



Homelessness Australia
Creating a framework for ending homelessness

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

Contact: Simon Smith, Executive Officer

Phone: (02) 6247 7744



Homelessness Australia

Creating a framework for ending homelessness

The Committee Secretary
Standing Committee on Family, Community, Housing and Youth
PO Box 6021
House of Representatives, Parliament House
CANBERRA ACT 2600
Phone: (02) 6277 4566
Fax: (02) 6277 4844
E-mail: fchy.reps@aph.gov.au

Dear Committee Secretary and Members

Homelessness Australia welcomes the opportunity to contribute a submission to the House of Representatives Standing Committee on Family, Community, Housing and Youth Inquiry into the content of homelessness legislation.

As the national peak body representing over 1300 providers of services to people experiencing homelessness in Australia we have a longstanding and strong interest in ensuring that the Australian Parliament enacts comprehensive and robust legislation to underpin a co-ordinated national response to homelessness.

We are pleased that the committee has recognised the need to build on the strengths of existing legislation, noting that representatives from providers of homelessness services played an active role in the process of drafting the *Supported Accommodation Assistance Act*. We understand that it is necessary to draft new legislation to reflect the changed funding and service delivery environment that the new approach to homelessness has foreshadowed and we welcome the announcement of this Inquiry as the first step in that process.

Our submission will commence by providing an overview of the evolution of Homelessness Australia as the national peak body before providing some general comments and moving to specifically address the five terms of reference.

Please feel free to contact Homelessness Australia should you wish to clarify any of the content of our submission or seek additional feedback from us as the Inquiry progresses.

Yours Sincerely

Simon Smith
Executive Officer, Homelessness Australia

TABLE OF CONTENTS

Our Organisation	4
General Comments	5
Key Points	5
1.) The principles that should underpin the delivery of services to Australians who are homeless or at risk of homelessness	7
Recommendations	9
2.) The scope of any legislation with respect to related Government initiatives in the areas of social inclusion and rights	10
3.) The role of legislation in improving the quality of services for people who are homeless or at risk of becoming homeless	12
4.) The effectiveness of existing legislation and regulations Governing homelessness services both in Australia and overseas	15
5.) The applicability of existing legislation and regulatory models used in other community service systems such as disability services, aged care and child care to the homelessness sector.	20
APPENDIX: Findings from our investigation into the effectiveness of legislation and regulations governing homelessness services overseas	22

Our Organisation

Homelessness Australia is the national peak body representing over 1300 providers of services to people experiencing homelessness as well as those who are at risk of becoming homeless because of their present life circumstances.

Our organisation receives advice and information about issues of concern to providers of services to various client groups (including women and children escaping domestic violence, young people, Indigenous Australians, people in regional, rural and remote locations and people from non-English speaking backgrounds through our councils and reference groups. Homelessness Australia is governed by a thirteen person board made up of members nominated by our councils and reference groups and including our Executive Officer and an independent chairperson.

We are also a member driven organisation and at present we are proud to acknowledge the work of over 350 associate members of Homelessness Australia. Our associate members include providers of direct services to people experiencing homelessness, other homelessness and housing peak bodies, some Government Departments, NGOs and individuals. We liaise closely with other national peaks in the social and community services sector including the Australian Council of Social Service (ACOSS), the Community Housing Federation of Australia (CHFA), Jobs Australia and National Shelter.

Homelessness Australia seeks to promote awareness of the causes and effects of homelessness in Australia and to be proactive in putting forward and advocating for the creation of a framework to end homelessness. We do this by advocating on behalf of people who are experiencing homelessness and working collaboratively with organisations and providers of frontline services to people experiencing homelessness and those who are at risk of becoming homeless. We aim to continuously contribute to the development of national policies and service delivery models that will progressively reduce homelessness and we support the involvement of the whole community in taking responsibility for addressing the causes and consequences of homelessness.

As a member driven organisation we have sought input from our associate members in the process of drafting our submission to this Inquiry. We have previously advocated for the creation of comprehensive, robust national homelessness legislation to underpin the new approach to homelessness and we welcome the announcement of this inquiry as the first step in that process.

General Comments

The key piece of legislation that has underpinned Australia's response to homelessness over the past fifteen years has been the *Supported Accommodation Assistance Act, 1994 (SAA Act)*. The SAA Act protected the right of people experiencing homelessness to access a dedicated service system (the Supported Accommodation Assistance Program/SAAP) and provided a legislative guarantee that such a system would be resourced and supported by both the Australian and state/territory Governments. SAAP is Australia's major programmatic response to homelessness. Over 1500 services are funded through the program and these services supported over 200 000 Australians last financial year.

Homelessness Australia supports the joined-up service response that will underpin the new approach to homelessness outlined in *The Road Home*. We welcome the announcement that mainstream services accessed by people experiencing homelessness will be asked to play a greater role in meeting their specific needs and serve as referral points. What this means though is that we are now moving away from a homelessness response delivered through two dedicated programs, the Supported Accommodation Assistance Program (SAAP) and the Crisis Accommodation Program (CAP). In the new environment, services previously administered under SAAP and CAP as well as a raft of new program and service models are financed by the National Affordable Housing Agreement (NAHA). New initiatives are funded through the National Partnership Agreement on Homelessness (NP) Included in the NAHA and NP are a range of outputs that states and territories must deliver to contribute to core outcomes and a single aspirational objective; "People who are homeless or at risk of homelessness achieve sustainable housing and social inclusion."

Homelessness Australia is pleased to note the acknowledgement by the committee that there are a number of positive components of the *Supported Accommodation Assistance Act (SAA Act)* that could be retained and/or improved upon in new homelessness legislation. We understand that representatives from the homelessness services sector were afforded the opportunity to be closely involved in the development of the SAA Act and we believe that this led to the inclusion of some essential progressive elements of the Act that should be retained; these are outlined in our submission.

Key Points

1.) Principles that should underpin the delivery of services to people who are homeless or at risk of becoming homeless

- We have identified 11 principles that should underpin the delivery of services to people experiencing homelessness and those who are at risk of becoming homeless.
- The 11 principles encompass what we believe are critical components of homelessness legislation and service delivery including; defining who is 'homelessness' and who is at risk, recognising the causes of homelessness, accessibility, the role of mainstream services, flexible service delivery, evidence based approaches, 'no exits into homelessness and service provision to Indigenous Australians and people from non-English speaking backgrounds.

2.) The scope of any legislation with respect to other Government initiatives in the areas of social inclusion and rights

- New legislation should be rights based and closely linked to other Government initiatives such as the promotion of social inclusion.
- New legislation should link with the key objectives outlined in the White Paper and include the headline goals and targets, enshrine the whole of government response and the increased role of mainstream services and reflect the new funding arrangements.
- We have flagged a proposal for the relevant Minister to report annually to Parliament on the progress towards meeting headline goals and targets to reduce homelessness.
- Legislation should include a defined role for existing Specialist Homelessness Services previously funded under SAAP.
- New legislation could provide an appropriate framework to commit the Commonwealth and state/territory Governments to deliver on agreed upon outcomes and outputs in the NAHA and NP.

