

Submission No. 31  
(homelessness legislation)  
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# Submission to the Inquiry into Homelessness Legislation

**ANGLICARE Diocese of Sydney**

**August 2009**

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## SUMMARY OF ANGLICARE SYDNEY'S SUBMISSION

1. ANGLICARE Sydney is one of the largest Christian community organisations in Australia; it has been providing a wide range of professional services to the community since 1856 and serves many thousands of people every year. ANGLICARE Sydney provides a range of services that directly assist homeless people or people at risk of homelessness, including services for young people.
2. ANGLICARE Sydney's submission outlines three key objectives for homelessness legislation, namely:
  - the meeting of Australia's human rights obligations
  - the need for a joined up approach to service provision
  - the need for a continuum of care approach to people who are homeless or at risk of homelessness.
3. ANGLICARE Sydney recommends that the following objectives be adopted for legislation in relation to the prevention or reducing of homelessness:
  - a) Human rights as outlined in this submission, particularly the right to housing as part of an adequate standard of living, provide a strong mandate for Government action in this area and should be enshrined in legislation targeted to address issues of homelessness.
  - b) Legislation be passed for the creation of adequate support services for different types of homeless people, including the obligation on Government Departments such as Centrelink, Housing NSW, Corrective Services and Department of Health to be involved in providing 'joined up' services with the aim of creating an holistic response to homelessness, as envisaged in the Federal Government's Homelessness White Paper. As a first step, interagency forums should be established in all regions to address homelessness.
  - c) A continuum of care approach inform homelessness legislation to make clear the obligation on Government Departments such as the Department of Community Services (DoCS) and non-government organisations (NGOs) to plan and provide sufficient resources for after-care, to prevent people from exiting from services into homelessness. This would involve the setting up of long-term accommodation with case management, to provide a continuum of care for different types of homeless people, with a view to moving them towards independent living.
4. ANGLICARE Sydney's submission outlines the need for legislation to address:
  - exiting from services into homelessness
  - young people exiting from out-of-home care into homelessness
  - indexation of rental assistance payments.
5. ANGLICARE Sydney recommends that:
  - a) The 'no exits into homelessness' approach as outlined in the Federal Government's White Paper on Homelessness, be adopted for people leaving various Government services and be enshrined within legislation.

- b) Landlords and mortgage lenders be required by law to notify Government authorities that a notice to evict has been issued or that a repossession is to take place. Government provide caseworkers to assist renters to work through their financial difficulties during a fixed 'period of grace'.
- c) In respect of young people exiting out-of-home care, ANGLICARE Sydney recommends that:
- The NSW Government through DoCS allocate funding needed to assist those making the transition from out-of-home care, by resourcing after care case management services, in accordance with the existing legislation. In this respect a base financial amount should be established as a package for those people leaving out-of-home care. Services should be funded to provide after-care casework support for out-of-home care clients from the age of 18-25 years.
  - The existing legislation be strengthened to outline the Government's obligation to prevent young people leaving the out-of-home care system and entering homelessness.
  - Legislation be enacted that makes young people exiting out-of-home care a priority for Housing NSW placement in accommodation.
  - The Commonwealth's TILA payment be indexed to keep pace with cost-of-living rises.
  - Legislation be passed that caseworker assistance will be available for all young people vulnerable to homelessness.
- d) ANGLICARE Sydney recommends that legislation be passed making indexation of rental assistance compulsory, linked to rent rises across Australia. Although this would not account for differential rent rises between city and rural areas, or between cities, it would nevertheless provide some increase in the overall rental assistance available with Centrelink payments.

