

CHAPTER 5

CURRENT INCOME SUPPORT ARRANGEMENTS FOR YOUNG HOMELESS PEOPLE - THE ADMINISTRATIVE FRAMEWORK

**The Department of Social Security and the Department of Employment,
Education and Training**

5.1 As previously discussed, the administrative arrangements for income support for young people, including young homeless people, changed during 1994 with the announcement of the Youth Training Initiative, as part of a range of measures in the White Paper on Employment and Growth. This development constituted a significant change to arrangements and procedures central to the terms of reference of the Inquiry. Because of this, the Committee issued a Discussion Paper in September 1994, commenting on the changes and the implications for service delivery and coordination.

5.2 In response to this Discussion Paper, the Committee received further submissions from government departments and community organisations. These responses, and the development of subsequent policy and program details on aspects of the operation of the Youth Training Initiative, form the basis of the Committee's assessment of the initiatives.

5.3 The relevant details of the changes contained within the Youth Training Initiative include:

- . Job Search Allowance for young people under 18 years of age replaced by a Youth Training Allowance, from 1 January 1995;
- . the Department of Employment, Education and Training taking responsibility for the policy and administration relating to the YTI, including the Youth Training Allowance. The Student and Youth Assistance Act was introduced into Parliament in October 1994;
- . the Department of Social Security continuing to be the payment agency with responsibility for assessment and processing, continuations and reviews, terminations and transfers for the YTA;
- . DEET conducting the activity test for YTA recipients;
- . homeless AUSTUDY students becoming eligible for Rent Assistance from 1 January 1995;
- . common eligibility criteria for qualifying for the homeless rate of payment being established. The YTA eligibility is now similar to that currently used for the Student Homeless Rate of AUSTUDY;
- . a greater commonality being established between the parental and personal income and assets tests for YTA and AUSTUDY;
- . YTA clients dealing directly with DSS on payment matters;
- . although the administration and policy of YTA resides in DEET legislation, DSS continuing to undertake proof-of-identity, residence and other eligibility checks relating to YTA and the Young Homeless Allowance;

- . DEET providing guidelines and delegational powers to DSS;
- . the Social Security Appeals Tribunal hearing appeals in respect to both payments; and
- . the Student Assistance and Review Tribunal having been abolished.

5.4 An important issue for this Inquiry is the extent to which these changes create a fairer, more accountable and more cohesive policy for the administration of payments to young people without parental support. Following receipt of many supplementary submissions on these arrangements and further substantial discussions with the two departments involved, the Committee remains unconvinced about the merit of the new arrangements.

5.5 The Committee recognises the significant steps that have been made by both departments to integrate their operations and establish improved coordinating mechanisms to ensure that these arrangements can work since the changes were announced. Despite these developments, the Committee concurs with the general community response to the changes, that the new arrangements involving both departments fall well short of the far-reaching reform that is required. From the evidence available, the Committee does not believe that the changes respond adequately to the current confusion created by the involvement of two departments in assessing and providing income support to young homeless people, using different processes and criteria.

5.6 The Committee agrees with the view put to the Inquiry, that the arrangements could even further fragment and confuse policy and administration in this area of youth homelessness:

"We think there is a specific problem with one department administering the legislation of another department in that

it can give rise to conflict and confusion and also the lack of direct feedback to the policy makers from those on the ground so that the policy and guidelines can be corrected, based on the practice." (ACOSS: Transcript of evidence, p 1090)

5.7 The Committee reiterates the position as stated in its Discussion Paper that:

"The Committee is concerned that despite the positive objectives established for the Youth Training Initiative, it fails to establish a single integrated assessment and payment system for young homeless people."¹

5.8 Several major peak policy organisations expressed serious reservations about this major restructuring of income support arrangements for young people. The Committee canvassed the proposal that, given the involvement of the two departments in the delivery of income support to young people, as a minimum, there must be uniform processes between the two departments. While many organisations agreed in principle to this proposal, there remains considerable scepticism as to how the duplication of functions within two departments can be justified.

5.9 In commenting on the need for a uniform process between the two departments, the National Youth Coalition for Housing (NYCH) commented:

"The logical conclusion of such suggestions must be to revert back to a singular system of income support delivery. If both systems are to be made identical, as the Committee is suggesting, surely this is administrative duplication at its worst! NYCH believes that uniform legislation and

¹ House of Representatives Standing Committee on Community Affairs, *Inquiry into Aspects of Youth Homelessness Discussion Paper*, Parliament House, Canberra, September 1994, p 11.

administration would prevent inconsistencies occurring."
(NYCH: Transcript of evidence, pp 2116-2117)

5.10 One of the major reasons given by organisations for opposing the new income support arrangements is that legislation, policy and administrative responsibility is based within DEET. This Department is not considered to be equipped to administer a legislative program to provide payments for unemployed young people, including homeless young people.

5.11 The concerns about DEET's role were made by small, locally based community organisations as well as large nationally based ones. A housing and outreach service in Hobart commented:

"The social security system is income focused and better resourced than the DEET system; it is more accessible; it has a large number of officers, a larger number of workers who are able to assess young homeless people. The youth service units have been a particularly successful initiative for social security and we would like to see those continue under a Youth Training Allowance system." (Stepping Stone: Transcript of evidence, p 1682)

5.12 Another youth organisation made the following comment in its response to the Discussion Paper:

"The assessment role for young people must be organised through one Government Department and not two. As it is at State, Local and Community level with both Government and Non-government services there is considerable differences in philosophy, political bias, policy, rules and regulations that must be addressed first... My view is that of favouring the Department of Social Security in these matters. They are the ones who have put enough time and effort into assisting the young homeless to make it 'almost work', forward thinking and an empathy for the individual has some place in their operations a way of working which

seems to be have been lost within the Commonwealth Employment Service." (Penrith Youth Exchange: Transcript of evidence, p 2147)

5.13 The Welfare Rights Centre (WRC) raised particular questions about DEET's capacity, compared to that of the Department of Social Security, to provide effective services in this area. The Centre also expressed unease about the removal of young people aged 16 and 17 from the Social Security system and placement in another administration:

"To remove young people aged 16 or 17 years from this process and place them in another administration is non-sensical and detrimental to their long term needs, given that at 18 years of age they return to the Social Security portfolio. The provision of increased training and employment programs by DEET is a service delivery issue and not one that requires them to have legislative and policy control of an income support program." (WRC: Transcript of evidence, p 2663)

5.14 Considerable support was given to maintaining the central policy and administrative role for income support for young people within the Social Security system. Throughout the Inquiry, there was very little support expressed for DEET taking on the broader role described in the Youth Training Initiative.

5.15 As indicated early in the Report, the Committee is concerned to see a far better integration of youth and family issues. The removal of income support payments to young people from the Social Security system has the potential to further isolate youth policy from family policy. Young people are increasingly dependent on family financial support due to government policy in the area of education, training and employment. This growing dependency of young people on families

requires integration rather than separation of income support arrangements.

5.16 In this context, the Welfare Rights Centre has expressed concern about low to middle-income families which receive Additional Family Payment in respect to children under 16 and/or have children over 16 receiving a parentally income tested payment (AUSTUDY or YTA). Future policy making in this area requires more integration of these payments in one department. The Centre states:

"The problem we believe is serious and any realistic solution, whether ours or another, would require all payments to be administered by one Department. This would obviously be the Department of Social Security. The transferring of payments into another portfolio as proposed would make reform in this area much more difficult to negotiate and achieve... Policy reform that involves changes in one portfolio is difficult enough, but is much more difficult to achieve where two portfolios are concerned."²

5.17 The integration of youth and family policy is a key issue in this Report. While understanding the importance of education and training for young people, the Committee does not support isolating youth policy from other mainstream family policy initiatives given the significant interdependent relationship between young people and their families.

5.18 The importance of this relationship to social policy is identified by researchers Hartley and Wolcott:

"Put simply, then, youth policies need to consider some aspects of family, and family policies need to consider what is happening to young people, if the aim is to promote young

² Welfare Rights Centre, Correspondence to the Committee, 9 June 1994, pp 4-5.

people's effective moves towards greater independence, and the rights and responsibilities of adult citizenship."³

5.19 The Committee recommends that the government undertake a review of the policy and administration of income support payments to young homeless people with the view to establishing a single integrated assessment system which can be accessed through either the Department of Social Security and/or the Department of Employment, Education and Training.

5.20 If substantial changes are to occur within the area of youth homelessness in all its dimensions, attention must be paid to developing overarching structures which plan, coordinate and deliver services to young homeless people. However, as well as attending to this issue, there are a number of key details in many programs and services for homeless young people:

Eligibility Criteria Definition of Homelessness

5.21 As already identified in the Discussion Paper, there has been strong criticism of the discrepancies and inconsistencies between the two departments in the eligibility criteria used for the assessment of the homeless rate of payment. The YTA changes bring the two criteria into harmony for the first time for all benefits and it has now been agreed that the criteria used for determining homelessness for all young people who are receiving YTA and AUSTUDY will be the same.

5.22 This is a positive development in terms of consistency of treatment and indicates a more cohesive policy intent. However, the Committee is concerned that the criteria are based on those used by

³ R Hartley & I Wolcott, Australian Institute of Family Studies, *The Position of Young People in Relation to the Family*, National Youth Affairs Research Scheme, National Clearinghouse for Youth Studies, Hobart, 1994, p 91.

AUSTUDY, which themselves have been criticised by community and welfare organisations during the Inquiry.

5.23 The Student Assistance (Youth Training Allowance) Amendment Act identifies the conditions under which young people under 18 are regarded as 'independent'. Being 'homeless' is one of these conditions under which the independent rate of YTA, Sickness Allowance and Special Benefit can be paid. A range of circumstances apply in which a person is regarded as independent, including: being a member of a couple; being a person with a dependent child; being an orphan; where parents cannot exercise responsibilities; being a refugee; being a person in State care; where it is unreasonable to live at home; and where the person has been living away from home for 18 weeks.

5.24 A full interpretation of these conditions is provided at Appendix 4.

5.25 The eligibility criteria for the independent rate of YTA at the homeless rate is defined in the Student Assistance (Youth Training Allowance) Amendment Act:

"Unreasonable to live at home

(10) A person is independent if:

(a) the person can not live at the home of either or both of his or her parents:

(i) because of extreme family breakdown or other similar exceptional circumstances; or

(ii) because it would be unreasonable to expect the person to do so as there would be a serious risk to his or her physical or mental well-being due to violence, sexual abuse or other similar unreasonable circumstances; and

(b) the person is not receiving continuous support, whether directly or indirectly and whether financial or otherwise, from a parent of the person or from

another person who is acting as the person's guardian on a long-term basis; and
(c) the person is not receiving, on a continuous basis, any payments in the nature of income support (other than a social security benefit or youth training allowance) from the Commonwealth, a State or a Territory."⁴

5.26 The changes to the eligibility criteria effectively remove the criterion "not allowed to live at home" which existed within the former independent rate of Job Search Allowance. This criterion, which has been removed, was contained within the Social Security Act 1991. It stated that a 'homeless person' means a person who:

"(c) does not live, and for a continuous period of at least 2 weeks has not lived, at a home of the parents, or of a parent, of the person because the parents are not, or neither parent is, prepared to allow the person to live at such a home."⁵

5.27 The removal of this criterion brings the homeless rate of payment of YTA into line with the AUSTUDY criteria.

5.28 As most non-government organisations considered the DSS criteria to be fairer and more responsive to the needs of young homeless people, there has been strong opposition to this move.

5.29 The Australian Youth Policy Action Coalition (AYPAC) commented:

"... but I do know from working with homeless young people that it is probably four times harder to get AUSTUDY homeless rates than it is to get DSS homeless rates because

⁴ *Student Assistance (Youth Training Allowance) Amendment Act*, No 183, 1994, p 229.

⁵ *Social Security Act, 1991*, S.5(1), p 13.

of the criteria that are used to assess them. From looking at the changes that are being proposed or the changes that will occur under Working Nation, everybody seems to have gone one way, that is more towards the DEET approach. The reality is that there are a lot of young people who cannot live at home and while they are not there, without income support, then nothing else can be accessed." (AYPAC: Transcript of evidence, p 838)

5.30 However, when asked what impact this change would have on those eligible for YHA, the Department of Social Security was confident that it would not disadvantage any young people who currently met the criteria. During evidence to the Committee, the Department of Social Security refuted the suggestion that its assessment process was any less rigorous than that of DEET:

"I would not like the committee to get any impression that the young homeless rate of JSA or Sickness Allowance or Special Benefit are not very rigorously assessed from our point of view... I think there is quite a reasonable debate about whether there is any significant difference between the strictness of eligibility for AUSTUDY student homeless rate and YHA. Certainly there are legislative differences now. They will be brought together more in the new legislation, but our decision making process is a very rigorous decentralised one and I think there is room for debate about whether there is any significant difference in severity between the two criteria and their administration." (DSS: Transcript of evidence, p 959)

5.31 The Committee recommends that the Department of Social Security and the Department of Employment, Education and Training conduct a Post Implementation Review on the operation and effectiveness of the common eligibility criteria for the homeless rate of payment after 12 months of implementation. Included in the PIR should be a consultation held between the two departments and peak non-government youth and welfare organisations, parent groups and some

locally based organisations to determine to extent to which the revised eligibility criteria adequately respond to the needs of young homeless people, whether they are in full time training, education or looking for work. This report is to be made available to the public.

5.32 The implications of the changes to eligibility for the independent rate also need noting. Community concerns about this change were canvassed in the Discussion Paper. There was considerable community opposition to the planned qualifying period for the independent rate. The changes would have required a young person to have lived away from home for at least 26 weeks and worked at least 20 hours per week for at least 13 of those 26 weeks and not be receiving regular financial support from parents during that time.

5.33 The Committee notes that the initial qualifying periods for independence specified in the Youth Training Initiative announcements have been reduced so that young people will now qualify for the independent rate if they have lived away from home for at least 18 weeks and worked at least 20 hours per week for at least 13 of those 18 weeks. There remain ongoing concerns from youth organisations about these conditions, which are considered to have the potential to disadvantage young people who may find themselves without family support in the current employment market.

5.34 These additional 'workforce' criteria do not apply to young people who meet the requirements for the independent homeless rate of payment. (DEET: Transcript of evidence, p 1997)

Administrative Processes and Assessment Procedures

5.35 The Committee agrees with the decision to develop one single legislative definition of homelessness for the purposes of paying YHA and AUSTUDY at the homeless rate which is consistent across the two departments. Yet, significant differences still remain in the processing and assessment procedures.

5.36 It is arguable whether DEET currently has the support structure to provide adequate services to young homeless people. Problems identified include:

- . lack of qualified professional social work staff to undertake an initial assessment;
- . the limited number of DEET outlets for young people to access; and
- . a reliance on paper assessment of eligibility and lack of face to face interviews with clients.

5.37 The Committee is convinced of the importance of having professional social work staff involved in the initial assessment of a claim for payment at the homeless rate. The nature of this payment requires the assessment of complex family relationships and family stability, as well as assessing the potential for family mediation and reconciliation.

5.38 The Department of Social Security employs approximately 500 social workers nationally and has extensive experience in the field. DEET currently employs about 30 full and/or part-time contract social workers in its Student Assistant Centres around the country.

5.39 While the Department of Employment, Education and Training tended to play down substantial criticism of the inadequacy of the social work service for providing immediate and face to face contact with young people, the Committee remains unconvinced about DEET's capacity to provide comprehensive support in this area.

5.40 In evidence to the Inquiry, witnesses from the Australian Association of Social Workers Inc (AASW), including some who had worked for DEET, raised the following issues:

- . current different assessment criteria and procedures are confusing to the public and young people concerned;
- . young people have greater difficulty accessing social work services in DEET compared to DSS;
- . employment of social workers on a part-time contract basis in DEET makes access by clients and administrative staff difficult and limits the effectiveness of social workers in providing any service beyond basic assessment of their eligibility for financial support;
- . DEET must have sufficient social work staff in order to ensure the service is effective; and
- . attention must be given to establishing appropriate career paths, lines of professional management and assurance of professional supervision. (AASW: Transcript of evidence, p 1702)

5.41 In addition, many community organisations regarded the social work involvement in assessment and referral with local community organisations as critical to the process:

"There are discrepancies and difficulties existing within Austudy and its administration. For example, Austudy social workers are employed part time (10.00am to 3.00pm). They are therefore available to school students only during school hours." (Ardoch: Submission, p 807)

5.42 Ardoch goes on to recommend that:

"Austudy social workers should be available between 3.00pm. and 6.00pm. (for example) in order to facilitate access for school students. Students could then be supported by social workers in a variety of ways (eg. explanation to schools and agencies for legitimate absences, queries with Austudy, etc.)" (Ardoch: Submission, p 808)

5.43 This lack of uniformity must be addressed and there is some debate as to whether these resources should be duplicated within the two departments, shared, or whether one department contracts out its services to the other.

5.44 These concerns were canvassed in the Discussion Paper and the Committee believes that further action should be taken to avoid discrimination and inequity operating between government departments dealing with the same client population.

5.45 The Committee recommends that the Departments of Employment, Education and Training and Social Security establish the same quality client service standards for young people and their families in the assessment of applications for the homeless rate of payment. The Committee considers it essential that the Commonwealth has a common process and identical standards of service. At a minimum this should include:

- . the young person being interviewed by a social worker on the day of claim;
- . consistency in the way contact is made with the parent/guardian, taking account of privacy requirements;
- . in rural or remote communities, a mutual referral arrangement to

social workers in either department, depending on the availability of social workers;

both departments entering into a contracting arrangement which would allow social workers from either department to undertake the assessment for the homeless rate of payment; and

the establishment of common training programs for social workers employed by both departments. This should include: all aspects of a common assessment procedure; guidelines relating to contact with parents and State and Territory welfare authorities; Commonwealth/State/Territory Protocol arrangements; professional practice, standards and accountability issues.

Uniformity of Levels of Support

5.46 The decision to introduce rent assistance to AUSTUDY students who qualify for the homeless rate has been widely praised by youth and community organisations. The lack of availability of this allowance to young unsupported students has been considered a disincentive for young people to continue studying:

"A student who receives Austudy is not eligible for rental assistance (as is an unemployed homeless person) despite their school related experiences which are considerable. A young homeless student under 18 receives \$107 per week; over 18, \$118 per week, although the cost of living independently does not alter when they turn 18. This grossly inadequate income for homeless students leaves them in extreme poverty. Austudy payments are substantially below the poverty line. Many homeless students who are on Austudy either go hungry or rely on free food to support themselves. Many squat or become transient because they cannot pay rent on the private rental market. The effect of trying to survive in such poverty

eventually takes precedence over their education and they inevitably drop out. There are good economic incentives to transfer to young homeless allowance and become unemployed. The long term effect of this transfer is to increase the long term unemployed and the number of long term welfare recipients." (Student Support Network, Victoria: Submission, pp 952-953)

5.47 However, the fragmentation in the payments of income support to young people is undesirable and counter-productive in the current climate. The philosophy and intent of the Youth Training Initiative was to reduce the distinctions between full time students and young people who are in training and looking for work. While there is to be an alignment of the personal and parental assets test for AUSTUDY and YTA payments, differences continue to exist between the two groups in the area of minimum payments, and personal income test levels.

5.48 Both departments defended the continuation of the different treatments of the two groups when responding to the issues which the Committee raised in its Discussion Paper. DEET stated:

"When comparing payments to the unemployed and students, the different nature and purpose of assistance needs to be understood. JSA is short-term support for unemployed persons already committed to full-time employment. AUSTUDY is primarily designed to provide long-term assistance to students from needy, lower income families to complete their education." (DEET: Transcript of Evidence, p 1999)

5.49 Continuing changes should be made to bring the two payments into alignment, in order to reduce the anomalies. Closer uniformity in the payments should increase the possibility that young people will take advantage of education, training or employment

opportunities, whether they live away from home or whether they are still supported by their family.

5.50 The Committee recommends that the Department of Social Security and the Department of Employment, Education and Training establish equivalent criteria for homeless youth payments, removing existing anomalies in conditions applying to income and assets testing.

Adequacy of Current Income Support Payments

5.51 There is a great divergence in views held about the adequacy of current income support payments for young people who are living without parental support. Some parents consider that the allowances constitute an incentive to leave home. The other view, put by family and welfare agencies working with young homeless students and unemployed people, is that these young people cannot survive adequately and thereby become marginalised and further disadvantaged.

5.52 The Department of Social Security acknowledges that the levels of benefits set reflect this conflicting community perspective about the payment.

"The rates of Departmental benefit payments to young people are not based primarily on their living costs. Issues of incentives, relativities, familial support and budgetary constraints all play a significant part in the setting of rates."
(DSS: Submission, p 271)

5.53 The Committee received evidence from many workers in the field and from young people themselves that for those young people who are without any form of parental support, the allowance is not adequate and contributes to a poor quality of life and reduced education and work opportunities.

5.54 Two key relevant recommendations from recent reports by the Brotherhood of St Laurence emphasise the importance many organisations place on improving the adequacy of the payment:

"Key conclusions which the Brotherhood highlights for the Committee are that:

- . levels of income support for independent young people are clearly inadequate, markedly so for 16 and 17-year olds;
- . unless student incomes are supplemented or schools provide substantial material support or housing, it is virtually impossible for a homeless student to remain at school, despite a remarkable capacity on the part of the students in managing their money and the enormous contribution made by specialist staff in some schools..." (BSL: Submission, p 920)

5.55 The fact that significant numbers of homeless students do not continue in education, highlighted in the work of MacKenzie and Chamberlain, indicates the difficulties these young people have in maintaining links with education.

