

Chapter 18

Homelessness

18.1 Homelessness is one of the most extreme manifestations of people living in housing stress. Between 2001 and 2011, the number of people recorded as homeless and the number living in other marginal housing increased. The causes that underpin homelessness are many, varied and complex. Thus, while the lack of available suitable low-cost housing contributes to people living in these circumstances, a multitude of social, health and economic issues also contribute to homelessness and to people living in substandard accommodation.¹

18.2 In this chapter, the committee looks at homelessness: what is meant by being homeless; the nature and magnitude of the problem; and what is being done to help people out of homelessness and to remain housed.

Definition of homelessness

18.3 The Australian Bureau of Statistics' (ABS) definition of homelessness is informed by the notion of 'home'lessness as distinct from rooflessness. Homelessness may include a lack of a sense of security, stability, privacy, safety, and the ability to control living space.² Noting the ABS distinction between 'home'lessness and rooflessness, the types of homeless accommodation may take the form of improvised dwellings, tents or sleeping out, supported accommodation for the homeless, staying temporarily with other households, boarding houses or other temporary lodgings and severely overcrowded dwellings. The ABS defines a person as homeless if they do not have suitable accommodation alternatives and their current living arrangement:

- is in a dwelling that is inadequate; or
- has no tenure, or if their initial tenure is short and not extendable; or
- does not allow them to have control of, and access to, space for social relations.³

1 National Housing Supply Council, *Housing Supply and Affordability Issues 2012–13*, p. xi, http://www.treasury.gov.au/~media/Treasury/Publications%20and%20Media/Publications/2013/NHSC/Downloads/PDF/housing_supply_affordability_report_2012-13.ashx (accessed 22 August 2014).

2 Australian Bureau of Statistics, *Information paper—a statistical definition of homelessness*, no. 4922.0, 2012, p. 7, [http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/B4B1A5BC17CEDBC9CA257A6E00186823/\\$File/49220_2012.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/B4B1A5BC17CEDBC9CA257A6E00186823/$File/49220_2012.pdf) (accessed 20 January 2015).

3 Australian Bureau of Statistics, *Information paper—a statistical definition of homelessness*, no. 4922.0, 2012, p. 7, [http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/B4B1A5BC17CEDBC9CA257A6E00186823/\\$File/49220_2012.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/B4B1A5BC17CEDBC9CA257A6E00186823/$File/49220_2012.pdf) (accessed 20 January 2015).

18.4 The National Housing Supply Council (NHSC) defined a person as homeless if he or she did not have access to adequate housing that was safe and secure. People who are homeless fall into three broad groups; that is, those who are:

- sleeping rough (living on the streets);
- living in temporary accommodation, such as crisis accommodation or with friends or relatives; or
- staying in boarding houses or caravan parks with no secure lease and no private facilities.⁴

Statistics on homelessness

18.5 A number of witnesses referred to the increase in homelessness. The Department of Social Services informed the committee that although the overall rate of homelessness in Australia (as a proportion of the overall population) was relatively low, there were still approximately 105,000 Australians who met the ABS definition of homeless.⁵ The key homelessness estimates from the 2011 Census show that:

- there were 105,237 people who were classified as being homeless on Census night (up from 89,728 in 2006);
- the homeless rate was 49 persons for every 10,000 persons, up 8 per cent from the 45 persons in 2006 but down on the 51 persons in 2001;
- the homelessness rate rose by 20 per cent or more in New South Wales, Victoria, Tasmania and the ACT, with the largest fall in the Northern Territory down 8 per cent;
- most of the increase in homelessness between 2006 and 2011 was reflected in people living in severely crowded dwellings, up from 31,531 in 2006 to 41,390 in 2011;
- the number of people spending Census night in supported accommodation for the homeless in 2011 was 21,258, up from 17,329 in 2006;
- there were 17,721 homeless people in boarding houses on Census night in 2011, up from 15,460 in 2006;
- the number of homeless people in improvised dwellings, tents or sleeping out in 2011 was 6,813, down from 7,247 in 2006;
- about three quarters of the increase in the homelessness estimate was accounted for by people who were born overseas;
- there was little change in the total number of Aboriginal and Torres Strait Islander Australians who were homeless (up 3 per cent to 26,744 in 2011);

4 National Housing Supply Council, *Housing Supply and Affordability—Key indicators, 2012*, p. 61, <http://www.treasury.gov.au/PublicationsAndMedia/Publications/2012/NHSC> (accessed 4 March 2015).

5 *Submission 198*, p. 33.

- 60 per cent of homeless people in 2011 were aged under 35 years, and 22 per cent of the increase in homelessness was in the 25 to 34 years age group (up 22 per cent to 19,311 homeless people in 2011); and
- the male homelessness rate fell slightly to 56 males per 10,000 males, while the rate rose slightly for females to 42 per 10,000 females.⁶

18.6 The census also produced statistics on people who were not classified as being homeless on Census night but were living in some form of marginal housing and may have been at risk of homelessness. It showed that the number of people living in improvised dwellings fell sharply, down 42 per cent to 4,504 people in 2011; the number of people marginally housed in caravan parks was little changed (at 12,963 people in 2011); while the number of people living in crowded dwellings requiring three extra bedrooms jumped 41 per cent to 60,875 in 2011.⁷

18.7 The statistics show a changing composition of the homeless population with fewer rough sleepers (declined from 8 per cent to 6 per cent of all homeless people from 2006 to 2011) but more people in supported accommodation or boarding houses. It should be noted, however that much of the increase in the numbers of homeless people recorded was related to the inclusion of a new category of people who were residing in overcrowded dwellings.⁸

18.8 The committee notes that the South West Australia Homeless People queried the ABS' definitions of homelessness. It stated that 'if those living in motor vehicles come under the category of 'sleeping rough', as it appeared they did not fit into other categories, then this suggested that there were only 959 homeless people 'sleeping rough' in WA. The South West Australia Homeless People suggested that, 'given what we know of motor vehicles used to house the homeless, this figure is grossly underestimated'. Consequently, it argued that there needed to be a better way of categorising 'sleeping rough' or expand its parameters to capture all concerned.⁹

18.9 Also, Dr Petersen referred to a general recognition in published work of women's homelessness being hidden or invisible because women were more likely to stay with family or friends on a couch or in a garage or something similar. So, in her

6 Australian Bureau of Statistics, Summary of Findings, Introduction, 2049.0—*Census of Population and Housing: Estimating homelessness*, 2011
<http://abs.gov.au/ausstats/abs@.nsf/Latestproducts/2049.0Main%20Features22011>
 (accessed 23 December 2014).