## INTRODUCTION

6. ANGLICARE Diocese of Sydney (ANGLICARE Sydney) thanks the Federal Government for the opportunity to make a submission as part of the inquiry into Homelessness Legislation.
7. Under the Terms of Reference for the Inquiry, the House of Representatives Standing Committee on Family, Community, Housing and Youth shall inquire into and report on the content of homelessness legislation. The Committee shall give particular consideration to five issues in relation to homelessness legislation. ANGLICARE Sydney's submission addresses three of these issues outlined in the Terms of Reference, namely:
  1. *The principles that should underpin the provision of services to Australians who are homeless or at risk of homelessness.*
  3. *The role of legislation in improving the quality of services for people who are homeless or at risk of homelessness; and*
  4. *The effectiveness of existing legislation and regulations governing homelessness services in Australia and overseas.*

### Issues Addressed in this Submission

8. This submission outlines three objectives for homelessness legislation, namely:
  - the meeting of Australia's human rights obligations
  - the need for a joined up approach to service provision
  - the need for a continuum of care approach to people who are homeless or vulnerable to homelessness.
9. The submission then outlines the need for legislation to address:
  - people exiting from services into homelessness
  - young people exiting from out-of-home care into homelessness
  - indexation of rental assistance payments.

### Overview of ANGLICARE Sydney

10. ANGLICARE Sydney is one of the largest Christian community organisations in Australia; it embodies the Christian commitment to care for all people in need, as comes from Jesus' command to love your neighbour as yourself.<sup>1</sup> ANGLICARE Sydney has been providing a wide range of professional services to the community since 1856 and serves many thousands of people every year. Its services include: counselling; community education for families; family support services; youth services; emergency relief for people in crisis; foster care and adoption for children including those with special needs; migrant services including humanitarian entrants and newly emerging communities; English as a second language classes; aged care both through nursing homes and community services; opportunity shops providing low-cost clothing; emergency management services in times of disaster; disability case

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<sup>1</sup> The Gospel of St Matthew, chapter 22 verse 39

management and respite and chaplains in hospitals, prisons, mental health facilities and juvenile justice institutions.

11. Through its **Street Outreach Program** ANGLICARE Sydney provides support for homeless youth and youth at risk of homelessness in Parramatta, for people aged 12 to 25 years. While not a major provider of support for people who are homeless, ANGLICARE has a number of services that assist young people at risk of homelessness and families and older people experiencing homelessness, including:

- Out-of- Home Care, including both permanent and temporary foster care;
- Paul Street Adolescent Residential Program, which provides out-of-home care and accommodation for up to 6 young people at Blacktown;
- Lisgar Youth Support, providing supported independent living and accommodation service, based at Hurstville;
- Carramar Early Interventions Program, which provides accommodation and support to young parents aged 16 to 25 years;
- Reconnect, an early intervention program for young people aged 12 to 18 years at risk of homelessness, in the Fairfield and Liverpool areas;
- Emergency relief services, providing support for people experiencing multiple disadvantage and severe material deprivation.

# ADDRESSING HOMELESSNESS

## Factors leading to Homelessness

12. ANGLICARE Sydney's target group in its homelessness specific programs has been young people who are homeless or at risk of homelessness. We recognise the great value of young people and believe that each young person has the potential to contribute greatly to the Australian community and beyond. Young people are the community's present *and* future. Despite Australia's economic growth and record low unemployment in the last few years, there is still a significant proportion of the Australian population, particularly young people, who are homeless.
13. ANGLICARE Sydney recognises that youth homelessness is caused by a complex interplay of factors, such as housing affordability, long-term unemployment, family fragmentation, family violence, physical and sexual abuse, drug, alcohol and substance abuse, mental health and disability issues and leaving correctional or health institutions or out-of-home care.<sup>2</sup>
14. However ANGLICARE Emergency Relief programs which are not homelessness specific have clients presenting who are at risk of homelessness or who are homeless. A recent study of our Emergency Relief program across all service sites in a 20 month period revealed more than 13% of 12,000 clients accessing services in that period experienced primary, secondary or tertiary homelessness. These clients included single people and families.<sup>3</sup> The causes of homelessness for such people are often complex and interrelated and can include unemployment, physical and mental health issues, relationship breakdown, domestic violence and drug and alcohol addiction.
15. The multi-faceted nature of factors leading to homelessness requires a wide-ranging legislative and policy approach in order to reduce homelessness and the risk of homelessness.

