



Inquiry Homelessness Legislation August 2009

4th August 2009

The Committee Secretary
Standing Committee on Family, Community, Housing and Youth
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Dear Committee Secretary and Members,

Submission to the House of Representatives Inquiry into Homelessness Legislation

Thank you for the opportunity to provide a written submission to the Inquiry.

We were pleased to see the Inquiry called and hope that the deliberations during the Inquiry and the subsequent recommendations lead to appropriate, meaningful and useful legislation that maintains the positive components of the current Supported Accommodation Assistance (SAAP) Legislation which include an emphasis on social justice.

Our submission provides information on Southern Youth and Family Services (SYFS), the context in which we operate, some general comments and specific comments addressing the Terms of Reference.

Please feel free to contact me should you require clarification or additional information. I am happy to make myself available to provide verbal evidence to expand or clarify these issues should the Committee feel that would be useful.

Yours Faithfully,

Narelle Clay, AM
Chief Executive Officer



Submission to the House of Representatives Inquiry into Homelessness Legislation

Our Response

Our response to the Inquiry is based on our long history of providing services to young people and their families and our thirty year history of working closely with all State and Government Departments relevant to the needs of children and young people.

Background Information on the Organisation

Southern Youth and Family Services (SYFS) was formed in 1978 as a response to the needs of homeless young people and it has developed into a medium sized community agency providing services to young people and their families in southern and south eastern NSW. The service covers five Local Government Areas of Wollongong, Shellharbour, Kiama, Shoalhaven and the Goulburn Malware. The organisation also delivers one National Project as the sole provider. SYFS, however, still has as its core business the needs of homeless and disadvantaged young people and their families.

SYFS provides a range of social welfare services to youth and families with a particular emphasis on young homeless people and their families. In the last financial year SYFS provided 36 services – 2 self funded and under 18 different contracts - 11 services funded through 9 separate contracts by 3 Federal Government Departments (Department of Family, Housing, Community Services and Indigenous Affairs, Department of Health and Ageing, Department of Employment, Education and Work Place Relations) and one Federally Funded Consortium; 11 services through 3 contracts in 4 joint State and Federal Programs (detailed below); and 12 services through 6 contracts with 5 State Government Departments (the Department of Community Services, Housing NSW, Department of Health, Department of Education and Training and the Department of Juvenile Justice).

In many ways, SYFS can be seen as a local site which embodies the whole of Government approach or joined up service delivery. SYFS has developed and enhanced services and added programs to meet the needs of young people. We have a strong view that you have to meet many needs simultaneously to help a homeless or otherwise disadvantaged young person. SYFS offers a wrap around service response for a young person. The complexities in providing this can partly be explained by the appallingly uncoordinated funding system which operates across State and Commonwealth Governments programs to community groups such as SYFS. Until recently SAAP formed 50% of the agency's overall funding but in an environment of no growth funding and inadequate indexation (to keep pace with the cost of living) for SAAP, the organisation has attracted funding from other sources to meet the needs of the target group. However, this has created a huge administration burden on the Management and Staff.

The agency receives funding from a number of programs including:-

State Funded

- The NSW Department of Community Services (DoCS) through the Community Services Grants Program (CSGP) for the Family Counselling Project, Out of Home Care (OoHC) Program for both residential care and independent living support, and Drug Summit for the RAGE Program for support for young people with specific issues such as drug and alcohol problems, and other at risk behaviours.
- The NSW Department of Housing and the Office of Community Housing (OCH) for Supported Housing Initiatives Program (SHIP), Crisis Accommodation Program (CAP) and leases.
- The NSW Department of Juvenile Justice Post Release Support Program for RAILS outreach support.
- The NSW Education Department Links to Learning Program for education for early school leavers.

Commonwealth Funded

- The Commonwealth Department of Education, Employment and Workplace Relations (DEEWR) through Connections for education and pre vocational support, Innovations for education, training and pre-employment support, the Transition to Independent Living Program (TILA) a special allowance to young people leaving care and until June 2009 the Job Placement, Employment and Training Program (JPET)
- The Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) through the Reconnect Program for early intervention for families, Newly Arrived Youth Support Service Program (NAYSS) special assistance to young people and families who have recently arrived in the country, Emergency Relief emergency cash assistance, the Mental Health Community Based Program for early intervention for young people and families with mental health problems, the Investment Fund (previously Local Solutions Program) for special assistance to young parents.
- The Commonwealth Department of Health and Ageing for the Healthy Active Australian Program for the Healthy Active Positive Youth Program (HAPY) for services in adolescent health.
- National Youth Mental Health Foundation Youth Services Development Fund for the new youth friendly General Practice Health Service until June 2009.

