



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON FAMILY, COMMUNITY, HOUSING
AND YOUTH

Reference: Homelessness legislation

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON FAMILY, COMMUNITY, HOUSING AND YOUTH
Wednesday, 19 August 2009

Members: Ms Annette Ellis (*Chair*), Mrs Moylan (*Deputy Chair*), Mr Abbott, Ms Campbell, Ms Collins, Ms Livermore, Mrs Mirabella, Mr Morrison, Mr Raguse and Mr Trevor

Members in attendance: Ms Campbell, Ms Annette Ellis, Mrs Mirabella, Mr Morrison, Mrs Moylan and Mr Raguse

Terms of reference for the inquiry:

To inquire into and report on:

The content of homelessness legislation.

The Committee will make inquiries into the principles and service standards that could be incorporated in such legislation, building on the strengths of existing legislation, particularly the Supported Accommodation Assistance Act 1994.

The Committee shall give particular consideration to:

1. The principles that should underpin the provision of services to Australians who are homeless or at risk of homelessness.
2. The scope of any legislation with respect to related government initiatives in the areas of social inclusion and rights.
3. The role of legislation in improving the quality of services for people who are homeless or at risk of homelessness.
4. The effectiveness of existing legislation and regulations governing homelessness services in Australia and overseas.
5. The applicability of existing legislative and regulatory models used in other community service systems, such as disability services, aged care and child care, to the homelessness sector.

WITNESSES

CLAY, Ms Narelle, Chairperson, Homelessness Australia 1

SMITH, Mr Simon, Chief Executive Officer, Homelessness Australia 1

Committee met at 10.18 am**CLAY, Ms Narelle, Chairperson, Homelessness Australia****SMITH, Mr Simon, Chief Executive Officer, Homelessness Australia**

CHAIR (Ms Annette Ellis)—I would like to welcome to the table Mr Simon Smith, the CEO of Homelessness Australia, and Ms Narelle Clay, the CEO of Southern Youth and Family Services and Chairperson of Homelessness Australia.

Although the committee does not require you to speak under oath, you should understand that these hearings are formal proceedings of the Commonwealth parliament. The giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Do either or both of you have a brief opening statement, keeping in mind that we have your submission?

Mr Smith—We just have a brief statement. I will commence and then Narelle will add to my comments. Thank you to the committee for this opportunity to appear today to discuss our views on the inquiry. We welcome the focus that has been given to homelessness recently, both with the white paper which came out just before Christmas and set some very ambitious targets—to try and halve homelessness by 2020—and information that we have seen recently about some of the state plans which indicate how the funding that has been made available under the white paper will be rolled out.

This inquiry is integral to the development of this new national response to homelessness. The new legislation that this committee is considering will need to support and reinforce much of the objectives and strategies in the white paper. To this end, the legislation needs to do a number of key things. It needs to define what homelessness is. Australia has a very broad definition of homelessness that includes rough sleeping, couch surfing—when people stay temporarily with family and friends—and people staying in boarding houses. It is a very broad definition of homelessness that goes well beyond other notions of homelessness that countries overseas use. We want to see this definition reflected in any new legislation. Certainly halving homelessness by 2020 should encompass all of these forms of homelessness. In Australia we also acknowledge people at risk of homelessness in the current SAAP legislation. In particular, I want to highlight issues for women experiencing domestic violence who are at risk of homelessness as well.

New legislation must have an ongoing commitment for specialist homeless services as part of the response. The current legislation, the Supported Accommodation Assistance Act, emphasises the role of the SAAP in the national response to homelessness. For most of the last more than a quarter of a century, SAAP services have been the major support for people who are homeless in Australia. These services provide accommodation and support, including counselling and case management and a range of other services, and there are more than 1,500 of these services across Australia. More than 200,000 people use SAAP services each year, including about 75,000 unaccompanied children and more unaccompanied people under 18 as well. Services are critical for many reasons for people who are homeless but in particular because it is acknowledged, including by state governments in their submission to the green paper last year, that the program is the most effective advocate for people who are homeless that can link them into the range of services and support that they need.