7 Australian Bureau of Statistics, Summary of Findings, Introduction, 2049.0—*Census of Population and Housing: Estimating homelessness*, 2011
<http://abs.gov.au/ausstats/abs@.nsf/Latestproducts/2049.0Main%20Features22011>
 (accessed 23 December 2014).

8 See also, Mr Patrick Flynn, Mission Australia, *Proof Committee Hansard*, 10 November 2014, p. 27.

9 *Submission 214*, p. 18.

view, it was very difficult to appreciate fully women's homelessness from current statistics.¹⁰

Social housing—supply side

18.10 The 2009 Henry Review was of the view that the focus on people with particular needs and the broader role of social housing in the current Australian housing market meant that:

...some supply side measures are also a critical element of a comprehensive social housing system. Projected population growth will require that supply of social housing keeps pace to ensure that homelessness is prevented.¹¹

18.11 People experiencing homelessness receive priority allocation into social housing and are identified as one of the groups in 'greatest need'. In 2012–13, social housing provided a pathway out of homelessness for 17,581 households and represented 57 per cent of all newly allocated public rental housing. In 2011–12, 54 per cent of priority households that were newly allocated to public rental housing and state owned and managed Indigenous housing (SOMIH) were previously homeless and a further 36 per cent were at risk of homelessness. While social housing may provide the opportunity for homeless people to access a house, the high number who accessed newly allocated public rental dwellings underlines the heavy demand for such housing and its role in providing housing for the most disadvantaged groups.

18.12 Mr Patrick Flynn, Mission Australia, informed the committee of the evaluations of the Specialist Homelessness Services (previously Supported Accommodation Assistance Program), which had shown repeatedly that:

...the lack of social and affordable housing is a problem both because it creates a risk of more people being homeless and because it prevents an exit from homelessness. Yet today the percentage of social housing is at a historic low—less than five per cent of stock—and falling.¹²

18.13 Dr Clark, Shelter SA, noted that during 2012–13 there were approximately 20,000 people who used specialist homelessness services in South Australia, indicating that the close similarity in numbers with the reduction in public housing was no coincidence.¹³ In her view, the only way to reduce or eliminate homelessness

10 *Proof Committee Hansard*, 10 September 2014, p. 13.

11 *Australia's future tax system*, Report to the Treasurer, December 2009, Part Two, Detailed analysis, volume 2 p. 596, http://taxreview.treasury.gov.au/content/downloads/final_report_part_2/AFTS_Final_Report_Part_2_Vol_2_Consolidated.pdf (accessed 12 December 2014).

12 *Proof Committee Hansard*, 10 November 2014, p. 26.

13 *Proof Committee Hansard*, 28 July 2014, p. 29.

as much as possible in any country was to provide social and affordable housing. Dr Clark pointed to the simple fact that supply could not meet the demand.¹⁴

Rooming and boarding houses

18.14 The committee has referred to higher income people crowding out lower income earners from the private market. This process has a cascading effect which affects the homeless. Mr Wilson, Salvation Army, spoke of the difficulties he had in finding emergency accommodation for people in crisis. Even places such as caravan parks no longer offer temporary relief. Mr Wilson told the committee:

In the process of attempting to find temporary accommodation for people in our area [around Rockingham, WA], I have called many of the caravan parks. The common answer is, 'We have no places available.' I think it is mostly because they have become long-term solutions for people. The caravan parks in our area are now places where people live. The places that do have vacancies can be between \$600 and \$1,000 a week, which is unsustainable. It is just incredible to compare what you can rent with what you can get at a caravan park. It just shows there is a lack of housing around.¹⁵

18.15 In its submission, Shelter WA referred to park residents and the precarious and insecure housing that they experience.¹⁶ The National Foundation for Australian Women noted that many older people receiving rental assistance live in private boarding houses.¹⁷

18.16 The Maribyrnong City Council drew attention to the fact that rooming houses had become the de facto form of affordable housing in its area and were often accessed by people on low income such as women experiencing domestic violence, students, refugees and people with disability.¹⁸ It referred to the existence of unregistered or illegal rooming houses which were not compliant with the Victorian health and building regulations. The Council argued that the provision of genuine affordable housing that was safe and secure was required to stop the proliferation of rooming houses throughout the municipality.¹⁹

18.17 Shelter SA noted that the State Parliament had recently amended the *Residential Tenancies Act 1995* to address a range of issues faced by tenants accommodated in rooming or boarding houses, who were some of the most vulnerable people in the community. In its opinion, this legislative change provided a range of

14 *Proof Committee Hansard*, 28 July 2014, p. 34.

15 *Proof Committee Hansard*, 11 November 2014, p. 28.

16 *Submission 174*, p. 13.

17 *Submission 38*, p. 6.

18 *Submission 50*, p. 8.

19 *Submission 50*, p. 8.

protections, including access to a tribunal on issues such as: challenging unreasonable house rules; right of entry and notice provisions; notice provisions for renovations or sale; abandonment of room and protection of any goods or personal effects left behind.²⁰

Lived experiences of homeless people

18.18 A number of witnesses were concerned about the rise in homelessness and, in this regard, the committee has quoted a range of figures to show that homelessness is a reality for some Australians, young and old.²¹ These statistics, however, fail to convey the lived experiences of homeless people, whose voices are often ignored or simply not heard.

18.19 The committee was privileged to have a number of people from a group of homeless people who live in their motor vehicles around the area of approximately 45 km bounded by Rockingham Beach and Kwinana Beach, southwest of the Perth CBD. Mr Jonathan Shapiera, the author of the submission on behalf of the South West Australia Homeless People, had recently experienced an extended period of homelessness.²² He spoke of the enormous difficulties facing those living in cars, stating bluntly that being homeless was a 'dangerous way to live':

Being on the street becomes like [a] shell; you protect yourself as best as possible.²³

18.20 A fellow homeless person, Mervan, explained further:

All we want is a place where we can go at night time. Somewhere with showers and where we can cook a meal and have a laugh and a joke. But we do not have that. You have to have eyes in the back of your head you never know who is going to sneak up and rob you or do damage to your car. You are living on the edge the whole time. It is very hard.²⁴

18.21 Another member of the group, Mr Farmer, told the committee that homeless people were not all drug addicts, drunkards or losers—'a lot of them are genuine people who have just come on very tough times and they have nowhere to go'.²⁵ As Bevan said, they were 'just down on their luck'. They cannot afford housing and the waiting list for accommodation was 'a mile long'. Mr Shapiera explained that the hardest thing when you become homeless was the total lack of services, whether you are sleeping in a car or sleeping anywhere. He referred to being on the bottom rung of

20 *Submission 117*, p. [1].

21 See for example, Ms Kerrie Young, *Proof Committee Hansard*, 10 September 2014, p. 25.

22 *Submission 214*.