Joint Commonwealth and State Programs

- The Supported Accommodation Assistance Program (SAAP) for various residential and outreach supports through the NSW Department of Community Services and the Commonwealth Department of Family, Housing, Community Services and Indigenous Affairs (FaHCSIA)
- The Commonwealth Department of Health and Ageing and South Eastern Sydney and Illawarra Area Health Services (SESIAHS) for the Innovative Health Services for Homeless Youth Program (IHSHY), the Non Government Organisations Grants Program for the National Women's Health Program (NWHP)

The agency manages thirty six services including:-

- Two Crisis Youth Refuges
- Two residential medium term supported accommodation services
- A Foyer service combining employment, education and accommodation
- Two outreach accommodation and support services with living and social skills education
- Two outreach support and brokerage services which support and provide financial assistance to young people with issues such as drug and alcohol, mental health and other risk behaviours
- Three residential out of home care services, one short term and one medium term and one with outreach support and four more in the implementation stage
- A subsidised community housing program
- Two early intervention services working with young people and families to keep young people engaged with family, to prevent homelessness
- One early intervention service working with young people and families to keep young people engaged with family, to prevent homelessness with a special emphasis on young people and families newly arrived in the country
- Two early intervention programs working with young people and families to keep young people engaged with family, to prevent homelessness with a special emphasis on people with mental health issues
- A specialist intervention project focussing on mental health and suicide prevention
- A family and adolescent counselling service
- Three services focussing on employment, education and training with curriculum based education, flexible support, pre vocational assistance and assistance to gain employment
- Four adolescent health services - an adolescent health service, a service for young pregnant women and young mothers and babies, a healthy lifestyle program and a General Practice clinic

- A National Transition to Independent Living Allowance Program which distributes the Commonwealth Allowance to young people leaving care
- An Emergency Relief Program
- Koori Group providing a soft option entry point for Koori clients
- A service which supports young parents as an early intervention strategy

The target groups are:-

Families with adolescents in need of support and the family members of the young people using SYFS services

Young people aged twelve to twenty four years who are homeless and/or disadvantaged (unemployed, in poverty, housing stress etc) and/or vulnerable. This group includes:-

- Young people in the care of the State Department and State Wards
- People with disabilities
- Aboriginal people
- People from Non-English Speaking Backgrounds
- Young offenders and those at risk of entering the Juvenile Justice system
- Young people in need of protection who have been abused or are at risk of abuse
- People with mental illness
- People with alcohol and other drug use and other at risk behaviours such as suicide attempts, prostitution, and others
- Refugees and new arrivals
- School attendees and early school leavers

Data

In the last financial year we:-

- Received 16,200 referrals to our services
- Provided 14,038 instances of service
- 1,138 families and 5,118 young people received services such as family support, counselling, accommodation, case management, and all other relevant services - a total of 6,256. This is an increase on the previous year when 4,156 services were provided and 2,057 in the year before that.
- 7,782 were provided with one-off assistance and casual support.
- 2,162 requests for assistance not able to be met.

A concerning feature of our data is the growing number of under 16 year old people for whom DoCS has no formal responsibility. The number of under 16 year olds has increased but DoCS formal intervention with them has not. Over the last few years there seems to be an increasing trend for DoCS to not become involved with the client or to have minimal involvement with young people. This year 16.84% of our clients were under 16 year but only 7.32% had involvement with DoCS. Similarly, in 2007/2008, 17.11% were under 16 years and only 7.39% involved with DoCS. In 2006/2007, 25.56% were under 16 years and 9.91% were involved with DoCS.

The most requested service is for supported accommodation and that is also the area where we are unable to adequately meet demand - 1,272 requests for accommodation were not met. This is followed by requests for support for young people (732) and support for families (158).

The Context in Which This Community Agency is Operating

We welcomed the Federal Government's White Paper with a commitment to halve homelessness by 2020. We are eagerly awaiting the release of the State/Territory plans and getting some additional services and strategies on the ground. However, community agencies are under increased pressure and over the last decade have taken on more responsibility especially in the area of homelessness, child protection, out of home care support and working with high and complex needs clients. Funding levels have become inadequate and accountability systems onerous. Many community agencies including those that receive SAAP funding receive funding from multiple funding departments across both State and Commonwealth levels of Government. While we support accountability, in some cases the requirements far exceed what is reasonable and far exceed what occurs in similar systems in other countries. In some cases this results in less time on direct support of clients and lower morale and satisfaction amongst the workforce. Significant issues that are impacting on services such as SYFS in the area of homelessness include:-