## Objectives for Homelessness Legislation

### *Meeting Human Rights Obligations*

16. ANGLICARE Sydney's view is that Australia's human rights obligations under United Nations treaties to which Australia is a signatory, are an important moral imperative upon Governments to act to protect people who are homeless or vulnerable to homelessness. There is a need for targeted legislation that better outlines the responsibilities of Government Departments and other agencies in realising human rights in relation to homelessness.
17. The Universal Declaration of Human Rights declares that every person has the right to housing as part of an adequate standard of living. Article 25 states that,

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<sup>2</sup> ANGLICARE Sydney Research and Planning Unit, ANGLICARE Sydney Migrant Services Cabramatta and ANGLICARE Youth Services Parramatta, (2005) *Slender Threads – Homelessness from a Youth Worker Perspective*, Sydney: ANGLICARE Sydney.

<sup>3</sup> King, S, Bellamy, J, Swann, N, Gavarotto, R and Coller, P (2009) *Social Exclusion. The Sydney Experience*, Sydney: ANGLICARE Sydney, p26.

*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*

18. ANGLICARE Sydney maintains that the following should be considered as a set of key guiding principles for homelessness legislation:
  - a) That all people have the right to adequate housing as enshrined in Article 25 of the UN Universal Declaration of Human Rights.
  - b) All citizens have the right to full economic and social participation.
  - c) Regardless of circumstances all people have the right to be treated with dignity and respect.
  - d) The safety and well being of clients is the ultimate goal of all Government service providers.
19. While ANGLICARE Sydney does not support a general Human Rights Act for Australia, it is our view that more needs to be done in legislation to affirm the right of people to a home and to spell out the roles and responsibilities of Governments in particular in preventing or reducing homelessness.

### ***A Joined Up Approach to Service Provision***

20. A critical response to addressing homelessness is increased funding. Key to preventing and reducing homelessness is addressing the lack of affordable housing in the capital cities, the shortfall in crisis accommodation and short-term housing, and inadequate levels of rental assistance. These issues require both a policy and funding response to increase the supply of housing and address accessibility issues. ANGLICARE Sydney recognises that the Federal Government is giving greater national priority than in the past to solving issues surrounding homelessness, especially in view of the impact of macro-economic issues on the broader homelessness situation.
21. In our view, increased funding to address homelessness is best spent where there is a 'joined up' approach to policy and service delivery. A 'joined up' approach to both policy and service delivery forms part of the Federal Government's White Paper on Homelessness. A 'joined up' system recognises that for many homeless people, the factors leading to homelessness are multiple, requiring assistance from a range of services. However, a 'joined-up' system involves more than better cooperation between Government and the non-Government sector. It is also about the ability of Government Departments to work collaboratively and across their own departmental lines. It is about the ability of Federal and State Governments working together to ensure optimal outcomes for clients and an integrated and holistic approach to homelessness and the complex issues which surround it. It is about Government Departments accepting Non-Government Organisations (NGOs) as partners in solving homelessness issues.
22. ANGLICARE Sydney's view is that encouraging the creation of a 'joined up' system is an important goal of legislative changes necessary to reduce or prevent homelessness. People leaving a system of care or of dependence who



may receive little or no assistance in the transitioning process include people leaving the prison system, people leaving mental health institutions and the psychiatric wards of hospitals. In relation to people exiting mental health services, concerns have been expressed that the current crisis in homelessness has been fuelled to some extent by a shortfall in State Government services, particularly in the mental health area. The view has been expressed that the movement towards deinstitutionalisation of mental health and the closure of facilities such as Sydney's Callan Park has led to an increase in homelessness. This is a primary instance of where a joined up approach is required, to prevent reforms in the mental health area or other areas from adding to homelessness or increasing the demand for Supported Accommodation Assistance Program (SAAP) services.

