



Submission to the House of Representatives Standing Committee on Family, Community, Housing and Youth Inquiry into the content of Homelessness Legislation

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Submission to Inquiry into homelessness legislation

The Supported Accommodation Assistance Act (1994) was significant and far reaching as it brought into legislation the rights of the most vulnerable and marginalised people of Australia.

One of the significant aspects of the Act was the “Preamble”, which provided an explanation of why the law was enacted and the need to redress social inequality and reduce poverty. Even today, this Legislation is insightful as it recognised the International Standards for human rights and freedoms and it relates to those people who do not know or are unable to access advocates who can assist them to improve their situation.

In light of that I respectfully request the Committee give consideration to:

1. The principles.

Every person has the right to be treated with dignity regardless of whether they are homeless, have the means to pay, are living with a mental or physical disability or have an addiction. No blame to be attached as a result of their situation.

People who are homeless or at risk of homelessness will not be discriminated against on the grounds of race, creed, religion, language or ethnic background; gender; disability; age; locality; socio-economic disadvantage; sexual preference; or any other unjustifiable basis.

People experiencing homelessness have access to a range of services including housing and ongoing support. Recognition is required that some people may need a life time of support to remain housed and prevent homelessness. This should not be seen as encouraging or promoting welfareism but is a reality for many people.

Organisations are adequately resourced to ensure that measures to break the cycle of homelessness provide a holistic response and this is not only related to just shelter. The maintenance of good health is utterly dependent in safe secure appropriate shelter.

There is no difference in how services are delivered either by government or non-government providers and the evaluation of service delivery outcomes are consistent across government and non- government organisations.

2. The scope of legislation

The legislation contain clauses to protect basic human rights and freedoms and to take into account economic, social, cultural and civil rights.

It will ensure Indigenous, refugee and other vulnerable and marginalised groups have specific guidelines to prevent further marginalisation.

Have Standards to protect people from all forms of discrimination including racial discrimination and ensure the rights of women and children are enshrined; women and children have protection against violence.

Service standards for government and non-government organisations to be weighted **equally and include criteria for engaging, maintaining, monitoring, supporting and** providing ongoing outreach to homeless people and those with complex and ongoing need.

Provide monitoring indicators to ensure that government departments act in a timely manner when dealing with other relevant government and non government organisations to assist in helping people to avoid homelessness.

Legislation has to enshrine safety net services and the rights of people who are homeless in order to be effective.

Each state to establish a committee to monitor the implementation of the NPA. Membership of this committee drawn from members of the community who have expertise and experience in the issues surrounding homelessness. This group to include consumer representation.

3. The role of legislation

To ensure that homeless people have access to the same wide range of services as the general public.

To ensure that both government and non-government organisations are accountable for the services they provide to homeless or at risk people and evaluation of institutional responsiveness is mandatory.

To ensure that Government Departments act in a timely manner with other relevant government department and non government agencies to assist in helping people to avoid homelessness.

To ensure that there is a safety net for people who become homeless and that there are options for all people to access safe, secure accommodation.

To ensure adequately funding is provided to agencies who have expertise in crisis and transitional support so as not to endanger the person or other individuals who maybe residing in the same accommodation.

People who work with the homeless also have the right to being treated respectfully in undertaking their work and occupational, safety and health responsibilities of all providers be part of ongoing regulatory requirements.

4. The effectiveness of legislation

Existing legislation did not cover all services that were involved in responding to homelessness. The SAAP Act ensured all SAAP services provided accommodation to those who were homeless or at risk of homelessness but these organisations were never resourced adequately to provide more than basic services. This resulted in a perception of failure to deliver better outcomes but most SAAP service providers had to access additional funds from many sources to provide or facilitate additional support around substance use, mental health, justice, behavioural and job opportunities including training.

Although there was attempts to establish protocols with mainstream agencies, (in WA this was reasonably successful through the then State Advisory Committee) but there was not the will or understanding from most mainstream services that they were a key player in an individual's path to success. Because the sign off on these protocols was at Director level, little weight was put on them at local management. In many cases, being homeless excluded you from accessing services.

There was a general lack of understanding from mainstream services that the homeless had lost connection with family, friends and network and had reduced capacity to engage in supports that were being offered. eg. If you want to send an appointment time to a homeless person you can be reasonably certain they will not get it if they had no fixed address!

Fragmentation of funding that came from federal or state sources exacerbated separate response guidelines and expectations.

For the legislation to be effective it has to hold government departments such as child protection, mental health, justice, drug and alcohol, housing, health, education, Centrelink etc accountable in their assistance to people who are homeless. This should include what steps undertaken to support people to exit homelessness and what steps taken to prevent a person or family from becoming homeless. This accountability should be to an external regulatory and monitoring body that has the authority to ensure the legislation is being enacted.

The legislation will be ineffective if there is not enough accommodation to meet the demand as well as resourced programs to meet the demand of people who require support to remain accommodated.. Western Australia has experienced significant accommodation and housing challenges over the last ten years. Public housing waiting lists have increased and there is a question as to whether they are really representative of actual numbers., The number of households experiencing rental and mortgage stress levels has significantly increased.

Planning and building regulations make it difficult for community housing providers to deliver houses. Outdated bureaucratic hurdles prevent innovation in building design and development. The points listed below demonstrate the need for reform in both

accommodation and support services and a broad wide-ranging, open view should be taken to address these issues.

- Persistent levels of homelessness;
- Demographic changes resulting in significantly changed housing need;
- Critical shortages of appropriate Indigenous housing, particular in remote Australia;
- Increasing metropolitan land supply shortages;
- Declining real investments in social housing; and
- The very slow process of reforming public housing authorities.
- Reduced housing authority capabilities;
- Significant regional housing supply issues; and
- Increasingly slow development approvals processes adding to the cost of land development.

5. The applicability of existing legislation and regulatory models used in community service system

After much lobbying, aged care has recently recognised the need for a “homeless” category. People with complex needs will require a different response and have differing accommodation needs than others in the aged community. Aged care funding relates to the tasks and care required by the individual. This means if organisations have people with higher care needs including challenging behaviours, the funding is increased. A similar funding arrangement is utilised in disability services.

The introduction of community service teams from Centrelink has improved access to these services in the homelessness services sector. Cooperation between homeless organisations and Centrelink is extremely high within the sector and has resulted in improved outcomes for people and less aggravation when people are interacting with Centrelink personnel.

There are still issues around people exiting prison and not being able to access accommodation because they have their benefit reduced. In effect they are discharged for prison into poverty. This means there is no encouragement to remain outside the justice system. Parole requirements because of overloaded correctional departments seem fixed on reporting requirements only, with no real capacity to assist people exiting the offending cycle. While in recent years there has been programs put in place with not for profit organisations to assist people leaving custody to reintegrate into the community, funding invested in this area is extremely limited in terms of actual demand and what is required to support this group successfully. Support is offered in a time limited manner for three to six months, yet the majority of people in receipt of these services may be serial recidivists. Further to this housing is linked to the term of support and if no alternative accommodation is sourced then homelessness and repeat offending becomes an end result. This group is severely disadvantaged in areas of employment and housing. For Indigenous

people who are highly over represented in the criminal justice system the outcomes are further compounded.

Any legislation or monitoring body will always be ineffective if inadequate funds in put in place to assist the very people whose rights we are trying to protect and in this case people who are homeless are at risk of homelessness