- The new homelessness funds are welcomed but their short term nature changes the strategies implemented.
- The new homelessness funds are not being directed to assist existing homelessness services, many of whom are struggling.
- Lack of supported accommodation and housing placements for young people. Difficulties in finding appropriate placements for young people with complex needs including young people with the early signs of mental illness, young people with untreated mental illness, young people from the Juvenile Justice system, young people using alcohol and other drugs especially drugs such as "crystal meth".
- The injection of funds for housing is also highly positive as the lack of suitable rental properties on the private market and lack of capital for residential services is serious. However, these new funds may not address the issues for young people.
- Inadequate investment in capital properties for residential youth services causes real difficulties (lack of client privacy, inadequate staff facilities, and unsafe conditions)
- The funding crisis in community services as a result of inadequate Government funding to meet demand, inadequate regular, planned indexation and the Commonwealth Government's efficiency dividend.

We have attached a list of other general problems being experienced in the community sector as we believe these need to be understood when any developments are considered that affect the community sector.

GENERAL COMMENTS ADDRESSING THE INQUIRY

In drafting new legislation it is essential that the positive aspects of the current Supported Accommodation Assistance (SAAP) Act are maintained. The SAAP Act was first implemented in 1989 and updated in 1994. The Legislation was well supported legislation which had community input into its development. This Act has stood the test of time and was seen as progressive legislation by many including in similar countries overseas. The SAAP Program that the SAAP legislation supported was also seen as a progressive, well co-ordinated, national response to a national social problem. Prior to SAAP, the States/Territories were responsible for programs for homeless people. This resulted in uncoordinated, inconsistent programs that were also at times reduced or not supported as other States/Territories' political pressure took priority eg child protection, health pressures, law and order concerns etc. The SAAP Act protected homeless people's right to services and protected to a degree the service system that supported homeless people.

Any new legislation should have a clear definition of homelessness that includes primary, secondary and tertiary homelessness. The definition should, as in the current SAAP Act, include in it the considerations of safety and security as well as the need for adequate shelter. The homelessness response must continue to be supported by a social justice and human-rights based legislation as in the SAAP Act and this could be strengthened.

While the new priority of reducing homelessness is welcomed, there is fear about the lack of national co-ordination, that over time it will not have such a high priority and that this will occur prior to homelessness being eliminated. In line with the White Paper promoting, and planning for, a greater role for main stream services the new Homeless Legislation should be a broader legislation than that mandating/covering specialist homelessness services. This would further strengthen a rights based approach to homelessness rather than a specialist or welfare based approach. For too long SAAP Services have been left holding the main responsibility for supporting homeless people, without increased funding in spite of data showing the increasing and unmet demand.

SPECIFIC COMMENTS ADDRESSING THE TERMS OF REFERENCE

Term of Reference One - Principles that should underpin the provision of services to Australians who are homeless or at risk of homelessness.

SYFS supports the new Legislation being based on broad principles and also principles specific to service provision for both Government and community services. If the focus of the Legislation is only going to apply to community service provision then the current legislation may as well remain.

The new Legislation that replaces the current SAAP Legislation must not lose the key elements of the current legislation that are necessary and well supported. Examples of this include:-

- The whole Preamble to the existing SAAP Legislation is progressive and supported and should be maintained including reference to "redressing social inequities and to achieve a reduction in poverty and the amelioration of the consequences of poverty. Homeless people form one of the most powerless and marginalised groups in society. Responses to their needs should aim to empower them and to maximise their independence. These responses should be provided in a way that respects their dignity, enhances their self esteem, is sensitive to their social and economic circumstances, and respects their cultural backgrounds and beliefs. Australia has acted to protect the rights of all citizens, including people who are homeless or at risk of homelessness, by recognising international standards or the provision of universal human rights and fundamental freedoms andto a list of various Covenants, Conventions and Declarations".

- “Providing supported accommodation (this is a key element) and related support services in order to assist people who are homeless or at risk of homelessness to achieve the maximum possible degree of self reliance and independence including to resolve the crisis, re-establish family links where appropriate and establish the capacity to live independently”.
- “To promote an image of people who are homeless that emphasises their human dignity and the fact that, irrespective of their current circumstance, they are entitled to opportunities that will enable them to participate fully in community life”.
- “To help people who are homeless to obtain long term, secure and affordable housing and accommodation by providing a range of options suitable to their needs”.
- “Establishing the means by which the civil, economic, political and social rights of people who are homeless may be preserved and protected”.
- The establishment of a community advisory committee

