



# Housing is a Human Right: Homelessness is Structural Violence

## Shelter WA Response to the Australian Governments’ Green Paper Consultation: ‘Which Way Home: A New Approach to Homelessness’

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## Who is Shelter WA?

*Shelter WA* is a *Community Based Peak Organisation* that promotes safe, secure, appropriate and affordable housing for all people.

- **Our Constitution** identifies housing as a human right and the key foundation of participation, inclusion, health, education and wellbeing.
- The Shelter WA **Management Committee** is drawn from community members with an interest in affordable housing, homelessness and disadvantage in the housing market.
- Shelter WA is affiliated with **National Shelter**, the national peak for low income households and housing advocacy groups around Australia.
- Shelter WA **represents a range of housing issues** to government and industry, including; the need for subsidised housing to balance opportunities for low income households and disadvantaged consumers, homelessness, young people's access to housing, community and social housing provision and improved access to the private rental market.
- Shelter WA is funded by the Western Australian Government as a housing policy and advocacy peak **representing low income and those housing consumers otherwise disadvantaged in the housing market**

This submission is based on policy considerations of Shelter WA staff, Shelter WA records and reports addressing and monitoring the state of homelessness and Affordable Housing provision in WA, informal consultations with other peak bodies and representative groups and input from the Shelter WA Management Committee.

*Shelter WA has drawn heavily from the response framed by Queensland Shelter and gratefully acknowledges Qld Shelter and the Government of Queensland for providing the resources to support such important work, particularly in the absence of a funded National Shelter and varying State arrangements.*

## Introduction

This submission outlines the view of Shelter WA in relation to the Australian Government's Green Paper: Which Way Home: A New Approach to Homelessness.

Shelter WA welcomes the opportunity to respond to the issues raised in the Green Paper and applauds the government for tackling homelessness as a priority issue in its first term.

The Supported Accommodation and Assistance Program (SAAP) has been the major response by Australian governments to homelessness. Shelter WA acknowledges at the outset that SAAP has been a good program, unique to Australia, internationally recognised as a best practice model with sound data collection and accountability processes. Australia has been well served by SAAP which has provided a sound foundation to responding to homelessness. Whilst Shelter WA acknowledges and supports the green paper identifying that:

- long term housing, employment and education outcomes for SAAP clients are poor;

- there has been a lack of integration and coordination between crisis and mainstream services; and
- our mainstream services do not routinely support people who experience homelessness or are at risk;

the primary cause of these has been the inability of successive and various Commonwealth, State and Territory governments to prioritise homelessness. Nor have governments provided adequate resourcing and developed, encouraged and delivered frameworks where mainstream services carried their share of responsibility for responding to people experiencing homelessness. Government mainstream agencies have not worked in a coordinated and integrated manner to ensure the number of people experiencing episodes of homelessness is minimised.

It is misguided to criticise SAAP as a program for not delivering outcomes for which it was never designed or resourced to fulfil. SAAP has been a residual program, marginalised and undervalued, responding far beyond its mandate and having to deal, by necessity, with system failures by mainstream agencies, a shrinking budget in real terms, increasing client need and complexity and ongoing neglect and abandonment by policy and decision makers.

Examples of these mainstream failures include:

- Deinstitutionalisation of permanent residential mental health facilities and their residents in the absence of an alternative system of accommodation, care and support for people with persistent and severe mental illness
- Chronic, improper and tragic child protection failures, particularly for 12-16 year olds and more so for those young people who have been removed from their families
- Underfunding of public, community, social and affordable housing stock
- An over reliance on markets and market responses for government responsibilities
- An inability of legal systems to provide adequate responses to domestic violence and other violent or intimidatory criminal activity
- The failure of criminal justice systems to provide adequate re-integration support to people exiting corrections

Shelter WA recognises that Australia's response to homelessness has been drastically inadequate over the past 25 years and that there are legitimate criticisms to be made of current program responses. Shelter WA also recognises that homelessness will not be solved by an ever expanding crisis response system. Shelter WA maintains that the goal is to end chronic and repeated homelessness, reduce primary homelessness to a minimum and ensure that responses to homelessness re-integrate people who have experienced homelessness with long term safe, secure, appropriate and affordable housing, health, education, employment, and other services to maximise the probability of eliminating homelessness or at least reducing its levels to a minimum.

