

PART I

BACKGROUND

*Us young ones need homes too.
We are on the outside looking through.
We don't like being in shelters or on the street
Where we are scared of everyone we meet.
We need places that we can afford
Without sky-high rent or board.
We're being pushed from place to place.
Stop and think! We are also a part of the human race.
We don't need much, just help us
And we won't kick up a fuss.
This is becoming like a nightmare.
Come on, you elders! Do your share!*

(Composed by a homeless young Tasmanian woman on the eve of the Inquiry's hearing in Launceston and read to the Inquiry by K. Jahne, Housing Outreach Service, Child and Family Service, Uniting Church Launceston, Transcript at 1540.)

CHAPTER 1

THE NATIONAL INQUIRY INTO YOUTH HOMELESSNESS

The fact is that there are homeless children and young people dying in Australia, some from suicide, others simply from neglect. That is not something our nation can ignore.

(Chairman of the Inquiry in his opening address at the final hearings of the Inquiry)

THE HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION

1.1 The Human Rights and Equal Opportunity Commission was established by Federal legislation in 1986, succeeding the Human Rights Commission which had been established by the Fraser Government in 1981. The Commission administers seven international human rights treaties and instruments to which Australia is a party, including:

- the International Covenant on Civil and Political Rights;
- the Declaration of the Rights of the Child;
- the Declaration on the Rights of Mentally Retarded Persons; and
- the Declaration on the Rights of Disabled Persons.'

12 The powers which the Commission has been given by Federal law include:

- to inquire into acts or practices which may be inconsistent with or contrary to any human right;
- to promote awareness, understanding and public discussion of human rights within Australia;
- to examine enactments, and (when requested to do so by the Minister) proposed enactments, for the purpose of ascertaining whether they are or would be inconsistent with or contrary to any human right, and to report to the Minister the results of any such examination;
- to report to the Minister as to the laws that should be made by the Federal Parliament, or action that should be taken by the Commonwealth, on matters relating to human rights; and
- to report to the Minister as to the action (if any) that, in the Commission's opinion, needs to be taken by Australia in order to comply with any of the instruments administered by the Commission.'

BACKGROUND TO THIS INQUIRY

1.3 In 1987, after consulting with a wide range of individuals and organisations attempting to assist homeless children, analysing current policy directions and surveying the available literature, the Commission decided that there was a clear need for a national inquiry into homelessness as it affects children and young people. The International Covenant on Civil and Political Rights provides that children are to be accorded such measures of protection as are required by their status as minors. The Declaration of the Rights of the Child provides, more specifically, that all children have a right to enjoy special protection, to receive adequate housing, and to be protected against all forms of neglect, cruelty and exploitation.¹ It was clear to the Commission that a large number of Australian children were being denied these fundamental human rights.

TERMS OF REFERENCE

14 The Inquiry was conducted in accordance with the following Terms of Reference:

- I. To inquire into and report on the effectiveness of existing programs and services involved in, and the development of alternative responses to, addressing the needs of homeless children and young people.

2. To review earlier reports on the needs of homeless children and the action taken by relevant authorities in response thereto.
3. To identify the problems experienced by homeless children and young people in obtaining public housing or private rental accommodation.
4. In accordance with the United Nations Declaration of the Rights of the Child, to inquire into and report on the rights of homeless children and young people to protection from neglect and exploitation, including the availability of income support, and their access to legal advice and representation.
5. To recommend the steps which should be taken by all relevant persons and authorities to resolve the identified problems of homeless children and young people.

THE COMMISSIONERS

15 The Federal Human Rights Commissioner, Mr Brian Burdekin, chaired the Inquiry. He was assisted by Ms Jan Carter and Father Wally Dethlefs.

16 Ms Carter is the Director of the Social Policy and Research Centre of the Brotherhood of St Laurence in Melbourne. She has had an extensive background in social work practice in Australia and the United Kingdom, particularly with children and families. She is also a social researcher and policy analyst and has written on a range of subjects including child abuse and welfare services. She has been a principal researcher at the National Institute for Social Work, London, and a visiting fellow at the Australian National University, the University of Western Australia and Murdoch University. In 1983-84 Ms Carter directed a review into welfare and community services for the Government of Western Australia.