We suggest the principles would include:-

Broad Principles

- Principles of human rights including a Charter of Rights
- Principles of social justice and inclusion. It must be more than what it is currently defined as in terms of economic inclusion, social inclusion should be much more than that.
- Principles that make safe, affordable secure housing and support (if needed) a right. This should include a definition of the right to housing eg each young person exiting State Care should gain priority access to a minimum standard of public or community housing such as a one bedroom flat close to public transport.
- It must have principles linking the importance of capital funding and appropriate capital properties for specialist homelessness services and public and community housing as this legislation also support funding through the National Affordable Housing Agreement (NAHA). Failure to do this will allow State/Territories to render specialist homelessness services only about support and this will be detrimental to the needs and options required by certain target groups (eg young people, women escaping domestic violence, those with high and complex needs).
- It must have the principle of rights rather than charity based.
- Homelessness is an extreme manifestation of social exclusion.
- Homelessness should be defined broadly to include those with immediate needs for emergency accommodation (including those currently in emergency and short term facilities), those sleeping rough (unsafe, unstable, insecure housing), those living in unsafe, unaffordable, insecure housing and those at risk of homelessness. It needs to include situations that damage people, health and well being and prevent opportunities. It must include situations of those living “at home” but who are at risk of child abuse or domestic and family violence. The definition should also include those people at risk of homelessness by an inappropriate exit from a State or Federal facility eg hospital, State Care, Correctional facility. Exit planning to transition from homelessness is not just about the planning but also about the resources available for the planned exit.
- Homelessness can be prevented
- Homelessness may result from long-term poverty, unemployment, lack of affordable housing, discrimination and other structural causes
- Homelessness can also be caused by or the risk of homelessness increased by personal disadvantage, situational factors or a specific crisis such as drug and alcohol addiction, gambling, injury, ill health or sudden crisis

- Specific target groups face a greater incidence of homelessness or are at a greater risk of homelessness including Aboriginal and Torres Strait Islander people, women and children escaping domestic violence, people with disabilities, young people, vulnerable and isolated aged people, people with mental health issues, people with drug and alcohol addiction
- Homeless people are entitled to opportunities that enable them to participate fully in community life

Specific Principles to the Provision of Services

- The Legislation must apply to Government and community service provision (Not just specialist homelessness services) including mainstream services.
- Not all homeless people need support.
- Homeless people are entitled to be treated with respect.
- Homeless people are entitled to have their cultural beliefs recognised and respected.
- Homeless people should receive services which meet their individual needs.
- Homeless people have the right to flexible, practical, safe, appropriate and timely services.
- Homeless people should have their needs assessed and be provided with holistic support (when needed).
- Homeless people should identify their own needs to the extent that the individual person can do this.
- Services for homeless people should be well managed.
- Staff of all services supporting homeless people should have relevant skills and competencies.
- Specialist homelessness services (previously known as SAAP services) are aimed at providing supported accommodation (this is a key element) and related support services in order to assist people who are homeless or at risk of homelessness to achieve the maximum possible degree of self reliance and independence including to resolve the crisis, re-establish family links where appropriate and establish the capacity to live independently.
- Specialist homelessness services which provide accommodation and support should be of a transitional nature (to prevent these services becoming repositories for all high and complex need people which other parts of the service system withdraw from).
- Specialist homelessness services must include a role in regard to advocacy, community development, involvement in the local community and lobbying.
- Specialist homelessness services and other community services must be funded to a level that is adequate, allows safe implementation of supervision and support, enables a strong and well supported workforce and allows sustainability.
- Government services in all departments including mainstream services should be required to ensure there is an appropriate response for homeless people and relevant areas that have responsibility for the at risk groups be required to meet their responsibilities including in the area of Health (including dental, mental health), Disabilities, Justice (including juvenile justice, criminal justice and the response for victims and perpetrators), Aged Care, Child Protection, Out of Home Care and Guardianship, Immigration, Aboriginal Affairs, Child Care, Education, Employment, Housing.

Term of Reference Two - *The scope of any legislation with respect to related government initiatives in the areas of social inclusion and rights*

The scope of the new legislation must be on :

- Providing adequate support to homeless people and those at risk of homelessness.
- On addressing homeless.
- On community development, advocacy, lobbying, policy development.
- Apply to community services.
- Apply to Government services and include their obligations to allocate resources to community agencies, to deliver services from their own Departmental service provision, and to make all their services available and accessible to homeless people

The scope needs to be broad to include many Government funded programs that also assist homeless people not just SAAP. These include programs in the areas of Health, Domestic Violence, Family Support, Housing, Juvenile Justice, Legal Aid, Aboriginal and others.