5.56 The Committee recommends that young people receiving AUSTUDY at the homeless rate should be eligible for an Educational Allowance to assist with the additional costs of education.

Review and Appeal Process

5.57 A recent decision to abandon the Student Assistance and Review Tribunal (SART) within the Department of Employment, Education and Training for dealing with the appeals under the new Student and Youth Assistance Act is welcomed. The Social Security

Appeals Tribunal is a preferable appeal structure for appeals both for AUSTUDY and for YTA.

5.58 The Committee believes that the ability of young homeless students to use the Social Security Appeals system will, in fact, provide greater access and equity to these young people due to its superior resources, travelling capacity and established role in this area. Given the role of the two departments in the provision of income support, it also helps to more effectively integrate the legislation, policy and administrative procedures of DEET and DSS.

AUSTUDY Overpayments - Need for Improvement

5.59 Many witnesses expressed concern about the processes which contributed to young people acquiring an overpayment and the subsequent harshness in the way DEET managed this overpayment. There was a strong call for more flexibility and discretion to be applied to the circumstances under which young homeless people were cut off benefits following an absence from school.

5.60 A community organisation, which assists young homeless students, expressed its concerns about the AUSTUDY overpayment process and outcomes.

"Austudy debt management is a ruthless department which requires an immediate review of its practices and its effect on young homeless people. If a student incurs a debt they are requested to arrange to pay it back or arrange debt management within a three month period. Young people in this situation are often overwhelmed at this expectation as they are struggling to survive on an inadequate income.

If no response is received from the young person a \$100.00 levy is added to the debt and interest is accrued at 20% per

annum. With no notification 30% cuts per fortnight are automatically taken from the young person... The Debt Management department of Austudy is alienating and hostile to homeless students..." (West Youth Housing Network: Submission, p 791)

5.61 The West Youth Housing Network provided several case studies illustrating the difficulties young homeless students experienced with AUSTUDY overpayments, of which the following is an example:

"N was studying Year 11 at school when it was closed by the State Government. She was transferred to another school but found it difficult to make the adjustment. Over the year she missed several periods of school, from a few days to six weeks. The longest period was the result of illness. At the end of the year Austudy wrote to her to tell her she had a debt of \$2000 due to having missed school. N had lodged a doctor's certificate at her school which had closed, and there were no other records. Austudy claimed to have no notification from her former school and would not waive the debt. On the morning N received this information from Austudy, she took an overdose of pain killers and spent three days in hospital in intensive care. When she recovered N left school because she could not survive on the amount left over after the debt was recovered.' Youth Housing Worker, Western Region" (West Youth Housing Network: Submission, p 793)

5.62 The need for DEET to understand the difficult circumstances under which young people without family support live and to take account of these circumstances was raised by a witness from a youth housing organisation:

"I think that there is not enough allowances made for the actual problems that the young people are experiencing, and how difficult it is for them to continue study when they do not have anywhere secure to live, they do not have any

income to be able to support themselves, their physical and emotional needs are not being met, and it is very difficult for them to continue study under those circumstances." (Youth Housing Task Force: Transcript of evidence, p 1683)

5.63 The Committee recommends that a review be undertaken into the policy and procedures of AUSTUDY overpayments to ensure that guidelines are in place which take into account the needs and circumstances of unsupported young homeless people.

5.64 The Committee recommends that the Department of Employment, Education and Training adopt similar exemption provisions for young people receiving AUSTUDY as is available to young people on YTA who, due to exceptional personal circumstances, are having difficulties at some point in meeting the requirements of the activity test. (The YTA exemption provisions are outlined in the Guide to the Administration of the Social Security Act Part B: Activity Test Procedures for activity test exemptions in special circumstances)

5.65 The Committee recommends that DEET ensure that a thorough assessment of the circumstances of a young person receiving the homeless rate of payment be undertaken before a decision to suspend or cancel a payment is made. DEET must ensure that a professional social work assessment is carried out so that additional support services are provided, if necessary.

5.66 There is a need for greater flexibility by the Departments of Social Security and Employment, Education and Training when young homeless people are transferring between benefits paid by the two departments. While there has been some improvements to the transfer procedures, there are remaining difficulties which result in overpayments and disincentives to remain at school. This was identified during the Inquiry.

"Many young people... leave school because of the debts incurred to Austudy. Young people who attempt to return to school several times during the year will find themselves cut off Austudy for weeks or months at a time, and are constantly transferring between benefits. It would be possible for students to receive an education/training/Job Search benefit which would enable them to move between school and job-seeking without periods of non-payment and with less paperwork..." (West Youth Housing Network: Submission, pp 793-794)

5.67 The Committee believes that the development of common criteria, assessment and procedures for the homeless rate of payment for AUSTUDY and YTA should create a seamless system which will enable young people to move between the two payments much more easily, thus facilitating access to education and training.

5.68 The Committee is confident that, given the inclusion of AUSTUDY students in the Social Security Appeals system, more adequate information will be available about their entitlement to review and appeal rights. Several witnesses had been extremely critical about the lack of client information previously given to young people about their rights in this area under the Student Appeal and Review Tribunal.

Breaches and Termination of YTA

5.69 The breaching provisions under the Youth Training Allowance have been highlighted in the Committee's Discussion Paper. Several organisations have expressed concern about their harshness, particularly their potential impact on young homeless people who may be living in unstable circumstances. Resources should be made available to ensure that decisions to breach or to terminate payments are based on a thorough assessment of the circumstances under which these young people fail to meet the workforce or training requirements.

5.70 The Committee supports retaining the current guidelines for procedures for applying breaches and penalties to a client receiving homeless benefits. The Guide to the administration of the Social Security Act states:

"Whenever a DSS officer considers breaching a homeless rate client, the decision-maker should talk to the client to ensure that:

- . the young person has given all relevant information to DSS about the circumstances giving rise to the breach;
- . all relevant issues have been taken into account before imposing a penalty;
- . the penalty is fully explained to the client;
- . the right to have the decision reviewed is explained; and
- . the right to have an advocate of their choice assist them in the review process is explained.

The decision-maker should also try to ascertain the consequences for the young person should a breach and penalty be imposed, and offer social work assistance if needed."⁶

5.71 The Committee recommends that the current guidelines used by the Department of Social Security when considering breaches and penalties for young homeless people be applied to the Youth Training Allowance.

⁶ Guide to the Administration of the Social Security Act, Part H: Administration of Continuing Payments Breaches and Penalties, 44.8100 and 44.8101.

Changes to the Administration of the Young Homeless Allowance Since the Commencement of the Inquiry

5.72 Most of the implications of changes to income support arrangements for young people through the Youth Training Initiative have been outlined. However, there are other significant changes which have also occurred during the Inquiry, as a result of the internal review of YHA undertaken by the Department of Social Security and initiatives introduced by the Minister for Social Security. These developments and the extent to which they address the concerns raised by community and parent groups in the Inquiry are set out below:

The Privacy Provisions

5.73 One of the most contentious issues around the assessment process for the Young Homeless Allowance is the operation of the privacy provisions of the Social Security Act and the Privacy Act. The legislation did not allow officers of the Department of Social Security to contact parents or other parties without the consent of the young person.

5.74 Parents have been particularly critical of this provision, claiming that:

- . the allowance was paid to their child without their knowledge or consent;
- . the process allowed for allegations to be made by the child about circumstances at home without these claims being subject to corroboration, and

basic information about the whereabouts or well-being of a 'run-away' could not be given to parents or to police by officers of the Department of Social Security.

5.75 During the negotiations between the Commonwealth and the State/Territory governments about the Protocol for case management for young people, the operation of the privacy provisions were considered by the States and Territories to be an impediment to their ability to undertake their statutory responsibilities.

5.76 The Minister for Social Security introduced a Disallowable Instrument into Parliament in July 1994 which clarified the circumstances under which information could be released to other parties without the consent of the client.

5.77 In this instrument, Clause 3(4) makes a provision which allows the release of information to or gaining of information from parents and/or guardians in Young Homeless Allowance cases, without the consent of the young person. However, as the Welfare Rights Centre acknowledges when commenting on this provision:

"The use of this provision is tempered by the need for DSS social workers to have regard to clause 3(7) which would prevent disclosure if it may lead to possible harm to the applicant." (WRC: Transcript of evidence, p 2662)

5.78 The Welfare Rights Centre cautions against the use of this instrument and continues:

"In practice, most DSS officers would be wise not to use the clause 3(4) because, if for no other reasons, inappropriate disclosure could result in a potential claim of professional negligence." (WRC: Transcript of evidence, p 2662)

5.79 The Committee supports the need for developing better ways of including parents in the assessment process. Yet the Committee believes there is a potential conflict in assessing young people's right to a Social Security payment with the broader family and child welfare issues which surround the circumstances of its payment. In a situation where there is family conflict there would seem to be an inherent tension in a process, which simultaneously assesses entitlement and the competing interests of children and their parents.

5.80 Commenting on the changes to the privacy provisions which allow releasing information to the State welfare authorities without the young person's consent, the South Australian Youth Housing Network Inc. made the following comment in its response to the Discussion Paper:

"The proposed protocol between DSS, DEET and FACS effectively links the provision of income support to young people aged 18 and under to Mandatory Notification. We are of the firm opinion that this will actively discourage many young people from applying for income support that will assist them to live in a safe environment." (SAYHN: Transcript of evidence, p 2112)

5.81 The Committee supports contact with parents wherever it is considered appropriate and where the interests of the child are safeguarded. Much of the anger expressed by parents seems to be based on their feelings of exclusion, as much as the decision to pay the allowance. However, as the Welfare Rights Centre has indicated in its comments, the decision to contact parents has to be undertaken with care and skill. It has the potential to be a high resource intensive task which should be closely monitored and supervised.

5.82 Similarly the Brotherhood of St Laurence (BSL) argues:

"In verifying a young person's claim to YHA, for example, great care needs to be exercised in contacting third parties, particularly parents. In some cases, it could be that to advise parents that the young person had made a claim for YHA would be sufficient to place the family under additional emotional stress... to advise parents that YHA is being sought when the young person is not willing or prepared to disclose domestic violence to a parent who has no knowledge of such violence, could further fragment the family and exacerbate hostilities which may become irreparable. Discretion and extreme care would appear to be very important. ...Where others, for example siblings, may be at risk, it may become necessary to disclose information provided in confidence by the young person, but such situations demand case by case consideration, and there can be no one formula applicable to all instances. Preservation of the young person's safety is the pivotal consideration." (BSL: Submission, pp 926-927)

Improving the Administration of the Payment

5.83 During the Inquiry, the Committee received many suggestions about ways of improving the administration of the YHA payment. A number of these key suggestions are analysed in terms of their potential to improve services to young people and to ensure that the integrity of the payment is maintained.

a) Payments to Third Parties

5.84 Much of the criticism of the payment is about the inappropriateness of providing income support to young people who do not have the maturity to independently manage their finances. The Committee strongly endorses the view that it is irresponsible to provide very young people with income in the absence of other adult supervision and support.

5.85 It could be argued, however, that in theory, the introduction of the Commonwealth/State/Territory Protocol will eliminate this problem, as all 'at risk' young people will have care and supervision provided to them through the State and Territory governments. From the information received to date, there is concern that this level of support cannot be guaranteed. (This is developed in Chapter 9.) Therefore, the difficulty of ensuring young people are given support in managing their income remains.

5.86 The Department of Social Security has recently developed guidelines outlining the process whereby the income support entitlements of a young person can be paid to a third party. These provisions are similar to the Nominee Arrangements which exist within the Department for other people deemed to be unable to manage their income.

5.87 The process is fraught with its own dangers, as it requires the agreement of the client, the assessment of the other party as suitable, and the keeping of appropriate accounts to indicate that the income has been used for the welfare of the claimant.

5.88 The need for such elaborate provisions highlights the extent to which the Commonwealth has entered into the child welfare field. It could be argued that the function of determining the suitability of nominees to manage income for homeless young people, deemed too immature to do so themselves, is a function and responsibility of the States and Territories or the Public Guardian and certainly not one for the Department of Social Security.

5.89 The Committee is concerned that the development of such initiatives, while introducing some safeguards into the payment system for young people who are unable to manage their money, continues to ignore the larger picture. That is, that these young people should not

be living independently and unsupported by State and Territory welfare departments, which continue to have responsibility for their welfare. Issues of possible exploitation, accountability for how funds are spent and the integrity of the payment need to be addressed.

5.90 It is clear that the Department of Social Security is taking on a quasi State welfare department role in assessing the suitability of adults to manage the financial affairs of vulnerable young people. It is once again a blurring of roles and responsibilities for the welfare of these young people.

5.91 The Committee recommends that the Department of Social Security undertake a Post-Implementation Review of Payments to Third Parties for young people receiving the homeless rate of YTA, Sickness Benefit or Special Benefit after 12 months. This review should include the number of nominee arrangements, details of the nominee and an assessment of the adequacy of these arrangements for the client group.

b) Payments to Young People Who Have Just Left Home

5.92 Many organisations recommended that there should be the facility to provide a temporary payment of income support at the homeless rate. The rationale for this is to allow a more thorough assessment and to enable exploration of the possibility of mediation and reconciliation with the family, where appropriate.

5.93 The current procedures are designed to ensure that the assessment is undertaken promptly in order that homeless young people are not further disadvantaged by being without income for any length of time. However, this imposes considerable pressure on departmental staff to make an assessment in a very short period of time on a matter involving complex family relationships.

5.94 Providing young people meet the basic eligibility requirements at the time of initial assessment, the Committee understand the attraction of a more flexible short-term payment. It has been argued that there would be the following benefits:

- . it would provide some 'breathing space' for both the young person and the family without drawing final positions in the early days and weeks of leaving home;
- . it would allow time for referrals to mediation and other support services to take place within the early weeks of family breakdown; and
- . it would enable a more thorough assessment of the circumstances of the family breakdown to occur.

5.95 It would also be in keeping with research and practice experience provided by the Attorney-General's Department which indicates that if effective mediation or reconciliation is to be achieved, it is best done within the first few weeks following a young person leaving home.

5.96 Support for temporary payments came from a number of agencies. The Australian Council of Social Service stated:

"... a temporary transitional payment be made in the first six weeks, which would, firstly, reduce the number of hoops that young people have to jump through in order to get income support. It would also act as a cooling off period in that they may not be required to provide the whole of their evidence in relation to their parents and the situation at home until that time has been reached. As well as avoiding hardship, that may also help avoid irrevocable breakdowns in relationships. At present, departmental social workers are being required to make often very hasty judgments about

the circumstances at home." (ACOSS: Transcript of evidence, p 1078)

5.97 Supporting the idea of a temporary payment, a youth worker in Penrith stated:

"What I am suggesting is that there be some way that child gets some immediate help and the department carry out a much more in-depth study of whether or not that young person should be on Young Homeless Allowance." (Penrith Youth Services Exchange: Transcript of evidence, p 2415)

5.98 "The Link" Tasmania stated:

"One of the suggestions that we wanted to make was that perhaps there could be an interim Young Homeless Allowance where in the situations where the young people and the parents really need some time out from each other - a cooling down period if you like - the initial application for Young Homeless Allowance could be perhaps for an interim period of something like six weeks." (The Link: Transcript of evidence, p 1670)

5.99 The Committee supports the need for a greater degree of flexibility within this payment to young people. There are difficulties in establishing a 'temporary' social security payment, in that entitlement to income support is dependent on meeting conditions of eligibility. Difficulties arise when young people are paid income support in the early stages of family breakdown and when there are no systems in place to review and assess the potential for family reunion or to monitor the circumstances under which the young person is living.

5.100 The Committee therefore considers that the payment at the homeless rate should be subject to an initial two week review and assessment following grant of the payment and then a continuous six weekly review. Where appropriate this review could be conducted in

conjunction with State welfare departments or community organisations who are involved with the young person and the family. This would address more adequately the concerns of parents and many youth and family workers who believe that the current arrangements tend to lock parents and young people into a fixed position in the early days of leaving home, often making reconciliation difficult. While ensuring that options for reconciliation are available, a continuing review and assessment would also ensure that those young people who have been without family support and where reconciliation is highly unlikely or not appropriate will not be left without care and support.

5.101 The Committee recommends that the Departments of Social Security and Employment, Education and Training develop a review mechanism and schedule for homeless payments to young people. These reviews should be undertaken by social workers within the departments and should provide a comprehensive assessment of family and personal circumstances.

5.102 The Committee recommends that both the Independent YTA at the Homeless Rate and AUSTUDY at the Student Homeless Rate be subject to an initial two week review and assessment followed by continuous six week assessments of personal and family circumstances. A central feature of this payment will be the development of a comprehensive case work plan which will provide the basis for the review. The case work plan, which could be undertaken in conjunction with State welfare departments and relevant community organisations, will cover the following areas:

- a) assessment of accommodation needs and referral, where appropriate;
- b) assessment of current education, training and workforce status

and the development of an appropriate long term plan to access one of these options;

- c) assessment of the appropriateness of individual counselling and/or family mediation and family therapy; and
- d) referrals to relevant specialist services such as personal counselling, family mediation and therapy, health, drug and alcohol counselling.

The outcomes of this case work plan must be reviewed as part of the broader review of the continuing entitlement to the payment.

5.103 Reviewing personal and family circumstances within a short period of time following grant would create an environment more conducive to family reconciliation. It would also ensure closer monitoring and supervision of the young person's personal situation, including the appropriateness of their current living arrangements and educational and training opportunities. The Committee acknowledges the resource implications of these recommendations.

5.104 Any changes to the payment in this way must go hand in hand with a number of other changes to the current procedures. Two other related issues are:

- . the extent to which payment of the Young Homeless Allowance must be based on evidence of a **total** breakdown in family relationships; and
- . the definition of 'homeless' which describes the payment.

c) Continuous Support

5.105 Many submissions were highly critical of the requirement which precludes young people being eligible for the Young Homeless Allowance if they receive any form of support. It is strongly argued that this requirement can entrench family breakdown and work against any form of reconciliation.

5.106 The Committee considers this requirement to be inappropriate in the area of family breakdown between children and families. The payment should assist in facilitating family reconciliation in the short term as well as in the long term.

5.107 The Committee was told that many parents would be prepared to support their child to a limited extent but current provisions preclude this. The idea that dependence or independence from a family must be absolute, is an inappropriate way of ensuring the needs of vulnerable young people are met and that family ties are not severed unnecessarily through harsh application of eligibility.

5.108 In the submission from the Department of Social Security this was identified as an issue requiring attention. Not only has the issue been raised by many community organisations as being a disincentive to maintaining family ties, but the Department itself is aware of the negative impact the continuous support rule has on young people and their families. This is illustrated in the following case study:

"Jason and Kylie applied for YHA. They are brother and sister and were not living with either of their parents, who were separated.

DSS social workers investigated their claim and found that they could not live with their mother due to her severe mental health problems. Their father had re-partnered and had a new family. He could not have them live in this new family due to emotional and financial constraints.

However, at the time of the separation Jason and Kylie's father had agreed by court order to pay \$20 a month child support. He now paid this directly to Jason and Kylie. He could not afford to increase this amount but he paid it regularly.

Jason and Kylie's claims for YHA had to be rejected due to their receipt of 'continuous support', despite their eligibility on other grounds, and the inability of either parent to house or fully support them." (DSS: Submission, p 336)

5.109 In addition to the barrier it creates for family support and reconciliation in the longer term, there are significant discrepancies between DEET and DSS in the way they treat continuous support for the purposes of eligibility for the homeless rate of payment. These issues were dealt with extensively in the Committee's Discussion Paper.

5.110 The Australian Council of Social Service commented in its response to the Discussion Paper that:

"The stricter 'continuous support' requirements which apply to DSS payment for homeless young people are unrealistic and counter-productive. They are unrealistic because domestic conflict leading to homelessness may be between the young people and one parent only. They are counter-productive because they act as a barrier to reconciliation between the young people and their parents." (ACOSS: Transcript of evidence, p 2205)

5.111 The Committee does not support any highly complicated or harsh application of any additional income requirements if the young person meets the eligibility criterion. The essential aim should be to acknowledge the needs of young people and not disadvantage them, and, at the same time, maintain what ever family support is feasible in the interests of longer term reconciliation and constructive relationships. The Committee is aware that issues of

collusion between parents and young people to obtain additional support need to be carefully assessed in such circumstances.

5.112 However, the Committee believes that with the introduction of improved regular and adequate review processes, the Department of Social Security could allow more flexibility in the payment. For example, contributions should be able to be made by one parent in those cases where there has been family breakdown, not involving that particular parent.

5.113 The Australian Council of Social Service identified this concern in its submission:

"The non-payment of YHA where a parent provides any form of continuous support is arbitrary and counter-productive. For example:

- it could leave young people without income for food on the grounds that accommodation is provided;
- it could force young people and their parents to break off ties completely;
- it raises difficult issues in cases where one parent provides support after the relationship with the other parent or step-parent has irretrievably broken down.
(ACOSS: Submission, p 166)

5.114 The Committee recommends that the Departments of Social Security and Employment, Education and Training undertake a review of the current definition and operation of the continuous support criterion for eligibility of payments at the homeless rate and establish one common and equitable approach.

5.115 The establishment of a more rigorous review process which involves a full assessment of ongoing personal and family

circumstances and relationships by professional social work staff would provide the information necessary to make a more informed decision about the appropriateness of the continuous support provided.