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

- We have identified 7 ways through which legislation can play a role in improving the quality of services for people who are homeless or at risk of homelessness.

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

- We have analysed the content of the SAA Act and drawn attention to 5 aspects of existing legislation that should be considered when drafting new homelessness legislation.
- Having looked at a range of countries with similar economic and political systems to that of Australia, we have identified a number of elements that we consider important that are already incorporated into both legislative and service responses overseas.

5.) The applicability of existing legislation and regulatory bodies used in other community service systems such as disability services, aged care and child care, to the homelessness sector.

- Homelessness Australia has canvassed the accreditation standards adopted by the Aged Care and Child Care sectors and looked in detail at the National Disability Standards. We think there are a number of key principles underpinning these standards that are worthwhile considering when looking at developing national standards for homelessness services.
- We do however stress that the homelessness services sector is a specialist sector in its own right and there is a wealth of experience within the sector that should be utilised to develop national service standards for the mutual benefit of clients and the workers who support them.
- Homelessness Australia therefore recommends involving workers from the homelessness services sector extensively in the development of an accreditation framework or service standards. Where possible, feedback should be sought from people who have experienced homelessness as well as current service users themselves.

ADDRESSING THE TERMS OF REFERENCE

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

1.1: Definitions of who is homeless and who is “at risk”

Consistent with our previous submissions, Homelessness Australia believes that new legislation must include clear definitions of homelessness and at risk of homelessness. As a principle, homelessness services should be for people who meet the definition of “homeless”, where homelessness is defined as primary, secondary or tertiary homelessness using the ABS cultural definition.

In addition we support the widely held view of the homelessness services sector with respect to the importance of retaining a comprehensive definition of the circumstances and vulnerable groups who can be said to be “at risk” of homelessness. We know that a range of factors such as domestic and family violence, exiting institutions, loss of familial and social supports, mental health episodes, trauma and abuse and unemployment can place people “at risk” of homelessness. We recommend that both the ABS cultural definition of homelessness and the definition in the SAA Act should be included in new legislation.

1.2: Causes of Homelessness

Another important principle that we think should be retained is the commitment to address the range of socio-economic and structural factors that can cause an exacerbate homelessness. Examples in the preamble include; economic inequality, poverty and unemployment. We recommend the inclusion of a recognition of the causes of homelessness in the new Act and services should also be accessible to Australians who are ‘at risk’ of becoming homeless because of the reasons cited above.

1.3: Universal Access to Specialist Homelessness Services

We endorse the principle that access to homelessness services should be universal. This would necessitate ensuring that barriers to accessing homelessness services are minimised and that fees for accommodation and other services should be kept to a minimum. This principle should apply to new models funded via the Homelessness NP as well.

1.4: Role of Mainstream Services

We welcome the emphasis placed on early-intervention and prevention in the new approach to homelessness. To underpin this commitment we would support the adoption of the principle that mainstream services that are accessed by people experiencing homelessness will intervene at the earliest opportunity to prevent homelessness. We believe that the legislation must apply to all services that are provided to people experiencing homelessness, both government and non-Government and recommend the adoption of a principle that ensures timely access to mainstream services for people experiencing homelessness.

1.5: Flexible Service Delivery

People experiencing homelessness must be able to access appropriate and flexible services when they need them and for the length of time needed to stabilise their situation. Services must be able to assess the needs of the client and be able to meet those needs accordingly. Homelessness Australia recommends the adoption of the principle that services must be sufficiently flexible to meet the needs of diverse client groups.

1.6: 'No Exits' Policy

Homelessness Australia welcomes the adoption of the policy of ensuring that no one is exited from correctional facilities, hospital settings and state care into homelessness. In order to prevent people from being exited into homelessness from these settings we need to incorporate extensive pre-discharge planning and post-exit follow-up support service provision. Homelessness Australia recommends adopting the principle that no one will be exited from these settings into homelessness and enshrining this principle in new legislation to ensure that people who are in these settings will receive adequate pre-discharge planning and post-exit support.

1.7: Evidence Based Approaches

Homelessness Australia supports the principle adopted in the White Paper that approaches to addressing homelessness should be evidence based and underpinned by comprehensive data collection and research. We recommend including a provision to ensure that programs and strategies, including newer service models such as Common Ground and Foyer are subject to regular, independent evaluations to determine their effectiveness.

1.8: Transitional and Longer Term Accommodation is Affordable

Homelessness Australia welcomes the emphasis on providing medium and longer term accommodation for people experiencing homelessness. This accommodation must however be appropriate, affordable and safe; taking into account the fact that the majority of people experiencing homelessness are reliant on income support and domestic and family violence is consistently the most commonly cited reason for seeking assistance from homelessness services.

1.9: Aboriginal and Torres Strait Islander Peoples

Available data suggests that almost one in ten people experiencing homelessness in Australia identify as Aboriginal or Torres Strait Islander. Homelessness Australia believes that services must be accessible to Indigenous Australians and that assistance provided to Indigenous clients should be culturally appropriate. We recommend incorporating this principle in new homelessness legislation. It should also be noted that many Indigenous Australians may have different views about what constitutes homelessness. We believe the committee should recognise the concept of 'spiritual homelessness' characterised by the loss of connection to 'country' and the physical separation from 'country' caused by successive government policies. We also note that overcrowding is a major issue for many indigenous households and contributes to poorer health and social outcomes in addition to placing tenancies at risk.

1.10: People from Non-English Speaking Backgrounds

Australia is widely recognised as one of the most culturally diverse nations on earth. There are a range of providers of services to people experiencing homelessness from ethnically diverse backgrounds but inevitably many people will need to access mainstream and generalist homelessness services.

Service models should be sufficiently flexible to enable staff to respect and validate the needs and values of clients from culturally diverse backgrounds. Service providers should engage with ethnic community organisations and leaders in their locality and seek advice about how to ensure their service is accessible and accommodates the needs of clients from non-English speaking backgrounds.

1.11: Services for Specific Client Groups are recognised

The Homelessness Services sector is incredibly diverse and services have evolved to meet the needs of specific target groups who are either experiencing homelessness or who are at risk of homelessness. Homelessness Australia believes an important principle would be the recognition of the different target groups served by the sector. These include; Women escaping domestic violence, vulnerable families, Indigenous Australians, people from non-English speaking backgrounds, young people and single adult men.