23 *Proof Committee Hansard*, 11 November 2014, p. 30.

24 *Proof Committee Hansard*, 11 November 2014, p. 23.

25 *Proof Committee Hansard*, 11 November 2014, p. 22.

a ladder and the 'huge gap' needed to be bridged just to enable people to climb up 'that ladder to even being recognised as being part of the community':

It is such a despair to be at the bottom of the rung and having that gap to get anywhere up the ladder to be respected. It is so hard.²⁶

18.22 Having no fixed address can pose a significant problem for homeless people seeking government assistance as Mr Shapiera described:

I bit the bullet, filled out the application form and I submitted it at Kwinana at the Department of Housing there. No address, and the lady at the counter said, can you put your address down? I said, no I cannot because I am homeless. 'Oh, I am sorry, we cannot accept your application.' I said, 'Excuse me, I'm homeless. I don't have an address.' 'No we can't accept it because you need an address.' She said, 'Could you put down a friend's address? Can you put down any address?' I said, 'No, I'm homeless. I don't have an address. I can put down the registration of my car, but I don't have an address.'²⁷

18.23 Fortunately for Mr Shapiera an acceptable resolution was found due to the intervention of a supervisor. Even so, his experience demonstrated how the simplest of tasks can pose a significant challenge for a homeless person. Another homeless person living in her car contacted the committee to alert members to the difficulty in obtaining or renewing a driver's licence when an applicant has no fixed address.

18.24 Mr Wilson, Salvation Army, reminded the committee that people who are homeless or caught in poverty live in a very different world—they think minute to minute. He provided some insight into the sense of security they draw from their surroundings, which others cannot comprehend:

Sometimes we logically say, 'Why don't you do this; why don't you do that?' But that is from our world. When you deal with people whose world is the car park at Rockingham, to venture outside of that is actually unstable. When you have a small amount of stability, you want to keep it. It is very complex. It is a very complex issue.²⁸

18.25 Centrelink is often the first point of call for a person looking for help and advice. According to Mr Shapiera, it is from this initial contact that people are redirected internally or to other government services not necessarily located close by. He suggested that setting up one team in the major Centrelink premises that was trained in dealing with housing issues would present a front face and satisfy a one stop shop protocol.²⁹

26 *Proof Committee Hansard*, 11 November 2014, p. 28.

27 *Proof Committee Hansard*, 11 November 2014, p. 29.

28 *Proof Committee Hansard*, 11 November 2014, p. 32.

29 *Submission 214*, p. 10.

18.26 The committee notes that apart from the services that Centrelink provides from its premises, it also has Community Engagement Officers, who assist homeless people or those at risk of becoming homeless and are having difficulty visiting a service centre or calling Centrelink. These officers and Homeless Outreach Program social workers deliver services in a range of locations such as drug and alcohol rehabilitation centres, mental health units, drop-in centres, hostels, boarding houses, refuges and informal meeting places such as local parks.³⁰

18.27 The challenge for such outreach services is making those in need of such services aware of the assistance that is available to them and to ensure that, because of their complex needs, the process of receiving assistance from various agencies is coordinated. For example, Mr Nathan Quinnell had been homeless for nearly eight years before he found out about Street to Home, a national program delivered by St Vincent de Paul providing frontline services to the homeless and funded through NPAH. He told the committee that he had been sleeping in a tent out in the bush for a few years and if he had not met up with Street to Home, he 'would probably still be there'.³¹ According to Mr Quinnell, he found out about Street to Home through another person who was homeless. Although connected with Centrelink during the time that he was living in his tent, Centrelink did not mention this service to him. He did note, however, that he did not tell too many people about his circumstances because he was a bit embarrassed at the time.³²

Homelessness among Australians—the young and the old

18.28 Youth Affairs Council of Western Australia noted that young people disproportionately make up around 50 per cent of those seeking assistance from homelessness services each night.³³ Mr Craig Comrie, CEO of the Council, drew attention, however, to the critical shortage of transitional accommodation for homeless youth. He then explained:

...the services that we support and which are our members say that, at any given time, they can be turning away nine out of 10 people who seek support from their service. Most of the homelessness services in the crisis area only have up to eight beds, and there is only a finite number of services in Western Australia. So we definitely do not have anywhere near the beds that we need in the crisis area, and then, looking at moving on to transitional accommodation, there is a huge, huge gap there that we need to try to fill to get young people into transitional accommodation.³⁴

30 Centrelink website, 'Community Engagement Officers', <http://www.humanservices.gov.au/customer/services/centrelink/community-engagement-officers> (accessed 10 March 2015).

31 *Proof Committee Hansard*, 11 February 2014, p. 2.

32 *Proof Committee Hansard*, 11 February 2015, pp. 1–2.

33 *Submission 166*, p. [7].

34 *Proof Committee Hansard*, 11 November 2014, p. 49. See also *Submission 166*.

18.29 Based on its experience supporting young people, Youth Action NSW observed that the fall in the number of affordable houses has had a 'substantive impact on young people's ability to lead fulfilling lives and access education and services'. It noted that the increasing squeeze on an already over-stressed rental market was 'locking young people with particular vulnerabilities out of access to even the most basic housing'.³⁵

18.30 Ms Kerrie Young, Regional Development Australia, Gold Coast, noted that her area had very serious issues with the lack of youth shelters. She informed the committee, 'If you want to talk about the cross-overs, there are young teenage mothers who are also in a great deal of difficulty at the moment'.³⁶

18.31 To date the committee's focus has been on securing affordable housing for Australian households. Once housed, some may have difficulty remaining in their home. Youth Affairs Council of Western Australia highlighted in its submission the importance of ensuring that once housed, a young person has adequate follow-up support to ensure that they do not return to their past living situation.³⁷ A successful social and public housing system requires long-term support that understands the specific needs of its client.

18.32 There are numerous programs that are producing notable successes by providing both housing and other support services designed to keep people housed and to encourage them to become independent and self-sufficient. For example, the Youth Affairs Council of Western Australia referred to Anglicare's work with the state government, Foundation Housing Ltd and the Central Institute of Technology to address the lack of accommodation and housing for young people with its Foyer Oxford project. It described this project as a creative solution that provided:

...a strong collaborative effort to provide at-risk young people with supported accommodation and case management to break their cycle of homelessness, and transition to sustainable independent living'.³⁸

18.33 From its perspective, Foyer Oxford was a 'fantastic' example of innovation in the youth sector. Mr Comrie stated further:

It is the first purpose-built Foyer in the country. It has 98 beds for young people, with specific beds for young parents, and specific beds for young people exiting the justice system and young people leaving the care of the department. That service has been open since February but has been operating in an interim model for quite some time and is seeing some really positive outcomes.³⁹

35 *Submission 51*, p. [1].

