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Official Committee Hansard

**HOUSE OF  
REPRESENTATIVES**

STANDING COMMITTEE ON FAMILY, COMMUNITY, HOUSING  
AND YOUTH

**Reference: Homelessness legislation**

WEDNESDAY, 9 SEPTEMBER 2009

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BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES



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**HOUSE OF REPRESENTATIVES**  
**STANDING COMMITTEE ON FAMILY, COMMUNITY, HOUSING AND YOUTH**  
**Wednesday, 9 September 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 Collins, Ms Annette Ellis, Ms Livermore, Mrs Moylan and Mr Trevor

**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**

**FARRELL, Mr James, Manager and Principal Lawyer, PILCH Homeless Persons Legal Clinic ..... 9**  
**HARTLEY, Mr Chris, Policy Officer, Homeless Persons Legal Service..... 1**  
**HOURIGAN RUSE, Ms Julie, Coordinator, Homeless Persons Legal Service ..... 1**



**Committee met at 10.11 am****HOURIGAN RUSE, Ms Julie, Coordinator, Homeless Persons Legal Service****HARTLEY, Mr Chris, Policy Officer, Homeless Persons Legal Service**

**CHAIR (Ms Annette Ellis)**—I declare open this public hearing of the inquiry by the House of Representatives Standing Committee on Family, Community, Housing and Youth into homelessness legislation. This is the second public hearing for the inquiry. The homelessness legislation inquiry was announced on the 24 June. Written submissions were called for and over 90 have been received to date.

I welcome to the table representatives of Homeless Persons Legal Service. Although the committee does not require you to speak under oath, you should understand that these hearings are formal proceedings of the Commonwealth parliament, and the giving of false or misleading evidence is a serious matter and may be regarded as contempt of the parliament. On behalf of the committee I thank you for the submission that we have received from you and which we all have a copy of. Would you like to make a brief introductory statement before we get into discussion?

**Ms Hourigan Ruse**—The Homeless Persons Legal Service was established in 2003 by the Public Interest Advocacy Centre and the Public Interest Law Clearing House. HPLS is funded by the New South Wales Public Purpose Fund through the support of New South Wales Attorney-General. HPLS provides free legal advice and ongoing representation to people who are homeless. We currently operate nine clinics in welfare agencies in the greater Sydney area. Since the launch of HPLS, we have provided advice to over 3,000 clients.

The Homeless Persons Legal Service welcomes the opportunity to speak to the House of Representatives Standing Committee on Family, Community, Housing and Youth inquiry on the proposed new federal legislation on homelessness. HPLS believes that in order for the legislation to address the growing rates of homelessness in Australia, it should be based on a human rights framework. The previous piece of legislation governing the operation of homeless services in Australia, the Supported Accommodation Assistance Act, made only limited and aspirational references to Australia's international human rights commitments. Most prominently that act detailed in its preamble that homeless people's 'universal human rights should not be prejudiced by the manner by which services are provided to them.' However, it is clear that the intention of government—that the provision of services to homeless people would not impact upon their universal rights—has not translated into practice.

In May this year, in response to the federal government's National Human Rights Consultation, HPLS held a series of human rights workshops in inner-city Sydney. During these consultations HPLS received considerable feedback from homeless people that their human rights in areas such as housing, social security, discrimination and personal safety were being consistently undermined by the operation of federal, state and territory government policies. In addition, those consulted by HPLS were concerned that SAAP service providers were also failing to adequately protect their human rights in service delivery.

One person consulted during one of these workshops shared the following story:

I was living in a boarding house where the rent had to be paid 4 weeks in advance. It was also \$460 a fortnight for a small room and \$50 a week for cleaning. It was disgusting: the area was surrounded by drugs and prostitutes. One day I woke up after cockroaches had bitten me. I complained to the owner and was kicked out. When you are homeless you just have to sit back and take it.