New funding arrangements under the National Affordable Housing Agreement mean that there is no longer a specific national program called SAAP. There is no longer that national homelessness program. Funding for what was the Commonwealth-State Housing Agreement has been combined with funding for SAAP. Because of this, we think it is essential that new legislation ensures that states and territories have an ongoing commitment to provide specialist homeless services for people experiencing homelessness. These new services will provide the bedrock of support for people who are homeless, and the new measures under the white paper will complement the suite of existing services across the country. Narelle has some comments to make also.

Ms Clay—I just wanted to comment and thank you for the opportunity to be here. Judi, I think you will remember the times that we met with you over the SAAP services. We really appreciate the white paper, as Simon said. I think it is exciting that we hope to reduce homelessness. It is fantastic. There are a whole range of issues, though, if the SAAP legislation is changed to new legislation, that we will need to manage and maintain—some of the things that are still held to be really important around the current SAAP legislation. One of the issues that seem to be coming up through the talk of the new legislation is issues around new standards and accreditation. While we support national standards and support services striving to get to those standards, those standards should no longer just apply to community services. In the white paper, we talk about mainstream services making more effort around homelessness and engaging homeless people. Therefore, the standards should also apply to them, and therefore accreditation should also apply to them; it should not be just be applied to community services. I think that is missed in the current discussions.

I think we need to be really clear that the white paper has not provided any funding for the existing homelessness effort. That has remained as it was under SAAP and is now inside the larger National Affordable Housing Agreement. We need to remember the reduction of homelessness is not just about the white paper strategies; it is about the existing effort and that existing effort has not been given any funding increase. So for them to be able to meet a higher level of standard, they will need to be supported and some of them are incredibly poorly funded. We need to work out how to manage that. I think the whole issue around accreditation sometimes gets lost in the bureaucracy. The administration of it and the time and the resources that are required to meet the standards are often mismatched. What we are trying to do is improve the quality of service. It just becomes an administrative exercise.

Most SAAP services, certainly the vast majority of them, are not stand-alone SAAP services; they are part of other systems. I do not know if we need a whole new suite of standards for what used to be homelessness service provision. As an example, the agency I work in already is accredited under two other systems: the New South Wales Office of the Children's Guardian for child protection and for out-of-home care, accommodation and support services, and the QMS, the quality management system, because we run health services as well. To have another system would almost cripple some services. I think we need to work out how to manage that and we are really happy to help and discuss that. Our members certainly wanted it noted by this committee the incredible resource allocation that goes into meeting administrative requirements, red tape and those sorts of things and how we manage that better.

The other thing is the importance of the SAAP legislation's rights based framework. That legislation is quite old now and it is time to look at it. But it stood the test of time around its

emphasis of rights, the quality of care and the care of people. It certainly stood the test of time when compared to other countries and the way they have treated homeless people. We often look to the United States for new ideas, but I would not hold them up as being an example of something that has actually done a great job in reducing hopelessness or caring for homeless people particularly well. I think Australia is a leader in that, and I think we can keep on doing better.

In the legislation currently, the emphasis on self-reliance, independence and transitioning people to a better lifestyle are important things that we do not want to lose when it comes to new legislation, and we seek your support in making sure we maintain those. I think I will end there and hand back to you.

CHAIR—Thank you both very much. Narelle, could you elaborate on the rights based approach. You made a point about certain aspects of it being vitally important. Do you have any idea about the sorts of challenges we might face in that? I do not think anybody wants to see the elimination or the deterioration of that rights based approach. Do you have any ideas that you want to put to the committee on that particular aspect?

Ms Clay—Thank you. The preamble in the current legislation I still think is a good preamble. It still captures some of the things that are really important. There are some risks in new legislation in a new environment, particularly when looking at people with high and complex needs and their case management and service provision. Their rights are often neglected. When you look at their mental health issues, their non-compliance with medication and trying to get them access to services, it becomes less a right and more about getting it when you can. There are many people whom we work who simply cannot get access to the service. We can accommodate them, we can support them and we can try and teach them the skills to live independently, but if they cannot get access to a counsellor, cannot take their medication without support and cannot manage to live safely then there are some real issues and other systems kick in and some of their rights are eroded. I think that is a really hard thing to manage.

