

14 August 2009

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

To the Committee Secretary,

Hanover Welfare Services welcomes the opportunity to respond to the House of Representatives Standing Committee on Family, Community, Housing and Youth inquiry into the content of homelessness legislation. Hanover welcomes the Australian Government's focus on homelessness and appreciates that the establishment of supportive legislation is needed to underpin many of the policy initiatives arising from the White Paper on homelessness.

Established in 1964 in Hanover Street, Fitzroy, Hanover's sole focus is on homelessness. We are incorporated as a not-for-profit company. Hanover has an annual budget of \$14M and over 190 staff located at seven key sites across Melbourne. The agency is independent; it has no structural links with churches, institutions or governments.

Hanover's services are based in inner and suburban Melbourne and offer:

- Outreach to people sleeping rough
- Crisis accommodation
- Transitional housing
- Longer term housing
- Employment support
- Educational support
- Early intervention programs
- Specialist support and housing services for families, young adults, women and children
- Advocacy and material aid to prevent people from losing their housing
- Research programs which identify the causes and consequences of homelessness

We wish to make comment on the following areas informing the Committee's terms of reference:

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

Hanover supports the view that a series of principles should underpin the provision of services to Australians who are homeless or at risk of homelessness.

Hanover congratulates the Government for establishing explicit targets to reduce homelessness. We strongly believe that the two key targets, to halve overall homelessness by 2020 and to offer supported accommodation to all rough sleepers who need it by 2020, should be the key principles in the legislation.

An important feature of the Australian response to homelessness has been the existence of a widely agreed and understood definition of homelessness, comprising primary, secondary and tertiary homelessness. Hanover believes it is important that this definition be enshrined in legislation.

Hanover believes that the importance of prevention and early intervention of homelessness should be enshrined as an important principle underpinning service provision in the legislation. The current SAAP Act, whilst acknowledging the role of prevention and early intervention, has essentially supported a crisis approach to homeless service provision. Legislation needs to ensure that people at risk of, or who are experiencing homelessness, receive a service response that is timely, appropriate and responsive to the particular needs of households and individuals.

It is also important that the privacy, safety and security of clients using homeless specialist services is a key principle. It is often acknowledged that the risk and prevalence of violence is a contributing factor to someone becoming homeless, with research data showing how physical and sexual assault can help trigger the incidence of homelessness. However, there is concern about the persistence of physical and sexual assault once someone is experiencing homelessness, as well as associated elevated fears about one's own personal safety. Research by Hanover has found that risks of violence and of experiencing violence occurred at higher rates in homeless than in non-homeless populations. This is a cause of great concern and requires closer attention when designing program and policy responses to homelessness. Of particular concern, in the context of human rights, is the use of government funding to house people in accommodation that places them at risk of violence, sexual assault and intimidation. This occurs regularly because of the lack of housing options available.

A further guiding principle for legislation and associated regulations is the notion of client agency. This includes client choice, the right to complain, the right to have decisions reviewed and the right to be involved in the design and review of services. In recent research conducted by Hanover, in conjunction with Swinburne University, on family homelessness and citizenship, it is evident that people experiencing homelessness wish to exercise their agency as a unique individual and citizen. Participants in this study expressed a strong desire to exercise some control over decisions which affected them and to re-establish a 'normal life' in which they were more independent and better able to be treated and recognised as an equal citizen, rather than a client who, by definition, is always in an unequal position of power and influence.

Another guiding principle should be that homeless services must give due emphasis to the specific needs and aspirations of child clients. For example, this principle means that services for children should support the development and learning needs of children, in particular:

- The first eight years of life and the critical developmental stages of these years, including successful preschool and transition to school
- The middle years of schooling including successful transition to secondary school
- Successful completion of the compulsory years of schooling
- The principle that homeless service provision should ensure the transition from compulsory school attendance to either further education, training and/or paid employment.

Similarly, the legislation needs to ensure that services work to prevent family homelessness from occurring as well as providing safe and appropriate services for those who have experienced family violence. Legislation must be informed by human rights, including the right to safety, liberty and security of person and protection from violence and abuse. Through its work, Hanover is aware of the gendered nature of violence, and the impact of exposure to violence, abuse and trauma on individuals, especially children. Currently, women are over-represented in the homelessness system. Men's violence is the most common cause of homelessness in Australia and the most common cause of homelessness among women and children. Fully one-third (33%) of all clients accessing SAAP services in Australia in 2003-4 were women escaping domestic violence or 56% of all women clients in SAAP in that financial year. Two-thirds (66%) of all accompanying children in SAAP in 2003-4 were accompanying a female parent or guardian escaping domestic violence.