On the basis of these consultations with homeless people and our policy and legal work, HPLS believes that a human rights framework in any new piece of homelessness legislation is essential. Unlike with the Supported Accommodation Assistance Act, the new legislation must not contain merely aspirational statements about human rights but detailed standards that must be met by service providers to retain funding and accreditation. Importantly, the federal government must ensure that it provides adequate support and resourcing to the sector to enable the realisation of these rights and standards. In addition, HPLS believes human rights standards in the homelessness legislation must provide individuals with effective remedies for breach of these human rights by government and service providers.

What would a human rights framework in the national legislation look like? HPLS believes that such a framework would protect and promote rights to adequate housing. Currently the Supported Accommodation Assistance Act and SAAP accommodation services fail to provide those experiencing homelessness with a right to housing in a number of key ways, including by turning away over 59 per cent of people initiating new requests for supported accommodation on an average day, by excluding homeless people with complex needs and by failing to provide accessible accommodation options for people with physical disabilities.

HPLS believes that new federal homelessness legislation should seek to overcome these rights violations by incorporating a right to adequate housing. The submission of the Homeless Persons Legal Service and the Homeless Persons Legal Clinic provides detail on jurisdictions such as the UK and Scotland that have sought to incorporate such a right. In addition, a human rights framework would promote the involvement of homeless people in policy and service delivery decisions. Currently, the Supported Accommodation Assistance Act is silent on the rights of homeless people to be involved in government and other decision-making processes that directly affect them.

New homelessness legislation could protect and promote this right in a number of ways, including financing new homeless consumer bodies and providing ongoing resourcing for already existing bodies such as Street Care. New homelessness legislation should require government departments and agencies, such as Housing NSW, Centrelink and FaHCSIA, to engage such consumer groups before making substantive policy and legislative reforms. It is also essential that national legislation promote the role of homeless people in service delivery by making consumer involvement a prerequisite to service accreditation. There are a number of other human rights that should be protected by the new homelessness legislation. For details of these I direct the committee to the HPLS submission.

HPLS also believes that new national homelessness legislation should promote the delivery of services to homeless people that are based on individual need not on the need of support agencies. Too often homeless people with complex needs are denied adequate support and treatment because of inappropriate exclusion and service policies. An example of this is the prominence of short-term support services in Sydney that provide limited three-month support for individuals with complex and long-term needs. HPLS believes homeless support services

must stop telling their clients what their needs are and actually stop and listen and then plan services around what homeless people are telling them they need. HPLS believes that support must be individually tailored for as long as necessary to ensure lasting positive outcomes.

This committee's inquiry into homelessness legislation provides for a real opportunity to recognise the considerable role that violations of human rights play in causing and further exacerbating homelessness and in preventing people from permanently exiting homelessness. New homelessness legislation should not simply pay lip service to the protection of human rights as does the current Supported Accommodation Assistance Act but should provide concrete standards of practice that are enforceable against service providers and federal, state and territory governments. Recognition, promotion and fulfilment of the human rights of homeless people in new national legislation will go a long way towards ensuring the ambitious targets of reducing homelessness contained in the white paper *The road home* can be realised.

**CHAIR**—Thank you both for being here. Your very first recommendation in your report is the need for the legislation to protect the human right of homeless people to adequate housing by incorporating an enforceable right based on international models such as the Homelessness Act in Scotland. Could you discuss briefly with us how these models operate in practice. Because you are making a direct reference to a particular model in Scotland, I would like you to talk to us about how that would apply and why you believe that that model is the best thing for us to look at here.

**Mr Hartley**—I think our submission makes reference to two models. One is the Homelessness etc (Scotland) Act and the other is the Homelessness Act 2002 in the UK. The UK act does impose an obligation to provide housing, but there are some limitations within the UK act. For example, you need to establish that you are in priority need and also that you have not caused your own homeless situation. So we would recommend the Scotland act, which does not necessarily provide a right to housing, but that within 10 years that all homeless people will be offered housing in Scotland.

**CHAIR**—Can you explain to me the difference? I find it interesting that you are saying that UK one says 'whether or not you have caused your own homelessness'. That is a very problematic angle, isn't it?