In accommodation services, with the best intent the white paper talks about the need for public housing and community housing. We absolutely agree with that—that is one of the only ways for many people to get out of homelessness—but there are going to be a whole lot of people whom even the provision of housing is not going to help. They still may not pay their rent. They still may not take their medication. They will still have unsafe situations. Some people are best placed in residential intensively supported services, and SAAP has provided some of that. I guess we are nervous that one of the risks is that those services are eroded to the point where they cannot provide it. There is lots of talk about residential services being expensive and providing outreach services being a much better way to do it, and that would be true if the people all wanted support, voluntarily accepted it and progressed. That is not the reality of what happens with many people. So I think there are some real issues about that.

I think there are some real issues about the capacity to pay. It is a right for people to enter an accommodation service and get a bed, and the white paper again talks about one of the targets being making sure that everybody who is rough-sleeping gets access and is offered somewhere to stay. We totally support that—before I retire, I would really love to see that—but many services actually are not funded adequately to provide that 24-hour support and access. If people are not paying a contribution for their stay then services struggle with that. So there is a really

complex issue around the right to the accommodation and also being funded adequately to provide and uphold that right. I think they are complex issues. Many people stay in the SAAP sector without contributing financially to their stay, particularly in the crisis services, and we need to work out how to maintain that while encouraging people to learn and to pay for accommodation, which is going to have to happen.

CHAIR—It is all about the basic reasons—why or how they have become homeless in the first place—

Ms Clay—Correct.

CHAIR—and why they remain homeless, let alone the need for the roof.

Mrs MOYLAN—Narelle, it has been over a decade, I think—

Ms Clay—It has.

Mrs MOYLAN—since we worked together to try and resolve some of these issues and improve the outcome for the homeless. I personally appreciate your very long commitment to addressing the problems of homelessness in Australia. Thank you.

Ms Clay—Thank you.

Mrs MOYLAN—My involvement has not been quite so intense over that period of time since I was minister. I am particularly interested in the issue, which I have raised before in this committee, of mental health and homelessness. I suspect that many of the people who sleep rough on our streets do have mental health problems. Since the time when we did away with institutional care, many families just cannot deal with the problems, and people find themselves without family support. Would you like to make a comment on any studies you have done through Homelessness Australia or any of your own observations with regard to that and how we might better address those fundamental problems of helping people with a mental disability so that perhaps in some cases we can avoid the homelessness cycle to begin with?

Ms Clay—Simon might want to add something as well. From my own experience, there are certainly a large proportion of people who have mental health issues, and some of them are undiagnosed, obviously. Particularly for young people, it is not okay to diagnose them too early because the problems may not really reflect an adult mental health problem. But, yes, there are some issues to be dealt with. I believe really strongly and have always believed that, if the mental health system and the health system responded in a quicker early intervention way when the young people are at home and when families first start to identify some issues, you actually could avoid people ending up homeless. However, I believe that just by the nature of mental illness there are some people who are not going to be able to be supported at home, are going to end up without a home and are going to be those who are very difficult to support, at least until they get treatment. What has happened over time with the Supported Accommodation Assistance Program is that they have often become de facto institutions, albeit much smaller, and I think they have been asked to support people way beyond the call of duty and their physical resources, to the point where some of it has been quite unsafe.

From my experience in New South Wales, the mental health system after-hours service is not adequately resourced or supported and has deteriorated over time. Even though we know that there is a higher incidence of mental health issues, we know that homeless people suffer mental health issues, after-hours support has reduced. Again SAAP picks that up. Many times we have had to go out on a call where the mental health system used to do that and SAAP workers are now doing it. If we ring the hospital, we are often asked to call the police with a mental health issue. That is not an appropriate response. You do not want somebody who is already suffering and not well to have a police response to their problem. So there is a range of things. I am loath to say that sometimes institutions did provide a place for people. They were not great places.