23. In relation to young people, our view is that there has been insufficient attention to the transition of young people from out-of-home care which has also contributed to the homelessness situation. A large proportion of homeless people are young people. A 'joined up' system would need to address shortfalls in this area in order to reduce homelessness overall. An excellent example of this joined up approach is that which is operating in South Australia where the State Government has developed a strategic approach which is inter and intra departmental and works collaboratively with the NGO sector. The impact on homelessness has been significant in this state.
24. ANGLICARE Sydney is part of the Parramatta Regional Homelessness Interagency, which has sought to promote a joined up approach between Government services and NGOs working with those who are homeless or at risk of homelessness. This particular group has not come about through legislation, but through Government departments, Local Government and local NGOs meeting together to arrive at ways of together improving systems and service delivery for homeless people or people at risk of homelessness. However this is seen as a first step towards a joined up service delivery, since people exiting prisons or mental health care and seeking assistance can still only be offered short-term accommodation, with the prospect of becoming part of the cycle of people moving between the services.

### ***A Continuum of Care Approach***

25. Complementing a joined up approach, ANGLICARE Sydney considers that for the continuum of homelessness, a continuum of care is also required. This means that early intervention and prevention programs reduce the potential for homelessness at one end of the spectrum and an integrated, coordinated case management approach can provide consistent care if homelessness does occur. Within this framework, priority is not just given to crisis and medium to long term intervention but also to prevention and early intervention.
26. By providing a continuum of care Governments undertake to prevent people moving into homelessness and, should this occur, undertake to assist homeless people until they are able to achieve independent living in a sustainable way. This occurs when a client voluntarily indicates they wish to exit the cycle of crisis interventions and go on to longer term support arrangements with the aim of exiting into independent living arrangements.
27. For a continuum of care to work successfully, there would need to be sufficient resources provided by Government. Intensive case management would be required at this stage along with support services designed for long term client

support. A model of service provision that could be pursued to achieve this aim would be the setting up of specialised housing units within Housing NSW, for people exiting mental health services, prisons, juvenile justice institutions or out-of-home care who are vulnerable to homelessness. NGO's would then be contracted to provide casework and other wraparound services to people within these units, with a view to achieving independent living.

***Recommendations: Objectives for Legislation***

28. ANGLICARE Sydney recommends that the following objectives be adopted for legislation in relation to the prevention or reducing of homelessness:
- a) Human rights as outlined in this submission, particularly the right to housing as part of an adequate standard of living, provide a strong mandate for Government action in this area and should be enshrined in legislation targeted to address issues of homelessness.
  - b) Legislation be passed for the creation of adequate support services for different types of homeless people, including the obligation on Government Departments such as Centrelink, Housing NSW, Corrective Services and Department of Health to be involved in providing 'joined up' services with the aim of creating an holistic response to homelessness, as envisaged in the Federal Government's Homelessness White Paper. As a first step, interagency forums should be established in all regions to address homelessness.
  - c) A continuum of care approach inform legislation in connection with homelessness to make clear the obligation on Government Departments such as the NSW Department of Community Services (DoCS) and NGOs to plan and provide sufficient resources in after-care, to prevent people from exiting from services into homelessness. This would involve the setting up of long-term accommodation with case management, to provide a continuum of care for different types of homeless people, with a view to moving them towards independent living.