**Ms Hourigan Ruse**—They use a phrase called 'intentional homelessness'.

**CHAIR**—Do you want to discuss that a little bit more?

**Mr Hartley**—Yes. It is that you have not deliberately lost your accommodation. So if there are issues around the payment of rent—there is a wide variety of narrow definitions of why you could be excluded from right to adequate housing. Off the top of my head, I cannot think of another concrete example, but it is very limited.

**CHAIR**—You could have not paid your rent because you might have broken your neck or had a mental breakdown.

**Mr Hartley**—Absolutely.

**Ms Hourigan Ruse**—And an issue that our clients often face is they have to make the decision between paying their rent and paying for their medication in a week or a fortnight. It has that catch 22: if you do not pay your rent, your tenancy is at risk; if you are unwell and you are not having your medication regularly, then your tenancy is also at risk but for different reasons.

**Mr Hartley**—The other benefit of the Scotland act is that it places people around their support services in their community. That is often a problem for our clients—that is, they are placed by the housing department, Housing New South Wales, in areas where they just do not have support at all. So often it is in rural locations or out of Sydney. That is another benefit of the act.

**CHAIR**—Kirsten, do you want to come in here?

**Ms LIVERMORE**—I want to expand further on the Scottish experience.

**CHAIR**—So we are going down the same track. Do you want to add any more to what you have already said about the Scottish example?

**Mr Hartley**—No, but our colleagues at the Homeless Persons Legal Clinic who are here have done some substantive research on that, so I might pass to them.

**Ms LIVERMORE**—If we have finished up on that point, then it becomes a question of expressing that right within the legislation and how that is enforced. Do you want to talk about how you would see the enforcement of those rights?

**Mr Hartley**—There are a few different mechanisms. It could involve a right to enforce that at a court level. There are some strengths and limitations to that. There are also things like promoting a resolution process, where if there is a breach of that particular right, that a homeless person can go to a particular agency and discuss it—I suppose a kind of dispute resolution approach instead of it being a court focused enforcement.

**Mr TREVOR**—You speak of the homeless being more involved in future policy design. Could you elaborate on that for us, what ideas you might have in relation to that aspect of your submission?

**Ms Hourigan Ruse**—We have recently set up a consumer advocacy group called Street Care. The role of that group is to assist government agencies and non-government agencies to consult with homeless people. A recurring theme through the work of HPLS from our clients is that before you complain about a service or to a service, you need to decide whether you can live without that service. There are very limited complaint mechanisms around services as they are currently structured, and homeless people are often barred from services. They are seen as ungrateful if they raise any issues about the way services are provided. In an employment situation or in any situation there are opportunities for redress. Homeless people currently do not feel that they have that.

**Mr TREVOR**—They do not have an ADR or a mediation type process?

**Ms Hourigan Ruse**—Yes.

**Mr Hartley**—I think that, on a systemic level, for things like the green or white paper there was some limited consultation with homeless people, but a lot of that came from agencies like ours and the Homeless Persons Legal Clinic, who did the majority of consumer consultations. If there is a major policy that will affect homeless people being decided by state and federal governments, we would like to see them defer to established homeless consumer groups, such as Street Care, which are supported and provided with assistance so that they can comment on the policies.

**Mr TREVOR**—What about tribunals in the event of conflict resolution?

**Mr Hartley**—Are you talking about the involvement of homeless people?

**Mr TREVOR**—Yes.

**Mr Hartley**—At the moment, as Julie was saying, the complaint procedure is really given over to the services. I do not want to criticise all services, but most homeless people's rights really do not get respected in that process. So for there to be an ongoing role for homeless people in that process would be really good.

**Mr TREVOR**—And community legal services, such as yours, could facilitate the representation of homeless people before the tribunal.

**Mr Hartley**—Yes. I would like to stress that consultation can be done in a really poor and abusive way. Actually using dedicated consumer groups like Street Care is great because they are supported and structured in a way that allows that feedback.

**Ms Hourigan Ruse**—I think another important thing is that if homeless people feel that they can complain with impunity then issues probably would not escalate to a tribunal. They would not escalate to that level. I think that, if homeless people had greater participation in the way services were structured and provided, a lot of issues could be resolved at the ground level without them being escalated at all.