36 *Proof Committee Hansard*, 10 September 2014, p. 24.

37 *Submission 166*, p. [6].

38 See *Submission 166*, p. [7].

39 *Proof Committee Hansard*, 11 November 2014, pp. 48–49.

18.34 According to Mr Comrie, the success of the project could be attributed to the requirement for young people to enter into a social contract of engagement with education and employment, which was a critical determinant in staying in sustainable housing.⁴⁰ Foyer Oxford underlined the significance of having strong support networks to help young people stay out of homelessness. For example, Mr Comrie underscored:

...the importance of youth workers and the way that they practise and the way that they support young people is that they are not just capable of dealing with housing as the primary issue and forgetting everything else; it is making that a priority but also trying to deal with and supporting young people around other issues. A lot of that has to do with ensuring that young people have the information they need themselves to make the decisions that they need to change their lives.⁴¹

Access to services

18.35 Youth Affairs Council of Western Australia noted the tendency for policy makers to promote land areas on the urban fringe but argued that that this should be avoided.⁴² It stated that education institutions, employment opportunities, public transport, community activity and health services were limited and also difficult to access in these areas. According to the Council, research indicated that a young person's physical and mental health could deteriorate if these services were not within a reasonable distance from where the young person lived.⁴³

Older Australians and homelessness

18.36 Based on its survey, the most recent Journeys Home Research noted that, although the young tend to be more at risk of becoming homeless, older vulnerable people were not only 'more likely to experience homelessness, but importantly to be homeless more often'. It contrasted the experiences of homelessness by the young which tended to be transitory with that of older Australians.⁴⁴

18.37 The committee has already touched on the vulnerability of older Australians to homelessness, notably those in receipt of the age or disability pension in the private rental market. Mrs Ullman informed the committee that between 2006 and 2011,

40 *Proof Committee Hansard*, 11 November 2014, p. 49.

41 *Proof Committee Hansard*, 11 November 2014, p. 50.

42 *Submission 166*, p. [7].

43 *Submission 166*, p. [7].

44 Abraham Chigavazira, Guy Johnson, Julie Moschion, Rosanna Scutella, Yi-Ping Tseng and Mark Wooden, The Journey Home Research, No. 5, September 2014, *Findings from Waves 1 to 5: Special Topics*, University of Melbourne, p. 2, http://melbourneinstitute.com/journeys_home/assets/pubs/2014/Scutella%20et%20al%20Journeys%20Home%20Research%20Report%20W5.pdf (accessed 10 March 2015).

people over 55 made up 14.1 per cent of all homeless people in Australia.⁴⁵ She stated that older people face a housing crisis when they were unable to maintain or to remain safe in their rental home or to continue living with family, noting further:

A lack of adequate programs, services and supports for older people at risk will lead them further down a pathway to homelessness. This is especially so when a person is nearing retirement, has low and/or fixed income and requires ongoing support for mental health conditions, substance misuse or dementia.⁴⁶

18.38 COTA raised concerns about the increase in homelessness amongst older people, particularly older women, and the increase in older people suffering from housing stress. It noted that there was 'an increase of 14 per cent between 2011–12 and 2012–13 in the number of people over 55 seeking support from specialist services'. COTA stated that this underestimates the number of people who are homeless or at risk of homelessness amongst older people as many were reluctant to use specialist services, particularly when they were homeless for the first time.⁴⁷

18.39 Dr Faulkner indicated that older people were becoming even more vulnerable to homelessness. She cited findings of the NHSC, which suggested that around one in 10 older people was vulnerable to falling out of home ownership. The number included women involved in divorce, separated from their partner or widowed, who have very little financial capability to hold onto the family home or to re-enter the housing market in any way.⁴⁸

18.40 To highlight the emerging problem for older Australians trying to find affordable housing, Mr Yates, COTA, referred to the AIHW and stated:⁴⁹

...we are seeing increasing amounts—still small compared to other groups—of homelessness, particularly amongst older women, and that is a function of housing stress amongst older women without significant superannuation and income. If they lose a job or something like that, then they are not able to either keep up the mortgage payments or the rent.⁵⁰

18.41 Dr Petersen also produced statistics showing the number of homeless people over 55 was 14,851 out of a total of 105,237 and of those aged over 55, 9,521 were men and 5,330 were women.⁵¹ Dr Petersen explained further:

45 *Proof Committee Hansard*, 10 September 2014, p. 12.

46 *Proof Committee Hansard*, 10 September 2014, p. 10.

47 *Submission 191*, p. 4.

48 *Proof Committee Hansard*, 28 July 2014, pp. 11–12.

49 *Proof Committee Hansard*, 28 July 2014, p. 12.

50 *Proof Committee Hansard*, 28 July 2014, p. 22.

51 *Proof Committee Hansard*, 10 September 2014, p. 13.

...it tends to be the single, older person who is paying rent who is subject to more disadvantage—because they are receiving a single's pension payment they cannot afford the rent—so we are more likely to see those people at risk of homelessness and housing crisis.⁵²

18.42 According to Dr Petersen, older renters who, on the whole, had worked, raised their families and lived very conventional lives, find themselves at risk of homelessness for the first time at the age of 60 or over.⁵³ She noted that a recent national study found that 69 per cent of the 561 older people presenting with a housing crisis over a three month period had conventional housing histories—that is, they were people who had rented in the private market while working and raising a family. In retirement, they then experience homelessness 'due to gentrification, due to a lack of affordable housing'.⁵⁴ She stressed that the issue was one of affordable housing.⁵⁵

Keeping people housed

18.43 The South West Australia Homeless People noted that one important question that the committee did not include in its Terms of Reference was:

Once you have a person/persons/family housed within an affordable structure, what is required to keep them there and remove the risk of them becoming homeless?⁵⁶

18.44 In this regard, Ms Young, Regional Development Australia, Gold Coast, recognised the importance of maintaining people in their accommodation:

We need to ensure that the product and the rental cost meet the demand, and adequate funding is available for supporting agencies to assist people in maintaining their tenancies is also important. We can build stock. The development industry knows how to do that, but once we built that roof over their head, the resourcing agencies like MICAH and the others need to also have funding otherwise we cannot support those people to stay in their tenancies.⁵⁷

18.45 Similarly, the Inner South Rooming House Network informed the committee that clients expressed frustration that many services were not resourced to continue assisting people once they were housed.⁵⁸

52 *Proof Committee Hansard*, 10 September 2014, p. 12.

53 *Proof Committee Hansard*, 10 September 2014, p. 10.