## **Shelter WA supports**

- The ten key principles for change
- The common reforms across service sectors

- The recognition that after 17 years of economic growth the number of people experiencing homelessness is far too high and the Australian Government is determined to reduce the numbers of people experiencing homelessness and respond to issues surrounding the causes of homeless episodes.
- The identification of inadequate responses, in the current system, for two parent, male single parent families, CALD and larger and extended family types to enable families to remain together through homeless episodes.
- The absolute neglect and inadequacy of mainstream responses to homelessness.
- The over representation of Aboriginal and Torres Strait Islander people in homeless services
- The particular needs of specific population groups in the green paper i.e. young people, women with children escaping domestic violence, emerging communities

## Shelter WA questions

- The use of de-humanising language in the green paper.

The green paper consistently refers to homeless people as their only defining characteristic being their current housing status. It would be preferable to use '*people experiencing homelessness*' as a descriptor. Language underpins thought processes and discrimination and marginalisation are reinforced through language that separates individuals with certain characteristics from other members of the community. Shelter WA acknowledges homelessness as a symptom of other factors, but never as a defining characteristic of people.

- The limiting notion of three distinct options rather than a holistic reform process

The proposal of three distinct options creates an illusion that it is somehow the fault of the current response system (SAAP) rather than structural and systems failure by mainstream services and policy thinking over 30 years that needs to be addressed. It also leads respondents to the idea they should support one or another option.

- The limiting idea that government may extract the “right” information through posing a series of specific questions.

Respondents should be encouraged to think about how Australia can eliminate homelessness rather than if option three will address the scale of the problem.

## Thinking outside the terms: the National Reform Agenda, National Affordable Housing Agreement and Homelessness

The Green Paper identifies that “In reforming our current response to homelessness there are fundamental tensions between:

- improving the existing service framework or extensively redesigning its basic elements to build stronger links with the housing, education, health and employment systems
- driving change through the SAAP service model or through the mainstream service system

- delivering an immediate crisis-only response and longer-term support packages focusing on prevention
- providing innovative and flexible solutions to homelessness and a nationally consistent service framework.”

An alternative approach to these “tensions” is to think about homelessness in the context of broader government reforms, specifically the National Affordable Housing Agreement and the National Reform Agenda, and also the Tax and Income Support frameworks.

The Council of Australian Governments (COAG) has identified seven key areas to reform. To drive reforms, COAG agreed that it would meet four times in 2008. At its March meeting in 2009, each of the working groups will provide COAG with its Commonwealth-State implementation plans for the major Commonwealth election commitments.<sup>1</sup>

Along with delivering on this agenda through the course of 2008, COAG agreed that decisions on directions for major policy initiatives for the longer term reform agenda will be taken during 2008 in the following areas.

- health and ageing;
- the productivity agenda - including education, skills, training and early childhood;
- climate change and water;
- infrastructure;
- business regulation and competition;
- housing; and
- Indigenous reform.

In reducing the number of Specific Purpose Payments and moving towards outcome measures there is an opportunity to use the National Reform Agenda to include common outcomes or measures and targets in a range of new agreements to avoid loading just one new agreement - The National Affordable Housing Agreement - with measures that are also contained in other agreements under negotiation. If consistent changes are not introduced to other intersecting agreements the National Affordable Housing Agreement is doomed to failure as SAAP has been.

At least five of the above agreements could contain measures to reduce homelessness and provide an improved service response to all consumers:

- health and ageing;
- the productivity agenda - including education, skills, training and early childhood;
- infrastructure;
- housing; and
- Indigenous reform.

Arguably the climate change and business regulation agreements can be included here due to the disproportionate effect of climate change on low income rental households related to their inability to afford housing and vehicle infrastructure changes to ameliorate rising

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<sup>1</sup> <http://www.alp.org.au/media/1207/mspm200.php>

fuel and transport costs (such as solar powering and insulating their homes or converting to a hybrid vehicle), and also business regulation due to low income households' limited power to compete financially in the market. The Prime Minister has identified reducing homelessness as a key plank of his government; Shelter WA would recommend that the government think across the whole National Reform Agenda to fulfil this goal.

### ***National Affordable Housing Agreement***

Some measures such as ensuring that housing service responses play their part may be addressed by providing increased resourcing to the social housing system. The new government identified and criticised cuts to public housing funding by the previous government of \$3.5b over 11 years. This has had the effect of limiting exit options for people experiencing homelessness by reducing new public housing provision at a time when an increased level of social housing was required.