RECOMMENDATIONS

- The ABS cultural definition of primary, secondary and tertiary homelessness and the definition contained in the SAA Act must be retained in new legislation.
- The individual, socio-economic and structural causes of homelessness should be recognised in new legislation.
- Access to specialist homelessness services should be universal.
- People experiencing homelessness and those at risk of becoming homeless must have timely access to mainstream services especially those that can prevent homelessness and/or serve as assessment and referral points.
- Service delivery models must be sufficiently flexible to respond appropriately to the individual needs of clients.
- Legislation should enshrine the principle that no one will be exited into homelessness from correctional facilities, health care settings and state care.
- Programs and service responses must be evidence based. Existing and new service models should be subject to regular, independent evaluations to determine their effectiveness.
- The overarching aim must be to secure medium or long term accommodation for people experiencing homelessness and those at risk of becoming homeless. Accommodation must be affordable, appropriate, safe and secure.
- Services should be accessible to Aboriginal and Torres Strait Islander people and workers should respect and validate their cultural beliefs. The concept of 'spiritual homelessness' should be validated.
- Services should be accessible to people from non-English speaking backgrounds. Different cultural beliefs and service needs should be accommodated.
- Legislation should recognise the on-going need for services for specific groups such as women and children escaping domestic violence, families, young people, single adult men, Indigenous Australian and people from NESB backgrounds.

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

2.1: Social Inclusion and Rights

People experiencing homelessness, as well as a significant proportion of those who are at risk of becoming homeless, are among the most socially excluded people in Australia. It has long been recognised that homelessness results in people becoming disconnected from social and support networks that those of us who are stably housed take for granted. Homelessness Australia welcomes the focus on social inclusion and believes that increasing opportunities for social inclusion for people experiencing homelessness is important. The concept of social inclusion, however, must be viewed as much broader than simply economic participation even though increased economic participation may be an important driver of social inclusion. Legislation should ensure that homelessness is recognised by the Parliament and the Community as a barrier to social inclusion. Australians who are experiencing homelessness must be afforded enhanced opportunities for civic and social participation which will in turn foster social inclusion. Many of the most effective programs for people experiencing homelessness focus education, the arts, sport and other forms of social participation.

Legislation should define homelessness as a rights based issue rather than one of charity. Our members have expressed a strong desire for homelessness to be viewed within a human rights framework. In order to end homelessness it will be necessary to ensure all levels of Government and the community in general are genuinely committed to ensuring that appropriate, safe and secure accommodation is available to all those who need it. For our members, this means enshrining the right to access safe, affordable, secure housing with the support necessary to enable people to sustain their tenancy in new homelessness legislation. There will also need to be enforceable provisions incorporated into the new Act that clearly articulate how we as a nation intend to ensure that that right to housing is progressively realised.

We are aware that the Human Rights Commission is currently engaged in an extensive consultation process with the Australian community with a view to determining whether or not Australia should draft a Human Rights Act or develop a national human rights charter. In the event that any formal document or legislation results from this process, we would advocate for the inclusion of rights to adequate, affordable and safe housing and a reasonable standard of living to protect society's most vulnerable, including those who are experiencing or are at risk of homelessness.

We would support the adoption of a Charter of Rights for clients accessing homelessness services which could also aim to clarify service expectations and the responsibilities of service providers.

2.2: The White Paper

Homelessness Australia sees the enactment of new Commonwealth Homelessness Legislation as an opportunity to develop a legal framework that commits both Australian and state and territory Governments to meeting the headline goals and targets adopted in the White Paper.

With the incorporation of what was a single, national program (SAAP) into a broader National Partnership, Homelessness Australia sees new legislation as providing an opportunity to enshrine the need for a national, cohesive approach to progressively reducing homelessness in law. This would ensure that Australia remains committed to reducing homelessness beyond the life of any one Government. Homelessness Australia believes including the headline goals and targets outlined in the White Paper in legislation would facilitate this.

The White Paper flags a significantly greater role for mainstream agencies in preventing and responding to homelessness. Homelessness Australia welcomes this initiative and we believe that the inclusion of a statement of responsibility in legislation that requires mainstream services to respond appropriately to service users who are identified as experiencing homelessness would be appropriate.

We would like to see the inclusion of a requirement on the part of the Minister responsible for homelessness to report annually to the Parliament about the progress towards meeting White Paper targets and the extent to which agreed upon outcomes and outputs have been achieved, legislation must proscribe the reporting arrangements.

2.3: National Affordable Housing Agreement/National Partnership on Homelessness

Homelessness Australia believes that legislation could also provide an appropriate framework for the Commonwealth and state/territory Governments to deliver on agreed upon outcomes and outputs specified in the National Affordable Housing Agreement (NAHA) and the National Partnership on Homelessness (NP). Legislation could include for example, a commitment to ensuring that people experiencing chronic homelessness are entitled to access 'street to home' services, people at risk of homelessness are referred to tenancy support programs, and people exiting facilities are able to access and maintain stable, affordable housing.

Services previously funded through the SAAP multi-lateral agreement are now funded under the much larger National Affordable Housing Agreement (NAHA). Legislation must include a guarantee that specialist homelessness services will continue to receive on-going funding through the NAHA.

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

While legislation can play a role in defining service expectations and proscribing national service standards where desirable, a continuous commitment to improving the quality of services provided will require the provision of funding for quality assurance programs. It should be stated from the outset that SAAP data demonstrates that clients do receive quality services, in 2007/08, clients reported having 96% of their needs met (SAAP NDCA data 2007/08 p.64).

3.1: A Defined Role for Specialist Homelessness Services in New Legislation

Legislation should include a clearly defined role for Specialist Homelessness Services. There is significant concern within the sector that services that were funded under SAAP are no longer afforded any guarantee of funding in the absence of a dedicated program supported by legislation. By including provisions guaranteeing that Specialist Homelessness Services will be provided for into the future and recognising the significant pool of expertise that exists within the sector would help to allay this concern.

3.2: Defining 'Quality'

There is support within the sector for the inclusion in legislation of what is meant by 'quality'. Workers have expressed the view to Homelessness Australia that they believe the term 'quality' is subjective and open to interpretation. With a clear definition of quality to work with, they are not opposed to undertaking measures at a service level that commit to continuously improving the quality of their service provision.

That said, our members stress that in order to improve the quality of their service provision they need adequate funding commensurate with demand. As the SAAP V evaluation found, funding per client has continued to decrease over the past decade as demand for SAAP services dramatically outpaced indexation increases.

3.3: Taking into Account Demand Pressures When Determining Funding

The 2006 *Counting the Homeless* reports from the Australian Census Analytical Programme illustrate the extent of the increase in demand for homelessness services. The proportion of people counted as homeless on Census night accommodated in Specialist Homelessness Services increased by 40%, over the same period of time, funding for such services increased by less than 10%. This has meant that between 1996/97 and 2007/08, average funding per client has declined from \$3440 to \$3080 (SAAP NDCA Annual Report 2007/08, p.94). With this in mind, our members take the view that legislation could play a role in improving the quality of service provision if it included a provision that required Government funding allocations to be determined by demand for services and indexed accordingly. Homelessness Australia recommends that funding for homelessness services should be linked to demand for service.