54 *Proof Committee Hansard*, 10 September 2014, p. 11.

55 *Proof Committee Hansard*, 10 September 2014, p. 10.

56 *Submission 214*, p. 6.

57 *Proof Committee Hansard*, 10 September 2014, p. 25. MICAH is a member of the community services sector in Brisbane.

58 *Submission 58*, p. 3.

18.46 It is in this context that support services assume such a critical role as do other forms of assistance designed to keep people housed. National Shelter noted that it was important that Commonwealth, state and territory policies on homelessness continue to focus on prevention and early intervention and develop a range of appropriate support models to best meet the needs of people experiencing homelessness.⁵⁹

18.47 Indeed, a number of witnesses spoke of the considerable benefits that flow from providing people with safe, secure and appropriate housing and the required support services designed to keep them housed. The committee has already mentioned the link between secure housing and better health, education and employment opportunities and, though their problems may be complex, the same positive results can be achieved for the homeless. In its submission, National Seniors recommended that housing assistance provided to the over 50s and others who were long-term unemployed should continue for a period after stable employment was gained and financial circumstances have improved.⁶⁰ The Journeys Home research found evidence showing consistently that:

...poor health is more often a consequence of homelessness than a cause, and that individuals whose homeless experiences is characterised by a lack of any form of shelter (e.g the primary homeless) experience the poorest health.⁶¹

18.48 Consistent with this finding, Mr Flynn referred to research showing that keeping people housed not only benefits the individual but also more broadly benefits government budgets with 'big reductions in health and justice costs—police costs'. In his view, there were 'good economic underpinnings to running homeless services and cited Michael's Intensive Supported Housing Accord (MISHA),⁶² which had demonstrated government savings by helping people out of homelessness. He argued that justice and health costs were reduced substantially more than the actual cost of delivering the program.⁶³ MISHA provides secure long-term housing as the very first step for a homeless person. Once a person has the foundation of a home, they then receive intensive support to address their issues and maintain their tenancy.

59 *Submission 78*, p. 18.

60 *Submission 165*, p. 3.

61 Abraham Chigavazira, Guy Johnson, Julie Moschion, Rosanna Scutella, Yi-Ping Tseng and Mark Wooden, *The Journey Home Research*, No. 5, September 2014, Findings from Waves 1 to 5: Special Topics, University of Melbourne, p. 50, http://melbourneinstitute.com/journeys_home/assets/pubs/2014/Scutella%20et%20al%20Journeys%20Home%20Research%20Report%20W5.pdf (accessed 10 March 2015).

62 Based in Parramatta, MISHA follows on from The Michael Project—a three-year initiative that aimed to improve the social inclusion of homeless men through intensive case management and wrap-around support services. See Mission Australia, 'Michael's Intensive Supported Housing Accord (MISHA)', <https://www.missionaustralia.com.au/what-we-do-to-help-new/homelessness/improving-services/misha> (accessed 18 February 2015).

63 *Proof Committee Hansard*, 10 November 2014, p. 26.

18.49 Similarly, Ms Christine Allison understood the importance of keeping people housed:

People leave rehabilitation, prison and long term hospital stays without any real prospect of secure housing; this undoes the benefits of treatment. This is a huge cost in dollar and human terms.⁶⁴

18.50 Clearly programs such as Foyer Oxford and MISHA demonstrate the importance of providing support networks that will assist a homeless person once housed to remain housed. Such programs are central to breaking the cycle of homelessness.

National Partnership Agreement on Homelessness (NPAH)

18.51 In 2008, the Australian Government, with the agreement of the states and territories, set two headline goals to tackle homelessness:

- halve overall homelessness by 2020; and
- offer supported accommodation to all rough sleepers who need it by 2020.⁶⁵

Funding arrangements

18.52 The Commonwealth provides funding through the National Partnership Agreement on Homelessness (NPAH), which commenced in January 2009. NPAH's primary aim is to reduce, prevent and break the cycle of homelessness and increase the social inclusion of people experiencing homelessness.⁶⁶ It contributes to the NAHA outcome that 'people who are homeless or at a risk of homelessness achieve sustainable housing and social inclusion'. The agreement focuses on three key strategies to reduce homelessness—prevention and early intervention to stop people becoming homeless; breaking the cycle of homelessness; and improving and expanding the service response to homelessness.⁶⁷

64 *Submission 35*, p. 2.

65 Department of Families, Housing, Community Services and Indigenous Affairs, *The Road Home: A National Approach to Reducing Homelessness*, 2008, p. viii, <https://www.dss.gov.au/our-responsibilities/housing-support/programmes-services/homelessness/the-road-home-the-australian-government-white-paper-on-homelessness> (accessed 10 March 2015).

66 Australian National Audit Office, *Implementation of the National Partnership Agreement on Homelessness*, Audit Report No. 312 2012–13, Performance Audit, 2013, p. 13, <http://www.anao.gov.au/Publications/Audit-Reports/2012-2013/Implementation-of-the-National-Partnership-Agreement-on-Homelessness> (accessed 10 March 2015).

67 Australian Institute of Health and Welfare, *Housing assistance in Australia 2014*, Canberra, 2014, p. 78, <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129549033> (accessed 18 January 2015).

18.53 Jointly, the Commonwealth and states and territories provided over \$320 million in 2013–14 under NPAH.⁶⁸ This funding supported over 180 homelessness initiatives and a range of capital projects across Australia. The Department of Social Services also drew the committee's attention to two small programs funded by the Commonwealth—the Reconnect program (\$24 million each year) and the HOME Advice Program. The Reconnect program is designed to provide support services for young people at risk of becoming homeless. A community-based early intervention program for young people aged 12 to 18 years, this initiative provides counselling, group work, mediation and practical support to the whole family to help break the cycle of homelessness.⁶⁹ The HOME Advice Program provides financial capability advice and assistance to people under financial stress and at risk of losing their homes.⁷⁰ It is to be merged with a new activity, the Financial Wellbeing and Capability program.⁷¹

18.54 In addition to these funds, the Commonwealth provides a significant amount of assistance to the states and territories to provide stable pathways to housing and further training and employment for homeless Australians through the NAHA. According to the Department of Social Services, approximately \$250 million of the funding provided under the NAHA has its origins in former programs for homeless Australians.⁷²

18.55 On 30 March 2014, the then Minister for Social Services, the Hon Kevin Andrews MP, announced that in financial year 2014–15, the Federal Government would provide \$115 million towards the continuation of homelessness services in Australia via NPAH. He stated:

That means that if the State and Territory Governments add their equal share of \$115 million it will be some \$230 million for homelessness services in Australia for the next financial year.⁷³

18.56 On 15 July 2014, the Minister indicated that all Australian states and territories had signed the new agreement.⁷⁴ According to the then Minister, this one-

68 Department of Social Services, *Submission 198*, p. 33.

69 *Submission 198*, p. 33.