5.116 The Committee agrees with the proposal outlined by the Department of Social Security in its submission which provides for an approach to continuous support which encourages reconciliation and the maintenance, where possible, of family bonds. It states:

"It may be necessary to move away from defining an amount or type of support that is enough to exclude payments and towards a clearer measure of adequate parental concern. It may be more realistic to assess the reasons for homelessness first as an indication of the presence of parental concern, and when a young person is eligible at that stage, simply income test parental contributions, either with the existing test or with a special income test for YHA parents." (DSS: Submission, p 337)

5.117 The Committee believes that continuous support should not necessarily preclude young people from receiving the homeless rate of payment. The issue of how to treat continuous support is complicated by the need for family concern and support to be encouraged while at the same time not creating incentives for some parents and young people to use the arrangements to collude for the purposes of maximising family income.

5.118 The Committee recommends that the Department of Social Security and the Department of Employment, Education and Training develop methods and procedures around continuous support which build on family support and encourages reconciliation.

5.119 The Committee recommends that the assessment for homelessness be made separately from the provision of continuous support. The extent to which continuous support provided by parents

excludes payment of income support at the homeless rate will be part of the recommendation made by the social worker following a thorough assessment of the personal and family circumstances.

d) Name of the Allowance

5.120 Many community organisations believe that the name of the Allowance is now inappropriate.

"In my submission I have called it 'youth support allowance', simply because when it came in originally in 1987 the purpose of it was to provide temporary support to young people during that period when they had left home and then hopefully would go back home after a short period of time. That is not happening. What is happening is that they are staying on until they are 18 and then converting to the adult allowance. It has really lost its whole point." (Toowoomba and District Youth Service: Transcript of evidence, p 2469)

5.121 Another argument is that the name stigmatises the family and the young person, increases the alienation within the family and makes family reconciliation at a later date more difficult.

"Both the name 'Young Homeless allowance and the requirement on parents to state to the Department that the young person is not welcome at home and cannot return - further disadvantages the young person by weakening any chance there may have been of resolving the conflict." (The Link: Transcript of evidence, p 1678)

5.122 The need for a name change is also supported by the Department of Social Security:

"The Youth Pilot Projects identified difficulties caused by the name Young Homeless Allowance. They found that clients and the community do not understand the word 'homeless' as it is defined in the Social Security Act and used by the Department. Because of this confusion and the stigma which attaches to the use of the word homeless, it was recommended that consideration be given to changing the name of the payment to something with a more positive connotation." (DSS: Submission, p 339)

5.123 The Department of Social Security has already moved to change the name of the allowance. As previously noted in the Report, the payment young people now receive who are eligible for the homeless rate of payment is known as the Independent Youth Training Allowance at the Homeless Rate.

5.124 The Committee recommends that the word 'homeless' be replaced by 'supported' because of the lack of clarity and interpretation of the term 'homeless' within the community. The current definition of 'homeless' and the eligibility criteria for the supported rate of the Youth Training Allowance and for AUSTUDY will remain the same.

5.125 The Committee recommends that the payment available to young people who are unable to live at home, following assessment of their family and personal circumstances, be called the Independent Youth Training Allowance at the 'Supported' Rate, or AUSTUDY at the 'Supported' Rate.

e) Incentive to Leave Home

5.126 The claim that the existence, as well as the payment, of the Young Homeless Allowance, and to a lesser extent, AUSTUDY at

the Student Homeless Rate, acts as an incentive to leave home has been a key issue explored and examined during this Inquiry.

5.127 The Committee has heard contradictory views and evidence. While the Committee acknowledges that there appear to be circumstances in which inadequate assessments were made and where little assistance was offered to parents and to young people when they were in crisis, the Committee overall does not support the view that the allowance itself acts as an incentive to leave home. In coming to this conclusion, the Committee acknowledges that this does not preclude the fraudulent abuse of benefits by a few individuals.

5.128 As well as being critical of the allowance as it applied in their personal situation and the lack of conditions attached to the payment, most parents and parent groups acknowledged that the allowance is a necessary support for young people who have been traumatised and have 'legitimate' reasons for leaving their family home. One parent told the Committee:

"I have no problem with genuinely homeless children having the allowance. It is a very necessary thing. The problem I see is the cash side of things." (Mrs C Crawford: Transcript of evidence, p 508)

5.129 An extensive discussion of parental issues can be found at Chapter 11.

5.130 The Committee heard evidence from a large number of mainstream welfare organisations and youth services that many young homeless people they worked with were not receiving the homeless rate of income support payments and many were not aware of its existence. The discrepancy in the number of young homeless students identified by MacKenzie and Chamberlain in their research into youth homelessness and those numbers receiving income support payments,

confirms that there are significant numbers of unsupported young people not receiving an income. It is therefore difficult to find evidence to support the claim that the allowance is an incentive to leave home when many young homeless people are living without any formal support.

5.131 A youth worker in a service in Brisbane, which sees approximately 80 to 110 young people per week stated:

"I would not say a significant number of our young people receive the youth homeless allowance. A number of young people do receive it. Some young people whom we know do not even know about the youth homeless allowance; they have not accessed that information or had access to that information. There is another group as well which cannot obtain those benefits for various reasons." (Brisbane Youth Service Inc: Transcript of evidence, p 712)

5.132 Sister Chapman from Centacare Family Services in Hobart, commented:

"... young people... do not leave home for no reason and, if parents have had young people for 15 years, 15 years of parenting and socialisation have gone onto the formation of that person. It illustrates to me that the families themselves needed help, either with conflict resolution or communication or something. So you do have to partialise the problem to be able to address the issue of homelessness, it is just not a one unit problem." (Centacare: Transcript of evidence, p 1783)

5.133 The Committee was told that the reasons why some of the young people could not obtain benefits included difficulties in obtaining the necessary identification, failure to produce sufficient evidence on the reasons for family breakdown and non completion of claims due to fear of contact with parents.

5.134 Ms Robyn Hartley, a senior research fellow from the Australian Institute of Family Studies (AIFS) told the Committee that despite a public perception that youth income support payments encouraged young people to leave home, she did not believe that this was supported by research.

"Although exceptions will always be found, there is no research support for the notion that the majority of homeless young people left home, and subsequently stayed away, for adventure or because of temporary irritation and boredom with family life. On the contrary, a recent study of 50 homeless young people in Melbourne (Fuller, Krupinski, Krupinska, Pawsey and Sant 1993) is only one of many which indicate that the main reasons for leaving home are conflict, violence and rejection. The young people came mainly from single-parent and step families." (AIFS: Submission, p 8)

5.135 In discussing the prevalent view put forward in the media about the allowance encouraging family breakdown, a witness from the major youth service in Toowoomba commented:

"I cannot agree with that. I think that a lot of breakdowns in families start to occur when young people turn 10, 11, 12. It is that desire for independence; whatever the reasons are, it often starts early. It is not something where a young person realises, 'Look, I can get Young Homeless Allowance so I am going to leave home.' We just do not see evidence of that kind of thinking." (Toowoomba and District Youth Service: Transcript of evidence, p 2457)

5.136 A worker from a young women's refuge in Tasmania told the Inquiry that about 75% of their residents did not receive any income. The worker believed that many young women decided against applying because they did not want to disclose the personal details about the abuse they had experienced. As a result, they did not test their eligibility for YHA, but instead lived with friends, went out on the

streets or returned home. Many would exist on the at-home rate of the Job Search Allowance. (Karinya Young Womyn's Refuge Inc: Transcript of evidence, p 1733)

5.137 An extensive discussion of the take up of benefits and the numbers of homeless young people is set out in Chapter 2.

CHAPTER 6

THE HOUSING NEEDS OF HOMELESS YOUTH

6.1 The Supported Accommodation Assistance Program (SAAP) is the key housing program for most young people who become homeless or who are at risk of becoming homeless. Of the 1 600 services funded through SAAP, approximately 500 provide services for youth. The Commonwealth has had a role in the policy and funding of supported accommodation programs for young people over many years.

6.2 A number of elements of the SAAP program are critical in developing services which are appropriate to the needs of young people who require assistance with accommodation. While this Inquiry is not reviewing SAAP, it is impossible not to include an analysis of this program because of the way it has shaped and influenced policy and services to young homeless people.

6.3 The issues within SAAP which have a bearing on the Inquiry are:

- . service delivery to young people who are homeless or at risk of being homeless;
- . the strategic directions of the new SAAP agreement between the Commonwealth and the States and Territories;
- . under 16 year olds and young people with mental illnesses in SAAP services;

- . the case management role both within SAAP and its links with other services providing case management;
- . training and skills of SAAP workers; and
- . the Jobs Placement Employment and Training (JPET) Program for unemployed young homeless people operating within the Department of Housing and Regional Development.

Under 16 Year Olds in SAAP Services

6.4 There is a clause in the SAAP Agreement which states that services cannot be developed *exclusively* for under 16-year olds. Such young people are, however, not excluded from these programs and the Committee received evidence from witnesses indicating that a number of young people of this age were being placed in SAAP accommodation.

6.5 The Committee contends that placement of young people under the age of 16 in SAAP services, as presently structured, is inappropriate for the needs of these young people for a range of reasons, as follows:

- . given their age, these young people require more intensive and personal support and supervision than can be given in a refuge environment;
- . many of these young people are out of home for the first time and are mixing with older, street-wise and longer term homeless people; and
- . there is a lack of appropriately trained and skilled case managers to undertake assessment, supervision and follow up services.

6.6 There is considerable controversy in policy and practice about the suitability of young people being placed in refuges. The Committee found that many youth/refuge workers did not support the placement of under 16 year olds in refuges, whereas government spokespeople were more ambivalent in their position.

6.7 The inappropriateness of SAAP services for these young people was acknowledged in the National Evaluation of SAAP conducted in 1993. It stated:

"Very young people (aged under 16) who access SAAP youth services often have needs which these services are not equipped to address. Many require intensive levels of support over a number of years to substitute for the support normally provided by families for people of this age. Young people under 16 constituted 4.8 per cent of service users responding to the one night census of 14 May 1992. (This figure excludes children and adolescents accompanying their parent(s) to a SAAP service.)"¹

6.8 Of greatest concern, however, is the practice of the State and Territory welfare departments in using refuges as a key resource in responding to the needs of younger people who come to their notice.

6.9 While State and Territory welfare departments supported the practice as a last resort, it appeared to the Committee that field workers in these departments frequently have to use refuges and shelters to place young people. In the absence of other State residential services and resources, refuges may be the only placement options available. It is the Committee's strong view that State and Territory government policies of deinstitutionalisation and intervention have

¹ M Lindsay, Steering Committee, Supported Accommodation Assistance Program, *Moving Forward, National Evaluation of Supported Accommodation Assistance Program*, AGPS, Canberra, June 1993, p 38.

created an environment with a shortage of housing services for adolescents.

6.10 There is also a lack of consensus amongst program managers at the Commonwealth and State level, as well as in the community, about the legitimacy of providing SAAP accommodation to young people under 16 years of age. During the Inquiry, this lack of consensus was reflected in the diversity of views and differences in operation of the program across Australia.

6.11 The Committee was told that young people in refuges are being housed at an earlier age. A witness from a young women's refuge told the Committee:

"We are doing a lot more networking now between government and non-government agencies. Government agencies are saying, 'We can't support these young people any more, we have 12- and 13- and 14-year-olds for whom the traditional residential care isn't working for'. They just cannot provide the accommodation so they are coming through to us. So yes, the young women are getting younger and we are getting a lot less support from the state than we used to in terms of finding accommodation." (Karinya Young Womyn's Refuge Inc: Transcript of evidence, p 1738)

6.12 The Committee was also told by several SAAP funded services that their target group was the 12 to 18 year old age group. One service provider in Newcastle stated:

"My scheme is a brokerage scheme which works with young people between the ages of 12 and 18 who are chronically homeless. It is a SAAP funded program. It was a three-year pilot scheme of the youth social justice strategy." (Samaritans: Transcript of evidence, p 1006)

6.13 The existence of such programs raises a number of questions for the Committee about why these 'chronically homeless children', particularly in the 12 to 15 year old age group, are not being supported by State welfare departments in services appropriate for their age and needs.

6.14 A further question concerns the role of the Commonwealth in providing accommodation services to very young people who are the statutory responsibility of State and Territory governments.

6.15 Data from the Supported Accommodation Assistance Program (SAAP) in Victoria, provides another picture of the extent to which young people under 16 years are accommodated in these services:

"The collection shows a very slight, but steady increase in the use of SAAP services by under 16 year olds. In 1990 under 16 year olds made up 6.59% of the young SAAP service users, by 1991-92 this had increased to 7.26%."²

6.16 The lack of appropriate services for these very young people was highlighted in evidence given to the Committee by Centacare in Newcastle.

"... we had a situation last week where we had a 14-year-old with whom we have been working and whom we had been supporting in her family for about 12 months. The placement broke down. This kid is 14. We contacted every refuge from the central coast to Taree, but because she has a history of behavioural difficulties no-one would take her. We contacted the department and they said, 'That is a real pity, yes.' Our only option - we did this with departmental approval - was to place this 14-year-old child in a motel. We did that for three nights until we could actually coerce one

² J Smith, *Youth Homelessness and State Care*, unpublished paper, August 1994, p 6.

of the refuges to take her whilst we looked for a permanent placement for her." (Centacare: Transcript of evidence, p 2216)

6.17 The position of State and Territory governments, regarding the placement of under 16-year olds in SAAP services, differs in the extent to which refuges are regarded as appropriate for this age group. The Tasmanian government, for example, stated:

"Our approach tends to be that we certainly would expect an accommodation service that is part funded by the Commonwealth and part funded by the State to do its bit about making sure that really young kids are not on the street literally without shelter. But we do not expect that the refuge is going to be the primary service for very young children. It is one of those areas where the boundaries are a bit blurred... And I would say the younger they are, the more responsibility the state has and the less I would expect the refuge to take." (Tasmanian Department of Community and Health Services: Transcript of evidence, pp 1620-1621)

6.18 The South Australian government, in its submission said:

"... after proper assessment of their best placement needs, some young people who are under the Guardianship of the Minister, and other young people who are at risk, are placed in SAAP services... Young people, (including those who are under the Guardianship of the Minister), have a right to the most suitable placement and should not be discriminated against because of their legal status. The State recognises its responsibilities to GOM young people, but will not bar access to SAAP if this is the best placement." (SA Government Submission: Transcript of evidence, p 1349)

6.19 In Western Australia, the Minister for Community Welfare acknowledged that the State welfare department placed young people in refuges. He said:

"Whilst the guidelines may say that people under 16 years should not be in refuges, in Western Australia there are people under the age of 16 in refuges. I would definitely be very concerned if the department was referring people to SAAP facilities...

... I do not agree and I definitely do not support the notion of the department simply referring people who are under 16 to refuges. I would not condone the practice and policy that we simply use SAAP services as an alternative to any of our other support services." (Hon Roger Nichols MLA: Transcript of evidence, pp 1182-1183)

6.20 The Committee was, however, surprised at evidence indicating that there were substantial numbers of young people under 16 placed in youth refuges. This was in spite of the fact that most State and Territory welfare departments said that this was not a preferred placement and would only be used as a last resort. In some cases, but not all, the State welfare department provided the equivalent of a board payment to the refuge for accommodating these children.

6.21 The Newcastle Youth Accommodation Service told the inquiry that:

"Of 316 referrals over a 12-month period, 60 per cent were under age 16. Refuges cannot hang on to those young people if they do not want to stay, and there is no-one taking responsibility for them, so they are just getting lost and turning up somewhere else, or they are camping somewhere. But there is no case management system in place at this stage that follows them through. They may be assessed in a refuge as needing certain types of accommodation, but there is no follow-up of what happens to them if they do not stay at all or if they leave. You have said it: they are falling through the net. And they are turning up again and again, or they are getting lost." (Newcastle Youth Accommodation Service: Transcript of evidence, pp 2232-2233)

6.22 The concerns of youth accommodation services about the numbers of young people under 16 years requesting accommodation or being placed in refuges was reiterated by the Youth Accommodation Association (NSW) Ltd. The organisation provided the Committee with the results of a survey undertaken between January and June 1993 which contained information on the number of young people under 16 years residing in short term youth refuges and medium to long term services. This survey has been conducted on a six yearly basis. The report stated:

"The number of young people aged under sixteen years seeking accommodation has increased from 2154 in 1988 to 7326 in 1993, and those assisted with accommodation has increased from 1069 in 1988 to 2711 in 1993..."³

6.23 The report concludes:

"The survey indicates that the problem of youth homelessness continues to grow by approximately 900 per year. The greatest demand for accommodation is in the Sydney metropolitan area and that greater numbers of young people under the age of 16 are finding themselves in need of community youth accommodation services."⁴

6.24 Youth refuges expressed concern about the increasing number of young people with behavioural problems being placed in SAAP accommodation by State welfare departments. The view expressed to the Committee was that the most difficult young people were being placed in refuges with the expectation that SAAP workers would supervise and support them. Following their placement in SAAP services, many workers indicated to the Committee that the role of the State welfare department subsequently diminished.

³ Youth Accommodation Association (NSW) Ltd, YAA Survey Draft #1, January-June 1993, p 3.

⁴ *ibid.*

6.25 The Committee recommends that the Department of Housing and Regional Development review the appropriateness of placements of State Wards and young people under 16 years of age in SAAP services with State and Territory governments, as well as with community service providers.

6.26 The Committee believes that the current position of young people within SAAP services is ambiguous. While the legislation precludes specific services to young people under 16 years of age, they are not precluded from being placed in these services. Based on the evidence provided, SAAP services are inappropriate for young people at this age, who may still be at school and may have only recently left home. While State and Territory governments do not regard such placements as ideal, they concede that placements are made for these young people from time to time. The accommodation needs of such young people should be acknowledged and more appropriate services should be developed which provide for their developmental needs which includes supervised accommodation.

6.27 The Committee recommends that the Department of Housing and Regional Development, in conjunction with State and Territory governments, develop a new SAAP category which provides specific supported and supervised accommodation services for young people under 17 years in acknowledgment of the reality that young people of this age are being placed in crisis, medium and long term accommodation under SAAP.

6.28 The Committee recommends that the Department of Housing and Regional Development and the State and Territory governments undertake to bring in legislative change which allows for the provision of specific accommodation services, with supervised support, for young people under 17 years of age.

Parents Placing Children

6.29 The role of youth refuges in providing placement options was further complicated when the Committee was told by parents giving evidence that they had paid for their child to live in a shelter for a period of time. On one occasion, the parents drove their child to the shelter and then stated that they continued to see them frequently. This information raises major issues about the entry points of young people into shelters and how shelters are perceived in the community. It may be a reflection of the lack of alternatives for parents who need some breathing space for themselves and their children. It must be said, however, that the placement of children in refuges by parents is an issue which requires serious examination to ascertain the nature and extent of this practice.

6.30 One parent outlined his experience:

"I actually paid for my daughter to stay in a place for a while, until it all deteriorated even further and we found that the place was not suitable. When we wanted to move her away, we found a lot of problems with the Department of Community Services." (Parents Rights and Support Group (TAS) Inc: Transcript of evidence, p 1755)

6.31 The involvement of the Commonwealth and the State and Territory governments in providing services to such young people is difficult to reconcile when viewed against other developments and attempts by the two levels of government to establish protocols relating to the payment of income support. It is difficult to understand why a Protocol was developed for the payment of income security and care and support for young homeless people but did not include the provision of accommodation for exactly the same target group. The Committee strongly believes the same principles should operate between the

Commonwealth and States in relation to all programs involved in the care and support of children.

SAAP 3 and Strategic Directions

6.32 The new SAAP 3 Agreement was gazetted in March 1995. It establishes a number of broad strategies which are designed to restructure and better target SAAP services. These include a greater focus on client assessment, case management, early intervention, improved linkages and access to related services and programs, training and skills transfer and improved management of services and data collection.

6.33 While there is general support for the new directions within SAAP, some community organisations expressed concern to the Committee about the capacity of SAAP services to undertake this comprehensive range of tasks and responsibilities. Limitations of resources, lack of training and skills are identified as major barriers to achieving these outcomes. The Committee canvassed these concerns in its September 1994 Discussion Paper.

6.34 Aspects of the new SAAP Agreement which are important to this Inquiry include the provision of case management within SAAP services and the training and skill levels of SAAP workers.

The Mix of Residential Accommodation

6.35 Many community organisations spoke of the lack of appropriate models of accommodation for young people and the inadequate mix of residential accommodation available. Rarely were communities provided with a mix of crisis, short term and longer term

accommodation services. Frequently, crisis accommodation had no exit points, resulting in a high recidivism rate for young people who repeatedly returned to the same crisis refuge because of the lack of long term stable and affordable accommodation. The only young women's refuge in Tasmania told the Committee that 50 per cent of the young women accommodated in their refuge return:

"One of our guidelines is that the first stay is a four-week stay, then three weeks, two weeks and one week. After that, they have to stay out for six months. We are not encouraging people to come back constantly. We would like to see them infiltrate back into society, but it is difficult when they have such a small income." (Karinya Young Womyn's Refuge: Transcript of evidence, p 1734)

6.36 Other communities have no crisis accommodation. This forces young people not only to leave their families but also to leave their local communities and schools, which may provide them with the support they need. By leaving their local community, this also decreases the likelihood of family reconciliation due to distance and reduced opportunities for reestablishing contact.

6.37 There is a need to build strong community based services that allow young people to remain in their community and school environment.