Legislation must also give due recognition to the fact that indigenous Australians are overrepresented in the population of Australians who experience homelessness. Indigenous Australians are over represented in SAAP funded services. While this group makes up 2% of the Australian population over age 10 years, they represent 17% of all SAAP clients. Indigenous women are more likely than men to present to SAAP services. This is due, in part, to the incidence of domestic violence being the most common reasons for seeking assistance amongst indigenous people. Homelessness for indigenous Australians contributes significantly to the gap in life expectancy between indigenous and non-indigenous Australians and the reduction in indigenous homelessness is essential if we are to reduce this gap.

Hanover also contends that employment programs and services are a key component of homelessness service provision and are integral to the prevention and early intervention of homelessness. According to the current SAAP Act, access to employment, education and training is one of SAAP's primary responsibilities, on a par with access to long-term secure affordable housing. Currently, however, there are no formal arrangements for SAAP providers and education and employment support providers to integrate their work with clients, even though one of the aims of SAAP has been to deliver improved education and employment outcomes. Current housing assistance through SAAP focuses on resolving immediate crisis and moving clients into either public housing or unsustainable private rental. However, ongoing support that better integrates stable housing with skills and employment assistance to ensure *sustainable* outcomes is not provided.

A substantial number of Australians who experience homelessness have serious multiple and complex issues in relation to drug and alcohol, mental illness and Acquired Brain Injury and these people have a right to have a coordinated service response to address their needs, including housing and housing support. One of the biggest obstacles to providing stability to the lives of these clients is the current fragmentation of services, including housing support, and the lack of appropriate housing. Currently, SAAP support periods are time limited and often tied to accommodation.

Lastly, any new legislation should include an explicit statement of the responsibility of mainstream services to assist people who are experiencing homelessness to access those services. This would be consistent to the approach identified in the White paper on Homelessness and ensure that the responsibility of addressing homelessness is shared between specialist and mainstreams services. It is crucial that steps are taken to support greater coordination between homelessness and mainstream agencies and this should be required in funding and service agreements. This includes the joining up of services to ensure a more holistic response to client needs.

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

Any proposed legislation would need to acknowledge broader Australian Government initiatives in fostering social inclusion and in enhancing and supporting human rights for people experiencing homelessness.

Currently, the Supported Accommodation Assistance Act 1994 (Cth) (SAAP Act) aims to promote and protect the rights of people experiencing homelessness (see Preamble, section 5). Any new legislation would need to continue to promote and protect such rights, as homelessness represents an extreme form of social exclusion and disadvantage.

The provision of housing and support, whilst a necessary precondition to addressing homelessness, is not sufficient on its own. Efforts and interventions should be aimed at maximising the social and economic participation of people affected by or at risk of homelessness. The lack of participation in some or all of these areas of life leads to social, political and economic exclusion and disengagement from mainstream institutions.

Social participation includes involvement in the day-to-day life of the community and its main institutions such as the family, schools and voluntary associations, characteristic of civil society. This would also include family and child specific activities such as playgroup, preschool education, as well as sports clubs and other recreation activities. Economic participation encompasses activities such as paid employment and related consumer activity. In addition, political and civic participation includes involvement in decisions and activities that affect one's life. This may include formal political activity, such as voting, and a range of local civic activities.

Accordingly, homelessness should form part of the national approach to human rights, which is currently being considered. People experiencing homelessness are among the most disadvantaged in Australia and are subject to multiple and intersectional human rights violations. Human rights violations and implementation failures can cause, contribute to and maintain homelessness. Furthermore, homelessness can render people more vulnerable to human rights violations.

Complementing the protection of human rights for people experiencing homelessness are amendments to anti-discrimination laws to include homelessness as an additional ground for discrimination.

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

Hanover Welfare Services is supportive of measures that are designed to improve service quality for those people accessing homeless specialist services, such as those currently funded through the Supported Accommodation Assistance Program (SAAP). It is imperative that agencies are required to provide high quality services and to undertake continuous improvement activities.