70 *Proof Committee Hansard*, 30 July 2014, p. 2.

71 *Proof Committee Hansard*, 30 July 2014, p. 2.

72 *Submission 198*, p. 33.

73 The Hon Kevin Andrews, Minister for Social Services, 'Homeless Funding', 30 March 2014, <http://www.formerministers.dss.gov.au/15296/homelessness-funding/> (accessed 12 January 2015) and *Submission 198*, p. 33.

74 The Hon Kevin Andrews, Minister for Social Services, Media Release, 'National support for homelessness agreement', 15 July 2014, <http://www.formerministers.dss.gov.au/15257/national-support-for-homelessness-agreement/> (accessed 10 March 2015).

year extension would 'enable the Government to re-assess Commonwealth housing and homelessness policy with the object of doing things more efficiently'.⁷⁵

Australian National Audit Office report

18.57 In its 2013 report on the implementation of NPAH, the Australian National Audit Office (ANAO) found:

In agreeing the NPAH in 2008 the Australian, state and territory governments made a substantial financial commitment to preventing, reducing and breaking the cycle of homelessness. The governments have committed over \$1.1 billion to new and expanded initiatives, but progress is not leading to the achievement of the expected 7 per cent reduction in homelessness by 1 July 2013. Between 2006 and 2011 the number of homeless people, rather than declining, increased by 17 per cent from 89,728 to 105,237 people.⁷⁶

18.58 According to the ANAO report, while the NPAH target was to be reached by 1 July 2013, the trend indicated that reaching the target would be 'extremely challenging' and was 'unlikely to be achieved'.⁷⁷

18.59 The ANAO report highlighted a number of areas where the implementation of the agreement could be improved. In particular, it observed:

- Where significant reforms to service delivery arrangements are being sought, the performance measurement and reporting framework should be designed to measure the implementation of the reforms as well as the delivery of funded activities and their impact.
- Payments made through the NPAH are not currently linked to the achievement of agreed milestones, as is the case in some other agreements. Creating a payment structure that is more closely related to performance would enhance public accountability in respect of progress being made towards the outcomes sought by governments, and would be worthy of further consideration in any future agreement.

75 The Hon Kevin Andrews MP, Media Release, 'National homelessness agreement on track', 8 July 2014, <http://kevinandrews.com.au/latest-news/2014/07/08/national-homelessness-agreement-track/> (accessed 19 March 2015).

76 Australian National Audit Office, Audit Report No.31 2012–13, Performance Audit *Implementation of the National Partnership Agreement on Homelessness*, Department of Families, Housing, Community Services and Indigenous Affairs, p. 16, <http://www.anao.gov.au/~media/Files/Audit%20Reports/2012%202013/Audit%20Report%2031/Audit%20Report%20No%2031.PDF> (accessed 10 March 2015).

77 Australian National Audit Office, Audit Report No.31 2012–13, Performance Audit *Implementation of the National Partnership Agreement on Homelessness*, Department of Families, Housing, Community Services and Indigenous Affairs, p. 17, <http://www.anao.gov.au/~media/Files/Audit%20Reports/2012%202013/Audit%20Report%2031/Audit%20Report%20No%2031.PDF> (accessed 10 March 2015).

- The NPAH is based on a shared funding model, but the state and territory governments are not required to report financial information to FaHCSIA [the former Department of Families, Housing, Community Services and Indigenous Affairs]. Where a co-contribution approach forms part of any future funding arrangement for homelessness, it is not unreasonable to expect financial information to be reported to FaHCSIA by the state and territory governments, to enable the department to provide assurance to the Minister over the level of contributions made.⁷⁸

National Commission of Audit

18.60 The Report of the National Commission of Audit referred to various reports from the COAG reform Councils, which suggested that there had been 'limited success in delivering affordable housing and reducing the incidence of homelessness'. It stated that 'National agreements have added complexity and increased the administrative burden to all levels of government'.⁷⁹

Future of NPAH

18.61 As already noted, implementing preventive measures to keep people in their homes is critical to addressing homelessness. In its submission, Anglicare stated its belief that an increase in funds for brokerage through the NPAH was essential to prevent people and families from having to move to inappropriate housing. The funds would be used for one-off difficulties: for example to contribute to the clearance of existing debt and to provide material assistance which supports the maintenance of tenancies.⁸⁰ Clearly, there are many programs that are assisting homeless people to find and then remain in appropriate housing.

18.62 In this regard, Mr Comrie, Youth Affairs Council of Western Australia, noted that there had been some great successes in the area of NPAH services, which involved programs not necessarily about providing housing but which provided the peripheral support services that homeless young people need:

So we know that young people who find themselves homeless may have a mental health issue; they may have an educational or employment disengagement issue; they may have a drug and alcohol issue. The NPAH services actually focus on providing specialist support to young people in those areas so that if they have housing they can retain it, and if they do not

78 Australian National Audit Office, Audit Report No.31 2012–13, Performance Audit, *Implementation of the National Partnership Agreement on Homelessness*, Department of Families, Housing, Community Services and Indigenous Affairs, p, 19, <http://www.anao.gov.au/~media/Files/Audit%20Reports/2012%202013/Audit%20Report%2031/Audit%20Report%20No%2031.PDF> (accessed 10 March 2015).

79 *Towards Responsible Government*, Appendix to the Report of the, National Commission of Audit, Volume 2, p. 72, <http://www.ncoa.gov.au/report/index.html> (accessed 10 March 2015).

80 AnglicareWA, *Submission 161*, p. 10.

then they can start to deal with some of the complex issues so that they can get access to housing.⁸¹

18.63 While Mr Comrie acknowledged the successes achieved through the NPAH, he also indicated that the sector was becoming increasingly anxious about murmurs of the possible discontinuation of funding in the area of homelessness.⁸² Mr John Bouffler, Community Employers WA, also noted that the sector and employers had been 'extremely frustrated by the lack of clarity and certainty' in funding.⁸³

18.64 It is worth noting that since 2013, NPAH had been extended for only one-year terms. The current NPAH is due to expire in June 2015. On 23 March 2015, the Minister for Social Services, the Hon. Scott Morrison announced the Federal Coalition Government would provide \$230 million to extend the National Partnership Agreement on Homelessness (NPAH) for two years to 2017. Funding priority would be directed to 'frontline services focusing on women and children experiencing domestic and family violence, and homeless youth under 18'.⁸⁴

18.65 The decision to make funding available for a two-year period is an improvement on the previous one-year term. Nonetheless, the providers of services to the homeless remain apprehensive about the continuity and certainty of funding under NPAH.