**Ms COLLINS**—We heard from some departmental officials last week about this enforcement and regulation side, and one of the questions we have heard is how far you go with the regulation—whether you go to the aged-care model, where there is very heavy regulation, or whether we just have a little bit. Obviously we do not want to dry up the number of beds for homeless people, but we want them to be of a reasonable standard. I wonder if you have any comments on how far you think we should go and what sort of standard you think would give people enforceable human rights? What level of standards do you think there should be?

**Ms Hourigan Ruse**—An adequate standard! I think part of the problem with the standards is the way a lot of the services are currently funded. There is one service in the Illawarra that has to go through three separate accreditation processes, and that is just silly. It is an enormous burden on services, particularly small services, to go through accreditation processes. If they get funding from different sources, they have different requirements. That is labour intensive and diverts their time from doing good work. There should be accreditation standards but, if you are

accredited for one type of funding, surely that should just apply across the board. There should be more uniform standards that apply, rather than different funding providers having different standards.

Linked in with accreditation is SAAP services, which currently have their standards, but you also have unlicensed boarding houses and caravan parks—that is, you have these accommodation providers that have no regulation at all and where people are turfed out at will. That is a serious problem that needs to be addressed. How you do that without drying up the number of beds, I do not know. I wish I did have the answer to that, but there needs to be some uniform standards that apply across all of the accommodation providers.

**Mr Hartley**—In terms of human rights specifically, it really needs to be governed and supported by adequate funding. I know some services are quite reluctant for there to be increased accreditation and human rights procedures because they are running on a shoestring budget. They just do not have funds to do this kind of thing. It is one thing to talk about human rights but, if they are not adequately funded, it will not happen in practice.

**Ms LIVERMORE**—That probably relates to the question I was going to ask. I am trying work out the balance between your recommendation that we have recognition of the right to adequate shelter or housing and the practice at the moment that you talk about in your submission where many services exclude people with complex needs. At what point do we start putting such an onus on housing organisations to meet needs where there are failures in other areas of the social supports for those kinds of clients?

**Mr Hartley**—Yes, I do think that needs to be acknowledged.

**Ms LIVERMORE**—Do we set the bar too high for them?

**Mr Hartley**—Yes. Again, it is having that adequate funding. But also, looking at the other side of the coin, especially in terms of physical disabilities, you do have the Disability Discrimination Act, which does apply. But if you are disabled and living on the street, of which there is quite a number of people, you have to sleep rough because services are not available to you. For us, it is actually looking at focussing on the needs of the client first and what can be done to address that. If there were actually adequate funding a lot of these service standards would be implemented, especially around disability.

**CHAIR**—The whole structure of the new homelessness legislation offers great opportunities and challenges, particularly in relation to all of the issues surrounding homelessness: health, social security, participation, employment and training. It is not just the roof, it is everything that goes with it.

**Mr Hartley**—Absolutely.

**CHAIR**—How do you see that as a part of this legislation? What would be your views on how we address the surrounding issues as well? We are not just talking about putting a roof over someone's head when we address homelessness. It is a very complex area, but we need to knit all of that together—do we?

**Ms Hourigan-Ruse**—We do, but it is a little ad hoc. It relies on the current SAAP services having the networks to tap into the supports that a client needs. A story that was relayed to us earlier this week was about a client who was escaping a domestic violence situation, but went to a crisis accommodation service and so was not offered support for their domestic violence needs because that was not the service that provider offered.

It comes back to having no wrong doors into service providers and services being tailored, wrapping the services around and listening to what your client needs and then being able to source that support, whether that is through brokerage or whether the services are big enough to provide it. As Chris mentioned, in rural and regional areas it is very difficult to access some of the medical support and the psychiatric support that you need because people are just not there. The trained professionals just are not there.

**CHAIR**—It is incumbent upon us in this legislation that, somehow, through the human rights structure alone, we try to address that complex network, isn't it?

**Ms LIVERMORE**—That is right. I guess what you are saying is that if you look at it from that human rights framework, if you are providing a service in the homeless sector then it is not just about how you administer your service, it is about how you meet the genuine and holistic needs of the clients that you serve.

