



Committee Secretary
Standing Committee on Family, Community, Housing and Youth
PO Box 6021 Parliament House
CANBERRA ACT 2600

I am pleased to provide you with UnitingCare Australia's submission, on behalf of the UnitingCare network, to Inquiry by the Standing Committee on Family, Community, Housing and Youth Inquiry into Homelessness Legislation, that will inform replacement of the *Supported Accommodation Assistance Act 1994*.

The submission was developed by UnitingCare Burnside in New South Wales and includes comments made by sector representatives at a sector forum on the Inquiry held by the Youth Accommodation Association (YAA) in NSW and Homelessness NSW. It reflects the values and experience of UnitingCare services and argues for a human rights based approach to development of homelessness legislation.

UnitingCare services are a significant provider of *Supported Accommodation Assistance Program* services, and also provide services and supports to people who are homeless or who are not able to access or sustain stable housing using philanthropic and congregational resources. UnitingCare agencies provide housing and tenancy support for disadvantaged and vulnerable people in communities across Australia, and across the lifespan.

I note the Hotham Mission (a UnitingCare affiliated service) is also putting in a submission focusing on the need to ensure asylum seekers are able to access housing and support services that ensure they can live a decent life.

I look forward to participating in hearings as part of this Inquiry, talking with Committee Members about our submission, and hearing their responses to the issues we have raised.

Yours sincerely

A handwritten signature in black ink, appearing to read "Lin Hatfield Dodds".

Lin Hatfield Dodds
National Director
UnitingCare Australia

14 August 2009



Submission by UnitingCare Australia regarding the Inquiry into Homelessness Legislation

Lin Hatfield Dodds
National Director

August 2009

UnitingCare Australia is the national body for community services in the Uniting Church
supporting service delivery and advocacy for children, young people, families, people with disabilities and older people

Who we are

UnitingCare Australia is an agency of the National Assembly of the Uniting Church in Australia (UCA). The agency represents the UCA's network of UnitingCare community services of which there are over 1,300 service delivery sites nationwide.

The UnitingCare network is one of the largest providers of community services in Australia providing services to more than 2 million Australians each year, employing 35,000 staff and 24,000 volunteers nationally. It provides services to children, young people and families, people with disabilities, and older Australians, in urban, rural and remote communities.

UnitingCare Australia believes a secure, affordable and appropriate place to live is fundamental to a decent life. A reasonable standard of housing, with secure tenure, is closely associated with positive health and wellbeing outcomes. Individuals with secure housing are well placed to participate in a positive way in employment, education and community activities. In contrast, people who have low incomes, people who are homeless, or people in precarious forms of housing are more likely to enter and remain in a cycle of low income and poverty. UnitingCare Australia believes that all people should have the chance to live in a place that supports opportunities for meaningful involvement in community, work and education.

ToR 1. The principles that should underpin the provision of services to Australians who are homeless or at risk of homelessness.

A message consistently put forward by leading human-rights bodies is the need to have rights-based legislation (Human Rights and Equal Opportunity Commission 2008; Adler & Tsobaris 2008). This refers not only to the right to be treated with respect and dignity but also to the right to adequate shelter. A person's right to access adequate and appropriate housing should be the main principle underpinning the provision of all services to Australians who are homeless or at risk of homelessness.

A wide range of principles should underpin the provision of services to Australians who are homeless or at risk of homelessness. These include:

- A broad definition of homelessness – The definition of homelessness included in the legislation must acknowledge that homelessness is not just 'inadequate access to safe and secure housing' as it is currently defined in the SAA Act. The three tiered model of homelessness that defines homelessness as either primary, secondary or tertiary is a much more inclusive definition and it acknowledges that people can experience homelessness in a number of different ways. Furthermore, the perceived 'intentionality' of a person's homelessness must not have bearing on that person's right to shelter and assistance.
- Sustainability – Service provision must only be considered successful if the outcome is able to be sustained by the service user. An integral part to sustaining positive outcomes for service users is the principle of social inclusion.
- Inclusiveness – Service provision must be tailored to individual clients needs rather than delivered as a 'one-size fits all' model. Clients should be included in identifying their needs.
- Flexibility – Service provision must be able to be delivered in a flexible manner that acknowledges the different needs individuals have.
- Client-focused approach – Service provision must be client-focused and based on the principle that everyone has a right to be treated with respect and dignity.
- Whole of government – Service provision should enable a seamless transition between services based on a client's needs. Homelessness funding should be linked to the coordination of these services.
- State and Commonwealth relations – Provisions within the new legislation must ensure that there are appropriate mechanisms for streamlining funding and service delivery arrangements between the Commonwealth and the States. The legislation should make certain that there are no gaps or duplications between state and commonwealth service delivery and that funding requirements are not conflicting.
- Prevention and early intervention – a proactive stance should be used to tackle homelessness. People who are at risk of homelessness should have easy access to prompt assistance and new legislation must ensure that prevention and early intervention is a major part of the response to homelessness.