Mrs MOYLAN—It was not wonderful. Nobody would want to see a return to that. My concern is that governments closed these places and then never transferred the money it cost to run them into the supporting services within the community.

Ms Clay—There certainly needs to be more intensively supported residential placements which have health input and other input which would help young people and other homeless people get through that system. We do not do that. One of the reasons we do not do it I believe is that it is costly. I think that stops people acknowledging that we need them. They keep saying that outreach services are better.

Mrs MOYLAN—Has anyone done any studies to demonstrate that the cost of not providing services has far-reaching impacts in costs and quality of life for people with mental illness and also the people around them?

Ms Clay—My understanding is that there have not been any studies about that. It would be hard to do but I believe it would be an important piece of research.

Mrs MOYLAN—Do you know what percentage of people seeking accommodation services or sleeping rough would have the mental health problems? Has there been a study done on that?

Mr Simon—There have been a range of studies looking at issues for people who are homeless and have mental health problems. The really important thing to bear in mind is that there are a range of experiences of homelessness—I am sure the committee is aware of this—and a range of mental health problems. People who experience homelessness who have mental health problems are not just those people who might have been accommodated in psychiatric hospitals 20 years ago. There have been some studies done in inner-city Sydney which have looked at the experience of people sleeping rough for a long period. It has found that there is a very high incidence of schizophrenia and severe mental illness among that group. Nationally, the prevalence of that is about one per cent of the population but for the people in that study there was a prevalence of about 20 per cent who had schizophrenia, bipolar disorder and severe mental health issues. We can go away and put those figures together.

Mrs MOYLAN—It would be interesting to look at that because, as you said, mental health covers a very wide spectrum. It is like health issues—it can be from kidneys through to lungs or whatever. With mental health, we cannot put everyone in the same category.

Mr Simon—No. If you look at the different categories of people who experience homelessness in Australia, you can map their experience of mental health issues against that

experience of homelessness. Young people have quite different mental health issues—Narelle has touched on that. Frequently these are undiagnosed mental health issues. Again, I am sure the committee is aware that people in Australia who develop mental health problems generally first experience those issues when they are under 25 years of age. That is a different challenge to try to meet. Women escaping domestic violence are experiencing a lot of anxiety and fear—again, a quite different mental health issue.

This is a really good example of some of the challenges in framing the legislation. There are very different elements within the mental health system from a crisis team that go out when a person is about to do something violent to other people, through to GPs who prescribe medication for anxiety. They are all part of this response to homelessness. They are all working with people who are homeless. How do we capture what they are doing in the legislation? How do we build some accreditation service standards that are relevant and meaningful to them, just as much as specialist services or other services which work with people who are homeless?

Mrs MOYLAN—Do there perhaps need to be stronger protocols across services in relation to homelessness and mental health issues across the spectrum of mental health issues?

Mr Smith—It probably varies a lot from state to state because services are state funded and so are mental health services.

Ms Clay—Probably written guidelines, written messages, from the minister down through the department about the importance of homelessness and achieving what we want to achieve and providing the support that is necessary and important. But the best written protocols mean absolutely nothing if the services on the ground are not funded to implement them. I am so sick of protocols and partnership agreements and MOUs which, in my mind, do not deliver, unless you have the commensurate resources to go with it. So we write an MOU which says ‘SAP services do X’ and if they physically cannot do it, it means nothing. If it says, ‘Health are going to provide access’ but you cannot get it after hours then, again, the protocol itself means nothing.

Mrs MOYLAN—As you know, I had the responsibility for the youth suicide program nationally and we saw that. We wrote protocols for hospitals and so on and procedures for discharge, because people were being discharged without any other services and then attempting suicide, sometimes successfully, the second or third time. Nothing was put into place. It is a matter of how you link up a set of guidelines with a will and, as you say, the proper funding to allow it to happen. How do you see that being resolved, whether in those issues or the kinds of areas you are facing?