18.66 It is also important to note that at a time when demand for appropriate accommodation for homeless Australians or Australians at risk of homelessness is increasing, government funding for such housing is decreasing. In March 2013, the Australian Government announced that under NPAH it would make available \$159 million and that the states had committed to matching this amount taking the amount to \$320 million.⁸⁵ The following year, the government announced that it would provide \$115 million, or 44 million dollars less, to ensure critical homelessness services continued to support some of Australia's most vulnerable people.⁸⁶ The

81 *Proof Committee Hansard*, 11 November 2014, p. 48.

82 *Proof Committee Hansard*, 11 November 2014, p. 48.

83 *Proof Committee Hansard*, 11 November 2014, p. 13.

84 The Hon Scott Morrison MP, Minister for Social Services, Media Release, 'Coalition reverses Labor's funding cuts on homelessness with \$230 million commitment prioritising victims of domestic violence', 23 March 2015, <http://scottmorrison.dss.gov.au/media-releases/coalition-reverses-labor-s-funding-cuts-on-homelessness-with-230-million-commitment-prioritising-victims-of-domestic-violence> (accessed 25 March 2015).

85 The Hon Mark Butler, '\$159 million for national homelessness agreement', Media Release, 16 March 2013 and '\$320 million deal of homelessness services', 28 March 2013.

86 Media Release by Hon Kevin Andrews MP, 'Coalition Government to renew homelessness funding', 30 March 2014, <http://www.formerministers.dss.gov.au/15200/coalition-government-to-renew-homelessness-funding/> (accessed 10 April 2015).

Australian Government's funding remained unchanged for 2015–16 at \$115 million for each financial year.

Withdrawal of funding from Housing and Homelessness Program

18.67 In December 2014, the Australian Government decided to terminate its Housing and Homelessness Program effective from 30 June 2015. This program was designed to provide support for housing and homelessness through research, peak bodies and innovative projects.⁸⁷ The savings achieved over the four years' forward estimates would amount to \$21.1 million. Ms Hand, Department of Social Services, explained that the housing and homelessness program came under the department's review of its major grants program. The review's aim was to identify ways for the department to streamline and make its grants funding more effective and to provide better services with less duplication.⁸⁸ Her departmental colleague, Mr Palmer, added:

...in terms of program 4.1, housing and homelessness, we had \$21 million in the portfolio budget statement for that program. The expenditure that we have incurred so far this year is obviously spent, so that expenditure will continue. The government agreed that in the next two years AHURI would continue to be funded and then in the 2017–18 year my understanding is that there will be no money in that year and going forward from then.⁸⁹

18.68 A number of peak bodies affected by the withdrawal of funding appeared before the committee to highlight the way in which this decision had caused 'significant turmoil and uncertainty in the sector'.⁹⁰ The peak bodies support the organisations that assist the homeless and were notified of the government's decision to remove their funding just days before Christmas.⁹¹

18.69 Mr Piarski, National Shelter, noted that together with many others in the sector, the peak bodies had been at the forefront of developing a reform agenda in the area of affordable housing and homelessness, which was now at risk.⁹² It seemed to him that the decision to axe not just the peak bodies but the whole Housing and Homeless Program pre-empted the findings of the Federation White Paper process.⁹³

87 Department of Social Services Budget Statements 2014–2015, p. 132, https://www.dss.gov.au/sites/default/files/documents/05_2014/2014-2015_dss_pbs.pdf (accessed 10 March 2015).

88 *Proof Committee Hansard*, 11 February 2015, p. 16.

89 *Proof Committee Hansard*, 11 February 2015, p. 16.

90 Ms Glenda Stevens, Homelessness Australia, *Proof Committee Hansard*, 11 February 2015, p. 1.

91 Mr Piarski, *Proof Committee Hansard*, 11 February 2015, pp. 5–6. See also Mr Palmer, Department of Social Services, *Proof Committee Hansard*, 11 February 2015, p. 16.

92 *Proof Committee Hansard*, 11 February 2015, p. 11.

93 *Proof Committee Hansard*, 11 February 2015, p. 3.

18.70 Along similar lines, Ms Glenda Stevens, Homelessness Australia, stated that the decision to withdraw the funding made prior to the Federation White Paper process may well undermine 'the strategic approach of the federation process'.⁹⁴ Moreover, the removal of this funding would, according to Ms Stevens, have a long-term effect on the ability of services to support homeless people and to make their experiences of homelessness as short as possible. She stated:

So, if we take it right back to basics, it affects the front line; it affects re-housing families, people from domestic violence, single men and older people. Everybody who is affected by homelessness will be affected by this decision, short and long term.⁹⁵

18.71 Importantly, she referred to the sector's significant loss of trust in the government and the unease within the sector. She explained:

At least every day we have a member ringing up saying, 'Do we renew our membership fees? Are you going to be here?' So, whilst most of our money is government funding, we do get some from our membership, but already that is being put in jeopardy.⁹⁶

18.72 Indeed, even before this withdrawal of funding, Ms Phillips, Australian Council of Social Service, pointed to a general disquiet about overall funding for homelessness, referring to:

...an annual cycle of growing anxiety and uncertainty about the future of the national partnership agreement on homelessness as it is rolled over for 12 months and is then looking for another 12-month or longer extension until there are bigger decisions made about the future of these national partnership agreements.⁹⁷

18.73 This withdrawal of funding and misgivings about the continuation of funding through the NPAH adds to the uncertainty that has grown up around the Commonwealth's commitment and contribution to improving affordable housing for Australians.

Committee view

18.74 The evidence presented in this chapter sent strong and resounding messages that:

- the Australian government cannot vacate the affordable housing space or step back from its responsibilities to ensure that every Australian has access to affordable, safe and sustainable housing;

94 *Proof Committee Hansard*, 11 February 2015, pp. 1–2.

95 *Proof Committee Hansard*, 11 February 2015, p. 11.

96 *Proof Committee Hansard*, 11 February 2015, p. 8.

97 *Proof Committee Hansard*, 10 November 2014, p. 25.

- in the long run, investment in affordable housing returns dividends not only to the individual struggling to access safe, secure and affordable housing but to the budgets of the Australian, state and territory governments and ultimately the Australian taxpayer by having a more productive community with reduced costs for social, health and unemployment services and for justice and policing; and
- the lack of certainty around funding arrangements for homelessness is eroding confidence and undermining the efforts of those engaged in providing assistance to the homeless and those at risk of becoming homeless.