## LEGISLATION TO IMPROVE SERVICES

### Legislation to Prevent Exiting into Homelessness

29. The Federal Government's White Paper on Homelessness has been widely accepted by homeless service providers as a strategic platform for an holistic response to homelessness. However in order to bring about the vision of the White Paper there will need to be a legislative response as well as a policy and funding response for the plan to reach its full potential. Legislation should be designed to enshrine the obligations of Government Departments in relation to prevention of homelessness and to deal with specific issues which exacerbate the homelessness situation.
30. Of particular concern are areas where people leaving services are at risk of exiting into homelessness, in the absence of transitional arrangements or support services. ANGLICARE Sydney supports the principle of a 'no exits into homelessness' policy approach. There are a number of points where people can exit into homelessness from services including people leaving prisons, juvenile justice facilities, mental health institutions, psychiatric wards, public housing and the out-of-home care system.
31. It was noted in the Federal Government's Green Paper on homelessness that early intervention and prevention lead to better outcomes. Such a goal has been the subject of legislation in Scotland for a number of decades:
  - Under the *Housing (Homeless Persons) Act 1977*, local Scottish authorities must assist people who are at risk of becoming homeless.
  - The *Housing (Scotland) Act 2001* requires the authorities to develop homelessness strategies to prevent and deal with homelessness.
  - The *Homelessness (Scotland) Act 2003* requires landlords and mortgage lenders to give notice to local authorities of new eviction or repossession proceedings.
32. During the current housing crisis, financial institutions have been exercising leniency in relation to mortgage repayments, such as interest free periods. A similar approach is needed in relation to renters. ANGLICARE Sydney believes that landlords and mortgage lenders should be required by law to notify Government authorities that a notice to evict has been issued or that a repossession is to take place. Under such new legislation the Government would be required to provide caseworkers to assist renters to work through their financial difficulties, during a set period of grace. Landlords or mortgagors would be paid by the Government to cover lost rental or mortgage payments. Through this preventative approach, Government can seek to support vulnerable people at a time when they are most likely to enter into homelessness through eviction or repossession.

### ***Recommendation:***

ANGLICARE Sydney recommends that:

- a) The 'no exits into homelessness' approach as outlined in the Federal Government's White Paper, be adopted for people leaving various Government services and be enshrined within legislation.

- b) Landlords and mortgage lenders be required by law to notify Government authorities that a notice to evict has been issued or that a repossession is to take place and that Government provide caseworkers to assist renters to work through their financial difficulties during a fixed 'period of grace'.

## Legislation for Children and Young People

33. ANGLICARE Sydney is particularly concerned about young people transitioning from out-of-home care to independence. Our view is that they require an ongoing support system which provides education or employment pathways. The over-representation of state wards among the population of homeless youth has been documented in Australia<sup>4</sup> and overseas. This over-representation may reflect previous histories of emotional trauma and abuse and family disintegration found among young people in care. However it may also reflect inadequate transition policies for such young people as they leave care and the failure to follow their progress. These young people do not usually have the social and family support networks of their peers and they may not receive sufficient support from their foster families. Assisting young people leaving the out-of-home care system is thus strategic in addressing homelessness.
34. When discharged from care, 35% of the 43 young people in one Melbourne study were living in refuges, supported accommodation programs or temporarily with friends. More than half had completed schooling only to Year 10 or less, half had reported experiencing homelessness at some stage after discharge, half had committed criminal offences and one third of the young women had become pregnant or had a child soon after leaving care. Transition from care to independence is often compromised where these young people have had multiple placements and placements that were unsuitable and/or unstable. The issues were compounded if they are living in unstable accommodation at the time of discharge.<sup>5</sup>
35. Achieving positive educational outcomes in such circumstances is often difficult – many are contemplating senior secondary school at the same time as they are being discharged from care. This makes continuation at school extremely difficult as they try to deal with independent living arrangements. The 1996 Cashmore and Paxman study indicated that 42.8% of their interview group had been placed in refuges and crisis accommodation during their care and a number had been missing in care and living on the streets at some stage during their multiple placements. This background does not augur well for these young people's future prospects and can be a strong predictor of future homelessness.
36. ANGLICARE Sydney's view is that further legislation needs to be enacted and further funding provided to create a 'positive bias' towards those young people leaving out-of-home care. Unlike most of their peers, young people leaving out-of-home care do not have the support or encouragement of parents and often do not have the financial management skills to undertake independent living

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<sup>4</sup> Cashmore, J. and Paxman, M. (1996) *Wards Leaving Care: A Longitudinal Study*, NSW Department of Community Services, Sydney. viewed at [www.acwa.asn.au](http://www.acwa.asn.au).