1.7 Father Dethlefs is a Catholic Priest currently working as Chaplain to Prisons in South East Queensland. From 1973, when he co-founded an emergency shelter for homeless young people in Brisbane, he has pursued an active interest in children's welfare. He has taken a special interest in juvenile justice and founded and co-ordinated the Justice for Juveniles Group from 1977-81. In 1979-80 he studied juvenile justice systems throughout Australia and in the United States, Canada, Sweden and England. He founded and administered the Youth Advocacy Centre in Brisbane in 1981. In 1983 Father Dethlefs established a community boarding program for young people which enables them to continue living within their local community and often achieves reconciliation between the young people and their families.

PROCEDURE OF THE INQUIRY

18 The Inquiry opened in Sydney on 28 October 1987, Universal Children's Day. Over the next nine months, hearings were conducted in 20 additional centres across Australia. These were:

- Kings Cross, NSW 29 October 1987
- Brisbane, Qld 24 November 1987
- Surfers Paradise, Qld 25 November 1987
- Cairns, Qld 27 November 1987
- Canberra, ACT 9 December 1987
- Perth, WA 18 January 1988
- Fremantle, WA 19 January 1988
- Port Hedland, WA 21 January 1988
- Broome, WA 22 January 1988
- Melbourne, Vic 29 February 1988
- Frankston, Vic 1 March 1988

- Geelong, Vic 2 March 1988
- Adelaide, SA 14 March 1988
- Port Augusta, SA 16 March 1988
- Hobart, Tas 28 April 1988
- Launceston, Tas 29 April 1988
- Darwin, NT 14 June 1988
- Alice Springs, NT 16 June 1988
- Wollongong, NSW 26 July 1988
- Newcastle, NSW 27 July 1988

At these hearings, the Inquiry took evidence from over 300 witnesses, including a number of homeless children and young people. A list of witnesses and, where appropriate, the organisations they represented, is attached as Appendix A.

19 By advertisements in national, state, territory and local newspapers, the Inquiry also invited interested persons and organisations to make written submissions. More than 160 persons, organisations and government authorities did so (see Appendix B). All State Governments made written submissions — although completion of the Inquiry was delayed substantially because several States exceeded the Inquiry's closing date for submissions.

1.10 Members of the Inquiry also conducted many informal discussions, visiting workers and homeless children at more than 20 refuges and other youth services (see Appendix C). Father Dethlefs conducted meetings in Mt Isa, Queensland, reporting back to the other members on the views and problems of the Aboriginal community in particular. Ms Carter made follow-up visits in the Northern Territory after the Inquiry's hearings in Darwin and Alice Springs. Commissioner Burdekin conducted a number of private meetings concerning allegations of exploitation of children and of improper conduct by police officers.

1.11 In order to gather more in-depth information in several areas of particular relevance, the Inquiry also commissioned a number of studies.

- Dr Rodney Fopp of the South Australian College of Advanced Education was requested to examine all available data and prepare an estimate of the numbers of homeless children and young people. Dr Fopp's report, *Homeless Young People in Australia: Estimating Numbers and Incidence*, forms the basis of Chapter 6, The Incidence of Youth Homelessness and is appended to this Report for further reference as Appendix D.
- Mr Daryl Dixon, formerly Head of the Policy Co-ordination Unit and the Social Welfare Policy Secretariat in the Commonwealth Department of Community Services, and now a private consultant, was requested to consider and report on the costs accruing to individual homeless children and young people, as well as to Australian society as a whole, of a failure to effectively address the needs of homeless youth and the prevention of homelessness in future. Mr Dixon's report, *The Costs of Child and Youth Homelessness*, forms the basis of Chapter 7, The Costs of Youth Homelessness.
- Dr Ian O'Connor, Department of Social Work, University of Queensland, was commissioned to conduct detailed interviews with 100 homeless children and young people in four disparate centres — a suburb of Brisbane, the Gold Coast, Kings Cross and Canberra/Queanbeyan — and to report to the Inquiry on the experiences of homeless children and young people. Dr O'Connor's findings, reported in *Most of us have got a lot to say and we know what we are talking about: Children's and Young People's Experiences of Homelessness*, are mentioned throughout this Report and form the basis of Chapter 5, The Experience of Homelessness.
- Ms Moira Rayner, now Chairperson of the Western Australian Law Reform Commission, conducted a study into the institutionalisation of children in Western Australia and the Melbourne-based Brotherhood of St Laurence investigated the programs provided for the assistance of children and