Ms Clay—I think the white paper has taken the initial step to get us along the right path. Having a leadership statement from the Commonwealth government that this is where we are going, knowing it is not going to be fixed in the short term, that it is a long-term thing, I think puts us on the right track. Of course it has to be relatively short term in terms of the resources they have allocated through the budget process, but we need resources allocated right through to 2020 to be able to do what those targets suggest. One of the things about the white paper is that, without the existing homelessness effort that is already there, both in the community sector and government, it is a series of projects over a certain time testing all different things in a whole range of different portfolio areas. I think that is excellent and that it is a good way to see what will work, but then it will need to be rolled out across the country. There may be a project in

Newcastle or in Melbourne. If they work then they will need to be recreated across the country. I see a need to increase the resources after this initial lot when we work out what works.

Mrs MOYLAN—Thank you.

Mr RAGUSE—Just expanding on that a bit, we talked about the affordability of providing whether it is for people in the normal situation of homelessness—whatever normal is—through to mental health. Further to disabilities, obviously there are models where it may be a case of the private sector being involved. NRAS is about rental affordability in the private sector being engaged. To my way of thinking a lot of that is about people having capacity to manage their affairs, and you were saying there are others who fall just outside of that, whether it is through mental health or people with wider disabilities. I do not know whether it comes into your agenda in terms of the models that might assist homelessness but also all those other people that may find themselves in that difficult housing situation.

Ms Clay—I think NRAS is a really good model and that it will assist many people who end up in homelessness services because they cannot afford housing and because there is not enough housing. So I think all those models are really useful. In many ways the disability sector has got a whole range of models that are supported. It is very rare that I hear people talking about defunding a residential group home because it costs too much. We know that some people with disability need that sort of support. So I guess we need to get to that point for other people who may not have a diagnosed intellectual or physical disability.

There are a whole range of models out there that we in this country often ignore. In country and regional areas they have had to work in partnership; they have had to do it on a shoestring. We keep on going to some great other thing and thinking there are a whole range of new models. I do not think they are; I think they are already there. I think they could be enhanced. I think they could be expanded. They could be funded better to do more. We should look at what we have got. I have been fortunate enough to travel around and visit some of these services. I think some of them do an extraordinary job. I think the public housing-community housing expansion under the National Affordable Housing Agreement is going to eventually show results but it is going to take a long time for that to really kick in. I think we are looking at a couple of years at least in the future before we can see the benefit of that investment. I think also there is a whole range of issues around the way we fund outreach models. In the service I work in we have some outreach services and they do a great job. But they need to work after hours and they need to be available on weekends. People have issues that should be supported then.

So I think the models we have often are prescribed by the funding that is available instead of the other way around. We are looking at models like common ground, which is getting quite a lot of airplay at the moment. But we have in this country already got supported housing and supported accommodation models. You do not need to borrow a brand-new model to have something working in a particular area. So the whole thing about models is that I think we have got them, I think we can provide some of them and I think they need to be supported better.

Mr Smith—It probably also emphasises another issue that the committee needs to consider in terms of models. A lot of services, as Narelle mentioned earlier, provide a range of different programs. They go and attract funding from different areas and then create, if you like, a model for their clients—for example, in the case of young people they broker a foyer model with

employment and accommodation. So they are pulling together funding from different programs. They have some base funding from Supported Accommodation Assistance Program and some funding from other programs. Those programs have service standards already that they are being asked to meet. You could pick some examples of the service standards that they are being required to meet. I guess, again, we would probably emphasise that the committee needs to acknowledge that and factor that into its final recommendations—not to impose new levels of accreditation and standards on people.

Mr RAGUSE—I think the question is who identifies those and who champions the cause for a model. As you say, they are out there; but who is making a judgement or a decision that this one should be favoured over this one. Do you have any comment to make on that?

Mr Smith—Are you thinking, in terms of the terms of reference, of actually saying in the principles that we need to be advocating one model over another?

Mr RAGUSE—I am just saying that all the models exist. At the moment we are saying that they exist and that there are good and not so good ones. So who is responsible for identifying the models which may be best applied? I am not talking about picking winners necessarily.

