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The National Youth Commission into Youth Homelessness Inquiry in 2007 was an independent community inquiry funded by The Caledonia Foundation. The NYC held 21 days of hearings in all states and territories, heard evidence from 319 individuals, received 91 written submissions including from seven government departments and held four policy forums to discuss policy issues and solutions. The NYC upholds the human rights position of the Human Rights and Equal Opportunity Commission, which conducted the first independent inquiry in 1987-89. It has extended this framework to the concept of 'social citizenship'. This means that the minimum standards of everyday life for homeless people should be the same as enjoyed by other members of the community. The terms of reference of the NYC Inquiry were six objectives that examined the problem of youth homelessness but importantly sought to develop solutions in terms of the 'adequacy of services', 'innovation', recommended 'actions to resolve and ameliorate the problem' and finally the inquiry considered what a 'new national accord' to deal seriously with this problem might look like.

Chapter 1 | National Youth Commission Inquiry into Youth Homelessness

The National Youth Commission

1.1 The National Youth Commission Inquiry into Youth Homelessness was constituted under collaboration between the Caledonia Foundation and Youth Development Australia Ltd. The NYC process follows the methodology and standards set for such inquiries by the work in 1987 of the Human Rights and Equal Opportunity Commission headed by Commissioner Brian Burdekin. As such, the NYC is the second inquiry into youth homelessness, independent of government since the HREOC Inquiry in 1987, some 20 years ago.

1.2 The Caledonia Foundation is a philanthropic foundation with a primary focus on 'areas related to the future sustainability of young Australians' - the idea of intervening helpfully before age of 20, to assist the 'advancement, wellbeing and welfare of the children and youth of Australia' in the areas of 'education and training particularly in regards to social welfare, the arts and the environment'. Youth Development Australia Ltd is a new national not-for-profit organisation dedicated to 'youth development' and in particular, to ameliorating the position of the most disadvantaged young Australians. The Caledonia Foundation provided the resources for the National Youth Commission and Youth Development Australia was responsible for the inquiry process.

Terms of Reference

1.3 The Inquiry was undertaken under the following terms of reference:

- (1) To document the history of policy, programs and initiatives by Federal, State and Territory governments to assist homeless youth.

(2) To identify the issues that prevent homeless young people from connecting with their local community and participating in the broader society as active citizens.

(3) To draw attention to positive and negative changes affecting homeless young people since the last national independent inquiry on youth homelessness by the Human Rights and Equal Opportunity Commission in 1989.

(4) To report on the adequacy of existing services and programs, as well as identifying innovative initiatives for responding to the needs of homeless young people.

(5) To recommend actions that should be taken by various stakeholders and government authorities to resolve and ameliorate the problem of youth homelessness within a broad policy framework from prevention to post-supported accommodation.

(6) To explore the basis for a renewed national accord between the Commonwealth and the states and territories and between government and the community on the issue of youth homelessness.

NYC Commissioners

1.4 *Major David Eldridge* from The Salvation Army chaired the NYC Inquiry. David Eldridge has been a key figure within The Salvation Army both in Australia and the United Kingdom for over 28 years, in a variety of senior social policy and programme development roles. He headed Crossroads Youth Network for 15 years and served as Director of the Brunswick Community Programme for nearly 12 years. Major Eldridge has also been a key adviser to the Australian Government on social policy issues, particularly in relation to young people. He was the Chair of the Prime Minister's Youth Homeless Task Force that led to the Reconnect program; he served as Chair of the Commonwealth Advisory Committee on Homelessness and in 1999, headed the Commonwealth Government's Youth Pathways Action Plan Taskforce that produced the report, *Footprints to the Future*. Major Eldridge has also been influential in the development of employment policy; he was a Board member of the Employment Services Regulatory Authority, a board member of the Enterprise and Career Education Foundation and the Foundation for Young Australians.