6.38 While some services and communities have developed this model, there still appears to be an ad hoc approach to the establishment of SAAP services. There is no local or regional approach to building accommodation services for young people and this is reflected in the 'hit and miss' approach to service availability in many communities. In Campbelltown, the Committee was told:

"The specialist services at the moment start from the inner west and go into the city. They are removed from where the

highest amount of crisis intervention is needed. Yet, young people in this area are having to be transported away from their schools, away from their community, and into the city or the inner west, which is highly inappropriate especially at a time when they are in crisis." (South West Sydney Young Labor: Transcript of evidence, pp 2369-2370)

6.39 The problems of exit points and the need for long term stable and affordable accommodation for young people has been identified in many reports on the housing needs of young people. The difficulties young people face in moving out of the refuge cycle was summed up by one witness:

"Some of these people are ready for independent accommodation; that cannot be done, mainly because of the cost of the rental accommodation. We have crisis refuges, medium-term refuges, and semi-supported refuges. But there is no exit point from any of those refuges to go to independent accommodation, except into the private sector or the department of housing... The lowest rental that young people can find, even in a caravan park, is \$95 a week. So they have to share; sharing brings up even more problems. Not only are they dealing with their own problems, but they are dealing with someone else's, and that is what happens within refuges as well." (GITS: Transcript of evidence, pp 2404-2405)

6.40 The Committee was impressed with the restructuring of SAAP in South Australia, where the focus of planning was for a more comprehensive approach to providing accommodation services. The new structure provides for:

- early intervention, providing counselling and mediation and supported accommodation for first-time homeleavers;

- . medium-term accommodation; and
- . long term accommodation.

6.41 SAAP in South Australia also operates a service which provides a single entry point for young people seeking advice on accommodation services and assists young people to access the service most appropriate to their needs.

6.42 The National Youth Housing Strategy, which has recently reported to the Department of Housing and Regional Development, looked at setting goals and objectives for the improvement of housing options for independent young people between the age of 15 and 25 years on low incomes. However, the Department told the Committee that it was not appropriate for the Strategy to address issues of coordination of services for young people, as it was looking beyond issues of homelessness to develop strategies for young people who have achieved a level of independence and are ready to exit SAAP services.

6.43 The Committee disagrees with the Department's assessment of the relevance of the National Youth Housing Strategy to this Inquiry. Some of the key issues relate to the mix and appropriateness of accommodation services, rental market affordability, and the degree to which young people who have been traumatised and lost the support of their families can becoming functionally independent within the community.

6.44 The Committee recommends that each State and Territory establish a single point of contact for all its accommodation services for young people, similar to the service operating in South Australia.

6.45 The Committee recommends that the Department of Housing and Regional Development, together with State and Territory

governments, give consideration to developing balanced levels of supply of crisis, medium and long term supported accommodation.

6.46 The Committee recommends that accommodation services for young people be established in local communities which will allow young people to maintain their links with school and friends as well as providing a greater opportunity for family contact and reconciliation.

Training of Youth Workers

6.47 The Committee is extremely concerned about many aspects of the training, skill levels and working conditions of youth workers which directly contribute to the quality of service provided to young homeless people.

6.48 Issues surrounding the training and skills of SAAP/youth workers emerged as a concern early in the Inquiry. The Committee found almost unanimous agreement from parent groups and youth organisations about the need to improve the training, skills and conditions of employment of workers in the youth field. The lack of training and skills is intricately connected to other work based issues such as salary levels, career paths and the provision of supervision and support. These concerns were identified in the Committee's Discussion Paper and responses to the Paper have provided further background to the problems in this area.

6.49 The National Youth Coalition for Housing, in its response to the Discussion Paper, agreed on the urgency to attend to the training needs of SAAP workers:

"NYCH recognises that training is a high priority need within SAAP for both staff and management, and stresses that the absence of training opportunities in SAAP has been

a major contributing factor to inadequate or inappropriate service provision, high staff turnover and poor conditions throughout the life of SAAP II. Training in SAAP becomes even more vital as new agendas (eg case management and assessment) are introduced into the program." (NYCH: Transcript of evidence, p 2125)

6.50 Although the lack of training and skills have been identified by governments and the community sector as impediments to quality service provision, the Committee believes that there has not been sufficient attention to improving the situation. In recent times, many reports such as the HREOC Report on Homeless Children, the Report of the Royal Commission into Black Deaths in Custody and the Commonwealth Social Justice Strategy for Young People, have made recommendations for change. More recently, the report on the National Evaluation of SAAP commented:

"Training underpins virtually all other strategies necessary for the restructuring of SAAP, especially assessment, case management and service management."⁵

6.51 The Committee found that the consequences of poor training and limited qualifications include inadequate services, high turnover of staff, and little opportunity for services to plan on a long term basis. An experienced youth worker told the Committee:

"My experience, and I have been in the youth field for over a decade, is that the sector does not retain skills in terms of its workers. People move on for a whole range of reasons. Therefore people seem to see problems in terms of more dollars or individual programs, so you need to overcome that structural weakness in the sector by providing some repository where you have expertise that remains permanently part of the community that therefore can

⁵ SAAP: *Strategic Directions*, Department of Housing and Regional Development, October 1993, p 9.

provide a framework. If you do not do that, I just think you continually end up with people struggling to come to terms with what their particular service is, separate from even the wider questions." (Northern youth Coordination Committee: Transcript of evidence, p 1820)

6.52 The remuneration given to workers in the youth field reflects the devaluation of the work undertaken. Yet, paradoxically, these workers are often helping the most difficult and vulnerable young people in our community. The Committee was told that the lack of an award structure contributes to the divergence in standards and skills amongst SAAP workers. Again, the national evaluation of SAAP stated:

"The only state in which SAAP workers are covered by an award is in New South Wales, where it has been in force since May 1991. SAAP workers in Victoria were previously covered but their award was abolished in March 1993, as part of the general abolition of awards in that State."⁶

6.53 In responding to the issues on training raised in the Discussion Paper, the Youth Affairs Council in Victoria commented:

"... YAC would argue that the standardised funding of youth SAAP services (Youth Worker Class 11 Year 3) has contributed to the problems of attracting and keeping skilled workers in this field.

... The expertise of the SAAP field is frequently called upon by government departments, yet there is little recognition in terms of salary, conditions or career paths within the sector." (YAC: Transcript of evidence, pp 2105-2106)

6.54 The Committee is concerned that while some improvements have taken place, the youth and community sector has neither been provided with the resources to employ either qualified staff nor the

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M Lindsay, op. cit., p 76.

ability to retrain, re-skill or provide appropriate supervisory mechanisms for its workers. This is all the more concerning in the light of the expanded role and expectations of SAAP in the area of case management and national outcome standards.

6.55 Despite these expectations, the Committee was told that the Commonwealth had recently decided not to refund the youth training sector councils in each State or continue financial support for the Australian Federation of Youth Sector Training Councils, which is the national association with responsibility for addressing youth sector training issues at the national level.

"There is not the requirement that people have those competency standards and in fact a lot of the people who get into the field these days, although more and more are people who have some sort of tertiary qualification, are people that do not have tertiary qualifications but are interested in young people, have the ability to develop rapport with them and care about them. There are certainly issues industrially around training and people's level of competence so that we still have a long way to go." (Mr Davis-Meehan, Transcript of evidence, p 2292)

6.56 With the increasing referral and placement of young people with challenging and difficult behaviour in SAAP services, there is a need for highly skilled workers to be employed, as well as appropriate staff/client ratios to be funded. The Committee was told that young people with severe behavioural and mental illness problems are being referred to SAAP services by State welfare departments.

6.57 If SAAP workers are expected to work effectively with these young people for whom there are no specialised services available, it is essential that the staff are equipped for the tasks and that the services are adequately resourced. The extent of mental illness amongst young people, the appropriateness of SAAP services and the general lack of

services in the community for these young people and their families is further examined in Chapter 12.

6.58 It is hard to escape the proposition that there has been a considerable amount of cost shifting by the States and Territories in the use of SAAP services to place and accommodate young people unable to live with their families. The Australian Youth Policy Action Coalition commented on what they saw was the cost shifting occurring between the States and the Commonwealth through the utilisation of SAAP services for Wards of State. The AYPAC told the Committee:

"There has been an enormous amount of cost shifting in SAAP, particularly in the larger states, over the last few years. In New South Wales, we have seen larger numbers of state wards moved from alternative care arrangements into SAAP services. In fact, the Youth Accommodation Association of New South Wales did a survey this year. In 1991, the figure for requests for ward accommodation was 641; in 1993 there were 1,133 requests for accommodation. That is a 64 per cent increase. If you look at wards accommodated in crisis services, there was a 208 per cent increase in wards that were accommodated in SAAP." (National Youth Coalition for Housing: Transcript of evidence, p 842)

6.59 The Samaritans, in their evidence to the Committee also commented:

"So while it is correct to say that the number of state wards is decreasing, it is incorrect to say that there are fewer state wards in accommodation units. If anything, my impression is that it is rising... One of the reasons there are more under 16 year olds applying for young homeless allowances is that fewer young people are being made state wards." (Samaritans: Transcript of evidence, pp 1011-1012)

6.60 However, the Committee also noted the perspective offered by the South Australian government on this issue, which suggested that the organisational environment which employed youth workers also contributed to the lack of qualifications and training, status and morale which characterised the field. These issues included:

- . the organisational environment which employed youth workers, namely non-government and local government, may result in youth work receiving less priority and attention than other community service functions;
- . often youth workers are sole workers with little or inadequate professional support and management support is limited; and
- . the historical and professional development of youth work may have created a legacy of inequities in employment practices within the youth work field.

6.61 Despite the inadequacies of training, resources, and support within SAAP services, the Committee was impressed with the high degree of commitment and professionalism shown by youth workers and managers who presented submissions and evidence to the Inquiry.

6.62 Several parents and parent groups were critical of what they perceived to be a strong 'anti-family' stance taken by SAAP and youth workers in working with young people who had left home. While the Committee is aware that workers in youth service organisations have a strong commitment to the rights of a young person, there was also a keen acknowledgment of the importance of families in the lives of young people. A comment from a youth agency in Brisbane illustrates this:

"With regard to any young person who sought advice on homeless allowance and getting homeless allowance, the very first thing we do as youth workers - and I would expect that

every youth worker in Queensland should do - is to find out the reasons why the young person is homeless, and if there is any possibility of effecting a reconciliation... The very first thing which any youth worker worth his salt will do is attempt to find out what the reasons are for the young person being homeless, and if there is any possibility of reconciling that young person with their family. That is the best option for everyone, wherever possible." (Brisbane Youth Service: Transcript of evidence, p 714)

6.63 SAAP services to young people have reflected policies which have separated rather than integrated youth and family services. This narrow focus on young people, devoid of a broader family and community context, was referred to by a witness from the Youth Affairs Council in Victoria, who stated:

"One of my criticisms... is that we often do not look at a young person as being part of a system... They are part of a family; they are part of a community, et cetera. We need to get our heads around those issues." (YAC: Transcript of evidence, pp 301-302)

6.64 The Committee strongly endorses the need to develop a multi-disciplinary approach to youth services which brings a range of workers and skills into play. The Committee saw evidence of this approach developing, whereby there was a greater integration of SAAP services with family mediation and counselling. The range of adolescent and family services within the Adelaide Central Mission demonstrated how, as part of a broad youth and family service, a youth refuge complemented and supported programs such as family mediation and counselling.

6.65 There are, therefore, positive developments occurring through the integration of family and youth service models as a result of more flexible funding arrangements and a greater understanding of the need to see young homeless people as part of a broader family and

community context. The Committee strongly supports these developments.

6.66 One of the most enduring concerns throughout the Inquiry was the low morale of the sector caused in part by the low value many workers believe the community placed both on their work and on the young people they work with. Urgent action must be taken to address these issues if improvements in the lives of young disadvantaged Australians are to occur.

6.67 The Committee recommends that the Commonwealth and State/Territory governments actively work towards the establishment of an appropriate award for SAAP workers which provides for minimum standards, consistency in skills and qualifications required of people working in the field and for the establishment of adequate career paths and training programs.

6.68 The Committee recommends that funding levels to SAAP services be set at a level which ensures that adequate training programs and staff supervision arrangements are provided as an integral part of the SAAP service structure.

6.69 The Committee recommends that supervisory and support structures within SAAP and other youth services establish clear lines of accountability for all workers within the services.

6.70 The Committee recommends that the Commonwealth and States urgently develop appropriate training programs for SAAP workers to ensure staff in these services have the skills to undertake the broader case management tasks identified through the new SAAP agreement.

6.71 The Committee recommends that there be a greater focus in all Commonwealth and State and Territory programs on developing integrated youth and family services so as to ensure a more multi-disciplinary approach to the issues surrounding family breakdown and youth homelessness.

6.72 The Committee recommends that the Commonwealth and States, together with the relevant non-government organisations, develop strategies to address the low morale of staff working within the non-government youth and accommodation field.

Case Management

6.73 Case management has emerged as a service delivery approach to many of our current intractable social problems, including homelessness and long term unemployment. An extensive discussion of the role of case management in SAAP has been provided in the Committee's Discussion Paper. The Committee is supportive of a comprehensive approach to working with young homeless people, as it offers greater potential for family mediation, if appropriate, and links to education and training and other community based support services.

6.74 However, in its Discussion Paper, the Committee also expressed concern about a number of issues around the growth of case management which required further assessment. These include:

- ". the need to co-ordinate SAAP case management for young homeless people with the other case managers involved in different aspects of their lives;
- . possible duplication, overlap and confusion by introducing more case managers into the field;
- . case management has significant implications for the

skills and training required of staff to undertake this work;

- . whether this approach will divert funds from the provision of much needed accommodation services to ones which provides more intensive personal assistance;
- . whether SAAP services are an appropriate auspice for this 'interventionist' approach;
- . need for close consultation with other Commonwealth and State departments who are providing similar case management to the same target group; and
- . need for close consultation with the SAAP providers to ensure the appropriateness of case management in the services they are delivering."⁷

6.75 In responding to the case management role for SAAP services, the National Youth Coalition for Housing stated in its submission:

"NYCH also believes that there is a need to clarify the term 'assessment', which is being proposed as another major new direction in SAAP. NYCH is unclear whether this term is being used in a formal psychological sense. If it is, then it is vital that SAAP workers have access to extensive training to enable them to undertake comprehensive 'client assessments'. However, NYCH questions whether SAAP is the correct place for the formalised assessment of young people. Informal assessment and referral is already performed by SAAP workers and NYCH is not convinced that current practices require extension into the clinical realms being suggested." (NYCH: Transcript of evidence, pp 2124-2125)

⁷ House of Representatives Standing Committee on Community Affairs, *Inquiry into Aspects of Youth Homelessness Discussion Paper*, Parliament House, Canberra, September 1994, pp 39-40.

6.76 The Committee shares this concern about the exact focus and expectation of case management and assessment within SAAP services and the extent to which these services link with other specialised services.

6.77 Many witnesses expressed considerable concern about the growth of case management within services and the lack of coordination and planning coming from the Commonwealth government. This concern was not directed specifically at SAAP, but rather at the vast array of government and community programs which promote case management as their new strategy.

6.78 The Discussion Paper identified at least 5 potential case managers for each young person. They are as follows:

- " DEET case manager for their education and training;
- . DSS case manager for their homelessness if attending a Youth Service Unit;
- . SAAP case manager if residing in a supported accommodation program;
- . A JPET case manager if attending an education and training program run by a community organisation funded through the Department of Housing and Regional Development; and
- . State welfare department case manager following referral to the department through the Protocol or if they have status with the State or Territory department."⁸

6.79 These concerns are reflected in the following comment from the Adelaide Central Mission:

⁸ *ibid.*, p 26.

"Firstly, we are concerned that 'case management' may be seen in some areas as the solution to problems of youth homelessness and youth long term unemployment. No overall strategy can be adopted to solve these issues, rather a series of differentiated strategies are needed that are integrated in the policy, programs and services offered to disadvantaged young people." (Adelaide Central Mission: Transcript of evidence, p 2138)

6.80 Their response continues:

"Proliferation or over use of case management could lead to further alienation of the young person and "a tendency to duplicate facilities and staff... to competition for scarce resources... It also creates, both among client administrators, vested interests in the characteristics of individual programs, (above the needs of the young person) and in the authority, security and opportunity provided by the organisations which administer them. (Social Justice Strategy for Young Australians, Report of Evaluation of Coordination Processes.1991)." (Adelaide Central Mission: Transcript of evidence, p 2138)

6.81 The lack of coordination of case management at the Commonwealth level is a major problem, reflecting the absence of appropriate structures for developing and delivering integrated services to young people through a range of Commonwealth and State departments with specific responsibilities.

6.82 The problems of duplication, confusion and, ultimately, lack of accountability and responsibility for services, are significant and must be addressed at a government rather than a departmental level.

6.83 While there are specific issues for the case management approach within SAAP itself which require attention, the larger issue of how case management is itself coordinated across government and at the community level must be resolved. The Committee believes it is

unacceptable to leave this level of coordination to the non-government organisations, given that the approach is government driven with expected outcomes to be achieved.

6.84 The Committee is concerned that, following the government announcement about case management being the centre-piece of its strategies for long term unemployment and homelessness, pilot projects are being established to determine ways it would work. Insufficient attention has been paid to the practicalities of case management, for the sake of a quick solution to the problem.

6.85 The Committee recommends that the Department of Housing and Regional Development identify more clearly the nature and scope of case management and assessment within SAAP.

6.86 The Committee recommends that the Department of Housing and Regional Development identify, with State and Territory governments and community service providers, the skills required by workers in SAAP youth services to undertake case management functions.

The Job Placement Employment and Training (JPET) Program

6.87 The location of this program within the Department of Housing and Regional Development was questioned by the Committee in its Discussion Paper. The program is designed to assist homeless young people to overcome problems associated with their homelessness, which create barriers to employment, education and training. A total of \$10.2 million has been provided over two years to assist upwards of 1 000 homeless young people. This program also has a heavy emphasis on case management by providing young homeless people with access to specialist and support services within the community. During the

Inquiry, the Committee received positive feedback about JPET from community groups. The Department of Housing and Regional Development highlighted the success of the program to the Committee:

"An interim evaluation in January 1994 indicated the success of this approach. By June 1994, 2,785 clients had used the program: 1,119 employment placements had been made, and JPET clients had attended 1,894 training placements, including fully accredited traineeships, Skillshare courses, and literacy and numeracy training, and participated in 836 work experience placements." (HRD: Transcript of evidence, p 2096)

6.88 However, despite the positive features and outcomes of JPET, the Committee cannot see the justification for locating employment and training programs within this Department. The Committee reiterates its view that there is far too much blurring of portfolio responsibilities to the point where it must be increasingly difficult to assess the value and the worth of government strategies in this area.

6.89 The establishment of JPET within the Department of Housing and Regional Development and outside the Department of Employment, Education and Training is problematic and unsatisfactory. If this program is proving to be so successful with this group of disadvantaged young people, the Committee believes that it should be incorporated into the overall functions and operations of DEET. On the other hand, if DEET is unable to provide adequate services to this group of homeless people, it begs the question as to its capacity to have a major role in providing services to young homeless people generally.

6.90 The Committee considers JPET to be a good example of how individual Commonwealth departments, in the absence of any central overriding policy review agency, have created their own programs independent of any overall strategy. The Committee cannot see any

justification for adding another layer of services providing access to employment, education and training, to that which already exists within DEET and DSS.

6.91 The Committee recommends that there be a major review to determine the appropriateness of the location of JPET within the Department of Housing and Regional Development, to ensure that duplication and fragmentation of services to homeless unemployed people is not compounded.

CHAPTER 7

FAMILY MEDIATION AND COUNSELLING SERVICES WITHIN THE ATTORNEY-GENERAL'S DEPARTMENT

7.1 This Chapter examines more closely the role of the Adolescent and Family Mediation Program, administered through the Attorney-General's Department. The effectiveness of mediation programs in reducing the numbers of young people at risk of becoming homeless and the extent to which mediation services should be integrated into other support services for young homeless people is explored. The role of the Family Court, in extending its brief to work with at risk families and young people identified through the court process is also considered and proposals developed, which could see this service becoming more integrated in an early intervention strategy.

The Success and Effectiveness of Adolescent Mediation and Family Therapy Programs

7.2 Increasing use is being made of mediation as a method of dispute resolution within families. It is also utilised as a prerequisite for legal aid and as an alternative to legal aid, for separating couples involved in access, custody and property disputes.

7.3 The application of this method of intervention in the area of parent and adolescent conflict emerged as one of the key government responses to the HREOC Report, in the late 1980's. As part of the Youth Social Justice Strategy, the Attorney-General's Department

funded 11 pilot projects for family mediation. These were evaluated in 1991, by the Australian Institute of Family Studies (AIFS).

7.4 The key findings of the evaluation are relevant to this Inquiry, in that mediation has been proposed as the 'solution' to family conflict and as having the potential to greatly reduce the numbers of young people leaving home prematurely. In addition, there have been several recommendations made to the Inquiry suggesting that mediation should be a prerequisite for the granting of YHA. A comprehensive understanding of mediation and the principles under which it most effectively operates is essential to adequately assess the appropriateness of these proposals.

7.5 The Committee received considerable evidence about the effectiveness and accessibility of family mediation through the submissions from the Australian Institute of Family Studies, the Attorney-General's Department and the many community organisations who either directly provide mediation or a range of support and referral services to families and young people.