Ms Clay—It is interesting because I do not know if anybody has that role. Certainly Homelessness Australia and the state and territory peak bodies have and could provide a whole range of models. But because they are so different it would actually be a mammoth job to start documenting them—because what works in Dubbo does not work in Wagga and what works in Wagga does not work in Hobart. So there are a whole range of different models. But I think you are correct in saying that there is no body actually responsible for documenting and saying what are the different models. We would sort of go to some very simplistic things—there are residential models, there are outreach models, there are social housing models and there are the supported accommodation assistance traditional models. We now have other models being promoted. I do worry that we just jump on a band or a new thing and we do not support what is in fact working.

CHAIR—Forgive me if this is a bit of a strange question, but in relation to accreditation and standards we have been talking mainly this morning about processes that are already, more often than not, within the SAAP model or within the stream. But we also have boarding houses out there that are just sort of doing their own thing. An analogy that has been mentioned to me informally is with the aged-care system where we have accreditation and standards. But we have almost what you could call a licensing process beforehand so that they are all in the system to then be accredited and have standards set and tested.

In this case we do not have that. We have boarding houses and other entities that are offering accommodation to some people who happen to find it in some cities. It is probably far from satisfactory in many cases. A lot of these tenants, we all know, will probably fall into the category of those suffering from mental health issues. They are prone to the rip-off of pensions and other things. This is the really hard part of this debate, I think. Do you have any views on that situation or any thoughts about how we might begin to tackle that?

Mr Smith—Do you mean any views on the regulation of boarding houses?

CHAIR—If we are talking about accreditation and standards for the service delivery and a provision of housing for homeless or ‘edge-living’ people, if I can put it in that unfortunate way, then we have these boarding house ‘entities’—for want of a better term. What do we do there?

Ms Clay—In the thick of it you have also got caravan parks. You have got backpacker hostels.

CHAIR—You have got caravan parks—there are a whole raft of extraneous housing options that are good, bad and generally pretty ugly.

Mr Smith—Certainly boarding houses in this country are characterised by some very unpleasant things like violence, standover tactics—

CHAIR—Yes, exactly.

Mr Smith—people being forced to pay—

CHAIR—Yes. There is misappropriation of pension money—all sorts of things. They are not all like that but they are out there.

Mr Smith—They are very much sums of money for a very poor standard of accommodation.

CHAIR—Narelle is right—there is short-term or long-term caravan type housing.

Ms Clay—It is interesting. I think what you are talking about is also the complication of the private sector being involved in some of the housing provision.

CHAIR—Maybe.

Ms Clay—So the support often does not happen, and some of those people are not necessarily connected to support.

CHAIR—That is the point.

Ms Clay—There is that. I agree with you, I think, if where you are headed is: how do we regulate? How do we ensure that those people providing that are at least licensed or registered to provide some basic standards? I do not know how you do that in the private sector.

CHAIR—No.

Ms Clay—I think it is huge, because there are an awful lot of landlords providing services that in my mind do not meet adequate standards at all, and I get really concerned.

Mrs MOYLAN—Do boarding houses have to be licensed at state level now?

Ms Clay—I am not sure.

CHAIR—I do not know.

Mrs MOYLAN—I thought there would be some licensing regime for an actual boarding house.

Ms Clay—I think there are a whole range of different regimes. There is nothing consistent, and some slip through the net.

CHAIR—The point of me bringing it up is that just because a person is living in one of those places does not mean that they are therefore housed and therefore not homeless and therefore okay—because they will be itinerant as well. They will be in and out of services. Predictably, they will be all over the shop, so they fall into what we are talking about. I was not saying, ‘Can you please tell us the answer and we’ll do it’ but ‘What are your views on how we begin?’

Ms Clay—I do think you need to begin to look at it.

CHAIR—Absolutely.

Ms Clay—If we have to prioritise what is more important, worrying about accrediting existing services that already comply with some level of service compared to what the private sector is currently providing, I would think that it should be more of a priority to work out how we do it.

Mrs MOYLAN—That is really the point you were making in your opening statement.