The scope is very important and must be defined carefully. Failure to define the scope will lead to specialist homelessness services being reduced to emergency shelters for people which other relevant areas of the service system (including Government Departments) do not take responsibility for (eg people with mental health issues, aged homeless people, children with high needs who are the responsibility of the State or Territory Government etc). Exclusions in the current SAAP Act have over time preserved SAAP services for those who most needed them and who could not obtain support from other parts of the system. This was incredibly important as for example, unaccompanied young people aged under fifteen years or those in the care of State (up to eighteen years) were excluded (in the main) and this did prevent cost shifting by the States to SAAP and ensure scarce resources were targeted to those young people who would not received that level of assistance from the State. Young people in the care of the State are able to obtain other resources and should not have needed SAAP services.

The Legislation must have a scope that enables specialist homelessness services to gain assistance from relevant Government and other community agencies that is appropriate, timely, and with assessed levels of intensity. Other Government agencies must be required to provide services that respond to the needs of homeless people.

New legislation should include a responsibility for mainstream services especially government Departments to be responsive to the needs of homeless people and to assist homeless people in accessing their services. All government bodies could be required to set out Equity and Access Plans for socially excluded/homeless people and report upon these regularly - similar to those for people defined as from Non English Speaking Backgrounds (NESB) or Culturally and Linguistically Diverse (CALD). Government departments should also be required to have strategies and services in place that ensure clients in their area of responsibility do not find themselves homeless eg people with a disability, people with mental health conditions, elderly homeless people, children in the care of the State/Territory. These people should not end up in specialist homeless services.

Term of Reference Three - The role of legislation in improving the quality of services for people who are homeless or at risk of homelessness

Firstly, this term of reference may be pre-empting a judgement that existing specialist homelessness services do not deliver quality services. This is unfounded. Evidence including data collection and research shows that in the main homeless people who have entered SAAP services have had their needs met and satisfaction with the services has been measured as high. On cost per individual, SAAP has been a far cheaper program than for instance services for people with disabilities (Information from the Institute of Health and Welfare) or the NSW Housing and Accommodation Initiative (HASI) for people with mental health issues. The constant inference that SAAP services have not delivered quality services is disappointing to those committed professionals who have been working relentlessly for decades on supporting homeless people.

We support striving for improvement in all relevant service delivery for homeless people and in many instances Government service provision will need to improve to prevent many people ending up in specialist homelessness services. Increased affordable housing over time will assist but there will be many people who have high and complex needs, who are too young for independent housing or who require a higher level of safety and will still require community and Government residential services. Existing services must be supported, expanded and funded adequately.

In terms of generally striving for improved quality of community services, one of the key issues that must be addressed is adequate funding levels for community agencies. Legislation alone will not impact on quality of services unless funding levels (including access to capital funds) is addressed. For too long, SAAP has not received adequate indexation to keep pace with cost of living increases and workforce costs. In addition it has had Commonwealth Efficiency Dividends wrongly applied to community agencies. Efficiency Dividends were intended for large scale Government Departments not small community agencies. This has had the net impact of actually reducing real funding levels. Then there has been no growth funding in spite of evidence in data collection of unmet demand and growing demand. The new Legislation should require Government funding allocations to include a regularly, planned in adequate amount of indexation and quarantining from Government Efficiency Dividends.

In terms of generally striving for improved Government Department service quality for homeless people and those at risk of homelessness there will need to be a requirement of all Government services to:

- Show how they will respond to all clients in those groups.
- Show how services for people their department are responsible for (eg those with mental health conditions) are provided with housing and support to prevent homelessness.
- Collect data consistent with data items in the current SAAP collection so we can obtain a better picture of the extent and measure of Government interventions for homeless and at risk of homelessness people.

The new Legislation should be supported by national standards for both Government and community providers of services to homeless people and those at risk of homelessness. However, the challenge in this will be that the standards are broad enough to apply across Government and community, are realistic and useful, and that community agencies, as mentioned above, are funded adequately to be able to meet the standards. As mentioned in previous Terms of Reference the current SAAP services through the program are not getting access to any of the new homelessness funds and there are many that are struggling with increasing costs and meeting client need. For example, in NSW it is estimated that about fifty services without additional funds will not be able to continue to deliver the same model or the range of services they currently provide.