Recommendation 30

18.75 The committee recommends that the Australian Government:

- **take a definite and high profile role in placing affordable housing at the forefront of government policy across Australia;**
- **make a strong and certain recommitment to NPAH (including considering reintroducing an ongoing capital component) and its continuation for at least ten years;**
- **task Homelessness Australia with investigating and quantifying the service delivery gap to people experiencing homelessness, and commit to funding NPAH to meet that gap;**
- **recommit to the target to at least halve homelessness by 2025 (originally set at 2020 in the 2008 White Paper) with set milestones at two yearly intervals to track and report on progress and to offer supported accommodation to all rough sleepers who want it;**
- **work to achieve multi-party support for this long-term goal and, noting that this problem cannot be solved at any one level of government, encourage states and territories to commit to this target and to coordinate their response;**
- **take a longer-term approach when funding programs or agreements that would provide certainty of funding so that organisations and people engaged in delivering programs can, with confidence, plan ahead and seek to achieve continuity in the services they provide to homeless people; and**
- **introduce an urgent capital program with the Australian Government and the states sharing responsibility for funding through NPAH to provide fast build, sustainable and appropriate emergency housing and affordable rental housing to meet the needs of Australians rough sleeping and seeking appropriate housing, with the target of housing by 2020 all rough sleepers who seek to be housed.**

18.76 The committee notes the criticism levelled against NPAH but is strongly of the view that the partnership should be strengthened not jettisoned. NPAH is a necessary

mechanism that has the potential to make a real difference to housing homeless people.

Recommendation 31

18.77 Noting that much of the evidence presented before this committee was consistent with the ANAO's findings on the implementation of NPAH, the committee recommends that COAG establish a working group to review the ANAO's findings and reassess the implementation of NPAH to ensure that NPAH has:

- clear performance measures that can be tracked and verified;
- a requirement for states and territories to report to government on their expenditure on housing under NPAH complemented by a reporting framework that measures the implementation of reforms against set benchmarks and the extent to which they are being delivered on the ground;
- Commonwealth funding linked to the achievement of agreed milestones; and
- investigate Centrelink as a one stop shop to assist people experiencing or at risk of homelessness with referral and in-house expertise to link clients with services and housing.

Recommendation 32

18.78 The committee recommends that the Australian and state and territory governments recognise the important work of advocacy and peak organisations in housing and homelessness and provide adequate support to enable them to continue to deliver their much needed services.

18.79 The committee recommends further that the Australian Government reinstate funding for the peak bodies that represent and provide advice on homelessness, community housing and housing and tenancy policy.

Williams decision—implications for funding housing and homelessness

18.80 The constitutional validity of Commonwealth funding agreements on affordable housing was another source of uncertainty raised during the course of the inquiry. This concern was based on the High Court's decision in *Williams v Commonwealth of Australia*, which found that the Commonwealth had acted beyond its executive power in entering into a funding arrangement with a private company to provide chaplaincy services in a Queensland government school.

In other words, the High Court found that the payments made under this agreement were not supported by the executive power of the Commonwealth.⁹⁸

18.81 Although, this decision would not jeopardise all Commonwealth funding programs, it did raise doubt about the validity of some Commonwealth funding programs including the Department of Social Services' grant funding offers. On 24 December 2014, the Minister for Social Services explained:

As a result of developments in the background law and the High Court's Pape and Williams decisions; some programmes will require redesign to ensure conformity with the law. Some grant agreements will be of two years duration as that redesign process takes place. This will also help to ensure service providers have the scope and flexibility to be responsive, innovative and creative in meeting the needs of the community.⁹⁹

18.82 The minister made a similar statement on 30 January 2015:

The Government has also sought to focus on areas of primary Federal responsibility, especially in light of the recent Williams Case that has reframed the funding framework for many services delivered in our communities, and removed the Federal Government from being able to provide direct funding, where previously it may have done so.¹⁰⁰

18.83 According to the Department of Social Services, the Williams decision may well have applied to the Commonwealth grants under its Housing and Homeless program. Referring to the government's decision to discontinue the grants round, Ms Hand noted (as explained earlier) that the department's review of its major grants program was to make the grants funding 'more streamlined and effective, to give better services with less duplication'. She explained further, however, that:

...the review of housing and homelessness programs was done in that context, also taking into account the potential outcomes of the Williams case and legal developments.¹⁰¹

18.84 According to Ms Hand, the Williams decision did 'not exactly' have implications for the federal government funding organisations such as Homelessness

98 High Court of Australia, *Ronald Williams v The Commonwealth of Australia & Ors*, [2012] HCA 23, 20 June 2012, <http://www.hcourt.gov.au/assets/publications/judgment-summaries/2012/hca23-2012-06-20.pdf> (accessed 2 April 2015).

99 The Hon Scott Morrison MP, Minister for Social Services, 'Department of Social Services Grant Funding Offers', 24 December 2014 <http://scottmorrison.dss.gov.au/media-releases/1> (accessed 24 March 2015).

100 The Hon Scott Morrison MP, Minister for Social Services, 'Morrison to fill critical front line service gaps in Social Service grants', 30 January 2015, <http://scottmorrison.dss.gov.au/media-releases/morrison-to-fill-critical-front-line-service-gaps-in-social-service-grants> (accessed 24 March 2015).

101 *Proof Committee Hansard*, 11 February 2015, p. 16.

Australia, Community Housing Federation of Australia and National Shelter. Even so, she went on to state:

In making decisions in this area, housing and homelessness, the legal implications are a consideration; they are not the only consideration. We are taking advice from AGS and AGD on this—Attorney-General's. They advise what heads of power exist for the Commonwealth and which do not, and the area of housing and homelessness, as you are probably aware, is very complex in this regard. So it is a consideration, but it is not the only consideration.

...

In some cases we are advised by Attorney-General's that there is no head of power for the Commonwealth to deliver housing and homelessness programs.¹⁰²

18.85 Another departmental officer, Mr Palmer, offered the following explanation:

I think it is better to think about Williams as a prioritisation factor when looking at programs in a budget-constrained environment and determining which programs should be contributing more or less to budget savings. It was in that context that Williams was an informing factor, not a determinative factor, if that makes sense.¹⁰³

18.86 The committee found the department's explanation of the Williams decision and its flow-on effects for the Commonwealth grants to housing and homelessness less than satisfactory.

Recommendation 33

18.87 The committee notes that the advice provided to the committee on the Williams decision and the consequences for Commonwealth funding for housing and homelessness simply adds to the uncertainty around the future of Commonwealth funding in this area. The committee recommends that the Australian Government clarify what the consequences are for Commonwealth funding grants for housing and homelessness that flow from the Williams decision and how it intends to respond to them.

102 *Proof Committee Hansard*, 11 February 2015, p. 17.

103 *Proof Committee Hansard*, 11 February 2015, p. 20.