Hanover supports the establishment of standards and accreditation processes for agencies delivering homelessness services. Hanover notes that such processes can be an important means of driving reform and improving quality. Victoria has already established such a process through accreditation to the Homelessness Assistance Service Standards (HASS). Any federal legislative requirements in relation to standards should avoid unnecessary duplication through a mutual recognition process.

Victoria also provides quality assurance for providers of social housing. Under current Victorian regulations, Hanover is registered and accredited as a community-housing provider. This followed amendments to the Housing Act 1983 introducing a new system of regulation for not for profit non-government housing agencies who provided accommodation on behalf of the Director of Housing. The new strategy places greater emphasis on partnerships between the government and not for profit housing sector to deliver additional housing stock to people experiencing homelessness or on low incomes. We would support similar measures that ensured housing quality being implemented nationally, again with a mutual recognition process.

We note that SAAP is expected to safeguard clients' rights through the development of grievance and appeals procedures and charters of rights. The Victorian Office of Housing's 'Consumer Charter for Homelessness' underscores the importance of procedural rights such as appeal opportunities and service expectations being accorded to people accessing homeless agencies. Consideration could be given, however, to strengthen current mechanisms with one option being a charter of client rights included in new homelessness legislation.

Hanover believes that an important component of homelessness legislation would be the establishment and appointment of an independent Homelessness Commissioner. Such a role would be akin to that played by the Office of the Aged Care Commissioner. The Aged Care Commissioner is a statutory appointment and the Commissioner is independent from both Department of Health and Ageing. The actual role and powers of such a Commissioner would need to be agreed, but at a minimum, this role should:

- Monitor quality and standards of Homelessness Service providers
- Investigate client complaints
- Conduct investigations into particular aspects of homelessness service provision and reform as referred by the Minister, or the Prime Ministerial Council on Homelessness
- Report annually to Parliament on progress towards achievement of the goals of the White Paper.

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

As noted under Term 1 above, the SAAP Act has essentially supported a crisis approach to homeless service provision. This is not an effective response to homelessness and is inconsistent with one of the key principles of the White Paper on Homelessness – the prevention of homelessness. Due to the predominant focus on a crisis, the current SAAP Act is also ineffective in achieving a range of broader outcomes that foster social inclusion and develop the resilience and skills of people experiencing homelessness. One of the more glaring examples is the poor education and employment outcomes. For example, it is an indictment of the current policy approach by SAAP that over 65% of school age children presenting to SAAP services are not engaged in school and that this figure marginally increases upon their exit from SAAP. Indeed, as noted in the Homelessness Green Paper, the needs of homeless children accompanying one or both parents are not systematically addressed by SAAP and children are not counted in SAAP data collection.

Clearly, a rights-based approach, as indicated above (Reference 2), would ensure that important rights such as a right to education, employment and safety (to name just a few) also apply to people experiencing homelessness and using homeless specialist services.

There are overseas examples of legislating for homelessness and rights. While Hanover Welfare Services are not in a position to make a considered assessment of the effectiveness (or otherwise) of this legislation, we note the importance of ensuring that people experiencing homelessness are acknowledged as having rights and that governments have responsibilities to protect and enhance these rights.

For example, the Housing Act 1996 (Part VII Homelessness) in the United Kingdom as amended by the Homelessness Act 2002 says that Councils have a legal obligation to accommodate certain people. In a similar fashion housing legislation in Scotland (*Scotland - Housing (Homeless Persons) Act 1977; Housing (Scotland) Act 2001; Homelessness etc. (Scotland) Act 2003*) guarantees the right of people experiencing homelessness to secure adequate housing and requires local authorities to recognise this right. This right is to be progressively implemented over ten years, after which time every person in Scotland experiencing homelessness will have a right to access housing.

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.

While Hanover is aware that other service areas have existing legislation and regulation to guide service delivery and quality, we do not have a direct experience of the benefits and pitfalls of these models. As noted above (Reference 3) Hanover Welfare Services is supportive of an independent Homelessness Commissioner, which is a model common to other areas such as age care. We are also supportive of a quality assurance framework and system for homelessness services.

We look forward to the deliberations of the House of Representatives Standing Committee on Family, Community, Housing and Youth, and would welcome the opportunity to provide further information where required.

Yours faithfully,



Tony Keenan
Chief Executive Officer
Hanover Welfare Services