**Ms Hourigan-Ruse**—Certainly; and having the networks available so that you know who to contact and the client is not given 10 referrals and told to go to 10 different places to access support. It is about the service provider being able to say, 'Okay, I can bring 10 people to you to assist you.'

**CHAIR**—Chris, you represent an electorate that is out in the middle of nowhere?

**Mr TREVOR**—You are asking?

**Ms LIVERMORE**—That is a tactful way to say it!

**CHAIR**—I say that in the nicest possible way. Do you have anything you want to ask or comment about to these folk from your perspective?

**Mr TREVOR**—No, I think to a large extent it is to do with adequate funding. The issue of human rights can be addressed—to some extent, maybe not totally—by the provision of additional funding to the system. Do you agree with that?

**Ms Hourigan-Ruse**—To ensure those networks, absolutely.

**Mr Hartley**—I think additional funding is essential, but actually having those standards is something to aspire to in giving homeless people an option to say, 'Actually you've promised to provide this particular service; this is a standard that you are required to do, but this is not happening.' Whereas at the moment it is up in the air.

**CHAIR**—Because of time, we are going to have to draw this to a conclusion and I apologise for that. It has been a very good discussion. I want to thank you again for your submission which

is very thorough and gives us a lot of the material that we have been skirting over. Thank you for coming this morning. We may be in touch again.

[10.36 am]

**FARRELL, Mr James, Manager and Principal Lawyer, PILCH Homeless Persons Legal Clinic**

**CHAIR**—Welcome. Thank you for being with us and for a very useful and comprehensive submission with an enormous amount of really good information in it. Although the committee does not require you to speak under oath, you should understand that these hearing are formal proceedings of the Commonwealth parliament, and giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. Would you like to make a brief introductory statement before we get into a discussion?

**Mr Farrell**—I start by endorsing wholeheartedly the views that were expressed earlier by my colleagues from the Homeless Persons Legal Service in New South Wales. Our service was established in 2001 with 13 outreach locations throughout Melbourne and expanding into regional Victoria. It is important to note that we are not a homeless service provider. We are a provider of legal services to people who are experiencing homelessness. In that regard, we are probably not as well placed as other organisations to talk about specific standards of homeless service providers. What we can do—particularly given that we are client-driven and, we would like to think, zealous advocates for those clients—is bring those experiences to the table.

I also commend the government on the release of the white paper and its commitment to ending homelessness, and introducing legislation that will underpin the national response to homelessness, ‘setting standards to deliver the best quality services possible’ which is a quote from the white paper and one that we are very hopeful that we can achieve.

**CHAIR**—On pages 19 and 20 of your submission you talk about discussions that you held with homeless people in which there was reporting of multiple violations of human rights, in their view, in the way that they were living, operating and interacting with the service providers and others. Can you talk about what you think would be the most effective mechanisms to address that type of human rights breach or violation, as described by the people that you were speaking to, and how we should possibly consider incorporating that sort of thing into the legislation.

**Mr Farrell**—I think it is important to note that there were two separate rounds of consultations, one that informed our response to the green paper on homelessness and the other that informed our response to the National Human Rights Consultation which continues. The consumers that came to us and spoke about their experience talked about all of the different services that they try to access. It is certainly not limited to homelessness services. I think it is really important that, as part of this process as you identified earlier, the approach taken is one that is holistic and that looks at all of the intersecting services funded by government and non-government organisations.

A few key points that came out of those consultations were points such as: ‘No-one listens to what I have to say’; ‘I tell my story to 20 different people, 20 different times, as I am punted from pillar to post and, if I do make a complaint, it goes nowhere’; ‘I’m barred from the service’;

or ‘They don’t believe me.’ I think a vital mechanism needs to be introduced into the legislation. We would support the enforceability of the right to an adequate standard of housing, which includes appropriate grievance mechanisms. You will note in our submission that we call for the establishment of a commission on housing rights.

**CHAIR**—In fact, you mention two things: the establishment of an office of the commissioner for adequate housing and a housing ombudsman. Do you want to go a bit further and discuss how you are now bringing those into the discussion and how they would operate? How would you see them reflecting what we are discussing?