7.6 RAPS Adolescent Family Therapy and Mediation Service which is funded by the Attorney-General's Department commented:

"Evaluations conducted at RAPS have indicated a significant reduction in youth homelessness by the facilitation of processes such as therapeutic interventions which aim at reconciling young people to a family/carer unit or assisting them to become attached to a significant carer. A significant number of young people return home when more positive relationships are established with their families. It is evident that the RAPS programme significantly reduces the risk of homelessness in the populations we work with. In 60% of cases referred the risk of homelessness is high at intake, whereas with 71% of cases after therapy the risk of homelessness is low or very low."(RAPS: Submission, p 605)

7.7 Given the high expectations of family mediation in the area of family/adolescent conflict, the following points document the advantages and limitations of the process:

- . the programs in place have some positive effect on reducing the number of young people at risk of leaving home;

"An evaluation of the programs by the Australian Institute of Family Studies found that a majority of those participating in the programs were assisted in resolving some of their problems. Participation also improved family relationships, and the perceived risk of homelessness was reduced." (AIFS: Submission, p 7)

- . only a small percentage of young people in the mediation services were representative of chronic homeless youth;
- . most of the young people attending mediation services were not receiving any homeless payments and had never contemplated applying for the allowance; (Evidence from Youth and Family Services, Brisbane)
- . the average profile of clients was that of a female, aged 15 years, attending school and residing at the family home;
- . the most common reasons for attending mediation/family therapy included parental stress, conflict due to repartnering and verbal abuse by the young person¹;
- . the complexity of most cases was recorded as high (88 per cent) at intake. This is identified both by recent survey work undertaken by Attorney-General's Department and by the initial findings from the AIFS evaluation;

¹ Attorney-General's Department, Correspondence to the Committee, October 1994, p 2.

. this complexity of cases was matched by high levels of violence;

"... the incidence of violence and abuse in cases is high, ranging upwards from 20 to 25 per cent, and is much higher in some populations." (AG's: Transcript of evidence, pp 134-135)

. family therapy, as opposed to mediation, has emerged as the more dominant and effective model used by most of the services;

. mediation should be voluntary and not compulsory; and

. mediation is inappropriate in circumstances where violence is a factor.

7.8 The effectiveness of mediation/family therapy in reducing the risk of homelessness amongst young people points to the need to increase the provision of these services in the community.

7.9 It is, however, important to acknowledge the particular profile of the young people for whom mediation/family therapy provides better outcomes. While there may be some exceptions, the evidence indicates that family therapy/mediation works most effectively where young people are still at home and are still in school.

7.10 A witness from the Attorney-General's Department emphasised this point to the Committee:

"In summary, what we are wanting to suggest is that, while the model has been successful in averting the risk of homelessness amongst a group that is largely living at home, it is not a pure mediation model. It has been combined with counselling and family therapy." (AG's: Transcript of evidence, p 135)

7.11 Many of the young people who are receiving the Young Homeless Allowance are living in refuges, have dropped out of the school system and have had little contact with their families for several weeks or perhaps months. The Committee agrees with the view put by many organisations working in this area that mediation and family therapy is more effective as an early intervention strategy than a response to the crisis following family breakdown.

7.12 In commenting on the findings of their evaluation of the 11 programs funded by Attorney-General's, the AIFS stated:

"The study supports the view that early intervention in situations of family conflict may prevent seemingly ordinary problems from escalating into crisis situations and leaving home with little or no support. The Institute is concerned, however, at the dearth of such services." (AIFS: Submission, p 7)

7.13 The Attorney-General's Department confirmed the strength of the preventive nature of the Program in correspondence to the Committee:

"The preventive nature of the adolescent mediation and family therapy program means that it is more successful at reaching those clients who have not already left home. The target population is therefore potentially greater than the number of clients currently receiving homeless rates. Clients attending services are currently still at home and school and are experiencing difficulties which may eventually result in homelessness."²

² *ibid.*, p 3.

The Lack of Mediation Services

7.14 The Committee, in acknowledging the important role of early intervention, expresses concern at the lack of these services in the community for parents and adolescents under severe stress. The program funded by the Attorney-General's is very small, in dollar terms, amounting to \$1.5m.

7.15 The lack of support services was noted by parents and parent groups in the evidence presented to the Committee. Many parents described the futile process of trying to find some support for their family problems in the months and weeks leading up to their child leaving home. One parent commented:

"At no time have I been approached or offered any form of moral support for our family or for mediation before or after my son left home. It was six weeks after he left home through my own inquiries, before I knew what was going on.

There is only one mediation service I could find in our area, the waiting time two to three months. Hardly appropriate for young people who have an inbuilt urgency for all manner of things, the longer an emotional wound is open, the less chance one will have of healing." (Confidential Submission, p 643)

7.16 One service provider told the Committee:

"We have parents ringing us who are often extremely distressed because they cannot find assistance or cannot get into an agency for assistance unless they can afford to pay for private counselling. Most of the families we work with cannot afford private counselling. They cannot afford to go to a private counsellor and pay \$75 an hour or more." (Bayside Adolescent Boarding Inc: Transcript of evidence, p 627)

7.17 Even where services exist, the Committee was told that there were long waiting lists for accepting referrals. One youth worker told the Committee about the current situation for one mediation service in NSW:

"Waiting lists with health department counsellors or the mega mediation services are huge. If I try to get a young person into the mediation service at Parramatta, it can take four months; sexual assault, four months; family counselling, five months; drug and alcohol counselling, I do not think they keep a waiting list any more." (NYCH: Transcript of evidence, p 846)

7.18 The expectations which the community and governments have of mediation as a response to family breakdown cannot be sustained, unless there is a substantial increase in services in this area. This is illustrated in the following quote from a witness:

"We would receive something like 30 to 40 referrals per month. Of those, we can maintain a caseload because we have two full-time workers to 15 families at a time - and that is with associated individual work. Obviously we cannot even cope with half of the referral rate coming to us and have to seek other resources for those people." (Youth and Family Services: Transcript of evidence, p 610)

7.19 The Committee recommends that the Commonwealth and State and Territory governments immediately establish funding arrangements for the extension of Adolescent and Family Therapy and Mediation Services in a national program as a preventive measure for young people leaving home prematurely.

7.20 The Committee recommends that targets be established for ensuring the establishment of adequate coverage of mediation and family therapy services in all States and Territories within the next 3 years.

Compulsory Mediation

7.21 The concern generated by payment of income support at the homeless rate has led many parents and parent groups to argue for some form of compulsory mediation, prior to the granting of the Young Homeless Allowance.

7.22 While acknowledging that many parents are frustrated by the lack of mediation and family therapy services available, this is not necessarily the only solution to prevent family breakdown and lessen the likelihood of some young people leaving home prematurely. Individual counselling for parents and/or young people may be a useful method which will provide support in the early stages of a family crisis.

7.23 However, while agreeing with the need for a major increase in the number of family mediation/therapy services, the Committee also accepts the advice it received by many professionals working in the field, that mediation must be a voluntary process. Not one of the organisations involved in the provision of mediation and family therapy supported compulsory mediation.

"We would view with concern any moves to interpret the need for integration of services as meaning that income support should be contingent on young people seeking family mediation or counselling. This would not be appropriate in many circumstances, where young people leave home for reasons of severe family conflict, violence, abuse or rejection. It takes time to heal breaches... Most importantly, the prime concern should be the personal and economic survival of the young person. Research suggests that the longer young people are without economic support, the more likely they are to drift, or be plummeted into a destructive life style." (AIFS: Submission, p 9)

7.24 In giving evidence about the mediation program funded by the Attorney-General's Department, one Departmental witness told the Committee:

"I would emphasise that mediation is only successful, in our experience, when it is by way of voluntary referral. Mediation is based on the premise that it is a neutral, independent and confidential practice. Any suggestion that mediation be part of an assessment process, or that the participants are not present voluntarily, alters the power basis of the practice and undermines the whole basis of negotiations. That is a fundamental point in the position that we take." (AG's: Transcript of evidence, p 133)

7.25 Furthermore, the current lack of adolescent and family mediation services would make it impossible to impose such a requirement. The Committee was told that almost all organisations are operating at full capacity, while others had long waiting lists. In one service, the waiting list had been closed off completely, due to the inability of the service to meet the demand. The other critical component of effective mediation is the necessity to be able to respond to the crisis in a very short time frame. This was reiterated by the many organisations providing adolescent and family services.

"... when adolescents are in crisis, when families are in crisis, they cannot wait, they need to be referred on, but there are not many services you can refer them to. We are only a small team and I think our statistics indicate that we service about 25 per cent of the people that we actually have referred to us. So, if you look at about 2,000 contacting in a year, we would see only 25 per cent of that number." (RAPS: Transcript of evidence, p 479)

7.26 The lack of these services is the main reason why the Committee has expressed reservations about the appropriateness and

viability of DEET's Family Mediation Pilot Program, which is based on making referral to local family mediation services.

7.27 The Committee stresses the importance of the voluntary commitment to the mediation process. There are inequities in the power relationships between parents and young people and if the outcomes of mediation are to be long term and enduring, compulsion will not bring this about. The following comment from Anglicare in Western Australia illustrates the necessity for mediation to be voluntary:

"It cannot be compulsory, because that would remove the neutral role of the mediator. Young people would see the mediator as a representative of an authority who did not support the young person's position. Hence, if compulsory, the young person would not regard a mediation session where both the parent and the young person had equal power as realistic." (Anglicare WA: Transcript of evidence, p 1217)

7.28 Furthermore, the Committee agrees with the view put by many organisations, and by the Department of Social Security and DEET, that mediation should not be provided by those government departments who are also assessing the entitlement to the Allowance.

7.29 The Australian Council of Social Service commented in its submission to the Inquiry:

"While its [Department of Social Security] social work services provide some short term counselling and a referral service to other community agencies, it does not have long-term counselling or mediation expertise nor should it develop this expertise. Rather, social security should develop closer links with organisations who provide those services, to ensure effective referral for young people." (ACOSS: Submission, p 162)

7.30 However, the lack of services makes it very difficult for young people and families to be able to gain access, even if referred by DSS or DEET.

7.31 The Committee recommends that any additional DSS or DEET funding for mediation services, be directed to further developing the existing network of mediation services.

7.32 The Committee recommends that adolescent and family mediation/therapy must remain a voluntary process to ensure that long term and enduring outcomes are achieved for young people and their families.

7.33 The Committee recommends that mediation services be provided by government departments other than the Department of Social Security or the Department of Employment, Education and Training, to ensure neutrality and credibility of the services and the independence of the workers.

Special Needs Groups

7.34 The Attorney-General's Department has given considerable attention to some of the most vulnerable groups who are not accessing mediation services. These include:

- . young people who are already homeless and have left their families;
- . young people from low-income families;
- . Aboriginal and Torres Strait Islander young people and their families;

- . young people and families from non-English speaking backgrounds; and
- . young people and families in rural and isolated communities.

7.35 In its evaluation of this program, the Attorney-General's Department acknowledged that these 'hard to reach groups' do not have equal access and that different mediation models need to be developed to work effectively and sensitively with these services. However, this development requires additional resources.

7.36 A Departmental witness told the Committee:

"... the model of mediation and family therapy, as practised in the services that we fund, has not on the whole attracted a large group of clients from the non-English speaking background sections of the population, or from Aboriginal groups or from families with a disability. Mediation has developed in an Anglo-Saxon, possibly fairly middle-class environment, and is yet to be adapted to meet the needs of families from a full range of backgrounds." (AG's: Transcript of evidence, p 135)

7.37 The Adelaide Central Mission, which runs an adolescent and family mediation service, told the Committee that it was having to develop specific service responses to ensure that young Aboriginal people and young people from non-English speaking backgrounds were able to use their services:

"The response of non-English speaking young people and their families to services such as ours is not that high nor is it with Aboriginal families, and I think we need to look very carefully at what we need to be doing to assist that response to grow. But we are working with cultural workers on that." (Adelaide Central Mission: Transcript of evidence, pp 1431-1432)

7.38 Mediation and family therapy cannot be regarded as accessible to all at risk groups of adolescents and families in the community. The services are very thin on the ground, there are long waiting lists for those which exist, and they are inaccessible to some key disadvantaged groups. Urgent attention must be given to providing additional funding to develop more services and to trial services which are culturally appropriate and accessible to remote and rural communities.

7.39 The Committee recommends that additional resources be provided to relevant community agencies with expertise in adolescent/family mediation and family therapy to develop models of practice which will be inclusive of the needs of:

- . Aboriginal and Torres Strait Islander children and their families;
- . Non-English speaking background young people and their families;
- . Poorer and less articulate young people and their families; and
- . Young people and their families who live in isolated and more remote communities in Australia.

7.40 Further discussion of these groups is covered in detail in Chapter 13.

Establishing Service Links with the Family Court

7.41 During the Inquiry, the Committee was alerted to the high number of young people who were homeless and receiving the Young Homeless Allowance, who were either from single parent families or from step families.

7.42 In a recent file survey of over 100 YHA files carried out by DSS, 30.7% of the claimants came from single parent families, and 28.7% came from families with one natural parent and one step parent. (DSS: Submission, p 287). These figures were supported by many other submissions indicating a significant representation of young people from single parent and blended family households amongst their client group.

7.43 The Bayside Adolescent Boarding Service in Brisbane also commented:

"Since I have started - and I guess that is where a statement like that comes from - we have been seeing an increasing number of step-families. I cannot give you the exact figures, but it would be more than 50 per cent. We see very few intact families; we see a high percentage of single parent families. The trend is that there is an increasingly number of people who are remarrying and with that comes unique problems. New families are forming." (BABI: Transcript of evidence, p 627)

7.44 There is considerable evidence which indicates that repartnering in relationships involving children from different marriages, as well as the birth of siblings of the new union, pose particular problems for many young people:

"Much has been written of the effect of family breakdown and subsequent repartnering of parents on adolescent behaviour, self-esteem and homelessness. Troubled marital or defacto partner relationships have been linked to high levels of stress and conflict in families with adolescents.

Conflicts may revolve around feelings of acceptance or rejection by the new partner of a parent and loyalty to the other parent. Young people can become the inappropriate focus of parental blame, anger and anxiety when adults are unable to examine and resolve their own relationship problems." (AIFS: Submission, p 8)

7.45 One mediation service commented on the profile of their client group:

"Over 50% of the young people who are referred to Anglicare are from reconstituted families. Of this group, 91% of the young people have stated they cannot live with the new step parent. Alternatively, their natural parent has sided with the new parent against the young person resulting in the young person being told to leave." (Anglicare WA: Submission, p 1364)

7.46 More attention should be given by the Family Court to the nature of family breakdown where it involves young adolescents whose parents have separated, divorced and/or repartnered.

7.47 The Committee was told that where new families are forming, there are increasing difficulties being experienced in new relationships which are not being addressed within current family policy and services. One agency told the Committee about the problems emerging within these new family formations:

"If you look at some of the other reasons why young people are leaving home or at some of the troubles young people are having whilst at home, you will see the step-parent situation that is going on. When the new partner walks in and says to the parent, 'It's either me or the child,' conflict arises. I do not think there is a whole lot of educative work about the dynamics of step-parent counselling." (Crossroads Housing and Support Network, Salvation Army: Transcript of evidence, p 827)

7.48 From the evidence given to the Committee by the Attorney-General's Department, there appear to be no links between the Legal and Family Services Branch of the Department, which provides the adolescent and family mediation and the Family Court Counselling Service. The Committee would like to see far greater attention given to

preparing parents for the impact that future relationships may have on their children and providing them with parenting skills appropriate to these new and changing roles.

7.49 The Family Court Counselling Service currently provides a service to couples/partners. There is little, if any capacity at present, to provide mediation and counselling services to parents and adolescents, even where there may be strong indicators of disruption and poor parenting skills evident.

7.50 In addition, the Committee considers the Family Court to be an underutilised resource for other community agencies working with parents and young people under stress. The Family Court, through its counselling service, builds up valuable information on the needs of families who may require assistance in the tasks of parenting and family relationships in the longer term. There should, therefore, be a greater exchange of this information with other agencies working with families where the Family Court has been involved. This would enhance this consolidated experience and allow it to be used positively in working with the family and the children, where appropriate.

7.51 In exploring this issue with the Attorney-General's Department, the Committee was told that while there is scope for greater integration between the Family Court and the mediation and counselling services funded through the Attorney-General's Department, that:

"... the main focus of the Family Court, and the mediation and counselling services there, would be on the primary relationship of the couple, rather than on the relationship between the adolescent and [parents]." (AG's: Transcript of evidence, p 138)

7.52 The Committee believes that urgent steps must be taken to include counselling services, with parents and children, as part of the brief of the Family Court, both when a marriage dissolves or where couples are repartnering. The consequences of marriage dissolution and repartnering have been identified in the development of other social policies such as the Child Support Scheme.

7.53 It is time to assess the adequacy of the support systems for the increasing numbers of reconstituted families in our community. The experience of youth homelessness is, as the statistics demonstrate, one of these consequences and services must be developed which acknowledge the difficulties of these relationships.

7.54 The current focus on resolving the issues of the dissolution of marriages, without considering the responsibilities of parenting in the longer term, is not adequate. The evidence clearly points to the social and economic consequences of these outcomes.

7.55 The Committee recommends that appropriate officers of the Family Court be represented on all interdepartmental committees involved in the development of initiatives in the area of child/youth and family policy.

7.56 The Committee recommends that the Family Court be given additional resources to extend its counselling services to parents and adolescents, where difficulties in relationships are identified and to provide educational courses for parents and adolescents, where families are being reconstituted.

7.57 The Committee recommends that the Family Court develop protocols with other key agencies to exchange relevant information about 'at risk' families.

CHAPTER 8

LINKING YOUTH AND FAMILY POLICY

8.1 The inadequacy of current family support services and the need for a national approach to family policy has been highlighted by the Inquiry. For the purposes of this Report, the Committee is addressing family policy in the context of families with young people aged 12-18 years. Several peak non-government organisations expressed grave concerns about the lack of a national family policy, the fragmentation of family support services and the lack of clarity between Commonwealth and State governments as to their respective responsibilities in this field.

8.2 This Chapter focuses specifically on the Commonwealth's role in national family policy development and assesses the adequacy of its efforts. Such an assessment is difficult in that the responsibility for family services is shared between the Commonwealth and the States and has resulted in the lack of a consistent approach. In fact, it is almost impossible to determine the direction of family policy and this has enormous implications for ensuring that Australian families have access to services which support them in their parenting tasks.

8.3 Moreover, the failure to integrate youth policy into the framework of family policy is a major deficiency in public policy and has contributed to the lack of integration of services. Young people exist within families and therefore programs and services must address this relationship.

Family Support Services

8.4 Community concern about the lack of family support services and the perceived lack of leadership from the Commonwealth government emerged early in the Inquiry. The Committee heard evidence from many peak and locally based organisations that the decision by the Commonwealth to hand family support services back to the States in untied grants, in 1988, resulted in reduced service delivery and large gaps in services.

8.5 The Association of Services Supporting Australian Families (ASSAF), a peak body representing family support projects throughout Australia, voiced its strong concern about the crisis facing family support services across Australia. This was attributed to low levels of resources and high demands being put on the services in the past decade, since the withdrawal of Commonwealth involvement.

"The Federal Government has also been at fault through this period. Having introduced the Family Support program it turned its back on these services in 1988, preferring to allow the States to operate the program by shifting funds to an untied grants programme.

It has been since that point that services have been at the mercy of the vagaries of State Government funding priorities. Until this year and despite their rhetorical posturing about families, values etc, there has been little real evidence that States have been prepared to address the growing demand through the provision of additional funds and services. Indeed most of the "action" by State Governments, (Families First programme Vic, IFBS NSW) and the cuts in funding evident in WA, Vic, and the shoe strings that are described as budgets in QLD and SA, have been about cost savings rather than additional resourcing." (ASSAF: Submission, p 15)

8.6 A witness for Barnardo's spoke of the consequences of the withdrawal of the Commonwealth from the family support services area:

"You have talked a lot about mediation and a lot about intervening when a child is on the point of leaving home. The point that I want to make is that very early family support services are simply not available; and, since the federal government withdrew from family support services in 1988-89 and handed them over to the state government, there has really been an absolute failure of that program to grow and to meet changing social needs." (Barnardos: Transcript of evidence, p 542)

8.7 The Children's Welfare Association of Victoria Inc. outlined a number of obstacles to family reconciliation and family reunion. These included:

- . the lack of available services and long waiting lists for families to access family support services, particularly in rural areas where there may be no welfare services; and
- . poor coordination and inadequate funding of family welfare services, including the ad hoc range of programs in the area of parent-adolescent mediation, parent education, financial counselling and family resource centres as well as the gradual erosion of funding for the Family Support Services. (Children's Welfare Association of Victoria Inc: Submission, pp 730-731)

8.8 The Australian Council of Social Service recommended that the Australian government should review the 1988 decision to abolish the national family support services scheme. In its submission, ACOSS stated:

"Funding for family support services has declined in some states since the national family support services program

was disbanded in 1988. This has also resulted in a lack of commitment to a more integrated approach to supporting families and preventing family stress.

ACOSS believes that the International Year of the Family in 1994 provides the government with an important opportunity to show a leadership role in strengthening community infrastructure and support services for families." (ACOSS: Submission, p 160)

8.9 The Committee was told that since the transfer of the program to the States, there has been no monitoring of what each State government is doing with the money earmarked for the family support program. The Australian Association of Services Supporting Australia's Families expressed concern that many of the services previously operating were now struggling token services and that there was no equity of services for families in Australia.