young people leaving the care of the State, particularly those being discharged from State wardship. Material from each of these reports, entitled respectively *Fending for Yourself* and *Children and Young People Leaving Care*, is mentioned where relevant, but particularly in Chapter 10, Children in the Care of the State.

- On behalf of the Coalition of Aboriginal Organisations of Alice Springs, the Central Australian Aboriginal Child Care Agency reported on the causes and nature of homelessness among Aboriginal children and young people in Alice Springs. The findings in that report, *Homeless Aboriginal Children and Youth in Alice Springs*, are included in Chapter 12, The Situation of Aboriginal Children and Young People.
- Mr Tony Kelly and Ms Sandra Sewell of the Social Work Department, University of Queensland, were requested to identify the principles and requirements of community development work and to outline the processes required to begin a community development project. Their report, *A Community Development Approach to Youth Homelessness*, is drawn on in Chapter 18, Accommodation Services.
- Associate Professor Richard Chisholm, now Dean of the Faculty of Law, University of New South Wales, provided advice to the Inquiry on a range of issues relating to children and the law including child welfare law, criminal law, property law, social security law and contract law. That advice is referred to throughout this Report where relevant, and particularly in Chapter 21, Legal Needs and Services.

THIS REPORT

1.12 This Report deals with the Inquiry's Terms of Reference in six Parts. In Part I, having detailed the background to the Inquiry and its procedures in this chapter, the Report explores the ways in which the issue of homelessness of children and young people has been addressed by Federal and State governments. We then give a brief a description of developments since the Inquiry commenced. This Inquiry differs from others which have preceded it in that its consideration of the issues was premised on certain basic rights, incorporated in Federal law, which Australia has undertaken to accord to children. These rights are explained and set out in context in Chapter 4, The Rights of the Child, which concludes Part I.

1.13 We open Part II by describing the experience of homelessness from the perspective of homeless children and young people. We then examine the best evidence available on the incidence of homelessness among children and young people in Australia. Finally, Chapter 7 examines several areas in which the failure to deal effectively with youth homelessness can be expected to exact high costs from individuals and from our community as a Whole.

1.14 In Part III the available evidence about the factors contributing to child and youth homelessness is detailed. It includes evidence that homeless children and young people are likely to come from families under stress and families in poverty, and are likely to experience unemployment and poverty themselves as well as difficulty obtaining access to adequate accommodation. The disturbing links between contact with the child welfare and/or juvenile justice systems and eventual homelessness are also investigated. Special attention is given to the situations of Aboriginal children and young people and young refugees. In this Part we also describe and assess Federal and State programs to assist families and children in need and at risk.

1.15 In Part IV we examine Federal income support provisions applicable to homeless children and young people and consider the reported deficiencies of these measures in some detail. We then examine the sources of accommodation for homeless youth and the deficiencies in the provision of accommodation of all kinds. In concluding this Part, several existing accommodation services are described. Those described are services which, in the view of the Inquiry, attempt to meet the requirements of the Declaration of the Rights of the Child and the basic principles for the provision of services to young people which the Inquiry recommends should be followed.

1.16 In Part V, the effectiveness of the delivery of other services to homeless children and young people is considered. These include health services, support services, legal services and employment and training programs. The role of the education system both in preventing homelessness and in providing relevant and accessible education services to homeless children and young people is also dealt with.

1.17 In Part VI, we discuss the respective roles of the Federal, State and local governments and the non-government sector in meeting the needs and protecting the rights of homeless children and young people.

THE SCOPE OF THE INQUIRY

1.18 In order to delimit the scope of our Inquiry and our recommendations, we have defined the following important terms.