**Mr Farrell**—We think it is vitally important that each of the services be required to have and does have its own internal grievance procedures, as is only appropriate. Having said that, there are situations—and these were alluded to earlier by Chris and Julie—whereby a person who makes a complaint feels that they are not being heard and is often excluded from those services. So we think that being able to escalate those complaints or grievances to an independent umpire is vitally important and have suggested that a housing commissioner could be situated within the Human Rights Commission. It is also important that, while there is a mechanism for individual complaints, there also needs to be monitoring of standards on a more macro level. And that would be the role that we would see an ombudsman would have, because it would be inappropriate for a commissioner who investigates particular complaints to then have an oversight role, if you like, in how the standards are or are not being met. That is why we suggest separating those two roles.

**CHAIR**—That is terrific. Thank you.

**Mr TREVOR**—I worry about time frames in relation to complaints by homeless people. Are you saying that the current legislation is not addressing the needs of homeless people when it comes to dispute resolution? You have suggested some ideas in relation to dealing with that. My principal concern is in relation to time frames, so far as the setting up of a tribunal or a resolution process or a commissioner is concerned. How would we deal effectively, efficiently and quickly with the issues affecting homeless people when a dispute arises?

**Mr Farrell**—That is a huge challenge and it is certainly a challenge that our clients experience in other tribunals when exercising their rights to have other grievances heard. We would say that it is important that there be statutory time limits for investigation of complaints so that it does not drag out and that there be mechanisms that exist in other legislation in other contexts, such as the requirement to provide written reasons to complainants about why particular decisions are made by homeless service providers, and that there be appropriate time frames—which you raised—for both internal review and external review by, we would say, the commissioner or the tribunal. It is important that they are adequately resourced to work to those time frames because these are often very immediate issues that need immediate resolution, as you have rightly raised.

Having long, drawn out, court based processes is completely inappropriate. It needs to be a model that is properly resourced and that has those limits in place but that is also appropriate, adaptable and flexible enough to deal with very urgent applications. You are absolutely right to raise the time frame as an issue because often these are urgent issues that do need to be addressed urgently.

**CHAIR**—Could we jump forward a little bit and imagine we have covered off adequate tribunal or other hearing processes in the legislation and have incorporated standards? Let's imagine that we have jumped forward far enough that we have this product in front of us. Would it be fair to say, assume or hope that, with the appropriate standards and with the change the legislation would bring in in certain areas anyway, a lot of the things that clients are now telling you that they are frustrated by, if they are adequately addressed in the legislation, we would then hopefully see a far fairer playing field upon which they are existing anyway? What I am getting at is that the complaints mechanisms need to be seen as being established in a better world anyway. I do not wish to sound naive about this but that is what we are hoping will happen. That is why we are doing this inquiry. If all of the appropriate things that we hope should be in the legislation are there, then we could assume, could we not, that the complaints mechanisms will have quite a different shape after a period of time? Or am I being naively optimistic, and I am happy to be accused of that? I think you know what I am getting at. It would be a different ballgame to some extent, one would hope.

**Mr Farrell**—One would hope that that is the case. The feeling that we get from what our clients are saying is that it is not so much the regulatory framework in which the service providers are operating, it is the culture within the sector and, necessarily, that will take longer to change—

**CHAIR**—You are right.

**Mr Farrell**—than that legislative framework that underpins it. So it is very important that we recognise that, as important as the legislation is—and it absolutely is—that cultural change that needs to permeate through housing service providers and other service providers in this space will take time. As fantastic as the legislation will be in effecting some of that cultural change, it needs to go deeper than that.

**CHAIR**—Would it be worth considering for that tribunal or ombudsman process that there would be a formal, recognised, but easy to access early mediation process as a first step through mediation services that either currently exist or that could be expanded to cover this?

**Mr Farrell**—We would see it like a structure that works in other organisations where there are formalised internal review processes. I think it is important to realise that. The organisations themselves are trying to do the right thing and, in many cases, do the right thing. Certainly, as a matter of policy, or vision or whatever you might like to call it, that is what they are out to achieve. Having an internal review mechanism that is an important part of the process is really important. If you are aggrieved with a person on the front counter then you go off to an AAT or something like that. There needs to be a very formal process for dealing with those disputes, both internally and by way of escalation.