1.5 *Associate Professor David Mackenzie* from Swinburne University has a strong record of research and development on issues associated with youth issues and youth policy and is internationally recognised for his research on homelessness. He is co-author (with Chris Chamberlain) of the book *Youth Homelessness: Early intervention and prevention* (1998) that outlines an early intervention policy perspective for a coordinated community infrastructure of services and schools. He has authored many reports and papers on youth and homelessness research including *Indigenous homelessness in Victoria*, *Counting The Homeless 2001* with Chris Chamberlain, and in

2007, a national evaluation report of the HOME Advice program. In the past, Associate Professor Mackenzie has served on a number of government advisory committees and taskforces - the Commonwealth Advisory Committee on Homelessness, the National SAAP Data and Research Advisory Committee, the Victorian Integrated Data Project committee, the JPET Needs Committee and the national SAAP Information Services Committee.

1.6 *Ms Narelle Clay AM* is the Chief Executive Officer of Southern Youth and Family Services, a community agency, which provides services in the Illawarra and Shoalhaven areas of NSW. Ms Clay has been active in the community sector, and particularly in the area of homelessness, for twenty three years. She is well known leading figure in her field and respected for her activism and commitment to social justice, and as a change agent on program issues and policy. In 2006, she received an Order of Australia Award (AM) for 'distinguished service to the community through social justice advocacy and the provision of accommodation, housing and support for homeless people especially young people'. Ms Clay is a part-time educator with NSW TAFE in various human services courses and an expert trainer in advocacy, community management, policy development and industrial relations. Narelle Clay is active in the union movement, having served as President of the Australian Services Union (NSW and ACT Branches) and Vice President of the Community Services Branch of the Australian Services Union. Narelle has served in many leading roles including as the first Independent Chairperson of the Australian Federation of Homelessness Organisations (AFHO), a previous Chairperson National Youth Coalition of Housing (NYCH) a Member of the Prime Minister's Youth Homelessness Taskforce, the Commonwealth Advisory Committee on Homelessness, the NSW Ministerial Advisory Council on Homelessness, a Member of the Association of Child Welfare Board, and is an active member of the Youth Accommodation Association,

1.7 *Father Wally Dethlefs* is a Roman Catholic priest, who served as one of the two Commissioners along with Jan Carter who assisted Commissioner Brian Burdekin with the 1987 inquiry. In the early 1970s Father Dethlefs co-founded an emergency shelter for young people in Brisbane. His contributions to young people and the youth sector in Queensland have been foundational – established the Bayside Adolescent Boarding Group, the Youth Advocacy Centre, the Juveniles for Justice Group and the Bail Accommodation Program among others; In recent years Father Dethlefs has had a role in the researching and development of an early intervention response for marginalised students in catholic schools in the Archdiocese of Brisbane. He has had a strong interest in young people and justice system, and is currently a member of the Youth Justice Coalition and the Stakeholders Committee of Juvenile Detention Centres in Queensland, as well as Chaplain to the Brisbane Youth Detention Centre.

A framework for the NYC Inquiry

1.8 In the earlier inquiry, the Declaration of the Rights of the Child provided the basis for investigating whether minimum standard for the protection of the rights of children were being fully upheld in Australia. The position of the Human Rights and Equal Opportunity Commission was clearly stated:

The Commission established the Inquiry because of its responsibility to protect the rights of children. Homeless children are among the most vulnerable to denial and breach of their rights ... the declaration of Rights of the Child, and more particularly the principles establishing children's rights to:

- *grow up in the care and the responsibility of their parents where-ever possible;*
- *adequate housing;*
- *enjoy the benefits of social security;*
- *protection from all forms of neglect, cruelty and exploitation; and*
- *special protection, form the basis of the Inquiry.*¹

During the HREOC Inquiry, on 9 December 1988, the work on the Convention of the Rights of Children was completed, which embedded the rights and protections in a full international treaty.