3.4: Retaining Data Collection Requirements

Given that the focus of the new approach to homelessness is much broader than just Specialist Homelessness Services, a determination will need to be made by Government about which homelessness specific and mainstream services should be required to collect and submit data about the use of their services by people experiencing homelessness. Homelessness Australia supports the proposal in the White Paper to improve data collection outcomes and thus the evidence base to underpin responses to homelessness. The *Supported Accommodation Assistance Act* provided for regular data collection (every financial year) and new legislation should retain this important provision. To allow for comparison new data collected should include the same or similar items with the scope to elicit additional information that may improve client outcomes or enable us to more accurately evaluate the effectiveness of program responses to homelessness.

3.5: Regular Evaluation of Existing and New Service Models

The new approach to homelessness will deliver a range of new program and service responses across each state and territory. The *Supported Accommodation Assistance Act* provided for the regular evaluation of the effectiveness of SAAP and Homelessness Australia recommends retaining the provision for regular evaluation of the homelessness service delivery system. Given that this is now much broader than just specialist homelessness services, we would also recommend that new legislation should also provide for regular evaluation of all homelessness services funded under the NP including new models such as Common Ground and Foyer.

The types of services that clients can expect to receive are specified in sections seven, eight and nine of the *Supported Accommodation Assistance Act*. In addition to accommodation and support, these include services such as; advocacy, assessment and referral, case management and counselling. Homelessness Australia believes that is important that clients are provided with accurate information about the types of services they can expect to receive when they access specialist homelessness services.

Homelessness Australia recommends that new legislation should also specify these as this would provide a point of reference for service providers seeking to ensure that their service response is consistent with the changed focus of the new approach to homelessness.

3.6: Clarifying Clients Rights and Responsibilities for Service Provision

In addition to providing clarity around the types of services clients can realistically expect to receive, Homelessness Australia believes that it will also be important to include in new homelessness legislation provisions to safeguard clients' rights. To do this, clients must have the right to provide feedback about the nature of the services they are receiving and the extent to which their needs are being met.

Homelessness Australia recommends that legislation should stipulate that all services must develop appropriate grievance procedures and mechanisms through which clients are able to provide feedback about the services they are receiving.

Homelessness Australia also recommends that services develop charters that outline clients' rights and responsibilities and provide copies of these to clients when they enter the service. This would ensure that clients are informed about their rights and responsibilities as service users. The charters could include information about grievance procedures and how clients are able to provide feedback about the service(s) they are receiving.

In addition to stipulating that agencies and service providers must establish grievance procedures and internal mechanisms to enable clients to provide feedback about the service(s) they are receiving, new legislation also provides an opportunity to establish an external body to examine complaints or grievances that are unable to be resolved at a service level. The extent to which the Community Services Ombudsman already fulfils this role would evidently need to be considered.

3.7: Enshrining the Commitment to Longer Term Solutions

Homelessness Australia applauds and endorses the focus on medium and longer term solutions to homelessness that underpins the new approach outlined in the White Paper. Homelessness Australia recommends including a requirement that all agencies both Government and non-Government have an obligation to broker long-term or permanent accommodation for their clients that is accessible, affordable, appropriate safe and secure in new homelessness legislation.

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

4.1: The Effectiveness of the *Supported Accommodation Assistance Act*

As noted earlier in our submission there are a number of important elements of the *Supported Accommodation Assistance Act* that have served homelessness services and their clients well. The very existence of legislation that provided for a dedicated homelessness services program (SAAP) has enabled hundreds of thousands of vulnerable Australians, the majority of them women to access vital accommodation and support services. In 2007/08, over 202 000 people were provided with accommodation and/or support by services funded through the SAAP.

The *Supported Accommodation Assistance Act* has provided an important basis for the co-ordination and development of a service delivery system designed to specifically meet the needs of people who are experiencing or who are at risk of homelessness. New legislation should recognise that there is an on-going need for the existence of services that are specifically funded to provide accommodation and support services for people either experiencing homelessness or who are at risk of becoming homeless.

4.1.1: The Preamble to the *Supported Accommodation Assistance Act*

As noted under the first term of reference we believe that one of the most effective elements of the *Supported Accommodation Assistance Act* is the comprehensive preamble to the Act. The preamble states that “the Parliament recognises the need to redress social inequalities and achieve a reduction in poverty and the amelioration of the consequences of poverty for individuals”. It also recognises that people experiencing homelessness are one of the most powerless and marginalised groups in our society and states that responses to their needs should aim to empower them and maximise their independence. The need for responses to be provided in a way that respects the dignity of individuals, enhances their self esteem, is sensitive to their social and economic circumstances and respects their cultural backgrounds is also recognised.

The preamble continues by affirming that Australia has acted to protect the rights of all its citizens including those who are experiencing homelessness or are at risk of becoming homeless by ratifying key UN Covenants and Declarations. Domestically, the Act continues its rights based approach to homelessness by referring to the enactment of the *Human Rights and Equal Opportunity Commission Act 1986*. Homelessness Australia and our members recommend that new legislation to underpin responses to homelessness retains a rights based approach.

In short, Homelessness Australia on the advice of our members believes that the ethos and content of the preamble should be retained and adapted to reflect the changed focus of the new approach to homelessness. There are also a number of important clauses in the *Supported Accommodation Assistance Act* itself that are effective in terms of defining both who is eligible for assistance from homelessness services and types of services that clients can expect to receive from providers.

4.1.2: The Importance of Retaining the Definitions in the Act

An important definition contained in the *Supported Accommodation Assistance Act* that Homelessness Australia and our members believe should be retained in new legislation pertains to the standard of accommodation that is available to a person. The definition of homeless in section four of the Act can be interpreted as having regard for life situations that place people at risk of becoming homeless such as women and children experiencing domestic violence and young people in unsafe living environments. It reads:

When a person is Homeless

- (1) *For the purposes of this Act, a person is homeless if and only if he or she has inadequate access to safe and secure housing.*

Inadequate access to safe and secure housing

- (2) *For the purposes of this Act, a person is taken to have inadequate access to safe and secure housing if the only housing to which he or she has access:*
- (a) *damages, or is likely to damage a person's health*
 - (b) *threatens a person's safety; or*
 - (c) *marginalises the person through failing to provide access to adequate personal amenities or the economic and social supports that a home normally affords; or*
 - (d) *Places the person in circumstances which threaten or adversely affect the adequacy, safety, security and affordability of that housing.*

Person living in SAAP accommodation

- (3) *For the purposes of this Act, a person is taken to have inadequate access to safe and secure housing if:*
- (a) *The person is living in accommodation provided under SAAP; and*
 - (b) *The Assessment of the person's eligibility for that accommodation was based on the application of subsection (1) and (2) (ignoring the effect of this subsection).*
- (4) *Subsections (2) and (3) do not limit the generality of subsection (1).*

Homelessness Australia believes this definition should be retained in new legislation with s.3 (a) being replaced with “*The person is accommodated by a homelessness service*”.

We believe this definition could readily co-exist with the ABS cultural definition of primary, secondary and tertiary homelessness in new legislation. Both definitions provide a useful and authoritative Australian construct of what we mean by homelessness and who can be regarded as at risk of becoming homeless.