8.10 A family support services worker outlined her experiences:

"At the moment, I manage a range of services which support, in a variety of ways, families and young people in crisis, including two adolescent and family counsellors. At the moment, in all of our counselling services we have up to a three-month waiting list. One of the things that we have noticed particularly with adolescents when they are leaving home is that if you can intervene in the family very early in that stage you can actually have a successful outcome in that the child stays home. However, if the young person has been out of home for three months or longer, which is often when we become involved, it is almost impossible to get that kid back home successfully. (ASSAF: Transcript of evidence p 1044)

8.11 The limited provision of family support services means that there are large waiting lists for services such as family counselling,

despite evidence indicating that, where family conflict arises, these services must be provided at an early stage.

8.12 The Mission to the Streets and Lanes expressed concern about the inadequacy of the family support program as it operated in Victoria. As a result of reduced funding and an emphasis on work coming from mandatory reporting, there were long waiting lists for families and young people. One of the witnesses said:

"In my opinion, the program is floundering so badly that it is of almost no value in preventing youth homelessness.

... I believe the family support program in the state is really in a dreadful state and families and young people are being offered beds rather than early support. Beds are about all there is to be offered in the north, certainly. There is not much family counselling to be had." (Anglican Mission to the Streets and Lanes: Transcript of evidence, pp 274-275)

8.13 The claims of underresourcing of family support services were repeated in submissions and during evidence. This view put forward by community agencies is greatly at odds with the 'rosy' picture presented to the Inquiry by State governments, who indicated that family support and early intervention were high priorities. These differences about the adequacy of family support indicate a serious lack of confidence by the community sector about the performance of government in the area of support to children and families.

Prevention and Early Intervention in Family Services

8.14 The area of mediation and family therapy as a strategy for early intervention was highlighted in the previous Chapter. The lack of attention to prevention of family breakdown was a central theme of the Salvation Army's evidence:

"We, as a community, tend to be crisis interveners in terms of human communications. Marriage guidance comes in when things have gone wrong. Pre-marital counselling stops on the day of the wedding." (Salvation Army: Transcript of evidence, pp 827-828)

8.15 The Mission to the Streets and Lanes expressed its concern at the lack of attention to early intervention through inadequate funding of family support services:

"Family support is the poor relative to services available at the post-family breakdown and providing care to adolescents with current expenditure on family support services in Victoria only 10.2 million - a tenth of that spent on state child welfare accommodation and protection programs." (Anglican Mission to the Streets and Lanes: Submission, p 969)

8.16 The Committee also shares the concerns raised by some organisations at the way in which family support services have, over time, moved away from their preventive role. Evidence given to the Inquiry indicates that State governments are now using these services to work with their most disadvantaged and 'difficult' families.

"The original focus of these services on early prevention has moved to intervention with families who are already at risk, and experiencing complex difficulties." (Family Support Services of NSW: Submission, p 453)

8.17 Another witness supported this view:

"There is no doubt at all in my mind that we have seen a shift in this state away from preventative services to the services at the hard end of the scale." (Anglican Mission to the Streets and Lanes: Transcript of evidence, p 277)

8.18 This trend was reiterated by the Association of Services Supporting Australia's Families. It told the Committee that:

"The changes from the Commonwealth withdrawal are not only that funds have been reduced, but also that the services first funded under that program have been pushed to move according to states needs because the states needs are more in the child welfare and child protection area.

In virtually every state the services have been pushed to do more and more of that work because that has been accompanied in most of the states by the states cutting back themselves through their own state department of community services. So they have looked to the non-government sector to do more of that intervention with quite seriously at-risk families. The earlier role of the family support services when it was involved with the Commonwealth was very much an early prevention program and now those projects have moved to work much more with very at-risk families." (ASSAF: Transcript of evidence, pp 1039-1040)

8.19 Another consequence of the lack of funding and the focus on at risk families with very young children has meant that low priority has been given to families with adolescents. This view was expressed in relation to several areas of service delivery, especially the areas of mental health, housing and family support.

8.20 The ASSAF told the Committee that funding was now very tight for a service which is based in NSW, which has the second largest population of growing families, and services are so closely targeted that many families cannot be assisted.

8.21 The economic recession is also seen to have contributed to the retraction in preventive services. A witness for the Mission to the Streets and Lanes commented:

"... there is no doubt that we have seen cut-backs in many areas of community service in this state in the last five years - the state government tends to put its resources at the hard end of the scale. Sadly, that means the resources get focused on residual services rather than on the preventative services." (Anglican Mission to the Streets and Lanes: Transcript of evidence, p 277)

8.22 The lack of family support services was reiterated in every State and Territory.

"Generally speaking, most family service departments and community service departments are there only... to put out the bushfire. Very rarely do they get to the spark. They are not there; they are not funded; they are not even trained; their mind-set is to pick up the pieces, not to keep the pieces together." (Salvation Army: Transcript of evidence, p 826)

8.23 The Committee recommends that the Commonwealth and State and Territory governments develop a national family policy which includes the Family Support Services Program.

8.24 The Committee recommends that this national family policy should ensure that there is specific Federal assistance to family support services. Such services should include:

- 1) relationship counselling;
- 2) adolescent and family mediation;
- 3) health and mental health specifically targeted at families with adolescent children;
- 4) information and advocacy; and
- 5) home/school liaison.

8.25 The Committee further recommends that, where the Commonwealth provides funding to State and Territory governments for family support services, monitoring processes including appropriate outcome indicators be established and annual progress reports be provided to the new Child and Youth Bureau established within the Attorney-General's Department.

Need for a National Approach to Family Policy

8.26 An indication of the lack of national focus on family policy was illustrated by the department with major carriage of this area. In its submission to the Inquiry, the Department of Health, Housing and Community Services, as it then was, failed to mention the family policy and service responsibilities of its portfolio, as if these programs had no relevance to the issue of youth homelessness.

8.27 The Department of Human Services and Health (HSH) now has responsibility for family policy and a range of programs and services which deliver and support State government and local communities to provide services for families. As identified earlier, its responsibilities cover a wide range of family programs including the National Child Protection Strategy, Child Care Services, the Youth Activity Services Program and Family Resource Centres.

8.28 Furthermore, at the first hearing, no Departmental witness could tell the Committee about the Family Support Program and the various family programs for which HSH has national responsibility. The Department's emphasis was on health issues and probably reflects the view that youth matters are not conceptually considered to be part of family policy. This lack of focus on national directions in family policy was all the more confusing given that there is a Minister for Family

Services within the larger departmental arrangement and that this Department had carriage of the International Year of the Family.

8.29 The Committee detected a reluctance by the officers of the Department of Human Services and Health to accept that it had a major role in what were seen to be welfare matters relating to family support. This was perceived to be the role of the States. When discussing the reasons behind the withdrawal of the Commonwealth from the Family Support Program, a Departmental witness commented:

" The reason for that, I understand, was that the majority of welfare matters relating to family support lie within states' responsibilities. We fund a range of family-related programs through not just human services and health but other departments. But there have been no plans to resume responsibility or for the Commonwealth to get further involved in the family support program." (Department of Human Services and Health: Transcript of evidence, p 1937)

8.30 There is, however, some inconsistency in this position, given that this Department alone has a role in national child care services, as well as providing services to young people outside of school hours, funding Family Resource Centres and taking a leading role in the National Child Protection Strategy. It could equally be argued that these services are clearly welfare matters with strong links to the traditional responsibilities undertaken by State and Territory governments.

8.31 The Committee's concern is not whether the Commonwealth is involved in these services, but that there is no cohesion in the approach taken and that the responsibilities are disjointed and lack any philosophical rationale.

8.32 The other aspect of the handing over of the Family Support Program to the States is the lack of a monitoring or accountability

process to assess the extent to which the transfer was successful in "increasing the efficiency of program delivery and reducing administrative complexity", as claimed by the Commonwealth, when the decision was made.

8.33 The lack of a national approach to issues dealing with children, youth and the family was acknowledged by one of the Departmental witnesses, who outlined the current developments taking place for a national policy on health of children and young people:

"... I would like to advise you that it has concerned the department and the states that there is no coherent national approach - by national I mean commonwealth and the States, not just Commonwealth - to health in the broader sense of children and young people... there has never been a national coherent approach to health in the broader sense of children and young people. We are attempting to pull it together in developing this policy." (Department of Human Services and Health: Transcript of evidence, p 1951)

8.34 In discussing the difficulties of developing a national health policy for children and young people, the following comments are also pertinent to the area of care and protection services for young people:

"The problem of intersectoral coordination is really critical. That has come through as a national challenge of how you get on the ground the people who are providing the services and working with the client group when they get their money from different avenues and work through different committees. We have acknowledged that this is an immense problem. With regard to the old way of working where you see a problem and give a special purpose program, the cumulative effect when they hit the ground is now developing confusion and we are trying to sort our way through that particular maze." (Department of Human Services and Health: Transcript of evidence, pp 1956-1957)

8.35 This national approach to the health of children and young people is an appropriate model to pursue in relation to family services and the care and support of children who are unable to live with their families. The role of the Commonwealth in the National Child Protection Strategy is to build a national and more cohesive approach to child protection. The elements of the national strategy are:

- . the development of a common basis or best practice for child abuse prevention across the States;
- . a signed agreement with the States to report on activities in relation to child abuse prevention;
- . the integration of services at the State level; and
- . improving the data collection on national figures of child abuse and outcomes.

8.36 One of the clear messages coming from youth and family organisations during the Inquiry was that an increase in family support services is essential in preventing family breakdown. It was also proposed that the Commonwealth have a leadership role in this through the development of a national family policy.

8.37 The Children's Welfare Association of Victoria (CWAV) and the Mission to the Streets and Lanes made the following recommendation:

"The development of a **national family policy** which will address the serious shortage, poor co-ordination and inadequate funding of family welfare services, including family support program services, and the provision of income support to young people who cannot remain living with their families." (CWAV: Submission, pp 733)

8.38 There is evidence from community organisations providing services in the field and from parents seeking to use these services, that family support services are inadequate and poorly coordinated. Family support services which aim to assist families before they are in crisis do not have a high priority and there is evidence that as a community, we are paying a high price for this oversight.

8.39 The Australian National Council for the International Year of the Family recently released its final report on the strengths and needs of families. The report entitled *Creating the Links: Families and Social Responsibility*, asserts that "placing children and young people at the centre of the development of family and public policy" is a matter of "paramount importance"¹. In its report, the Council addresses the issue of Commonwealth government responsibility quite extensively. Some of its recommendations in this area include:

"that the Commonwealth maintain and strengthen its national responsibility for establishing strong, unified, and consistent policy in respect of services, programs and resources for families, children and young people by:

- development of a framework of nationally cohesive family policies; the setting of benchmarks of access, equity, quality, affordability and maximum opportunity for community participation; implemented in partnership with other levels of government, with national monitoring of the achievements of benchmarks;

- adequate contribution to the funding of services and programs with adequate contribution from the State/Territory governments, according to appropriate formulae;

- strengthening needs-based planning and developing and monitoring guidelines for access and equity;

¹ The National Council for the International Year of the Family, *Creating the Links: Families and Social Responsibility*, AGPS, Canberra, 1994, p 8.

- establishing and monitoring national standards of service delivery and quality; and...

that the Commonwealth establish a permanent *National Office for Family Policy* to plan, coordinate and monitor legislation and policies affecting families, children and young people and to ensure that the well-being, standard of living and quality of life of families, children and young people are fostered."²

8.40 The Committee understands the general thrust of these recommendations, as they are consistent with the Inquiry's recommendations about the need for a national family policy approach. The Commonwealth should play a leading role, establish national standards and monitor those standards and establish a key agency within government with the responsibility for overseeing policy development and program outcomes.

8.41 There is growing pressure, from within the community, for the Commonwealth to have a greater role in the care and protection of children. Several organisations, including the Australian Institute of Family Studies, Justice Fogarty of the Family Court of Australia, and non-government organisations working in the area of child protection, have argued for a national approach to child protection. The Commonwealth has taken some steps in this direction through its role in the National Child Protection Strategy. However, there is no coordinated approach to standards of practice and services, no clear acceptance between governments about their respective responsibilities to children and adolescents and no mechanisms which monitor the adequacy of current services. (See further discussion in Chapter 9)

8.42 Any national family policy would need to incorporate the policy area of care and protection of children. While this has

² *ibid.*, pp 23-24.

traditionally been the responsibility of State/Territory governments, it is desirable that complementary legislation and national standards be established. Details of this national problem will be further explored in the following Chapter which considers the roles and responsibilities of the two levels of government in the care and protection of children and young people.

The Integration of Youth and Family Policy

8.43 Adolescents do not figure prominently in general policy discussions about families and in the development of family policy in Australia:

"Family policy tends to centre around concerns such as child care, poverty in sole-parent families, and work and family responsibilities - issues which have a particular relevance for families with young children."³

8.44 In a recent publication by the National Youth Affairs Research Scheme (NYARS), the provision of support for young people and their families across the range of policy areas with differing responsibilities for young people and families was examined. Numerous anomalies and inconsistencies were found in these provisions, as well as differing expectations about when young people assume full personal responsibility for themselves. According to NYARS:

"We have seen that there are contradictory trends in issues surrounding family, state and individual responsibility for young people. While education and employment policies clearly extend dependency, a degree of independence is recognised in various ways at age 16. This is the age which marks the end of compulsory schooling (in some States) and

³ R Hartley & I Wolcott, Australian Institute of Family Studies, 'Young people and families', *Family Matters*, No 38, August 1994, p 12.

young people become eligible for Commonwealth income support (although the 1993-94 budget changes to AUSTUDY made this not true for a significant proportion of young people)... Nor is there likely to be community consensus about age limits... Overall, the major issue is how to promote young people's positive moves towards autonomy, independence and the assumption of individual rights and responsibilities, while promoting the maintenance of supportive family relationships or, in their absence, providing other institutional and community structures to assist those moves."⁴

8.45 Policy for young people must be developed within the framework of family policy, whether it be income support, accommodation, education or health. However, the Committee acknowledges that families are not always capable of providing young people with this support. This is highlighted in the National Council for the International Year of the Family's Report:

"... when the responsibilities of families in nurturing, protecting and caring for young people break down, governments and the community in a just society have a clear obligation to provide adequate and suitable resources directly to the young person. These include secure, affordable and supported housing, adequate income support, counselling and legal services, assistance with employment, education and training, family mediation, and legal assistance."⁵

8.46 However, in terms of intervening early to support families and young people, there has not been sufficient recognition of the interdependence of young people and their families.

⁴ R Hartley & I Wolcott, Australian Institute of Family Studies, *The position of young people in relation to family*, National Youth Affairs Research Scheme, National Clearing House for Youth Studies, Hobart, 1994, p 95.

⁵ The National Council for the International Year of the Family, op.cit., p 246.

8.47 Youth organisations themselves conceded that there has been a tendency for separation of youth services from mainstream family services. The Executive Officer of the Youth Affairs Council of Victoria acknowledged:

"... we have to think more systematically about young people. They are part of a family; they are part of a community, et cetera. We need to get our heads around those issues."
(YAC VIC: Transcript of evidence, pp 301-302)

8.48 The Children's Welfare Association of Victoria identified that the isolation of youth services from family support services also resulted from the attitudes and skills of the practitioners in the field:

"Family work requires professional expertise in interpersonal skills, especially in the areas of assessment, counselling, group conferencing and conflict resolution. Traditionally, most youth workers have not had a family focus and many family case workers have not developed skills in working with adolescents." (CWAV: Submission, p 731)

8.49 The Australian Institute of Family Studies outlined the range of services which must be provided for young people and their families if youth homelessness was going to be effectively tackled:

"Services and agencies which work with young people emphasise that a range of community based support services - financial assistance, counselling, respite care, housing, job training, health care - specifically directed to young people and their families are needed to prevent or alleviate homelessness among young people." (AIFS: Submission, p 9)

8.50 The reality of young people not being considered part of family support services was borne out by workers in these services themselves. One witness told the Committee:

"Our ability as family support services, and doing family adolescent counselling, to actually work with those families is extremely restricted. With family support services, at the moment perhaps only about 20 per cent of the families that we work with have adolescents, and that again relates back to this Commonwealth - State thing. I think since the Commonwealth withdrew, the emphasis has come more on children. If the Commonwealth does not accept that it has a responsibility for the over-15s, it must accept that those needs are just not being adequately addressed." (ASSAF: Transcript of evidence, p 1052)

8.51 The need to link the Family Court into the family policy arena has already been extensively argued in Chapter 7.

8.52 The Committee recommends that specific programs aimed at meeting the needs of young people be located, where appropriate, with mainstream family agencies.

8.53 The Committee further recommends that training courses be developed for all workers responsible for families and young people to improve skills in assessment, conflict resolution and mediation.

Economic Circumstances of Families

8.54 There is evidence of strong links between family poverty and youth homelessness. The Australian Institute of Family Studies in its recent paper on *The Position of Young People in Relation to the Family*, commented:

"Economic factors have always had a profound effect on individual families and their offspring and in the 1990s are likely to have a broader effect, creating enormous stress, limiting opportunities and options for children and young people and affecting the direction of their adult lives.

Poverty compounds other family problems and is a major contributor to family breakdown, child abuse and youth homelessness."⁶

8.55 The impact of long term unemployment on families is considerable, and a source of family stress and tension. Research tells us that:

- . unemployed parents find it difficult to support unemployed sons and daughter who in the past would have been earning and contributing to household expenses, or living away from home;
- . there is a tendency for unemployment to run in families;
- . unemployed youth are more likely to come from low-income families (Bradbury, Garde & Vipond 1986; Frey 1986, quoted in Hartley and Wolcott, p 60); and
- . young people who have unemployed parents have considerably lower self-esteem.⁷

8.56 The relationship between a family's economic circumstances and youth homelessness is the basis for the Committee's belief that youth and family income support policies must be linked and administered through the one department. The Committee reiterates its position, stated earlier, that youth income support policy and administration should not be isolated in the Department of Employment, Education and Training, but should form part of an integrated income support policy which recognises the interdependence of young people within a family context.

⁶ R Hartley & I Wolcott, *The Position of Young People in Relation to the Family*, op.cit., p 60.

⁷ P McDonald, Australian Urban and Regional Development Review, Address to the ANZAAS 94, Summit on Education and Adolescent Health, Deakin University, Geelong, 29 September 1994, p 15.

8.57 Developing more consistent administrative arrangements and improving liaison between DSS and DEET will not be sufficient to enable policy development to emerge in a responsive way to the needs of families and young people. The Social Security system must be able to analyse the impact of income security arrangements on its clients and accept responsibility for responding to these matters.

8.58 There is no doubt that in the 1980's, government policies, at the Commonwealth and State level, resulted in pressure being put on families to take more responsibility for the care of young people. However, it is also clear that many families do not have adequate resources, or sufficient parenting skills, to be able to meet this responsibility.

8.59 This view is supported by the considerable work done by the AIFS in this area:

"The capacity of many families to support young people financially and to assist them in broadening their life chances is seriously in question."⁸

8.60 The paper continues:

"... low income families may well be put under further pressure when young people have no access to allowances in their own right... Too great an economic burden is placed on families in straitened circumstances and the ultimate result may be social alienation of young people."⁹

8.61 The implication of the decision, in 1987, to abolish unemployment benefits for young people under the age of 18 years, was

⁸ R Hartley & I Wolcott, *Family Matters*, op.cit., p 13.

⁹ *ibid.*, p 15.

a significant decision, and one which has influenced the growth in the numbers of young homeless people.

8.62 Several parent groups expressed concern about the pressure on families of young people forced to remain in education, due to the lack of employment prospects or who become unemployed and must rely on their family to support them.

"But there are also many young people who may have been employed and have subsequently been put off, who are reduced from their previous income to a Job Search Allowance which is linked to parental income. I think that is very bad, because they have been independent, they have made commitments and they may even be living separately. Even if they are still at home, often they are buying a car or something like that, and suddenly they are unemployed - often through no fault of their own. In that situation, YHA becomes very attractive, because they cannot get a sufficient amount of money by staying at home." (Parents Rights and Support Group (TAS) Inc: Transcript of evidence, p 1775)

8.63 The Committee recommends that the Department of Social Security resume responsibility for youth income support policy, in order to integrate it with the broader family income support responsibilities.

8.64 The Committee further recommends that the Department of Social Security urgently review the impact of a range of income support measures relating to income and assets testing, and eligibility criteria for families and young people under the age of 18 years. The review should advise the government whether there are any disincentives operating to discourage families from supporting their children.

8.65 The Committee recommends that the Department of Social Security and the Department of Employment, Education and Training develop a unified approach to youth income support eligibility, as it relates to family income and assets testing arrangements.

8.66 The Committee has considered other structural issues at the Commonwealth level in Chapter 14 of this Report.

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CHAPTER 9

THE CARE, SUPPORT AND PROTECTION OF YOUNG PEOPLE - THE ROLE OF THE COMMONWEALTH AND STATE/TERRITORY GOVERNMENTS

Commonwealth-State Responsibilities for the Care and Support of Young People

9.1 The extent to which Commonwealth and State/Territory governments are meeting their obligations to care for and protect children is at the centre of this Inquiry. The evidence already provided in earlier Chapters of this Report highlights the crisis of confidence experienced by community organisations and parents in the child and family welfare system.