<sup>5</sup> Maunders David, Max Liddell, Margaret Liddell and Sue Green (1997) *Young people leaving care and Protection: A Report to the National Youth Affairs Research Scheme*, viewed at [www.acys.utas.edu.au](http://www.acys.utas.edu.au)

after age 18. Most are single, have had disrupted education and training and will end up unemployed or in low paid jobs.

37. Legislation exists in NSW which addresses the after-care situation. But in our view, it falls short of providing the strong mandate that would be required to obligate Governments to act to prevent young people exiting from foster care and into homelessness. Under the *NSW Children and Young Persons (Care and Protection) Act 1998*, the Minister is required to provide or arrange assistance for young people leaving out-of-home care up to the age of 25 years. According to s165(2) of the Act, such assistance may include:

*assistance based on an assessment of need, including financial assistance and assistance for obtaining accommodation, setting up house, education and training, finding employment, legal advice and accessing health services.*

38. However, in ANGLICARE Sydney's experience, there is very little funding made available by the Department of Community Services (DoCS) for young people over 18 years, with most funding being directed towards children within the care system, rather than towards those making their way from the care system into independence. Young people leaving care may be able to obtain the Federal Government's TILA payment, of around \$1000. In the recent funding reforms within DoCS, after-care was overlooked. As a result there is no after-care funding allocated for out-of-home care service providers, such as ANGLICARE Sydney, to maintain a supportive casework role for clients entering aftercare.
39. A further weakness of the current system is that casework support is most often given with accommodation through SAAP funded services. However young people who are ejected from such services as a result of threatening or other misbehaviour are then beyond receiving casework support. Similarly young people experiencing the breakdown of foster placements can end up without such support. ANGLICARE Sydney's view is that such young people need casework support, mandated by legislation, to be provided independently of SAAP services.

***Recommendations:***

40. In respect of young people exiting out-of-home care, ANGLICARE Sydney recommends that:
- a) The NSW Government through DoCS allocate funding needed to assist those making the transition from out-of-home care, by resourcing after-care case management services, in accordance with the existing legislation. In this respect a base financial amount should be established as a package for those leaving out-of-home care. Services should be funded to provide after-care casework support for out-of-home care clients from the age of 18-25 years.
  - b) The existing legislation be strengthened to outline the Government's obligation to prevent young people leaving the out-of-home care system and entering homelessness.
  - c) Legislation be enacted that makes young people exiting out-of-home care a priority for Housing NSW placement in accommodation.

- d) The Commonwealth's TILA payment be indexed to keep pace with cost-of-living rises.
- e) Legislation be passed that caseworker assistance will be available for all young people vulnerable to homelessness.

### **Legislation in Relation to Rental Assistance**


- 41. Housing affordability is a major issue, especially in capital cities. It has been our observation that disadvantaged people in rental accommodation are finding it more difficult to obtain affordable housing. This situation has been exacerbated by the failure of Centrelink rental assistance payments to keep up with rising rents.

#### ***Recommendation:***

- 42. ANGLICARE Sydney recommends that legislation be passed making indexation of rental assistance compulsory, linked to rent rises across Australia. Although this would not account for differential rent rises between city and rural areas, or between cities, it would nevertheless provide some increase in the overall rental assistance available with Centrelink payments.

## CLOSING COMMENTS

43. ANGLICARE Sydney appreciates the opportunity of being able to make this submission. ANGLICARE Sydney looks forward to the deliberations of the Inquiry and anticipates that this will lead to an improved legislative framework around the area of homelessness.

A handwritten signature in blue ink that reads "Peter Kell". The signature is written in a cursive style and is underlined with a single horizontal stroke.

**Peter Kell**

Chief Executive Officer  
ANGLICARE Diocese of Sydney  
14 August 2009

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