4.1.3: The Aim of SAAP

Homelessness Australia believes that many of the aims of SAAP that are specified in section five of the *Supported Accommodation Assistance Act* continue to be relevant and could be readily applied to both existing and new homelessness services funded under the National Partnership.

The aims of the program that seek to achieve the maximum possible degree of self reliance and independence for clients and entitle clients to opportunities to enable them to participate fully in community life are consistent with the broader social inclusion agenda and should be retained in new legislation.

4.1.4: Services Provided by SAAP

Sections seven and nine of the *Supported Accommodation Assistance Act* specify a number of services that providers should be assisted by Government to offer their clients in addition to accommodation and general support. These include the provision of case management, assessment and referral and advocacy on behalf of clients as well as committing providers to increase access to employment, education and training, health services, income support and other avenues to further their integration into the community. Finally, section seven stipulates that services should help people broker access to long-term, secure and affordable housing and accommodation that is suitable to their needs. This provision is especially relevant to the new approach that focuses on medium and longer term solutions to homelessness.

It must be retained in legislation and in order to be effective it should be backed by a commitment on the part of Government to enable homelessness services to directly access longer-term accommodation options for their clients.

4.2: Legislation and Regulations Governing Homelessness Services Overseas

In looking for examples of legislation and regulations governing homelessness services overseas, our investigation was limited to countries with similar economic, political and service delivery systems to our own. Countries canvassed for the purposes of this submission included Canada, European Union member states, Japan, New Zealand and the United States.

Homelessness Australia was pleased to discover that a number of elements that we believe should underpin the governance and provision of services to people experiencing homelessness as well as those who are at risk of becoming homeless are features of both legislative and service responses that are in place overseas. These are outlined in the following pages and a summary of our findings is presented in the appendix to our submission.

4.2.1: Client Participation

Homelessness Australia believes that people accessing homelessness services should be able to provide on-going feedback about the services they are receiving. A number of European Union member states have established either legislation or service charters that:

- Require user participation to be central to the design and development of the service.
- Obligate service providers to establish transparent mechanisms to seek on-going feedback about the quality of service received.
- Clarify the rights of people accessing the service and clearly explain the responsibilities of service users.

- Require services to establish grievance procedures and dispute resolution mechanisms.
- Provide for the regular review of the types of services offered and the effectiveness of the service model in response to feedback from clients.

4.2.2: Committees for the Homeless

- Some European Union member states have established committees or councils for the homeless. These are high level advisory groups which directly advise Government about issues concerning homelessness and are comprised of people who have experienced homelessness, service users, workers from the homelessness sector and bureaucrats.
- Homelessness Australia supports the principle that people who have experienced homelessness and people currently accessing homelessness services should be provided with on-going opportunities to inform public policy and advise Governments about homelessness.

4.2.3: Medium and long term homelessness plans and reviews

- In England, Wales and Scotland, national Legislation imposes a duty on local housing authorities to carry out regular homelessness reviews and develop 5 year homelessness strategies to address the issues identified in the process of that review.
- In Canada and the United States, 'ten year plans to end homelessness' have been developed in a number of cities, provinces and states which are reviewed on a regular basis.
- A number of European member states have also devised homelessness action plans that include specific targets to reduce homelessness and increase the provision of housing and support to people experiencing poverty and social exclusion.
- Homelessness Australia believes there is a great deal of merit in developing long term plans to reduce homelessness and we believe there is merit in developing similar plans for local government areas in Australia as well as states/territories and aligning medium and long term goals and targets with the headline goals and targets in the White Paper.

4.2.4: Recognition of the right to access adequate housing

- The European Union incorporated the non-enforceable right to housing in its poverty and social exclusion charter at the Lisbon declaration.
- Some European member states have incorporated the right to access housing into their constitutions and/or national legislation.
- Homelessness Australia's members support the recognition of the right to access housing in new homelessness legislation. Homelessness Australia believes this should be backed by a commitment to take steps to ensure the progressive realisation of that right.

4.2.5: Indigenous People

- In Canada and New Zealand community and social services including services for people experiencing homelessness, are required to demonstrate that they offer culturally appropriate services to Indigenous clients.
- In New Zealand, workers are required to demonstrate 'cultural competence' in working with Maori and Pakeha (Pacific Islander) clients.
- Homelessness Australia believes that homelessness services in Australia should be required to demonstrate that they are accessible to clients who identify as Aboriginal or Torres Strait Islander. Furthermore the cultural and spiritual beliefs of Aboriginal and Torres Strait Islander clients should be taken into account, valued and respected by workers.

4.2.6: The Development of Service Standards

Homelessness Australia believes there are some excellent principles that must be considered by European Union member states when implementing quality in homelessness services. These include ensuring that;

- Quality demands are accompanied by an adequate legal framework and sufficient funding to ensure the full and systematic implementation of quality service standards.
- Quality measurement is clearly linked to the nature and objectives of the service and inspectors should seek to have a full understanding of this.
- The structural component to the quality framework provides sufficient legislative and government support to ensure services can meet mutually agreed upon service standards.
- The attitude of inspectors to improving the quality of service standards is to build capacity to improve service quality not control based.
- User participation is central to service design and service users are actively encouraged to provide feedback about the services they are receiving.
- Service users are clear about their rights and responsibilities.
- The quality improvement process is transparent.
- The persons involved in quality implementation/accreditation are independent of the body responsible for funding the service.
- Service standards are implemented progressively through a scale of priority and non-priority standards within a realistic time scale to enable smaller services with a lower financial base time to adapt to new quality requirements.
- The accreditation process is not static, but rather a dynamic and on-going process subject to regular review as service demands and models change.
- Workforce development is a crucial component of quality service delivery. Staff should be provided with on-going opportunities to enhance their capacity and broaden their skills base.

4.2.7: Definitions of homelessness and people who are 'at risk'

In looking at definitions of homelessness and who is at risk of becoming homeless applied overseas, Homelessness Australia was pleased to note that the two definitions widely applied in Australia are broader than those applied in almost all of the countries we examined. We therefore recommend retaining these in new legislation.

5.) The applicability of existing legislation and regulatory bodies used in other community service systems such as disability services, aged care and child care, to the homelessness sector.

5.1: General Comments on National Standards and Regulation

Homelessness Australia broadly supports the adoption of national standards for homelessness services noting that in many states and territories some services are already engaged in quality assurance programs and/or are required to meet particular standards that are in place for the community services sector in general.

We believe that there is some value in looking at aged care, child care and disability standards and regulatory systems but we would caution that homelessness services serve specific client groups in and of themselves and as such; will require national standards and a regulatory framework that reflects this. Homelessness Australia recommends that the Government draw on the extensive experience of workers from the homelessness services sector when developing national service standards.

Advice from our members suggests that there is support within the homelessness services sector for the adoption of national service delivery standards. There is support for the adoption of national standards that are focused on assisting providers to improve service delivery and client outcomes rather than a set of standards that are couched in risk management.