The reduction in funding to public housing is almost equivalent to the increased expenditure through Centrelink on Rent Assistance, which is a poor lever for reducing housing stress and improving the affordability of private rental. The Productivity Commission's Annual Report on Government Services identifies that Rent Assistance is effective in making private rental housing affordable for only approximately 30% of recipients, with 30% continuing to pay over 30% of their income on rents in the private market.

Shelter WA calls for a review of the impact and effectiveness of Commonwealth Rent Assistance on housing affordability for low income renters, and consideration of restoring this funding toward building public and community housing.

This is a key issue that must be addressed in the development of a new National Affordable Housing Agreement.

### ***Other agreements***

The number of people exiting prisons with little or no support, those who cannot be discharged from hospitals, or who are discharged without adequate support should be supported by measures in specific national agreements. This could be through outcome measures or targets and indicators in the respective agreements to reduce homelessness as a consequence of release, discharge or exit processes.

If the government is serious about tackling homelessness across government rather than just ineffectively addressing a single program response in isolation, then a reference to homelessness should be provided to the drafting processes for all agreements to identify and increase their respective contribution to reducing homelessness, and improving service delivery to those most vulnerable.

### **Legislative Response**

Shelter WA voices concerns about the loss of specific legislation (The SAAP Act 1994) that enshrines a human rights approach to service response. If the SAAP program area was

removed concerns have been expressed that Australia risks losing a legislative basis for homelessness response, and a system of rigorous data collection and reporting. The Human Rights approach contained within the SAAP Act should be mirrored in other Acts and agreements.

## **Homelessness and Social Inclusion**

### **Prevention**

Shelter WA asserts that early homelessness prevention intervention work should form the basis of all federal, state and local government departments' work. The current system offloads this responsibility onto the NGO sector, which is under-resourced and undervalued by government agencies. Early intervention work and preventative strategies need to be a collective shared responsibility between NGO and Government agencies.

Additionally, a greater emphasis should be placed on developing preventative strategies to reduce the risk of people experiencing trauma and suffering from the long term impacts of exposure to trauma. A significant proportion of homeless people have experienced sexual/physical abuse, incarceration, illicit drug use, hepatitis/HIV infections, and mental health issues, and many likely have unresolved and untreated Post Traumatic Stress Disorders, that if adequately managed would reduce the risk of chaotic personal episodes and homelessness.

### **Support**

Providing support to people beyond homelessness for as long as required to sustain tenancies and wellbeing is an important step in addressing Australia's homelessness problem and reducing the incidence of 'churning' and client re-presentation. High numbers of people with complex needs are managed by the SAAP sector and referred to mainstream organisations but frequently sufficient multi-disciplinary collaborative long term support options are not available.

Moreover, disruptions in support service delivery impact on people's capacity to sustain current housing arrangements. Shelter WA advocates for an increase in the range of support options available to vulnerable people, including the option to request alternative providers. Shelter WA also calls for improved coordination, collaboration and communication between the NGO sector and government departments to meet agreed outcomes. The WA SAAP protocols go some way toward this, but compliance and adherence, ongoing training and awareness is lacking.

### **Government Departments**

Shelter WA identifies that linkages and connections to mainstream services are a part of the strategy to effectively address and prevent homelessness. This process should start within the Government. These linkages should be initiated from the top level of Departmental decision and policy makers, and required for all clients identified as at risk of, previously or currently experiencing homelessness. Linkages and collaborative arrangements initiated and sustained by mainstream public agencies would ease the burden on both service providers and people experiencing homelessness to smooth the

transition to permanent housing with support and streamline information sharing processes.

Departments and agencies that can link better or 'share a portfolio of responsibility' include Centrelink, the Departments of Health, Housing, Education, Employment, Child Protection, Communities, Corrections and Justice. This would aid in prevention, identifying people most at risk prior to them experiencing a crisis and becoming a number in the homelessness service system.

### **Administrative Processes**

Shelter WA is aware of sector frustration and dissatisfaction with multiple service funding agreements. Some Western Australian SAAP services report that they have numerous service agreements with various government departments under differing program funding streams, adding unnecessary complexity to reporting and other requirements.