National standards will need extensive consultation and will need to have extensive input by community agencies. It has been mooted by a few in Government that it would be simple just to borrow existing standards such as from disability areas or from other States/Territories. In our experience this will not work. This is a specialist area and one that should be independently developed, is to ensure those delivering the services support and agree to the Standards. There have been numerous versions of standards that were to apply to SAAP Services and these can be reviewed and reconsidered with the community agencies. These would need to be reconsidered then if they are to apply more broadly. National standards will not be agreed to quickly and adequate time must be provided to get this right. Our preference would be to develop and agree to a set of good practice principles and work through supporting services to introduce these if they have not already or to identify barriers to implementation. This will be less onerous than fully implementing standards and more likely to achieve the desired outcome “good, safe, appropriate service” for people using services and “safe, appropriate, responsible, timely” service delivery in “safe and supportive” workplaces.

The other area related to this issue is the compliance with standards. Again there are some serious concerns if Government think standards and then compliance is the only way to assist in service improvement. Compliance with national standards should be regularly assessed. There needs to be a major think of this as currently compliance is costly, time consuming, not proportionate to the services delivered and unfairly only applied to community agencies. There is a huge bias in accreditation and compliance processes that work against smaller community agencies. There needs to be some streamlining eg SYFS which is not a large charity and is regionally based is already accredited through the Office of the Children’s Guardian in NSW, through the Quality Management System (QMS), and currently being assessed under the Housing Registration System by the Office of the Registrar in NSW. It is also monitored under the Performance Management Scheme for SAAP Services in NSW. SYFS has had to pay for some of the systems, it is wearing staff out, and has concerning levels of duplication. As mentioned, developing and supporting good practice principles could be the first stage and will we believe achieve more positive results.

The whole area of tendering has to be addressed. In the area of SAAP this mostly has been managed well in NSW by rolling over existing services that are delivering well. There is no need to keep on forcing community agencies through costly, timely, stressful and overly bureaucratic tendering processes. Competitive tendering processes have been shown to impact negatively on strengthening communities, community effort and morale, damages infrastructure and damages partnerships and community relationships. Services which are registered or accredited should be granted preferred provider status in processes to continue to allocate funding.

The issue of data collection and evaluation must be carefully considered. Firstly it is easy for some to criticise the current SAAP data collection. Yet it is often forgotten that by world standards it is one of the few data collections that does measure homelessness and should be respected. The current National Data Collection Agency (NDCA) Collection should not be altered as without it or with alterations we will not be able to adequately measure improvement in the status of homelessness. To measure the targets and to assess effectiveness of White Paper strategies we need the current collection. The regular census collection and the work of McKenzie and Chamberlain should be continued and perhaps conducted once every two years.

In addition, Governments agencies must be required to keep similar data collection items so the collection can be broader and we can assess the access by a wider range of homeless people and also can better measure the Government interventions. Unless this occurs, the community will view any evidence from Government as not valid. The Government agencies in scope for this legislation should have to report data to the current independent collection through the Institute of Health and Welfare (AIHW) to enhance validity and confidence.

Term of Reference Four - *The effectiveness of legislation and regulations governing homelessness services in Australia and overseas.*

Comments in previous Terms of Reference partly answer this Term of Reference. Previous comments include:-

- The current SAAP Legislation gave a strong basis for the structure and operations of SAAP services. At times the community sector has had to fight an attempt to “get rid” of SAAP. Without the SAAP Act and without the SAAP Act the support and services and funding for homeless people would have deteriorated.
- There has been positive success by SAAP services with homeless people and with those people at risk of homelessness. Every SAAP Evaluation both National and State/Territory based and the independent data collection have highlighted both the deficits of the Program (often caused by lack of funding, systems problems in other parts of the community and structural programs) and the achievements including numbers of people supported and the achievement of outcomes that could be influenced and controlled by SAAP.
- The SAAP Legislation successfully aided community agencies in ensuring homelessness services were targeted to those most in need of them and not those who could otherwise get assistance from State/Territory or Commonwealth agencies. The clause in the current Legislation “Services not to be dealt with under SAAP that SAAP will not duplicate or replace a service that is already provided, or is the responsibility of, any other Government Programs or organisation” gave strength to community agencies for instance youth SAAP service not becoming State Care facilities.

There are other Legislation apart from the SAAP Act and other Government policies and regulations that in fact negatively impact on homelessness such as the breaching regime by Centrelink, inappropriate and premature exits from mental health facilities, the new “earning or Learning” policy could create a situation where young people lose their income because of their vulnerability or inability to get into an appropriate course, treatment and situation of refugees, evictions by landlords, eviction by public housing authorities for behaviour etc.

SYFS have researched some overseas models and regulations and there are some that would assist. For instance the higher level of the housing payment in the United Kingdom that is paid directly to community housing services and that young people leaving care have a right to a Council flat. However, it needs to be noted that when we have participated on study tours and exchanges overseas in America, Europe and the United Kingdom there has been much interest in the SAAP Act, SAAP Program, data collection and the White Paper. Australia, in many ways, through the SAAP legislation and the focus on client rights is already a leader.