One major issue that has been conveyed to us through our membership is the limited financial and resourcing capacity that smaller providers have available to them to engage in accreditation processes. Finding the time and being able to commit the resources needed to demonstrate that a service can meet particular standards will be eminently more difficult for providers with less than a handful of staff and minimal financial resources than it will for larger agencies and the services that they auspice. In other sectors attempts have been made to mitigate this by directly linking the accreditation process to the organisation's size and financial base and this could be one way of addressing this concern should the Government implement accreditation procedures for homelessness services.

Homelessness Australia believes that representatives from a broad range of homelessness services and the peak bodies who represent them should be directly involved in the process of developing national service standards and regulatory systems. This would engender a feeling of 'shared ownership' of the standards and ensure that they are both realistic and reflective of the different environments in which services catering to particular client groups operate.

5.2: Aged Care, Child Care and Disability Standards

Having looked at Accreditation Standards in Aged Care and the National Standards for child care providers and providers of disability services, Homelessness Australia believes that there is value in looking at these sectors when considering how to proceed with the implementation of an accreditation framework for homelessness services.

5.2.1: General Comments about the Applicability of Regulatory Models for these Sectors

There are a number of important principles and supporting standards in both the aged care and disability sectors that could serve as useful points of reference when developing national guidelines to underpin the provision of services to people experiencing homelessness. Without addressing these individually, we think there is merit in canvassing standards in these sectors that cover broad areas including:

- Ensuring that the dignity, privacy and rights of clients are protected at all times and that clients are placed at the centre of service delivery considerations.
- Ensuring clients have some agency about the types of services they receive and are afforded opportunities to provide feedback to providers.
- Service responses are flexible and meet the needs of particular clients.
- Services are accessible and accommodating.
- Services adopt sound management practices that maximise positive outcomes for clients.
- Clients have the right to have complaints heard and services should develop mechanisms for the resolution of disputes.
- Clients are supported and encouraged to participate and be involved in their communities.
- Professional development opportunities are available to staff.
- Accommodation provided is appropriate, comfortable, safe and secure.

5.2.2: The Aged Care Commissioner

The creation of the office of the *Aged Care Commissioner* under the *Aged Care Act 1997* is of interest to Homelessness Australia. It is our understanding that one of the key roles of the Office of the Aged Care Commissioner is to receive feedback and investigate the nature of any complaints made by residents or their families about the standard of care provided by agencies in receipt of the Aged Care Subsidy. One of the points of interest that is noteworthy is that the Office through its web-site provides a mechanism that allows people to submit feedback on-line. Consideration should be given to the appropriateness of creating a similar office to oversee homelessness service providers.

Homelessness Australia recommends that any accreditation framework and national service standards that are adopted must align with accreditation and regulatory systems that are already in place at a state and territory level and not duplicate them.

APPENDIX: Findings from our investigation into the effectiveness of legislation and regulations governing homelessness services overseas

Canada

Available information from the peak bodies representing people experiencing homelessness and service providers indicates that the Canadian Government is currently engaged in consultations with the social services sector and provincial Governments about the need for national homelessness legislation.

Presently, provincial and municipal Governments are responsible for developing medium and long term action plans to address homelessness. In the major cities such as Montreal, Toronto and Vancouver, municipal Mayors have endorsed ten year plans which include defined milestones and targets to reduce homelessness and improve the standard of accommodation provided to people experiencing homelessness. I was unable to find any information on specific service standards however, most cities and provincial plans have sought to minimise the role of crisis accommodation and shelters in accommodating people experiencing homelessness in favour of medium and longer term supported housing. Best practice recommends that clients be connected to education, health and social services in their communities as soon as is practicable after being housed.

In a number of provinces, providers are required to demonstrate that they offer culturally appropriate services for Aboriginal Canadians and Inuit people. It would not be unreasonable for service providers in Australia to do likewise.

European Union

While being internationally recognised as a single economic bloc, there is significant variation across the member states of the European Union in terms of both the nature and rates of homelessness and the character and development of social service delivery systems.

At the Lisbon declaration, member states endorsed the adoption of a charter of strategies aimed at combating social exclusion which included recognising homelessness as a severe manifestation of social exclusion. The revised charter states:

"...All people have the right to protection against poverty and social exclusion and with a view to ensuring the proper exercise of the right to housing the parties undertake to take measures intended to encourage access to housing of an adequate standard, to prevent and reduce the state of homelessness with a view to its gradual elimination..."

At a continental level, member states have in the above charter to endorsing the rights to protection against poverty and social exclusion and access to adequate housing. The extent to which this is provided for in legislation pertaining to housing and homelessness in individual member states varies significantly.

In terms of legislation and regulations governing homelessness services specifically, there is evidence that the European Union has engaged with member states to develop charters around client involvement in social service provision and definitions of what 'quality in social services' can be taken to mean. At a continental level, ten principles

have been adopted that are to be considered when implementing quality in homelessness services. These include ensuring that:

- **Pre-conditions:** Quality demands are accompanied by an adequate legal framework and sufficient funding to ensure the full and systematic implementation of quality service standards.
- **Specificities:** Quality measurement should clearly be linked to the nature and objectives of the services and inspectors should therefore have a full understanding of this.
- **Support:** There needs to be structural component to a quality framework that requires legislative/government support to organisations to ensure they can meet the quality standards agreed.
- **Attitude:** The attitude to improving the quality of service standards is crucial. External inspections should aim to support service providers to improve service provision rather than act as control based inspections.
- **User Participation:** Consultation of service users is especially important when clarifying rights and responsibilities. User participation should therefore be central to the design and development of the service, allowing time and space for consultation with service users, such as daily consultations.
- **User rights and responsibilities:** The rights of service users have to be implemented in a way that allows for a balance between the rights of the service user and the interests of the community and workers. Clarity is needed on rights and responsibilities when implementing quality.
- **Transparency:** It is important to ensure transparency regarding who is responsible for quality inspection, when and how it is carried out and regarding reporting procedures and complaints mechanisms.
- **Responsibilities:** The role of bodies involved in quality implementation should be clarified. The quality inspecting authority must be independent of the body responsible for the financial allocation to services.
- **Scaling:** New quality systems will inevitably place pressure on homelessness services to adapt their working methods and service structure. In order to allow services (especially smaller services) to adapt to new quality requirements without the threat of funding cuts or closure, standards should be introduced progressively through a scale of priority and non-priority standards within a realistic time-scale.
- **Review:** Homelessness services, like most social services, permanently evolve as society evolves and new needs emerge. It is fundamental to acknowledge that measuring quality in service is not a static process but a dynamic and on-going process in need of regular review.

In 2005 the European Parliament passed a declaration that commits European Union member states to end street homelessness and implement 'winter emergency plans' by 2015.

Selected European Union Member States

Belgium

There is no national legislation specifically covering homelessness services in Belgium. Homelessness is addressed in the broader *Welfare Act*. Homelessness is viewed as a manifestation of social exclusion and the prevailing political and public view is that it is

primarily caused by socio-economic and structural factors. A range of services for people experiencing homelessness are provided for under the Act and these are funded by municipal Governments and social welfare agencies. Accommodation ranges from temporary crisis accommodation to transitional and medium term supported social housing properties.