CHAIR—That is right.

Ms Clay—I worry that we keep wanting to do things when we are missing some of the other parts of the picture. Across the country we have people who are living in boarding houses because there is nowhere else for them to go. They do not necessarily choose to stay in a supported accommodation service. Also, those places are full. The demand is huge, and so they end up waiting for community or public housing and sitting in places that are really unsatisfactory. At some point earlier in my career we used to think it was unsatisfactory just for women, but now it is unsatisfactory for everybody. There are an awful lot of aged people in places like that who really should be in a better service.

CHAIR—Narelle, you were making that point earlier, very well, that we are talking not only about a roof over their head but about the whole package that supports and enhances the possibilities of an outcome. These people are probably off a lot of those radars. Scott Morrison has arrived. I am sorry, Scott, I did not realise you had arrived.

Mr MORRISON—I had an unusual appointment which prevented me from getting here by 10 am. I apologise.

CHAIR—That is okay. Do you have any questions?

Mr MORRISON—There is just one overarching question. Forgive me if you have already covered it earlier. The topic for this inquiry is homelessness legislation. I am keen to understand, very quickly, what you think the purpose of such legislation should be. You guys are involved in the very practical end of this issue. We can pass every law under the sun, but that is not

necessarily going to change one thing on the ground. From a practical point of view, what do you think is the priority for legislation?

Mr Smith—I guess the easy answer to that question is that it sets the framework for how we are going to achieve our target of halving homelessness by 2020. It is where we define what homelessness is, where we say it is not just rough sleeping but a range of different experiences and where we set out some expectations about all of the services that work with people who are homeless, not just the existing SAAP sector but the mainstream services and boarding houses. We talked a bit about mental health issues before you were able to join us. It is really entrenching a rights based approach in responding to the needs of people experiencing homelessness.

CHAIR—That is touched on a bit in the introductory remarks, which you will see in *Hansard*.

Mr MORRISON—What do you think the risks of going down a ‘legislation for legislation’s sake’ approach are?

Ms Clay—Before we answer that question, could I add that the current SAAP legislation has been essential in protecting existing services, preventing money being taken out of them and put into political or other priorities.

Mr MORRISON—I think that is true, and you have made a good point about that. Now that it is all wrapped up into the NAHA, that could all shift.

Ms Clay—We have used the current legislation particularly around priorities that have been the responsibility of states and territories, so we look at young people in care. Often they try to have them in homelessness services. Our view always was that the states and territories should provide for the young people in their care and we have been able to use the legislation to help with that. I think there is still an element of legislation having to be used to protect funding and the service system until we achieve the target.

I think the other thing legislation does is give a very strong leadership message about homelessness being a priority in this country and working towards that. Over time, I think this will stay a priority but I imagine it will reduce from its high-level position over time and we need to make sure that we still achieve the targets. The legislation sets those parameters. It is an important piece of legislation.

Mrs MOYLAN—That leads me to another question, if I may.

Ms Clay—Sorry, I did not answer Scott’s second question because I took over.

Mrs MOYLAN—Sorry. Go ahead. Answer his second question.

Mr MORRISON—It was the question dealing with the risks of legislation. What do we have to be careful of in going down this path?

Mr Smith—One of the things we touched on is the micromanagement of the delivery of services and building really comprehensive accreditation and service standards which services

do not have the resources or capacity to meet. Another issue we touched on in that sense is that a lot of services, because they have brought together other programs under their model, are already meeting service standards when working with young people or older people.

Ms Clay—I think the risk in this one, because we have now widened it to include government mainstream service provision and probably private sector provision, is in how you write the legislation to capture that without making it so broad that it becomes meaningless. That is going to be hard. I do not envy the people having to find that balance, but this legislation cannot any longer be simply about the community sector homelessness effort.

Mrs MOYLAN—I just wanted to ask you a little bit about young teens and homelessness and what the law currently says about their care. I made a representation to the minister a few months ago for a country service. They have difficulty placing young teens in accommodation which is supervised and they feel a great need for that supervised accommodation. I got a negative response. So whose responsibility is it under the law to care for that young teen category, who are perhaps outside the situation where the government has to be the guardian? Can you tell me a bit more about that? It worries me.