Children and Young People

1.19 The Inquiry focused on those persons whose rights are set out in the Declaration of the Rights of the Child. Without specifying where 'childhood' ends and 'young adulthood' begins, the Inquiry therefore concentrated particularly on those aged under 18, which is the current age of majority in all Australian jurisdictions. The problem of youth homelessness is, however, not susceptible to the imposition of arbitrary age limits. Some evidence tendered to the Inquiry, and reflected in this Report, therefore has application to older youth.

Homelessness

1.20 'Homelessness' describes a lifestyle which includes insecurity and transiency of shelter. It is not confined to a total lack of shelter. For many children and young people it signifies a state of detachment from family and vulnerability to dangers, including exploitation and abuse broadly defined, from which the family normally protects a child. However, the Inquiry also found that there is a growing number of children who are 'homeless' because the whole family cannot obtain adequate shelter.'

Homeless Children and Young People

1.21 On 30 June 1987 there were over 1,600 Australian children in institutions established or funded by the States.⁶ While acknowledging the inadequacy of much institutional care and its failure, often, to protect child residents from neglect and abuse, these children are not included as part of the 'homeless' population dealt with by the Inquiry in this Report. The desirability and quality of institutionalisation is a broad topic which we consider primarily, as a factor in the background of many homeless children and young people.

1.22 Over 9,000 Australian households (26,790 people) live in improvised dwellings. Another 93,641 households (almost 200,000 people) live in caravans and other 'temporary' shelter. Children of these families do not, in many cases, enjoy 'adequate housing'. However, without minimising the importance of problems created by these conditions, our major emphasis in this Report is on detached children and young people, that is, those not living with their families. Evidence indicates that it is the Aboriginal people who disproportionately suffer as a result of inadequate and overcrowded housing and, consequently, that issue is considered primarily in Chapter 12, The Situation of Aboriginal Children and Young People.

1.23 Children and young people actually living 'on the street' have not, however, been the only focus of this Inquiry. Those accommodated in refuges and shelters, moving about between relatives and friends, and/or living illegally in abandoned houses and other buildings are also included. People continue to be 'homeless' while living in this way because such accommodation is necessarily temporary, usually insecure and fails to offer children the protection and support which they need — and which is their right. In addition, evidence presented to the Inquiry indicates that children so accommodated will, in any event, be likely to spend some nights on the streets, exposed to the dangers this Report outlines.

Notes

1 The other instruments are:

- the International Convention on the Elimination of all Forms of Racial Discrimination (incorporated in Federal law in the *Racial Discrimination Act 1975*);
- the Convention on the Elimination of All Forms of Discrimination Against Women (incorporated in Federal law by the *Sex Discrimination Act 1984*); and
- ILO Convention III, Convention Concerning Discrimination in Respect of Employment and Occupation. The Commission also now administers the Privacy Act, passed by the Federal Parliament in December 1988.

2. *Human Rights and Equal Opportunity Commission Act 1986* (Cwth), s.II(1).

3. Article 24.1.

4. Principles 2,4 and 9.

5. A large number of witnesses to the Inquiry adopted the definition of homelessness proposed by the South Australian Council of Social Service in its Report, *Youth Housing*, pars 14.2:

for homelessness to exist, at least one of the following conditions, or any combination of conditions, should be operative:

- (a) an absence of shelter;
- (b) the threat of loss of shelter;
- (c) very high mobility between places of abode;
- (d) existing accommodation considered inadequate by the resident; for reasons such as overcrowding, the physical state of the residence, lack of security of occupancy or lack of emotional support and stability in the place of residence;
- (e) unreasonable restrictions in terms of access to alternative forms of accommodation.'

Both Dr Rodney Popp — see Appendix D — and Dr Ian O'Connor — see generally Chapter 5, *The Experience of Homelessness* — adopted this definition for the purposes of their respective studies.

6. Excluding Tasmania (60 as at 30/6/86), N.T. and A.C. T.:

NSW	416	25.6%
Vic	313	19.3%
Qld	546	33.6%
SA	III	6.8%
WA	238	14.7%
TOTAL	1624	100%

7. *Population Census 1986*.