9.2 In this Chapter, the Committee presents further evidence that the increasing incidence of youth homelessness is connected to the inability of State and Territory welfare departments to provide adequate care for adolescents. The extent to which the Commonwealth has entered this child and family area through the provision of income support to young people, who are not supported by their family, has resulted in a blurring of roles and responsibilities. The provision of income support to young people under 18 years, and as young as 13 and 14 years, has meant that the Department of Social Security has become a partner with the States and Territories in the provision of child and family welfare services.

9.3 In its submission to the Inquiry, the Department of Social Security expressed concern about the extent to which it had been drawn into the child welfare field through the payment of income support to very young homeless people:

"Another cause for concern is the number of young people aged 13 and 14 years approaching the Department for income support. These cases clearly highlight the withdrawal of the State and Territory Welfare Departments which previously would have supported many of these young people in institutional care. These very young clients present significant dilemmas for Departmental staff since they are often unable to manage income support payments." (DSS: Submission, p 268)

9.4 The role of the Commonwealth in the area of child and family welfare has become more ambiguous in recent years, particularly through the payment of income support to young people, including some under 16 years, who are assessed as being homeless. The payment of income support by the Department of Social Security and the provision of accommodation services to homeless young people, including those under 16 through the SAAP program, have created alternatives for the States and Territories in their provision of welfare services to young people who do not have family support.

9.5 In addition, Commonwealth involvement in a number of programs such as the Children's Services Program and after school care for young adolescents at risk; the National Child Protection Strategy; national health initiatives, including the National Children's Health Policy; and Adolescent/Family Mediation Services, which are provided under the auspices of various Commonwealth Departments, have brought Commonwealth assistance and responsibilities in relation to child and family welfare into a complex, joint system of support with the States and Territories.

9.6 The development and implementation of the Protocol between the Commonwealth and State/Territory governments aims to establish an understanding of the roles and responsibilities of the two levels of government. This is particularly in relation to the delivery of adequate care and protective services to young people. The Committee considers the adequacy of this Protocol later in this Chapter.

9.7 The Commonwealth and the State and Territory governments have failed to improve significantly the situation involving young homeless people in the years since the Human Rights and Equal Opportunity Commission issued its report on homeless children in 1989. The Committee believes that there is an urgent need to address the legislative and structural deficiencies associated with this issue.

An Overview of Responsibilities

9.8 At the broadest level, State and Territory governments are responsible for child welfare. This is particularly clear for those young people who are in the guardianship of the State. "Wardship involves a transfer to the State, by means of a court order of the rights and duties of parents with respect to the child. The obligations of the State to the child who is made a state ward, therefore, are the same as parents."¹

9.9 Moreover, child welfare legislation in all States and Territories ensures that these responsibilities operate for children until the age of 17 or 18 years, where they are considered to be at risk due to a range of circumstances. While child protection legislation and mandatory reporting of child abuse seeks to protect children, the

¹ B Burdekin, et al., Human Rights and Equal Opportunity Commission, *Our Homeless Children*, Report of the National Inquiry into Homeless Children, AGPS, Canberra, 1989, p 110.

evidence is strong that very young adolescents, not regarded as being at high risk of abuse, are largely forgotten in the child welfare system.

9.10 Developments within child welfare philosophy and practice have changed the extent to which the State intervenes in the lives of children and families. Many of the children who are now seen on the streets, or housed in refuges, are children that in past years would have been institutionalised, fostered or subject to State supervision orders.

"In the past these young people came to the attention of Welfare Departments because of behaviours such as truancy or petty crime, or because they were considered to be 'uncontrollable', or victims of 'incompetent guardianship'. Frequently these children were made wards of the State and placed in long term residential or foster care arrangements financed entirely by the State or Territory." (DSS: Submission, p 295)

9.11 In acknowledging this dilemma, Professor Carney, who was involved in the development of the new child welfare legislation in Victoria, recently commented:

"... it is totally unacceptable for social policy to present a Buckley's choice: a choice between the unpalatable 'court wardship model' and the barely less unpalatable option of leaving young people to fend for themselves. Once we tolerated this for skid row men: they went to gaol (for short revolving door terms) or fended for themselves on the street... We must ask ourselves whether current welfare practice for young people is not a risk of presenting them with a Buckley's choice in the youth policy arena."²

9.12 While there was no support expressed by community organisations for a return to institutional care or for increasing the

² J Fredman & S Green, *In Whose Care?*, Anglican Mission to the Streets and Lanes, August 1994, p 38.

numbers of children made Wards of the State, there was considerable concern about the vacuum in care options which has been created for many children, particularly adolescents.

9.13 This lack of support for adolescents and withdrawal of State/Territory government services for this age group was reiterated in the findings of Justice Fogarty, from the Family Court, in a recent report commissioned by the Victorian government:

"... young people move from placement to placement without any State control and influence and have really been abandoned by the State."³

9.14 A factor which has contributed significantly to this changing philosophy of non-intervention by the State has been the poor outcomes for children who become State Wards. The HREOC Report (1989) on homeless children was highly critical of the role of the State for the children for whom it is responsible. The Report concluded:

"The failure of State welfare and health authorities both to provide appropriate and timely assistance to families in need and to provide appropriate nurture and support to children committed to, and leaving, their care, is a serious indictment on the willingness and capacity of those authorities to properly discharge their legal and social responsibilities... Children between 12 and 15 or 16 years of age are particularly ill-served. The States are ill-equipped or unwilling to offer appropriate services and the Commonwealth regards the matter as a State responsibility. These children, in particular then, fall through the nets of support, inadequate as they may be, extended by the State and Federal Governments."⁴

³ *ibid.*, p vi.

⁴ B Burdekin, *op.cit.*, p 117.

9.15 What is particularly disturbing to this Committee is that, in the six years since the release of this report, little, if anything, has improved. The evidence given to the Committee about the care and protection of young adolescents is an indictment of the child welfare system in Australia today.

9.16 The Committee was told in Hobart, by an organisation which had previously provided a re-education centre for young girls, that deinstitutionalisation without alternative community support has contributed to the numbers of young homeless people:

"With the deinstitutionalisation process that went on through the 1970s, the baby was thrown out with the bath water. There are no structural centres for families. There is limited funding for family agencies. So what have you got? You have got children with no place to go, in their adolescence, in terms of role. They cannot stay at school... There is no identified niche that they have. Those families that have initial problems that would have been, in previous generations, dealt with through institutionalised care, do not know how to cope." (Centacare Hobart: Transcript of evidence, pp 1787-1788)

9.17 The National Anglican Care Organisation (NACON) told the Committee that there has been a substantial change in the role of the States towards child welfare over the years.

"I know of state government workers who used to see it as their responsibility to be in the preventive area but now do not feel it is their role. If there is an actual allegation of specific abuse then they step in and take the case to court, but if it is a matter of just being homeless it is very difficult to know who accepts responsibility for that support." (National Anglican Caring Organisations Network: Transcript of evidence, p 1135)

9.18 Many workers found little consistency in the approach used by State welfare departments in deciding which young people come within their ambit of responsibility. One worker in the Western suburbs of Sydney commented:

"I picked up a 13-year-old at the St Marys DOCS office to find accommodation for her, because she was not a state ward. Yet the previous day a state ward had warrants issued on her to go to the department, or she would be arrested. To me, there was a conflict, where you have got two 13-year-old girls, both homeless and both in need of accommodation, the department has warrants out on one and is calling in an outside agency on the other." (Penrith Youth Services Exchange: Transcript of evidence, pp 2406-2407)

9.19 Parents also expressed their lack of confidence in a system that appears not to see homelessness as a risk factor. One parent told the Committee:

"The failing I have seen in the system is that no-one takes the responsibility for the child, yet they do class them as homeless." (Mrs Proud: Transcript of evidence, p 2385)

9.20 The lack of attention to the status of 'homelessness' amongst very young children was reiterated by the Youth Affairs Council of South Australia. A spokesperson told the Committee that the non-government sector successfully lobbied the South Australian government to include young people, under the age of 15 years and of no fixed address, in the definition of young people at risk for the new Children's Protection Act.

"That legislation has been in place for some nine months and yet we still find there is a marked reluctance by FACS to intervene with homeless 13- to 15-year-olds. One of the reasons FACS gives us is that homelessness is not a care

issue and so they have no mandated role." (YAC SA: Transcript of evidence, p 1411)

9.21 The inadequacy of the legislation to protect young homeless people has also been identified as a problem. In a recent discussion paper on 'Youth Homelessness and State Care' by Smith (1994), he outlines the way in which the Children and Young Person's Act in Victoria is regarded by many commentators as creating an environment whereby some young homeless people are denied access to protective services. The paper says:

"Green (1993) provides a critical analysis of the implementation of the Act in Victoria. She found that the Protective response was particularly confused in relation to homeless young people. The Act, in section 75 (2) precludes the placement of a child or young person in a secure welfare service on the basis solely of lack of adequate accommodation... Green found, however, that Protective Service workers sometimes used this clause inappropriately to exclude homeless young people even from assessment, often simply referring them on to other emergency accommodation such as youth refuges."⁵

"The Children and Young Person's Act (Vic, 1989) significantly changed and narrowed Protective Service's role. It is now described as a service for 'endangered' children and adolescents. In theory it is a positive move to reduce the intrusion of statutory authorities in the lives of adolescents and families on the proviso there are alternative means of providing support to those under stress. The concept of statutory intervention as an option of last resort was premised on the development and availability of a range of other services aimed at preventing family breakdown and youth homelessness. However in the absence of significant strengthening of the voluntary sector's capacity to support families without the need to involve Protective Services or

⁵ J Smith, *Youth Homelessness and State Care*, Discussion Paper 1, August 1994, p 5.

to work with those children and adolescents 'not yet endangered enough' has resulted in an abandonment by the state in providing sufficient care and responsibility for many young people and families at risk. The introduction of mandatory reporting in the absence of the development of a range of voluntary services appears to have created a paradox: more children, adolescents and families are coming to the attention of the state but fewer are receiving the range of services they need."⁶

Children In State Care

9.22 During the Inquiry, the Committee was told of the numbers of State Wards who were either in SAAP services or were homeless. Although there has been a sharp decline in the number of children and young people subject to orders for guardianship and control, these young people are highly represented in the numbers of homeless.

9.23 The reduction in wardships and the rise in the number of young people receiving the homeless rate of income support, have occurred concurrently. Shaver examined the claim that there was a relationship between the reduction in the number of State Wards and the abrogation by the States of their responsibilities to young people in their care. However, she concludes that the strong decline does not mean that State welfare authorities are reducing the numbers of children for whose well-being they are clearly and unambiguously responsible.⁷

9.24 Shaver identifies that tax sharing arrangements between the Commonwealth and the States in recent years have contributed to the

⁶ J Fredman & S Green, op.cit., p 31.

⁷ S Shaver & M Paxman, Social Policy and Research Centre, *Homelessness, Wardship and Commonwealth-State Relations*, Reports and Proceedings, July 1992.

inability of State welfare resources to keep pace with increasing needs in child and adolescent welfare.⁸

9.25 The Committee sought to explore the relationship between the reduction in the numbers of State Wards with the growth in the numbers of young people receiving income support because of their homeless status, but found the task impossible. Gathering a comprehensive picture of the numbers of young people under 18 years in the various care and protection categories by each State and Territory government is complicated by different legislation, different definitions and terminology, as well as the ways in which data is recorded and collected. Furthermore, not all State/Territory governments responded to the Committee's request for data which would enable this analysis to be done.

9.26 The Committee acknowledges that there has been some improvement in the provision of national statistics in recent times, with the Australian Institute of Health and Welfare undertaking data collection and analysis. But significant gaps remain, which does not allow for a national picture nor for comparisons to be made across States/Territories. The Committee concludes that there is an urgent need to introduce complementary child welfare legislation with common definitions and data collection so that there is greater accountability about outcomes in this area.

9.27 In the absence of hard data, the Committee had to rely on the views and experiences expressed by witnesses during the Inquiry. State governments did not agree that the reduction in numbers of State Wards and deinstitutionalisation had resulted in a substantial reduction in the support of children by the State, or a decrease in the overall cost of child welfare.

⁸ *ibid.*, p 4.

9.28 The rationale given by the States for the reduction in the number of Wards, is based on the shift of emphasis from guardianship to State support for children placed in families.

9.29 Shaver, in her study, comments that although there is a strong view that the State welfare authorities are retreating from their responsibilities of care in *loco parentis*, the decline is as much one related to broad changes in legal philosophy and welfare practice as it is with the reductions in welfare resources.⁹

9.30 In Tasmania, for example, the Committee was told that the number of children under State guardianship had declined from 547 at 30 June 1984, to 353 at 30 June 1994.

"What we are saying is that we have reduced the number of children that we actually have guardianship for and we have moved, and are moving increasingly, to a style of work that leaves guardianship where it belongs, which is with the child's parents - unless there are really good reasons that we can uphold in a court of law to say that the child is not safe there." (Tasmanian Department of Community and Health Services: Transcript of evidence, p 1632)

9.31 This view was reiterated by the Minister for Community Development, the Family and Services in Western Australia, who made the following comment:

"Our courts and systems are now taking a view I support, which is that just because a child may not be getting adequate parenting or may be at risk of neglect - 48 per cent of our allegations of abuse refer to inappropriate parenting or neglect - does not necessarily mean the removal of parental rights or obligations by making the children wards.

⁹ *ibid.*, p 112.

I believe that we should, wherever possible, provide care but maintain the responsibility of the parents... But as a state government, my attitude is that we should send the right messages to parents. They still have responsibility for their children." (Hon Roger Nicholls MLA: Transcript of evidence, p 1181)

9.32 In Victoria, a study by Green found that in the two years after the implementation of the Children and Young Person's Act, 1989, there was a 47% reduction in the number of young people 13 years and over coming into State care.¹⁰

9.33 The National Anglican Caring Organisations Network outlined the experiences of many organisations across Australia:

"Traditionally young teenagers who could not live at home were taken into the care of State Authorities. Now, in many states that role has contracted to one of maintaining a strictly protective function ie, the state intervenes only if actual abuse or harm seems to be occurring. Consequently, many young teens, some struggling to remain at school, are leaving family situations which are untenable, without support to survive, or to sift through the issues in their relationship with their family." (NACON: Submission, pp 29-30)

The Impact of Mandatory Reporting on Services for Young People

9.34 One of the main factors contributing to the lack of State government responsiveness to the needs of adolescents has been the introduction of mandatory reporting of child abuse. All States and Territories, except ACT (which is currently developing legislation) and Western Australia, have mandatory reporting requirements. Inevitably,

¹⁰ J Smith, op.cit., p 5.

this legislation has focused on the needs of very young children to a greater degree than it has on older children. The level of abuse of adolescents, however, are known to be high.

9.35 While the community is justifiably outraged by the abuse and death of very young children and puts a high priority on child safety, many organisations argue that there is not the same concern about the number of relatively young men and women who have also been the victims of earlier child abuse and then suffer as a result of system neglect while in the system's care.

9.36 The lack of after care services for adolescents who have been placed away from their families because of abuse was highlighted in a recent report by the Mission to the Streets and Lanes:

"Whilst introduction of mandatory reporting has resulted in more protective workers to assess notifications of abuse, scarce attention has been paid to what happens once children and young people are placed in care... special attention to the relationship between young adolescents being placed in out of home care and homelessness has largely been ignored." ¹¹

9.37 Non-government organisations firmly believe that the result of mandatory reporting, without appropriate resources, imposes severe restrictions on the State welfare department's ability to respond to the needs of young people. The Australian Youth Policy Action Coalition quoted a case where it took the NSW department six days to respond to the abuse notification of a 14-year-old boy:

"I do not think that is necessarily a reflection on the ability of staff within the department. It is a reflection on the level of service, the level of resources in the department and the

¹¹ J Fredman & S Green, op.cit., p v.

fact that in New South Wales the department of community services' staff are frequently off on stress leave. They do not have the numbers to respond to the requests that they have got." (NYCH: Transcript of evidence, p 845)

9.38 The work load emanating from mandatory reporting is significant. Smith¹² gives a picture of the extent of the increase in notifications in Victoria over an eight year period. It provides a clear indication of the resource implications of such a dramatic increase in work load, which must be duplicated in all States and Territories where there is mandatory reporting.

"Notifications have increased by over 360% in the last eight years, rising from 5,224 in 1985-86 notifications to 18,945 in 1992-93."¹³

State Wards and Homelessness

9.39 Various studies have established a strong relationship between homelessness and those young people who have been in State care. Maas and Hartley¹⁴ note that ex-inmates of correctional or protective institutions have been recognised since the late 1970's as a significant group among the young homeless population.

9.40 The HREOC Report concluded that:

"A period of time spent in a child welfare or juvenile justice institution, or otherwise detached by the welfare system

¹² J Smith , op.cit., p 13.

¹³ ibid.

¹⁴ F Maas & R Hartley, *On the Outside: The Needs of Unsupported Homeless Youth*, Australian Institute of Family Studies, Policy Background Paper No 7, 1988, pp 17-18.

from the natural family, seems to increase significantly a child's chances of becoming homeless."¹⁵

9.41 Shaver, in her Report 'Homelessness, Wardship and Commonwealth-State Relations' examined the relationship between homelessness and State care and commented on research in this area:

"In her foreward to Taylor's study (1990:vi) ['Leaving Care and Homelessness', Child Poverty Policy Review 5, Brotherhood of St Lawrence, Melbourne] Carter has estimated that 50 per cent of homeless young people are or have been wards of the state.

The Burdekin Inquiry (HREOC, 1989) cited evidence from research studies and material presented to the Inquiry showing that a high proportion of homeless or 'runaway' young people had prior experience of this kind. The Inquiry blamed State welfare departments for multiple and unstable placements of children in care, frequent and poorly judged returns to the family environment, and incarceration in children's homes and detention facilities... It commented, too, on the lack of supportive programs to assist young people with the process of leaving State care."¹⁶

9.42 Other findings in the Shaver's report included:

- . a longstanding trend to reduce use of legal orders for wardship across all States;
- . the conjunction of the changing legal philosophies of care and fiscal constraints on the resources available to State welfare departments; and
- . new or extended Commonwealth measures to assist young people lacking parental support, particularly for those under 16 years

¹⁵ B Burdekin, op.cit., p 109.

¹⁶ S Shaver & M Paxman, op.cit., pp 2-3.

contributing to the confusion about the responsibilities of the Commonwealth and the State.¹⁷

9.43 A number of other major reports (including Hirst 1989, MSJ Keys Young 1991, van Krieken 1991, DSS 1993, Green 1993, Jordan 1994) have drawn a relationship between homelessness and State care.

9.44 The financial pressures on State governments and the realignment of their priorities, has reduced the resources available to care and support many young people and their families. Shaver, in her study which examined the link between homelessness and Commonwealth and State relationships, commented that tax sharing arrangements between the Commonwealth and the States, in recent years, had contributed to the inability of welfare resources to keep pace with the increasing needs in child and adolescent welfare.¹⁸

Placement of Wards in Refuges

9.45 Despite the considerable evidence given to the Committee about the high incidence of referrals from State welfare departments to youth refuges for Wards and young people under 16 years, most State welfare departments were adamant that this client group was not regularly referred to refuges.

9.46 The issue of the placement of State Wards in youth refuges and SAAP accommodation services was referred to in Chapter 6. It is clear from the evidence given during the Inquiry that State Wards are placed in refuges, although there appear to be differing practices

¹⁷ *ibid.*

¹⁸ *ibid.*, p 4.

between States about paying the refuge for the duration of the placement of the young person.

9.47 Karinya Young Womyn's Refuge in Tasmania, said that the State did not provide payment for State Wards in the service. In commenting on the number of Wards placed or residing at Karinya, one of the workers went on to say:

"... quite often wards are placed with us, mostly because the options that the department have are so limited, their resources are limited. They are into the more traditional residential care... which does not suit many young women of today." (Karinya Young Womyn's Refuge Inc: Transcript of evidence, p 1729)

Caring and Protecting Under 16 Year Olds

9.48 The difficulties in providing appropriate services for young adolescents have been highlighted and community organisations have expressed their concern about the limited alternative care options and the inappropriateness of refuges for young people of this age. One worker commented:

"When we get young people who are under 15 or 16, it is very difficult to know what to do with them. It is a mind boggler. It is dangerous to put them into a shelter because they will undoubtedly come into contact with young people who are older and perhaps a little wiser in ways that we would rather they were not wiser... I do not really believe safe alternatives in the form of accommodation exist where young people can be placed until some form of assistance can be sorted out to get them back into the family or whatever." (Toowoomba and District Youth Service: Transcript of evidence, p 2463)

9.49 While the responsibilities of the State for the care and protection of young people up to the age of 12 years seems guaranteed, there is more ambiguity about the status of children from the ages 13-16 years. As a result of the Commonwealth and State/Territory Protocol, there appears to be a willingness by the smaller States to accept referrals for those children under 15 years old.