Additionally, a number of services have to contend with a range of assessment procedures, many of which relate to service eligibility criteria rather than to the expressed needs of clients. These must be minimised and streamlined with a core consistent reporting data set, and the flexibility to provide the kinds of service required to meet client needs.

### **Legislative Rights**

Shelter WA notes that residents of boarding houses do not have any legislative safeguards in place relating to termination procedures rent increases, right of occupancy, privacy and security and can still be given immediate notice to vacate a premise.

In WA, the provision for a woman experiencing or escaping domestic violence, and her children, to remain in their home while the perpetrator is removed, must be implemented routinely unless there are mitigating circumstances. The current situation where a woman and her children are condemned to an extended period of transience, insecure housing, disrupted education and severed support networks whilst the perpetrator occupies the family home and benefits from the established comforts despite criminal activity is grossly unfair.

### **Increased Housing Options, Including More Provision of Public Housing**

The lack of exit points from SAAP accommodation is adding to the problem of homelessness. An increase in supply of affordable housing is necessary. Setting affordable housing targets for all new housing developments particularly for the provision of public and social housing is strongly recommended.

The National Rental Affordability Scheme as an important element in the response to homelessness and Shelter WA supports community and social housing providers receiving preferential treatment in managing new rental properties in the initial implementation of this scheme. Shelter WA would like to see the benefits of this scheme extended to private individuals and 'mum and dad' investors who may have a personal and deeper commitment to the long-term provision of affordable rental housing than superannuation and investment funds.

Other issues include the need for culturally appropriate housing options for new and emerging communities, migrants and refugees. Suitable housing is need for larger family groups with the strong inclusion of extended family within the Indigenous community.

### **Data Collection**

Shelter WA has concerns about current homelessness service delivery data collection methods, and the lack of any data collection in public mainstream agencies. National Data Collection Agency data provided by SAAP services does not reflect SAAP services' outreach work or the work done by homelessness charities. Future data collection methods should consolidate both NGO and government homelessness data and identify potential gaps in current data collection methodology. Accurate data collection would ensure that lobbying for increased funding was evidence based, and provide a consistent data set for comparison and monitoring.

### **Workforce issues**

SAAP workers are poorly paid. The industry is experiencing high levels of staff turnover and difficulty in retaining suitably skilled staff because of low wages and poor conditions. Rural and remote services also have to contend with trying to attract people to rural communities without the ability to offer an attractive salary package and conditions similar to other professionals. Furthermore, trainee workers do not accept placements due to the lack of affordable accommodation and facilities within remote regions. Reduced numbers of staff add to the stress as there is little chance of backfilling positions during leave or while SAAP workers attend training. This general and entrenched lack of parity between non-government and other sector employees must be resolved.

### **Indigenous sector**

Over-representation of Aboriginal and Torres Islander people experiencing homelessness is unacceptable. The response to Aboriginal homelessness is disjointed and the SAAP system is outdated, irrelevant and must be expanded and improved to meet current indigenous challenges and demands.

Aboriginal and Torres Strait Islander persons experience marginalisation and discrimination within current mainstream services, and increasingly within the SAAP system as it becomes overwhelmed. There is an absence of Indigenous workers within all services. Issues underpinning Indigenous homelessness are not addressed by mainstream systems that do not cater to Indigenous people.

Shelter WA supports a collective Indigenous approach to addressing the issue of homelessness, not solely in the provision of appropriate safe affordable housing but including other causes, including responses to the lack of literacy and numeracy skills, basic education, budgeting and domestic skills for Indigenous Australians to break the cycle of disadvantage and exclusion.

## **Goals and Targets**

Australia should halve primary (rough sleepers) homelessness by 2013 (a five year target).

Targets should reflect positive outcomes, including increasing targets (such as an increase in the number of homeless people who receive regular community mental health services and increase in the number of homeless people who receive drug and alcohol addiction treatment) rather than targets only identifying decreasing trends. Targets should be sensitively framed so that government and services' reporting are focused on effectively meeting the needs of consumers rather than 'working the targets'. These targets need to include reduction in numbers of these specific homeless population groups:

- Children
- Aboriginal and Torres Strait Islander people
- Young people
- Women escaping domestic violence
- Single and dual parent families with children
- People from culturally and linguistically diverse communities including humanitarian entrants and refugees