Non-government organisations and services users must play a key role in the development of the principles and in the creation of the new legislation. Non-government organisations are key in the delivery of a broad range of services across the continuum of the housing and homelessness service system. The experiences and voices of service users are crucial to developing an effective piece of legislation for the provision of services to people who are homeless or at risk of homelessness. During the development of the SAA Act, the government consulted extensively with non-

government organisations. As a result, the legislation was well received and widely supported by the sector.

ToR 2. The scope of any legislation with respect to related government initiatives in the areas of social inclusion and rights.

As mentioned previously, the homelessness legislation must be rights based and should provide a means of enforceability for the right to adequate and appropriate housing and the right to be treated with dignity and respect.

Case study – Georgia

Georgia has been attending a centre-based family preservation service with her two year-old son, Adam. She has five more children ranging in age from six to seventeen years. Until recently she was living in the local area.

Georgia had some troubles with the owner of the house that she was renting. She was having difficulty negotiating with him to have some maintenance work done on the house. She had agreed to fix some of the maintenance problems herself, as they were the result of damage inflicted by her teenage sons. However she required the owner to maintain the safety and working order of windows, doors and fences so that Adam would be safe in the house.

When there were no results, Georgia withheld part of her rent each fortnight but still paid her rent regularly and on time. She soon received a notice that if the owner did not receive the full amount of rent her lease would be terminated. By this time Georgia's lease was on a week-by-week basis. This meant that she and her family were in a vulnerable position as the owner was only required to give them two weeks' notice if he wished to terminate the lease.

Georgia was aware of her vulnerable position and started to look for other houses. She contacted Housing NSW, with whom she had been enrolled for two years, to stress the urgency of her need for a new house for her family. She also started to apply for houses on the private rental market. Georgia was rejected for every single one.

Housing NSW required her to inform them on a weekly basis of the number of houses that she had inspected and applied for in the rental market. Georgia doesn't have a car and is a single mother, so Adam had to come with her to every single inspection. She had some support from her brother but couldn't always count on it. She started looking for alternative places for her teen-aged children to stay as smaller houses were cheaper and more readily available in the private rental market.

Our service assisted Georgia with character references and we accompanied her with visits to Housing NSW. Georgia was also supported to contact the NSW Department of Community Services (DoCS) Helpline to request support for herself and her three youngest children. Support was unavailable.

Georgia's lease was terminated. She approached Housing NSW and was given a one-bedroom motel room that was more than an hour away from her local community on public transport. She and Adam moved into the motel room with Georgia's two other youngest children. She had found alternative accommodation for her teenagers.

Georgia was in contact with our service on that day. She reported feeling isolated and upset for her children – they were bored and cramped in the hotel room, isolated from their friends and deprived of their schooling. The motel was in a colder area and the family were unprepared for this, with no warm clothes. All the local support services in her new location had closed for the weekend. Housing NSW could not tell Georgia how long it would take to find more appropriate accommodation.

Georgia has been homeless now for eight weeks. She was initially told by Housing NSW that she had been moved to the top of the priority list and would have a house within two weeks. However a second phone call revealed that the waiting period had extended to anything between six and eighteen months.

Georgia was deprived of her right to a safe and stable home for herself and her family. Her children were deprived of their right to attend school. While there is not one person directly responsible for the deprivation of Georgia's rights her situation would have benefited from a rights-based act in the following ways:

- rights-based service provision would have ensured that Georgia was adequately consulted and informed at every step of the process. Georgia would not have been confused or misinformed of the prioritisation of her case by Housing NSW or the expected waiting period for adequate housing
- Housing NSW and other public housing agencies in Australia could be required under a rights-based act to improve or enforce their policies around emergency placements of families to reduce the likelihood that children will miss out on schooling and be homeless.