9.50 However, the Committee expresses concern that the Protocol almost legitimises the State's responsibilities being limited to those 14 years and under. A witness for the Tasmanian Department of Community and Health Services outlined its interpretation of the Protocol:

"The commonwealth-state protocols refer to under-15 rather than under-16... The under-15s are largely 13- and 14-year-olds, for which the numbers are quite small... We feel that we can address that, and have done so fairly successfully. I take the point, and it is certainly our experience, that after 15, 16 and 17, it is very much harder to resolve and very much harder to reunite families." (Department of Community and Health Services: Transcript of evidence, p 1656)

9.51 Yet, even in this small State, non-government organisations questioned the capacity of the State welfare department to provide support for the under 15 year olds. A worker for a young women's refuge responded in the following terms:

"Unfortunately the department at this stage seems to be unable to cope with the young people, under 15-year-olds. They do not have the accommodation for them-" (Karinya Young Womyn's Refuge Inc: Transcript of evidence, p 1728)

9.52 The youth refuge worker told the Committee that young people under 15 are frequently placed in their refuge by the department because there is no alternative accommodation for them. At the time of

giving evidence, more than half the residents were under 15 years. (Karinya Young Womyn's Refuge Inc: Transcript of evidence, pp 1728-1729)

9.53 A spokesperson went on to say that:

"... Fifteen [years] is the most common. It is not unusual, though, to have 13-year-olds and at times 14." (Karinya Young Womyn's Refuge Inc: Transcript of evidence, p 1729)

9.54 In Queensland, a worker for a youth accommodation service outlined its experience in placing young people under 16 years of age:

"Our experience is that, if a young person is over the age of 13, then the department will not touch him or her if he or she presents at the office after that age. There are exceptions to that but we had a 14-year-old girl, just recently - I mean, somebody needs to do something until she is at least 16, 17 or 18. Mum was clearly saying she would not have her back home and the department said, 'You accommodate her, we're not getting involved.' She applied for the Young Homeless Allowance. There was a real lack of support." (BABI: Transcript of evidence, pp 641-642)

9.55 In a recent report by the Mission to the Streets and Lanes, concern was expressed about the number of young adolescents aged 14 and 15 who are being placed in accommodation options such as lead tenant models and share house models operated by the youth housing programs. It said:

"These services do not provide the level of support needed for young adolescents. Independent living for young women is fraught with difficulty."¹⁹

¹⁹ J Fredman & S Green, op.cit., p 38.

9.56 The inappropriateness of placing young people in accommodation before they are ready to live independently is fraught with problems, as they frequently have no budgetary skills, are often unable to cook or understand nutrition and are vulnerable to sexual exploitation and domestic violence.

9.57 The Committee found this type of evidence most disturbing, especially as it is totally at odds with what the State/Territory welfare departments were assenting.

Alternative Care Options

9.58 The difficulties in providing care for young adolescents, requires serious consideration given the lack of residential services and the inappropriateness of refuges. Although the Committee was unable to explore alternative accommodation care options for young people not ready to live independently, some issues must be highlighted.

9.59 The reduction in the State's provision of residential services, as well as the decline in the number of families willing to foster children, have placed enormous pressures on non-government organisations and SAAP services, particularly for young children between the ages of 12 -15 years.

9.60 Restructuring and rationalising children's services across the States has created enormous uncertainty amongst service providers about the financial and organisational capacity of the community sector to meet the needs of young people and families. There is considerable scepticism about the real objectives of the restructuring within the community sector. There is a strong belief that cost cutting and the transfer of responsibilities from the State to the non-government sector is a more accurate reading of the policy intent.

9.61 The Committee was told that the traditional options for young people, such as fostering, are inappropriate and not available, especially for those with behavioural problems. One youth worker outlined the problem:

"Who wants a 14-year-old? Foster carers want babies, they do not want 14-year-olds who have already been labelled in many cases as having difficult behaviour patterns. It is very hard. Family group homes, of course, is the other option. There used to be four when I first started, now there is one."
(Karinya Young Womyn's Refuge Inc: Transcript of evidence, p 1739)

9.62 Barnardo's, in their evidence to the Committee, stated that one of the most significant barriers to their ability to work with and support young people was the difficulty in attracting carers, because of the poor payment available to them.

9.63 Barnardos in NSW and the ACT identified the difficulties they had with placing young people aged 12 to 16 in community care.

"... the biggest single thing stopping us dealing with young people at the moment is the fact that we cannot pay carers sufficient money to either attract carers or to keep kids."
(Barnardos: Transcript of evidence, p 543)

9.64 The absence of appropriate care facilities for young people was emphasised in a project carried out by the Mission to the Streets and Lanes. It concluded that facilities were often inappropriate for young people, especially young women, who were often placed in situations because of 'availability' rather than 'suitability'. For those young people who had particular behaviour problems, placements were almost impossible.

9.65 The Report identified the following problems:

- . an over utilisation of short-term placements, resulting in meeting the initial short term need and not the long term needs of young people without family support;
- . the emphasis in services which focus on measuring the numbers into the system, throughput, and keeping beds full; and
- . little emphasis on future planning and the outcomes of initial interventions and placement.

"Like case mix in the hospital system services will be funded on the basis of numbers 'treated' according to 'diagnostic' groupings of client need. What happens before and after clients (and their families) occupy the bed is irrelevant."²⁰

9.66 The Committee recommends that the Department of Housing and Regional Development and State/Territory governments, together with the non-government sector, undertake an urgent review of current care options for young adolescents. This recommendation should be implemented in conjunction with recommendations 6.25, 6.27 and 6.28 relating to SAAP Pilots for under 17 year olds in Chapter 6.

9.67 As outlined earlier, there has been a substantial shift in philosophy towards home based care and family support by State welfare authorities. Smith (1994), in looking at the Victorian experience, says that in recent years there has been a major shift to foster placements rather than residential care in most States. This redevelopment not only includes a greater focus on preventive and home

²⁰ *ibid.*, p 35.

based care services but also includes the move towards 'unit costing' where service providers are paid for outcomes rather than input.²¹

"The move to Unit Costing has ramifications for the placement systems as foster care options are by far the most attractive of all types of placement in terms of cost. The Unit Cost of a residential placement in a rostered facility in 1992-93 was \$63,752, it was only \$9,934 in foster care and \$3,266 in informal foster care..."²²

9.68 Some concern was expressed by community organisations about whether foster care was the appropriate model to be pursuing for young adolescents. Several organisations who provided accommodation for young people followed parts of this model and developed locally based foster programs similar to those run by the State welfare departments. However, they acknowledge significant difficulties in finding appropriate carers and in having to rely almost completely on the good will of carers because they cannot afford to pay them. The question of standards and suitability of these carers is an issue, given the age of some of these young people.

9.69 Fostering appears to have become the dominant method of care provided through the State welfare departments. This is driven by the philosophical belief in the preference for family living environments over institutional care, the lack of residential facilities and the cost imperatives of this type of care.

9.70 During the Inquiry, several parents and parent groups called for more suitable accommodation to be found for young people who had left home. Frequently, it was residential services which would provide supervised care and support, or the young person being placed with

²¹ J Smith, *op.cit.*, p 13.

²² *ibid.*

another 'suitable' family. While the Committee supports these suggestions, it became clear that these alternative forms of care have substantial limitations.

9.71 The Committee was told of a number of deficiencies in the focus on foster care as the most appropriate care option for young people. These included:

- . lack of carers;
- . lack of training and assessment of carers;
- . poor remuneration offered to carers;
- . pressure on non-government agencies to subsidy placements ;
- . lack of consistency in approach by States/Territories about payment levels to foster parents;
- . State governments withdrawal of financial support once a young person is entitled to income support, eg. AUSTUDY; and
- . relatives of children receiving considerably less payment than do carers outside the family.

9.72 A spokesperson from Centacare in Newcastle, expressed her concern at the increasing difficulties encountered by non-government organisations in finding carers.

"In terms of fostering there seems to be a myth around that there is a whole pile of people out there who are just waiting with bated breath to take young people into their homes. You only have to look at the demography of the women in this area from whom traditional foster carers would have

come; I think it is reduced to about one-third of what it was 10 years ago. Those women are not in the work force and they are not available for fostering. One of the things we need to really look at is whether or not foster care should become a professional thing in terms of proper payment for people, so that it actually becomes a career path for people and attracts them..." (Centacare Newcastle: Transcript of evidence, p 2215)

9.73 She went on to discuss the importance of recruitment and assessment of foster carers, which has significant resource implications for State governments.

"... when we talk about professionalisation as well we are talking about almost a supply-demand situation.

In the past, there has been a standard baseline amount of money that is paid to all foster carers when they take a foster child... But that is based on an assumption that there are people out there ready to do foster care for that minimal amount of money, which I think for a 14-year-old is about \$91.18 a week. If you look at some of the costings that have been done by the Institute of Family Studies, for example, what it costs to keep an adolescent child is about \$276 a week. There is a great discrepancy between the two amounts, so there has always been reliance on a quite considerable altruistic bent of the person who is a foster carer." (Centacare Newcastle: Transcript of evidence, pp 2219-2220)

9.74 The Committee also found there to be considerable discrepancies between States and Territories about the amounts of money paid by State welfare departments for fostering. The lack of a standard in this area again reflects the inability to determine a national approach to the best practice for caring for young people who are not able to live with their families.

9.75 The Committee recommends that a minimum payment to foster carers be developed based on the work done by the Institute of Family Studies on the costs of children and that all State/Territory governments move towards a common standard minimum payment.

9.76 The Committee finds it difficult to accept that relatives should receive less in remuneration for caring for a child than would a stranger. While some States are making improvements in the income levels payable to carers, much of the administrative arrangements are based on antiquated legislation which does not reflect more recent social and economic change.

9.77 The Committee recommends that relatives caring for children should not be economically discriminated against and should receive the same financial support as other carers.

9.78 The Committee recommends that the Commonwealth government, in conjunction with the States/Territories and relevant non-government agencies, examine the current practices relating to foster payments and income support payments to young people.

9.79 The Committee was also told that the administrative arrangements associated with the payment of income support to young people who are assessed as being homeless and are living in a foster placement create some difficulties for foster parents. A witness for Barnardo's told of the financial difficulties being faced by foster parents due to the operation of Commonwealth payments and the consequential withdrawal of State government support to these families.

"We find the state governments have decided that they now have the ability to withdraw from supporting young people like this at the age of 16 because there is federal money available through AUSTUDY. They withdraw their financial support to the placement, so these placements can become

quite unstable. There has been a lot of discussion about AUSTUDY and some administrative arrangements have been made. We found in the past that foster placements were breaking down because of this ownership of AUSTUDY money, whether the money was to go to the foster parents and how much control the kids had." (Barnardo's: Transcript of evidence, p 545)

9.80 The Committee notes the decision by the Department of Social Security to allow payments of income support to young people who are without parental support to be made to third parties. While the Committee supports this development, the decision has the potential to create tensions within foster placements and cautions against the State and Territory governments using this provision as a basis of withdrawing additional financial support to foster carers.

9.81 The Committee recommends that the Departments of Social Security and Employment, Education and Training, together with the States and Territories, examine the way in which Commonwealth income support payments and State/Territory foster payments relate, to ensure there are no disincentives or hardships created for foster carers.

Implementation of the Protocol

9.82 The establishment of the Commonwealth and State/Territory Government Case Management Protocol for Young People acknowledges a shared responsibility for the welfare of children but also highlights that the demarcation has become increasingly blurred. The Protocol has already been outlined in some detail in the Committee's Discussion Paper and in other chapters of the Report.

9.83 At the time of writing this Report, the Protocol had been implemented in all States and Territories. However, there is no official

report available on the outcomes of the Protocol, although there is an agreement that there will be a report provided to the next Council of Welfare Ministers to be held in June this year. A full evaluation of the Protocol will be undertaken towards the end of 1995. This will include data collected by each Commonwealth and State department as well as the experiences of non-government agencies.

9.84 The Committee understands that while the Protocol has been signed by all States and Territories, there have been industrial problems in some States due to shortages of resources, and different States and Territories are responding and implementing the Protocol in different ways.

9.85 While there has been no official information on the success or otherwise of the implementation of the Protocol available for the Committee to consider, there are many organisations who have provided experiences and perspectives on the Protocol.

9.86 The Committee received correspondence from one community organisation, after the implementation of the Protocol in New South Wales. This followed an incident involving the operation of the Protocol for two 14-year-old girls. The youth worker stated:

"It seems apparent that this protocol places undue workloads on already overworked staff... The fact that this case was only resolved by someone such as myself who is outside the system, suggests that this could not be an isolated case, nor would it be unlikely that some needy young people are being wrongly advised." (The Warehouse: Case Study, Transcript of evidence, p 2443)

9.87 As a result of the Committee's Discussion Paper, many child welfare community organisations became aware of the Protocol. It is disturbing to note that very few State and Territory governments had

consulted the non-government sector about such a significant development in their child welfare arrangements. Non-governments agencies play a significant role in the provision of child and family services in almost all States/Territories and, if the Protocol is to operate effectively, such consultation is essential.

9.88 Despite expressing support for the philosophy and intent behind the Protocol, many organisations have expressed grave concern about the ability of the State and Territory welfare departments to respond to and act on the Protocol due to serious resource issues.

9.89 Following public discussion about the Protocol, some of the concerns which emerged included:

- . the inability of State governments to adequately respond to the demands of the Protocol in major cities as well as regional centres;
- . increased workloads generated by the Protocol placing an unmanageable burden on a service already unable to meet its statutory responsibilities to young people;
- . concern that the mandatory notification procedures to State welfare authorities, to be made without the young person's consent, may be a deterrent to some young people needing to apply for income support;
- . the implications of the changes to the privacy provisions will mean that confidential information given to the two Commonwealth departments can be passed onto State welfare departments without the young person's consent;
- . the appropriateness of mandatory reporting of sexual abuse of adolescents;

- . young people could become further disadvantaged as a result of cumbersome bureaucratic procedures;
- . the inadequacy of State/Territory welfare department's financial support to young people during the 'risk assessment' period and beyond;
- . the lack of accountability of the States/Territories for the action taken following referral; and
- . the failure of the Protocol to include access to education.

9.90 In relation to the adequacy of resources within State welfare departments, a worker in Newcastle stated:

"Through my experiences within accommodation units, when there were state wards you would have the department turning up with the state ward but they did not even have the resources to support the state ward; they just left it to the accommodation unit. That was a real problem then so I can see the problems now with them getting extra case loads, having to deal with things within a certain time limit, finding accommodation for the young person who presents. It is going to exacerbate the situation even more." (Newcastle Youth Accommodation Network: Transcript of evidence, p 2241)

9.91 A spokesperson commented:

"My experience with Community Services is they are stretched to the limit as it is. They are dealing with crisis. They are having little time to deal with the follow-up work that they need to do with particular young people and they are stretched. I wonder about adding an extra burden to them. What is it going to do? How many resources are going to go into it?" (Newcastle Youth Accommodation Network: Transcript of evidence, p 2242)

9.92 To reinforce the point, a service provider in Penrith provided the following comment:

"There are just not enough resources within the department to do that. With regard to sexual assault cases, at the moment I have had three sexual assault cases just phased out because there was not enough evidence. No one even went to investigate whether or not they were true. So they are even sorting out notifications of sexual assault." (Penrith Youth Services Exchange: Transcript of evidence, p 2408)

9.93 Several organisations expressed serious concerns about the mandatory referral procedures and the removal of a young person's right to confidentiality through the Protocol. A spokesperson from a South Australian youth service, who works with sexually abused young women, expressed her concerns at the implications of linking requests for income support to mandatory referrals for young women who had survived sexual abuse:

"That is of huge concern to the network because the proposed protocol between DSS, DEET and FACS will effectively link the provision of income support to young people under the age of 18 to mandatory notification... young people like to choose who they disclose to and why they disclose. They ought not be denied the basic right of a living income to escape an intolerable domestic situation and having to prove [the] degree that they have in fact been abused." (SAYHN: Transcript of evidence, p 1502)

9.94 There was concern that, unless resources matched the demand, that in the case of sexual abuse reports in particular, further damage could be done to young people who disclose abuse. A worker expressed further misgivings about the lack of resources to respond to the pressures of working with young people under 16 year of age.

"Their stated priority is for young people under the age of 12, let alone young people under the age of 18... We do not think enough thought has been given to the provision of support services and other services that we will need to meet the needs of these young people."

"Unless an appropriate response is made to the young person who discloses sexual abuse, the intervention is likely to be more harmful than helpful to that young person. It is only going to increase their sense of depowerment... We also reiterate the point we made earlier that imposing any form of action upon a survivor, unless they want that action to take place, replicates the dynamics of the abuse and further slows down opportunities for that individual young person to heal themselves." (SAYHN: Transcript of evidence, p 1503)

9.95 A worker in Western Australia stated that since the introduction of the Protocol in her State, there were signs of a reluctance by young people to seek income support:

"Since the implementation of the protocols, my experience and the experience of workers at our service is that under 16s will go to Social Security, get a reasonable hearing there and be told that they have to go to the Department for Community Development... They will come to our service, and we will reinforce that they have to go to the Department for Community Development. Unless we at that moment in time forcibly hold their hand and go with them, they will not front at any of the services again." (Fremantle Youth Service: Transcript of evidence, p 1294)

9.96 The spokesperson went on to say:

"There is already becoming a higher proportion of 14-,15-, and 16-year-olds, particularly young Aboriginal people, who are not claiming this benefit." (Fremantle Youth Service: Transcript of evidence, p 1294)

9.97 Some State/Territory governments were cautious in their comments to the Committee about the extent to which they could meet the demands generated by the protocol. A South Australian State government witness acknowledged that the capacity to respond to the needs had not been costed or assessed:

"... the submission was unable to take into account the cost of services that may be desirable once these young people have come to the attention of FACS." (SA Government: Transcript of evidence, p 1395)

9.98 The Committee concludes, after close examination of the Protocol that it is an inadequate response to a massive problem aggravated by:

- . inadequate legislation to protect and enforce the rights of children;
- . lack of adequate resources within State and Territory welfare departments to provide support services;
- . lack of national practice standards and administrative procedures; and
- . inadequate monitoring and accountability requirements by the States/Territories for meeting the terms of the Protocol.

Strengthening the Law in Relation to the Care and Protection of Young People

9.99 The last section of this Chapter examines the importance of the UN Convention on the Rights of the Child in addressing the substantial issues of care and protection of children and family support

raised during this Inquiry. The Committee considers that the Convention clearly places an obligation on the Commonwealth and State/Territory governments to support families with children. This broad understanding of the Convention in terms of the rights of children and the importance of families is also discussed in Chapters 2 and 11.

9.100 Attention to the Convention is premised on the belief that there is little to be gained by paying attention to improving the detail of the Protocol, in the absence of any legislation that imposes responsibilities on governments for setting and maintaining standards in child and family welfare matters. The Committee believes that the evidence gained from this Inquiry, as well as from other major reports and inquiries, requires that consideration be given by the Commonwealth and the States/Territories to implement the UN Convention on the Rights of the Child in domestic law.

9.101 The Committee has no confidence that even an improved Protocol, which incorporates a larger number of departments with responsibility for health and education, or a government to government Protocol, as envisaged by the work being done in the Department of the Prime Minister and Cabinet, will create the degree of change necessary.

9.102 Given the commitment made by the Commonwealth government under the UN Convention of the Rights of the Child, the Committee believes that the Commonwealth government has a responsibility to ensure that Australia protects its children in practice as well as in principle. The Committee supports the views held by the retiring Human Rights Commissioner, Mr Brian Burdekin, that the Commonwealth government must take a leadership role in transforming the current situation. He said:

"There is not the slightest doubt - let me put this on the record - that there are thousands of children in Australia whose basic rights are being abused because the Commonwealth has not, in my view, discharged its responsibility to put in place appropriate arrangements with the states for the care of the most vulnerable and disadvantaged children of our community."

"I do not think it is an option for the Commonwealth to say, 'Look, this has been a real problem. We reckon the states have got to take responsibility up to this point, or beyond this point we do not have responsibility.' The Commonwealth has a responsibility, which it has undertaken, for the welfare of all children in this country, regardless of constitutional prerogatives which the states believe they must arrogate to themselves. Certainly, we would prefer to see it happen in a cooperative and coordinated fashion. But, if the states are not doing it, I do not think the Commonwealth, in any sense, has the option of saying that this is not its area of responsibility... The Commonwealth must make arrangements for the states to look after these children, or the Commonwealth must make arrangements to ensure that it will do it effectively. But what the Commonwealth cannot do, in my view, is the third thing... which is simply to step back and say, 'Well, it is not the Commonwealth's problem. It is a question of how the Commonwealth addresses it.'" (B Burdekin: Transcript of evidence, pp 2261-2262)

9.103 In commenting on Australia's international treaty obligations, Mr Burdekin went on to say:

"If the Commonwealth leaves it to the states, God help the kids. The states do not even know, half the time, what Australia's obligations are. But the Commonwealth ought to know, and the Commonwealth is the entity responsible in international law for the discharge of those obligations. It does not have any option, in my view." (B Burdekin: Transcript of evidence: p 2263)

9.104 The Committee reiterates Recommendation 9.8 made by the Joint Standing Committee on Foreign Affairs, Defence and Trade in its report entitled *A Review of Australia's Efforts to Promote and Protect Human Rights, November 1994*, which relates to the protection of the rights of children in Australia and recommends that the Australian Government introduce legislation which incorporates the Convention on the Rights of the Child into domestic law. A time frame for introduction of the legislation should be provided.

9.105 The Committee recommends that complementary legislation on the care and protection of children up to the age of 17 years be established by the Commonwealth government in cooperation with the State/Territory governments and the non-government sector.

9.106 The Committee recommends that national practice standards and uniform administrative arrangements be established in the area of child protection and family support services.

9.107 The Committee recommends that all Commonwealth Departments and State/Territory governments be informed of their obligations under the UN Convention on the Rights of the Child to safeguard the rights of the child and that the principles of the Convention be incorporated into policy and operational guidelines.