The Belgian definition of homelessness covers rooflessness, homelessness (shelters, transitional accommodation and 'couch surfing', people living in 'uncertain conditions' and people living in what is termed 'poor housing' (substandard dwellings and boarding/rooming houses.

The Belgian Constitution incorporates a limited right that all citizens should be able to access housing of an adequate standard.

Czech Republic

After the collapse of the USSR, the Czech republic experienced a rapid increase in the rate of identifiable homelessness as thousands of people were released from state-controlled 'children's homes', 'psychiatric institutions' and prisons.

There was an urgent and pressing need for the rapid development of a network of social services which was reliant almost entirely on Government funding. Working closely with the European Union, the Czech Republic developed comprehensive national standards for determining quality in social services.

Many of the above principles are reflected in the Czech standards and include; protecting clients rights and the dignity and integrity of clients, client involvement in service provision (including the right to make their own decisions about service participation, goal setting, procedures to ensure client and worker safety, agreement on the provision of service, case planning, information sharing (clients must be able to access all case notes), confidentiality and privacy provisions, access to internal and external complaints mechanisms, guaranteed minimum working conditions and government funded professional development and training programs for staff.

Evidence suggests that the adoption of the National Standards for Quality in Social Services has dramatically improved the quality of service provision across the Czech Republic.

Denmark

Denmark has developed a comprehensive, universal social and welfare system. Like other Scandinavian countries, the rate of homelessness in Denmark is comparatively low at around 13/10 000 compared with 53/10 000 in Australia. The *Social Assistance Act* is the primary instrument that requires that people experiencing homelessness are required to be provided with assistance, care, accommodation and universal access to support services necessary to enable them to make the transition to becoming stably housed.

Under section 94 of the Act, municipalities are provided with funding to establish social and supported housing as well as short-term accommodation to meet immediate need. Social Services are required to meet minimum standards and services provided in Denmark include; 24 hour assessment, counselling and referral services are also

provided for and access to employment, health, legal and non-specialist social services is provided free in Denmark.

The definitions of who is *homeless* and who is *threatened with homelessness* are broad and similar to those used in Australia. All Danish citizens who meet these definitions are eligible for universal assistance from Denmark's full complement of publicly funded education, health, legal and social services.

England and Wales

Two pieces of legislation covering homelessness have been enacted in England and Wales, the *Housing Act 1996* and the *Homelessness Act 2002*. Part VII of the *Housing Act 1996* grants people with no accommodation or who are likely to become homeless within 28 days the right to accommodation by virtue of an order of a court. This right extends to people living in 'moveable structures' and to people defined as at risk of homelessness including those who are experiencing domestic violence.

The Act also imposes a duty of local housing authorities to provide advisory services and enables them to make available both premises for occupation and furniture and other goods.

The Act also states that local housing authorities may provide assistance to 'Voluntary Organisations' permitting them to use premises belonging to the authority and to purchase furniture or goods by way of loan, gift or otherwise. People are eligible for assistance if they are citizens or permanent residents of England or Wales and if they meet the accepted definition of 'homeless' or 'threatened with homelessness':

- A person is homeless if he or she has no accommodation or has accommodation but:
 - (a) He or she cannot secure entry to it, or
 - (b) It consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.
- A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.
- A person is threatened with homelessness if it is likely that he will become homeless within 28 days.
- Meaning of accommodation available for occupation. Accommodation shall be regarded as available for a person's occupation only if it is available for occupation by him together with
 - (a) Any other person who normally resides with him as a member of his or her family, or
 - (b) Any other person who might reasonably be expected to reside with him or her
- Whether it is reasonable to continue to occupy accommodation. It is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence against him or her or against
 - (a) A person who normally resides with him as a member of his or her family, or
 - (b) Any other person who might reasonably be expected to reside with him.

For this purpose "domestic violence", in relation to a person, means violence from a person with whom he is associated, or threats of violence from such a person which are likely to be carried out.

In the *Housing Act 1996*, a distinction is made between persons who are said to have become homeless 'intentionally' and those who have not. Those defined as having become homeless 'intentionally' are not afforded *priority need status*. In England and

Wales only those who are eligible for assistance and are not 'intentionally homeless' are counted in homelessness statistics and it is this group who are afforded a right to housing. The prevailing belief is that the system designed to assist homeless households must be easily accessible and have a low threshold.

Homelessness Act 2002

Homelessness Strategies

The *Homelessness Act 2002* imposes a duty upon local housing authorities to:

- Carry out a homelessness review for their district on a regular basis.
- Formulate and publish a homelessness strategy based on the results of that review.
- Ensure that a new homelessness strategy is published every five years and;
- Take into account that homelessness strategy in the exercise of its functions.

Homelessness Reviews

For the purposes of the Act 'homelessness review' means a review by a local housing authority of:

- The levels and likely future levels of homelessness in their district.
- The activities which are carried out for any purpose arising out of the review.
- The resources available to the authority, the social services authority for the district, other public authorities, voluntary organisations and other persons for such purposes.

Those purposes include;

- Preventing homelessness in the district of the authority
- Securing accommodation that is or will be available for people in the district who are or will become homeless.
- Providing support for people in the district who are or will become homeless or who have been homeless and need support to prevent them becoming homeless again.

Both the reviews and strategies must be made available free of charge to the public at the offices of local housing authorities or electronically. Homelessness Australia believes that the formulation of local level homelessness reviews and strategies has merit and due consideration should be given to the benefits that developing similar reviews and strategies at a regional level in Australia could foreshadow.

Finally, there is continuing debate around the adequacy of the definitions of who is homeless and who is threatened with homelessness in English and Welsh law and concerns have also been raised about the effectiveness of these two pieces of legislation in terms of ensuring that accommodation provided by housing authorities is of an adequate standard.

Finland

The Finnish Constitution guarantees equality, democracy, human rights and social security to all Finnish citizens and permanent residents. All people who are homeless are eligible for a broad range of education, health, legal and social services provided through Finland's extensive Municipal Service System. Legislation does not specifically enforce a right to housing for adults but children must be provided accommodation. Finnish legislation requires this as a demonstration of the country's commitment to uphold the UN Declaration on the Rights of the Child. Legislation also requires municipalities and social housing providers to commit to continually improving the

standard of accommodation made available to vulnerable Finns including those experiencing or who are threatened with homelessness.

Finland has adopted a very broad definition of homelessness which encompasses the following six categories:

- People staying outdoors, in stairwells or in night shelters
- People living in temporary shelters, hostels, boarding houses or short-term supported accommodation units
- People living in care homes or other housing units of social welfare authorities including young people in state care and people in rehabilitation facilities, hospitals and psychiatric facilities
- Prisoners soon to be released with no housing
- People living temporarily with acquaintances or relatives
- Families and couples who have split up and are living in temporary housing

France

France enshrined the right to access adequate housing in legislation in 2007. There are no specific national laws or regulations governing homelessness services in France.