Ms Clay—That has been a vexed question for the entire 20 years I have been in this sector. The current laws vary from state to state, because predominantly child protection legislation sits within the states. It becomes a very grey area. When I first started in this sector you were seen to be a young person until you got to 18 and the state government responsible for child protection cared about you until you were 18, and now we talk about 15-year-olds. So even though state legislation still has 18 as the line, resources and pressures and all sorts of other things mean we really do only prioritise under-15-year-olds.

It would be my view that in this country it is not socially acceptable in the mainstream population that young 15 year olds are out independently without very much support and supervision and yet we are still talking about putting young people in independent accommodation with outreach support. I think we need to make sure we understand that some of those young people are homeless and they need to be in services where you can provide a higher level of supervision such as this country expects for every young person.

Mrs MOYLAN—Would you say that one of the priorities for funding is that young teen demographic in looking at a legislative framework that is consistent?

Ms Clay—I think young people are a priority group along with women and children escaping domestic violence, frail aged homeless people and our Indigenous homeless people. So, yes, it is one of the priority target groups. I think if you look at the findings of the National Youth Commission's inquiry that we did at the end of 2007, early 2008, they give some very strong messages about how to manage young people and the sorts of things they need. We need to be looking at the education response, the pre-employment response and the health response. It is not going to be just one stream of service delivery that supports them. Consistent child protection legislation that supports children right through to the age of 24 would be something that I would love to see. In this country I believe it is possible and I think we need more resources to deal with those issues. Early intervention does cost money. We need to put more money into preventing young people ending up in a child protection system but they need a lot more support

than we are currently giving them. I think the education response is inadequate for young people, particularly young people who do not have family support.

Mrs MOYLAN—I am sure these situations arise all over the country but I know the Avon Youth group within my community covers a very large geographical area. There are inadequate accommodation services for young people caught in that demographic.

Ms Clay—It is interesting when we look at this legislation because again one of the risks, going back to Scott's question, is being broad enough to cover all of the different target groups and not being too prescriptive to limit what can happen.

CHAIR—Exactly.

Ms Clay—I wished we could help to write it with government because I think this legislation is hard. I think it is important. I do not think it should be muddled up with housing legislation. Although it is inside the broader NAHA I think we have to be careful it does not disappear. I think it does not just help homelessness. SAAP has been an early intervention response to a whole range of other things like drug and alcohol use, mental health, child protection and domestic violence safety. We misunderstand it just as a crisis response I think.

Mrs MOYLAN—The other issue that arises again is the issue not only of mental disability but of physical disability and the provision of accommodation services. That seems to be another gap. Certainly, I have had people come to me who say they cannot get into services because they are wheelchair bound.

Ms Clay—I suspect that is about removing CAP as a separate program, so it is now inside the bigger NAHA as well. As an accommodation service we are being told there is no longer CAP which has been the capital arm that supported accommodation services and we need to have them. Without that we are never going to be able to have appropriate properties with disability access. Even now with CAP because it has been kept so small I am often told, when we are talking about a property development, that an elevator is a luxury. I do not agree with that. I think that is wrong. When we are talking about housing a range of people including those with a disability—

CHAIR—It is only a luxury if it is a one-storey building one would suggest!

Ms Clay—I would want this homelessness legislation to have a capital component to it. We need to support the capital that comes into homelessness services not just capital for housing.

CHAIR—Sorry, I didn't mean to be flippant but it is true. We have to draw this meeting to a close. In doing so, I want to thank you and the organisations you represent very much for the submissions that we have received and the wonderful discussion we have had this morning. It may not be the last one we have with you and I hope that is okay with you should the need present itself to the committee.

Ms Clay—We are happy to be available.

Mr Smith—If there are any specific things that you are interested in, please contact us.

CHAIR—We will through the secretariat of the committee.

Resolved (on motion by **Mrs Moylan**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 11.04 am