One of the concerns we have about some current Government dialogue is that they often site American models or strategies. At times it is possible to learn from overseas models and some components can be implemented in Australia as long as the Australian context is understood. However, we must always keep in mind America has a massive number of homeless people and their models are in the main not making a convincing dent in the numbers. There is a high level of “spin” from some of the highly marketed models.

In the main Australian definitions of homelessness and current legislation are as good as overseas examples.

Some information on the Housing Act 1996 (UK). The UK first legislated for homelessness in 1977, using terminology such as temporary accommodation, priority need and intentional homelessness. At the time, it was considered landmark legislation, among the most progressive in the world. It was created at a time when the worst housing shortages of the post-war period had eased, yet a significant group of people had been left behind. For the first time, there was an enforceable duty to house some people who found themselves homeless. Many questions surrounding homelessness and the principles contained within the legislation continue within the UK. Questions regarding who can reasonably be described as homeless, the issue of fault, and who should receive help continue. This legislation imposes a duty on local authorities to secure accommodation for homeless persons who satisfy a number of criteria including the applicant must be eligible (as defined in terms of their immigration status), homeless, in priority need, and not intentionally homeless. The definition of homelessness is relatively broad encompassing all those without a legal right to occupy and those in accommodation which the authority considers it is not reasonable for them to continue to occupy. The priority need categories encompass those who are pregnant, those with dependant children, single people who are vulnerable, and those who have lost their home in an emergency such as flood or fire. Intentional homelessness deprives an applicant of long-term assistance if they have deliberately done or failed to do something in consequence of which they have ceased to occupy available accommodation.

This Legislation addresses homelessness and threatened homelessness and important parts include:-

- A person is homeless if he or she has accommodation but
 - (a) He or she cannot secure entry to it, or
 - (b) It consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.
- A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.
- A person is threatened with homelessness if it is likely that he will become homeless within 28 days.
- Meaning of accommodation available for occupation. Accommodation shall be regarded as available for a person's occupation only if it is available for occupation by him together with-
 - (a) Any other person who normally resides with him as a member of his or her family, or
 - (b) Any other person who might reasonably be expected to reside with him or her
- Whether it is reasonable to continue to occupy accommodation. It is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence against him or her or against-
 - (a) A person who normally resides with him as a member of his or her family, or
 - (b) Any other person who might reasonably be expected to reside with him.

For this purpose "domestic violence", in relation to a person, means violence from a person with whom he is associated, or threats of violence from such a person which are likely to be carried out.

There is continuing debate about some issues in the United Kingdom. These include:-

1. Retaining a broad definition of homelessness. A broad view of homelessness is essential if the true scale of the homelessness problem is to be understood. If only those who are roofless (ie rough sleeping) are counted in homelessness statistics, this will lead to solutions and policies that only tackle half the problem.
2. Tackling the causes of homelessness. Discussion regarding government policy approaches – in particular a belief that the UK government focuses too much on pre-crisis intervention without enough focus on preventing the structural causes of homelessness. Issues regarding inadequate supply of social rental housing, the need to develop a strategy for the private rental sector, reducing the number of repossessions and evictions and strategies to assist tenancies have all been discussed at some length.

3. Retention of the low threshold for interim accommodation. There is a strong belief that any system that is designed to assist homeless households should be easily accessible and have a low threshold. This is seen as one of the most important legacies of the 1977 Act. There is a need to have a provision for a safety net that gives emergency accommodation promptly to those who are homeless in the broadest sense.
4. Priority need and vulnerability. Issues regarding extending the priority needs criteria beyond just those households that had children to those that did not has been lobbied for. The Housing Act currently gives grounds for the government to confer priority need on those who have spent time in prison, or in the armed forces so that they no longer need to pass the vulnerability test.
5. Standards of temporary accommodation. Significant concerns are held for the standards of temporary accommodation and discussion continues about the appropriateness of legislation to mandate standards for temporary accommodation.

Term of Reference Five - *The applicability of existing legislation and regulatory models used in other community service systems such as disability services, aged care and child care, to the homelessness sector.*

Many comments in Term of Reference Three apply to this Term of Reference.

As mentioned in terms of Reference Three, the funding issues must be addressed for specialist homelessness services. As an example the amount of funding for similar disability services per client is much higher than SAAP funding. A focus on a regulatory model will not achieve the intent which is quality services for homeless people. It must be done as part of a progressive program to support and develop services including addressing issues in the community workforce (training and development, pay and conditions, portability of long service leave, ability to attract and maintain quality staff etc).