Germany

There is no national legislation pertaining to homelessness in Germany but Germany's 16 regional states have established standards for community and social welfare services. We have been unable to determine the effectiveness of these standards in terms of guaranteeing quality service provision.

Ireland

The main legislative instrument governing homelessness in the Republic of Ireland is the *Housing Act 1988*. It includes a definition of what persons shall be regarded as homeless which is similar to that adopted in legislation in England and Wales but also include people staying in 'country homes' and 'institutions'. Both individual and structural causes of homelessness are acknowledged in the Act and there is a broad commitment to eliminate youth homelessness. Most provisions for the homeless are housing focused and there is little in the way of explicit recognition or requirements in Irish law for the provision of support services to people experiencing homelessness.

The Netherlands

The Netherlands has the highest proportion of social housing dwellings of any nation in the European Union. 36% of all dwellings in the Netherlands are owned by the Government or Social Housing providers. The rate of homelessness is very low in the Netherlands at around one third of that recorded in Australia. There are no explicit definitions of homelessness in Dutch legislation and no regulations specifically governing homelessness services but all social welfare services are inspected by municipal Government officials.

The Netherlands has provided for the comprehensive involvement of clients in policy making and service design at a local level through client councils made up of service users and people who have experienced homelessness and the homelessness service system. Significant changes to service delivery models must be approved by client councils and their role is to work with management to implement changes and respond to feedback about the positive and negative aspects of homelessness services. The councils have broad public support in the Netherlands and similar bodies are in place for service users in disability and mental health.

The Netherlands has incorporated a non-enforceable right to housing into its constitution.

Scotland

The principal piece of legislation pertaining to homelessness in Scotland is the *Homelessness etc Act 2003*. The Act includes a broad definition of who is considered 'homeless' by the Scottish Parliament which is similar to that found in legislation in England and Wales. People who meet the definition of 'homeless' (unintentionally), are granted 'priority need' status for accommodation which is provided by local housing authorities.

A key amendment to the previous *1987 Housing Act* is the inclusion of a series of nine categories of people who are also eligible for 'priority need' status, e.g. older people, people experiencing mental illness, people who are chronically ill and people discharged from a hospital, regular armed forces or prison. People experiencing 'domestic abuse' are addressed separately in the Act as a priority needs group.

The Act requires local housing authorities to secure accommodation for people granted 'priority need' status and broker appropriate housing support services considered necessary to enable people to sustain a tenancy. The Act includes a section concerning suitability of accommodation but this is limited to ensuring that housing has sufficient space to accommodate the number of dependent children in the household.

Sweden

Swedish legislation provides for the regular review of the country's National Action Plan on Homelessness and the progressive realisation of the constitutional right to access adequate housing. Sweden's definition of who is homeless and who is at risk of homelessness is very similar to that used in Finland and includes people experiencing domestic violence and who are staying in institutions temporarily.

Sweden has established national service standards for all providers of social and welfare services including to people experiencing homelessness. Services are allocated budgetary funds by municipal authorities to ensure they can meet the standards which are based broadly on the ten principles cited in the earlier discussion of the European Union. Sweden has also established a national *Committee for the Homeless* which is made up of workers from homelessness services, service users and Government Bureaucrats. Its primary role is to advise the Swedish Government on issues affecting people who are homeless and to guide the regular reviews of Sweden's Homelessness Action Plan.

New Zealand

New Zealand has no national legislation pertaining to homelessness or the regulation of homelessness services. Crisis and Supported Accommodation is available for people experiencing homelessness in New Zealand. The commonly applied definition of homelessness in New Zealand is Chris Chamberlain and David McKenzie's definition of primary, secondary and tertiary homelessness.

Workers in social services in New Zealand including providers of services to people experiencing homelessness are required to demonstrate 'cultural competence' in working with Maori people and to an extent Pakehas (Pacific Islanders). Services should ensure they are accessible to these groups and where possible employ at least one Maori worker.

United States

The dominant approach to addressing homelessness in the United States over the past decade has been focused on the implementation of policies and programs based on the so-called *housing first* model that was first pioneered in New York in 1999.

Central to the *housing first* approach is the proposition that people experiencing homelessness are more likely to address the complex reasons that have led them to become homeless if they are given priority access to permanent housing. Evaluations of the *housing first* approach have involved people who have experienced chronic homelessness and who have complex issues such as mental health, alcohol and other substance use disorders and co-morbidity dual diagnoses. The primary evaluation cited by advocates of the *housing first* approach compared two cohorts of clients with complex needs and problematic alcohol and other substance use disorders and found that a higher proportion of the *housing first* group remained stably housed 18 months after being granted supported housing than the control group who were required to address their behavioural, mental health and substance use issues before being housed. There was little difference between the two groups in terms of reduced severity of symptoms and patterns of alcohol and other substance use after 18 months.

The US approach is also based on the premise of 'consumer choice' and advocates allowing people experiencing homelessness to have some agency about the location of their housing. In addition to its central focus on providing long-term and permanent housing solutions to homelessness, the approach requires local Governments to devise and commit to the implementation of 'ten year plans' to end homelessness in their localities. Some three hundred and sixty of these plans are now in place across the United States and there is a requirement that regular reports detailing the progress towards meeting the goals and targets adopted in the plans are published and made available on a regular basis.

In terms of Federal legislative requirements, national homelessness legislation in the United States is heavily focused on specifying how money for specific initiatives will be appropriated. It appears that regulations governing homelessness services are the responsibility of state and municipal governments. Federal legislation does require services to connect 'consumers' to mainstream and specialist services that workers have determined are necessary to help them make the transition from homelessness to stable housing and employment.

Governments in Australia have embraced the principles of the *housing first* approach in recent years and are beginning to pursue policies and program responses that borrow heavily from it here in Australia. It must be recognised from the outset that a large number of dwellings constructed by *housing first coalitions* in the United States were funded by significant financial contributions from private corporations and philanthropists. The United States has historically engendered a culture of relying significantly on generous contributions by the private sector and private philanthropists to fund social welfare initiatives. By contrast, Australia has historically not generated a significant pool of funding for these purposes from non-Government sources and this could present challenges in terms of generating sufficient capital for the construction of the number of dwellings required to make *housing first* approaches successful.

The final point to make about approaches to homelessness in the United States is that the definition of homelessness is much narrower than the two commonly applied definitions in Australia. In the United States, people are defined as 'homeless' if they are *literally homeless*, that is sleeping either without shelter or in improvised dwellings and motor vehicles or if they are accommodated in a crisis shelter or homelessness service. People staying with friends or family or living in what is termed *marginal housing* (tertiary homeless under the ABS cultural definition) are not included in regular 'homelessness counts' in the United States. Homelessness Australia does not recommend adopting this narrower definition of homelessness in Australian legislation or public policy.