The new homelessness legislation should reflect the intent to better integrate services for children, young people and families at risk of homelessness. One strategy in the National Child Protection Framework aims to "expand housing and homelessness services for families and children at risk" and its actions include:

- targeted support for children and families who are homeless
- closer links between homelessness and child protection services
- increased early intervention and prevention services for young people and families at risk of homelessness
- increased availability of affordable housing.

These actions clearly identify that the new homelessness legislation should address the relationship between child protection and homelessness services as part of a whole of government response.

ToR 3. The role of legislation in improving the quality of services for people who are homeless or at risk of homelessness.

A consideration of the new legislation should be the introduction of requirements for government departments and other mainstream services working in areas related to

homelessness to develop a response to homelessness and consider how their policies may impact on homelessness. For example, Centrelink's policy to penalise individuals with an eight-week non-payment period has a direct impact on homelessness. A study by the Social Policy and Research Centre found that as a result of the non-payment period 40.8% of respondents were unable to pay the rent (Siewert, R. 2008) If Centrelink was required to consider the impact its policies have on homelessness then it would have to take measures address the impact that the eight-week non-payment policy has on homelessness.

ToR 4. The effectiveness of existing legislation and regulations governing homelessness services in Australia and overseas.

A new legislative framework should acknowledge the effectiveness of the existing SAA Act and its commitment to addressing homelessness and, as noted elsewhere, "it is essential that new legislation maintains important aspects of the current legislation" (Homelessness Australia 2009 p.1). However, there are areas of the SAA Act that can be strengthened to ensure that the new legislation has an even greater commitment to people who are homeless or at risk of homelessness.

Currently, the SAA Act does not actually legislate on the issue of housing and homelessness. The SAA Act only legislates on the funding and administering of the Supported Accommodation Assistance Program (SAAP). While the SAA Act recognises human rights, it does not specifically legislate on them nor does it provide for clear mechanisms by which people may access these rights. As a result, neither the Australian government nor the SAAP providers are obligated to house people who are homeless and many people fall through the cracks in this system. In contrast, the Housing Act in the UK compels local councils to house specific groups of homeless people, in particular:

- pregnant women
- those with dependent children (male and female and couples)
- single people who are vulnerable
- those who have lost their home in an emergency
- unintentionally homeless young people aged 16 and 17 years
- unintentionally homeless care leavers aged 19-21 years
- vulnerable people fleeing violence (Homeless Link 2006).

New homelessness legislation in Australia should legislate on the right to housing and should create clear mechanisms by which people may access these rights.

Clear definitions of 'homelessness' and 'at risk of homelessness' must be provided in the new legislation. The current definitions are limited and do not take into account the many different experiences of homelessness that people may have. New definitions should take into consideration the three tiers of homelessness, primary, secondary and tertiary, as defined in *The Road Home*.

There is a strong need for improved data collection. Data needs to include separate counting of children and young people who may be part of a homeless family – this will ensure children are identified as a specific target group and that their needs are not

generalised into broader family needs. This is especially relevant given the government's commitment to focus on the needs of homeless children.

ToR 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.

Accreditation should apply to both community organisations and mainstream government services in order to ensure that service standards are consistent across the sector. Organisations should be encouraged to comply with standards associated with the legislation and it should be acknowledged that smaller services will need assistance to complete accreditation requirements. Gaining accreditation for an organisation should be achieved with a sensible amount of administration and should not overwhelm the organisation. It should build on frameworks for other forms of residential and supported accommodation and consistency should be developed for accreditation standards in order to assist organisations that are required to gain accreditation across two or three areas (eg out-of-home care, housing and supported living).

References

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Homeless Link 2006, *Fact Sheet 2: The Housing Act and examples of letters to local authorities for medically vulnerable patients*, Homeless Link, London, viewed July 2009 <<http://www.homeless.org.uk/policyandinfo/issues/health/discharge/factsheets/Factsheet2.pdf>>

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