1.9 The convention went beyond the earlier declaration in the level of detail and it was designed to strengthen the legal obligations that signatory nations have to implement the provisions of the Convention. The Convention was ratified by the Commonwealth of Australia in 1990 and Government is required to report on Australia's conformity to the standard implied by the Convention. An important accountability is provided by the Non-Government Report on the Implementation of the United Nations Convention on the Rights of the Child (2005).

1.10 Short of legislation that embodies the articles of the Convention in Australian legislation, it is unclear how administrative decisions on children and young people can conform to the requirements of the Convention. However, the Declaration and the Convention provide important and influential points of reference for social policy debate in Australia. One of the enduring benefits of the 1989 Human Rights and Equal Opportunity Commission report on youth homelessness has been the human rights perspective that homeless children and youth have rights and that it is for government to uphold their rights by removing discrimination and ensuring entitlements. Without an Australian Bill of Rights there is no constitutional means to pursue litigation on behalf of homeless people. There continues to be a vigorous advocacy on advancing the interests of homeless people using human rights criteria in political and moral arguments about homelessness in Australia.

1.11 The National Youth Commission into Youth Homelessness does not have any of the legal powers of the HREOC nor was it bound the mandatory framework on human rights that was and is the HREOC's *raison d'être*. However, in broad terms, the framework of human rights retains its potency as a fundamental frame of reference for social policy and our inquiry does not resile from that standpoint. Otto² and others have consistently argued about measures to ameliorate homelessness using human rights arguments as the reference standard and the debate about embodying this international Convention into Australian law will continue. Prior to 2007, the Federal Government had 'shown little interest in developing a domestic human rights regime to implement its human rights obligations under international law'³ The Victorian Parliament introduced a Charter of Human Rights and responsibilities in July 2006,

the first Australian jurisdiction to do so, and it remains to be seen whether other state and territory governments will follow suit or whether the new Federal Government will undertake any initiatives in this area.

1.12 Looking beyond the legal rights and potential litigation as a means of redress for homeless people, most of the issues involve social, economic and political reforms. Tamara Walshe and Carla Klease⁴ have raised arguments about using citizenship theory as a vehicle for arguing about the rights and entitlements of homeless people. Noting the adoption of 'social inclusion' as new concept in social policy, they cite three reasons for 'citizenship' as an enrichment of the contemporary advancement of human rights: one is that citizenship nomenclature may be more persuasive for governments that use citizenship as a policy goal. Social citizenship also operationalises various rights in social policy terms at a different level of analysis from human rights although one is derivative of the other. Maintaining bipartisanship at this level may be more viable than on human rights questions where ideological differences start to emerge. Second, the concept of social citizenship promotes the idea of 'community membership' and participation by contrast with the rights of individuals within a legal framework; and third, using Marshall's citizenship theory a range of arguments can be fielded that seek to fortify the civil and political rights of marginalised people by ensuring 'social citizenship' in the form of adequate housing, social security entitlements, an acceptable standard of health and access to education and employment.

1.13 In this context, citizenship is more than political citizenship rights and the obligation to vote in elections; it primarily follows T.H. Marshall in the direction of minimum social standards and entitlements, to achieve status equity and full participation in social life for all members of society. Without safeguarding social citizenship then civil and political rights increasingly become empty of real meaning.

1.14 The NYC supports the findings of the National Children's and Youth Law Centre on strengthening the implementation of the UN Convention in Australia. We also see value in the arguments about 'social citizenship' as a supplementary framework for improving the position of homeless young people.

The Inquiry Process.

