6 and ten a month. Crime in the Smith Street has also dropped by about 33% over the last two years. These statistics are testament to what happens when the justice system sees the world through other’s eyes and listens to someone else’s stories.

The 2014 Smith Street Dreaming won the City of Yarra’s Community Event of The Year. We’ll keep you posted about this year’s festival because it promises to be a dream come true.

Ann Strunks is the Community Engagement & Communications Coordinator, Innovations Exchange, Neighbourhood Justice Centre Collingwood - [www.neighbourhoodjustice.vic.gov.au](http://www.neighbourhoodjustice.vic.gov.au)

May  
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## Freeways

For ISRC's forty year life the inner city has faced one freeway proposal or another. The WestConnex is the latest proposal to solve Sydney's under investment in public transport by a new freeway resuming houses and

dumping cars onto already clogged inner city streets. We think it is time to recycle some of the arguments from *Inner Voice* May 1978 in reply to the current freeway lobby.

# REPLY TO FREEWAY LOBBY

Wran, as part of his '76 election platform, promised a halt to any more freeway construction in the inner city. Anti-freeway groups are concerned that Labour's policies could in the immediate future be compromised in the face of mounting pressure from the NRMA and other road lobbies. These groups have recently revived their public campaign demanding an immediate start to radial freeway construction.

### REPLIES TO CLAIMS BY THE PRO-FREEWAY LOBBY:

Claim 1: "Sydney will never untangle its costly traffic snarls without a freeway network."

Reply: Freeways only move congestion from one point to another. They do not solve congestion on arterial roads. North Sydney is still congested in spite of the Warringah Expressway and Sydney City is still congested in spite of the Cahill Expressway and Western Distributor. Experience all over the world provides overwhelming evidence of the tendency for traffic volumes to adjust to the road capacity provided.

Claim 2: "Sydney is the only major western city without a freeway network".

Reply: Other cities have stopped building freeways in recognition of the coming energy crisis and are concentrating on public transport. We should learn from overseas experience, not copy overseas mistakes.

Claim 3: "Freeways reduce pollution and road accidents."

Reply: True, per vehicle-mile, but the benefit is cancelled out by the known tendency for road construction to encourage more traffic. The Sydney Area Transportation Study predicted that

the number of motor vehicles in the Sydney area would rise from 800,000 in 1971 to 2,100,000 in 2000. Any serious approach to the problems of air pollution, road safety and traffic congestion must aim to prevent that prediction from coming true.

Claim 4: "We need freeways to maintain our mobility."

Reply: Whose mobility are they talking about? Around 6 out of 10 people in Australian cities have no direct access to a car - those under 17, many elderly people, the poor, the handicapped, most housewives in 1-car families. The past 20 years have witnessed a drastic deterioration in the position of those without cars. Freeways will make this injustice worse.

### QUOTES FROM TRANSPORT EXPERTS

"Sydney people are being polarized into pro-freeway and anti-freeway groups - to the detriment of motorists and the traffic movement in the city."

"The NRMA, by its intransigence, is not serving the interests of motorists. If the NRMA has its demands accepted, the costs will preclude a new traffic system ever being built."

"The answer to city traffic problems does not lie in one extreme or the other and there is no panacea."

Transport planning means deciding priorities. We need widespread low cost improvements to roads and traffic management, with priority to public transport. We cannot afford freeways as well. If the freeway programme goes ahead your home, neighbourhood and local park could be threatened.

We must plan for the energy crisis now, for the sake of

- energy
- equity
- efficiency



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**INNER SYDNEY  
REGIONAL COUNCIL**  
FOR SOCIAL DEVELOPMENT

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We are always looking for new voices - opinion pieces, investigative articles, profiles of community organisations, interviews and more. If you have an idea or suggestion then contact us and discuss it with one of the editors.

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