## **Recommendations:**

**Shelter WA recommends the following:**

1. Future Special Purpose payments agreements negotiated between federal and state governments to include specific reference to domestic violence, youth and other homelessness outcomes referred to in the Green Paper. This approach would also reduce the need for option 1 and 3 in the discussion paper as mainstream government departments will have clearly defined roles and targets to meet in responding to homelessness.
2. Set affordable housing targets for all new housing developments particularly for the provision of public, community and social housing. Shelter WA supports a target of 20% affordable housing, with a minimum of 7.6% public and community housing aimed at the lowest income recipients.
3. A separate WA public and community housing target of 10% of total overall housing stock should be established as a long term goal<sup>2</sup>
4. That the Commonwealth consider what alternative legislation would need to be developed as part of a National Affordable Housing Agreement to ensure a legislative basis was retained for homelessness responses by respective governments.
5. State and Federal Departments develop inter departmental linkages to aid services and people experiencing homelessness to access all required, practical and instrumental services in one streamlined process. This sharing of information will assist in the comprehensive and holistic response to people identified at risk of homelessness, and help with the quantification of the extent and range of assistance provided.
6. The Commonwealth government should expand the range of housing options available to homeless people. Housing solutions need to reflect the social/cultural

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<sup>2</sup> Senate Inquiry into Home Ownership

diversity of Australia's homeless populations. Future housing solutions should develop supportive housing models which reflect the needs/aspirations of people requiring this type of housing, and allow transition into affordable home ownership and where needed permanent public housing options.

7. The federal government with the support of state governments should establish a National Best Practice Unit in relation to the SAAP/homelessness service delivery. The Unit should:
  - a. Be established independently, outside the control of government;
  - b. Have clearly articulated roles and responsibilities relating to developing and determining what constitutes best practice models;
  - c. Recognise that best practice models are influenced by social, cultural, gender, age and environmental considerations;
  - d. Be answerable to an elected/nominated board whose membership includes regional representatives, specialists in youth, family and individual homelessness;
  - e. Be backed up by regional homelessness/SAAP networks throughout Australia
  - f. Have the capacity to call on governments, academics and homelessness practitioners to identify and develop best practice models; and
  - g. Develop clearer and common understandings of what constitutes best practice in relation to homelessness service delivery.
8. In Western Australia the SAAP Service Standards for Western Australia 2002, go a long way towards identifying and articulating Best Practice and could be a sound framework for other states.
9. Data collection methods should consolidate both NGO and government data in relation to homelessness and identify potential gaps in current data collection methodology which need to be included in future data collection initiatives.
10. The federal/state governments as a matter of priority should develop single service agreements with SAAP and other homelessness services they currently fund.
11. The federal government should work with state governments to develop uniform safeguards for people residing in boarding house accommodation.
12. To address the level of Indigenous homelessness a distinct Aboriginal and Torres Strait Islander homelessness service system should be developed. This is particularly relevant for Western Australia, where regional and remote communities suffer extreme disadvantage and often lack the most basic amenities and the geographic spread of crisis and emergency services is hap-hazard.
13. Targets for the proportion of Indigenous employees in all Government Departments dealing with homelessness (Housing and Works, Communities, Health, Employment, Child Protection, Corrections, Justice etc) should be established.
14. Federal/state governments need to do more work with Magistrates throughout Australia so as to ensure that victims of domestic violence are not forced from their family home.
15. Early intervention work to prevent homelessness should form the core basis of all federal, state and local government departments' work. The current system pushes

responsibility for preventing homelessness on the NGO sector which is under-resourced and under-valued by government agencies. Early intervention work and preventative strategies need to be a collective and shared responsibility between agencies within both the NGO and government sectors.

16. The federal/state governments should give consideration to the development of a Homelessness Act similar to the UK government response. A Homelessness Act would need to be developed in consultation with the NGO sector.
17. Structured systems around housing and support should be developed by government agencies whose portfolios have housing and support responsibilities contained within them. The Western Australian government Departments of Housing and Works, Health, Mental Health, Child Protection and Communities all signed MOUs with SAAP representatives under the WA SAAP Protocols, and these need to be built on.
18. Shelter WA recommends that SAAP and NGO Workers are recognised as key workers and recruit and retain workers with more attractive salary packages. Rural workers should be offered subsidised housing and remote living allowances commensurate with the conditions offered to Public Service teachers, nurses and police.