1.15 The National Youth Commission into Youth Homelessness was launched on March 7th 2007 by the former HREOC Commissioner Brian Burdekin. Professor Burdekin headed the 1989 Inquiry that produced the landmark report *Our Homeless Children*. Between March and August 2007, hearings were held in every state and territory jurisdiction, in all capital cities and some regional centres. In all, 21 days of hearings were conducted in the following locations:

Geelong, Victoria	26 th March 2007
Warnambool, Victoria	27 th March 2007
Darwin, Northern Territory	rd April 2007

Darwin, Northern Territory	4 th April 2007
Brisbane, Queensland	10 th April 2007
Brisbane, Queensland	11 th April 2007
Townsville, Queensland	12 th April 2007
Sydney, New South Wales	16 th April 2007
Sydney, New South Wales	17 th April 2007
Wagga Wagga, New South Wales	18 th April 2007
Canberra, Australian Capital Territory	19 th April 2007
Canberra, Australian Capital Territory	20 th April 2007
Melbourne, Victoria	23 rd April 2007
Melbourne, Victoria	24 th April 2007
Adelaide, South Australia	26 th April 2007
Adelaide, South Australia	27 th April 2007
Hobart, Tasmania	3 rd May 2007
Launceston, Tasmania	4 th May 2007
Perth, Western Australia	7 th June 2007
Perth, Western Australia	8 th June 2007
Alice Springs, Northern Territory	25 th June 2007

1.16 At these hearings, formal evidence was given by 319 individuals who were stakeholders on the issue of youth homelessness, including homeless young people. The hearings were public and generally a small audience of observers, sometimes from government departments, interested members of the public or workers in the homelessness sector who wanted to listen to the evidence being table on their community. In exceptional cases where a homeless young person was giving evidence of a personal nature about their experiences, this evidence was heard in camera.

1.17 Advertisements were placed in national as well as state and territory and local newspapers inviting individuals and organizations to contribute to the inquiry in person or through written submissions. Altogether, 91 written submissions were received, including seven from Government departments. The Commonwealth Government declined to table a written submission, however, the Minister Nigel Scullion indicated

his interest – ‘ I have decided to wait to receive the Commission’s final report, rather than make a submission to the inquiry’.

1.18 Apart from formal submissions and presentations at hearings, there were many informal inputs from individuals in the community as well as from government departments.

1.19 After the completion of formal hearings, the Inquiry conducted several policy forums. In Sydney and Melbourne these were facilitated by members of the NYC however there were also forums held in the name of the national Youth Commission. In total, six policy forums were held and a great deal of useful policy advice was provided.

The report

1.20 The report followed the model of the earlier HREOC Inquiry in terms of the rigour of the methodology for evidence gathering and analysis. Chapters 3 to 5 document the basic dimensions of the problem – from the point of view of the young people experiencing homelessness in Chapter 3, the size of the problem using the latest statistical information in Chapter 4 and lastly, in Chapter 5, how policy makers, administrators and researchers have come to frame the problem as a ‘process is discussed.

1.21 Chapters 6 to 11 discuss the causes of youth homelessness, which include both structural factors such as poverty and labour market disadvantage as well as individual characteristics, such as whether an individual suffers mental illness or not. The crisis in care and protection, discussed in Chapter 9, was found to be a major contributor to many young people becoming homeless and it is from this group that a majority of the chronically homeless young people with high and complex needs come.

1.22 In Chapters 12 to 20, a range of government-funded responses are discussed in detail with recommendations

1.23 Lastly in Chapters 21, 22 and 23, a broader system-wide perspective is adopted to consider the macro-level reforms that will be necessary to effect long-term change.

Scope of the Inquiry

1.24 Several definitions provide the boundary for the scope of this inquiry and its recommendations.

Young people

1.25 For the purpose of this inquiry, the focus is on young people from 12 to 24 years of age. Within this age range, which covers ‘young people’ for the purpose of youth policy, are young teenagers who are usually still dependent, older teenagers over the age of 18 years, and young adults over the legal age of 18. The transition from childhood through adolescence to adulthood appears to be a somewhat more drawn out transition. The report comments on children and homelessness where this is appropriate.