**CHAIR**—Judi, do you want to say anything?

**Mrs MOYLAN**—Thank you, Chair. I apologise for being late, but I had to speak in the House. I am painfully aware of the many abuses of the rights of homeless people, particularly their vulnerability. I am curious to know: what is different about a homeless person to any other person in terms of human rights? My concern is that many of the needs of homeless people are

perhaps associated with mental health issues, and it is an issue for the wider public, not just for homeless people.

We heard evidence from Narelle Clay from Homelessness Australia at the last hearing about, for example, the lack of after-hours mental health services, but that is a problem for the whole of the community. I am not quite sure how we can justify separating these issues. I am curious about it. I have not thought deeply about it but it strikes me that there are great deficiencies, for example, in housing for people with a disability who may not be technically termed 'homeless'. How do we reconcile this to the wider deficiencies that we see every day in the community?

**Mr Farrell**—I think you are right to recognise the vulnerability of people who are experiencing homelessness. The causes and effects of homelessness are many and varied and do include mental health, substance abuse issues, family violence, and sexual and physical assaults. It is interesting to note that the research suggests that, in terms of mental health, 60 per cent of people who are experiencing homelessness develop mental health problems as a result of that experience, which is contrary to community perceptions or stereotypes that say that people have a mental health issue and that leads them into homelessness. It is homelessness—

**Mrs MOYLAN**—I think it is very much a mixed picture.

**Mr Farrell**—Because of those many and varied causes and effects and the interrelationship between the mental health issues, the drug and alcohol issues and the family situations, it is necessary that people who are experiencing homelessness tap into a very wide variety of services. We, in our submission, support the use of an individual needs assessment as part of the intake process into homeless services that identifies those many and varied needs of people who are experiencing homelessness and taps into the appropriate support structures, whether they are mental health support structures or domestic violence support structures that exist for the wider community. It is about bringing all of those services together. It is not necessarily about establishing those services just for clients who are experiencing homelessness. It needs to be a co-ordinated approach. It is a health issue, it is an issue of income and social security and it is an issue of appropriate drug and alcohol treatment facilities. It is all of those things. It is not just a roof.

**Mrs MOYLAN**—I actually understand all of that. I guess it goes back to question No. 2 that is on my sheet:

How do you anticipate that a legislated and enforceable right to adequate housing could be most effectively implemented and what do you see as the main challenges? How should enforcement apply to (a) government services and (b) non-government services?

I suppose the question is: how is having a legislated and enforceable right to adequate housing any different for somebody who is technically homeless and other people who may not be technically homeless but are still struggling to find affordable housing, like somebody with a disability, for example?

**Mr Farrell**—They are very important points. I would reiterate that our view is that this legislation and the government's approach to homelessness more generally should not be just about the provision of housing services. It needs to be about connecting people who are

experiencing homelessness with the services that they need. This legislation provides a framework in which that can be done. But it certainly cannot be done in a vacuum.

**CHAIR**—Is there anything else that you would like to take the opportunity to highlight to us that is in your mind following this discussion or within your submission?

**Mr Farrell**—I would like to reiterate the point that was made earlier by my colleagues. The most appropriate models—as we see it—are from an international context. I note the terms of reference of the committee draw on or suggest that other community or human service models that exist within Australia might be an appropriate basis. We would suggest that the international experience, Scotland predominantly but also South Africa and the UK to a lesser extent, are probably more appropriate models.

**CHAIR**—Yes, the Scottish one was highlighted in the previous submission and witness statements. I do not think we have anything else except we are probably going to read your submission and the one before again. It is always a very useful thing to do after we have met you and had this discussion. I want to thank you sincerely, and please pass our thanks on to your colleagues back at PILCH. Thank you for being here this morning. It is enormously useful for our committee to have these discussions and flesh out some ideas that we might be trying to come to terms with.

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 10.56 am**