As mentioned in previous Terms of Reference, National standards will need extensive consultation and will need to have extensive input by community agencies. It has been mooted by a few in Government that it would be simple just to borrow existing standards such as from disability areas or from other States/Territories. In our experience this will not work. This is a specialist area and one that should be independently developed and consulted on. The best way to obtain compliance with standards and therefore good quality service is to ensure those delivering the services support and agree to the Standards. There have been numerous versions of standards that would apply to SAAP Services and these can be reviewed and reconsidered with the community agencies. These would need to be reconsidered then if they are to apply more broadly. National standards will not be agreed to quickly and adequate time must be provided to get this right.

The model adopted must be user friendly, flexible to accommodate all the different models of service delivery, proportionate to the service delivery size, easy to participate in, economical and practical. It is essential that any service delivered is not costly, not prescriptive, not inflexible, time consuming, not proportionate to the services delivered and unfairly applied to community agencies. Rigid Key performance Indicators (KPI's) to support national standards could prevent services from providing individualised services to meet the assessed needs of clients. Compliance costs and external auditing in existing systems are expensive and funding would need to be increased to cover the costs of these processes.

There is a huge bias in accreditation and compliance processes that work against smaller community agencies. There also needs to be some streamlining. Accreditation under national standards should be recognised by other government departments and duplication of compliance requirements avoided. We repeat the example provided in Term of Reference Three, for our agency, which is not a large charity and is regionally based is already accredited through the Office of the Children's Guardian in NSW, through the Quality Management System (QMS), and currently being assessed under the Housing Registration System by the office of the registrar in NSW, and also monitored under the Performance Management Scheme for SAAP Services in NSW. SYFS also has to pay for some of these systems, it is wearing staff out, and is highly duplicative.

The issues of individual service agreements that are operated on in the disability sector is not an appropriate service model for homelessness services. This system was used for Out of Home care and Child Protection in NSW and the costs increased beyond the capacity of the Government to pay. This was caused by many private profit agencies bidding for the individual funding. It in no way contributed to improved services for the clients. It also works against core service capacity and does not work for residential or accommodation based models.

ATTACHMENT ON GENERAL CONCERNS IN COMMUNITY SERVICES

An overview of some of the issues facing community services include:-

- The new homelessness funds are welcomed but their short term nature changes the strategies implemented.
 - The new homelessness funds are not being directed to assist existing homelessness services, many of whom are struggling.
 - Lack of supported accommodation and housing placements for young people. Difficulties in finding appropriate placements for young people with complex needs including young people with early signs of mental illness, young people with untreated mental illness, young people from the Juvenile Justice system, young people using alcohol and other drugs especially drugs such as "crystal meth".
 - The injection of funds for housing is also highly positive as the lack of suitable rental properties on the private market and lack of capital for residential services is serious. However, these new funds may not address the issues for young people.
 - Inadequate investment in capital properties for residential youth services causes real difficulties (lack of client privacy, inadequate staff facilities, and unsafe conditions)
 - The funding crisis in community services as a result of inadequate Government funding to meet demand, inadequate regular, planned indexation and the Commonwealth Government's efficiency dividend.
 - The effects of the Centrelink income breaching policy on young people leading to increased vulnerability, poverty and increased incidence and/or risk of homelessness and we are concerned about the new "Earning and Learning" Commonwealth policy which has seen some of the SYFS young clients cut off benefits with two weeks notice.
 - General inadequate funding levels provided to manage responsibilities and increased demands placed on community agencies by the introduction of legislation such as the Children and Young Person's (Care and Protection) Act requiring accreditation standards to be met. The requirement may be positive but funding levels need to equate to the demand.
 - The appalling wages and conditions offered to youth and community workers. Many youth agencies offer salaries as low as \$14.77 to \$19.12 an hour (Grades 1 and 2, 38 hr week). The next highest category would be \$19.82 to \$22.87 an hour (this is Grade 3 38 hr week). This low salary makes it difficult to attract and maintain suitably qualified staff. Yet more and more youth agencies are expected to carry out complex and difficult work including case management, crisis intervention, care planning etc.
 - Supporting clients with high and complex needs and the systems failure in areas of mental health, health, housing, child protection, immigration, justice.
 - Absence of appropriate supported accommodation facilities for young offenders leaving detention.
- High demands on community agencies for administration, data collection and other accountability processes. Many Government driven accountability processes have now become onerous, not related to the level of funding and staff capacity. Similarly tendering processes have also become overly onerous.