Homelessness

1.26 A major shift in homelessness since the 1970s has been the appearance of a more diverse range of social groups in the homeless population including young people, and families with children. In Australia, homelessness has been widely accepted as more than 'rooflessness' since for much of the time homeless people have a transient existence moving between various forms of temporary shelter. Young people become homeless because their family support breaks down leading to a detachment from family and transience. The breakdown of family relations may be the result of violent abuse including sexual abuse, neglect and lack of adequate love and care or superheated adolescent conflict between parents and teenagers. For young people who go into care and protection, support from their family of origin has effectively broken down long before they experience homelessness.

1.27 The most widely accepted definition of homelessness is the definition used by the Australian Bureau of Statistics. This definition is based on the idea that there are shared community cultural standards about the minimum accommodation acceptable in contemporary Australia⁵. The approximate minimum for a single person (or couple) is a small rental flat with a bedroom, living room, kitchen and bathroom and some security of tenure provided by a lease. The ABS definition⁶ identifies 'primary', 'secondary' and 'tertiary' categories of homelessness:

- Primary homelessness includes people without conventional accommodation, such as people living on the streets or using cars or railway carriages for temporary shelter.
- Secondary homelessness includes people who move frequently from one form of temporary shelter to another including boarding houses, emergency accommodation and short-term stays with other households.
- Tertiary homelessness refers to people staying in boarding houses on a medium to long-term basis, defined as 13 weeks or longer. They are homeless because their accommodation does not have the characteristics identified in the minimum community standard.

The ABS definition does not include families or individuals living in caravans where no-one in the household is working. Nor does it include situations where two or even three families share a house in over-crowded conditions on a semi-permanent basis. Not homeless by this definition are people limited security of tenure who remain highly vulnerable and at-risk of homelessness⁷. Also, vulnerable individuals and families may move in and out of homelessness as subsequent crises affect their lives. This has been called 'episodic'⁸ or 'iterative'⁹ homelessness.

1.28 Children in institutional care or in juvenile justice settings are not included as 'homeless' in terms of the formal definition in use, although they are particularly vulnerable groups, which experience higher rates of homelessness upon leaving these secure arrangements. They are at-risk but not actually homeless while in secure accommodation. While the adequacy of care and protection programs and services was raised in evidence to the Inquiry, a full examination of these issues would require an inquiry dedicated solely to this matter.

ENDNOTES

- 1 HREOC (1989) *Our Homeless Children*, Chapter 4 *The Rights of the Child*, p.33.
- 2 National Children's and Youth Law Centre & Defence for Children International (2005) *The Non-Government Report on the implementation of the United Nations Convention on the Rights of the Child in Australia*.
- 3 Otto, D. & Lynch, P. (2003) 'Housing, Homelessness and Human Rights' *Australian Journal of Human Rights*, Vol. 10, No 2.
- 4 National Children's and Youth Law Centre & Defence for Children International (2005) *The Non-Government Report on the implementation of the United Nations Convention on the Rights of the Child in Australia*.
- 5 Walshe, T. and Klease, C. (2004) 'Down and Out? Homelessness and citizenship', *Australian Journal of Human Rights*, Vol. 10, No. 2.
- 6 Chamberlain C & MacKenzie D 1992. 'Understanding contemporary homelessness: issues of definition and meaning', *Australian Journal of Social Issues* 27(4):274-297.
- 7 AIHW, (2007) *Australia's Welfare* (Chapter 6: *The dynamics of homelessness*), Canberra: Australian Institute of Health and Welfare, p.275.
- 8 MacKenzie, D. and Chamberlain, C. (2003) *Homeless Careers: Pathways in and out of homelessness*, Melbourne: Swinburne and RMIT Universities.
- 9 Robinson C 2002. *Living on the outside: homelessness in the South Sydney LGA*. Sydney: South Sydney City Council; and Robinson C 2003. *Understanding iterative homelessness: the case of people with mental disorders: a final report*. Sydney: AHURI.

