

# **PART IV**

## **INCOME AND SHELTER**



## CHAPTER 14

# INCOME SUPPORT FOR HOMELESS YOUNG PEOPLE

*The Department of Social Security told me that if I wanted to get money off them I had to do a course at the Workers Education Centre for adults, but it cost money for the course and I didn't have any money. When I did have the money it is so low I cannot even afford to do stuff like that — it only pays for my rent and food.'*

### APPROACHES TO INCOME SUPPORT

**141** The question of income support for children and young people needs to be considered from two major perspectives which, in fact, represent competing interests. The first perspective is that of incentives and disincentives. The second is that of welfare and needs. We consider that our recommendations, which are largely dictated by the principles contained in the Declaration of the Rights of the Child, strike the appropriate balance between these two perspectives.

#### Incentives and Disincentives ,

**142** A number of people who made submissions to the Inquiry, and commentators in other contexts, have criticised the making of Commonwealth social welfare payments direct to young people on the grounds that:

- such payments can be a disincentive to recipients to complete formal education; and/or
- such payments, or their availability, can be an incentive to young people to leave the family unit, as they hold out the promise of 'independence'.

For example, one parent submitted to the Inquiry that information leaflets about government benefits payable direct to young people:

...do nothing to help parents trying to bring up a teenager in a loving family environment where, with discipline, of course you will get occasional conflict.'

**143** The belief that the differential rates of the Unemployment Benefit and the existing allowances for students, the Secondary Allowance Scheme and the Tertiary Education Assistance Scheme, were a disincentive to young people to remain in formal education led the Commonwealth Government to replace the former with the Job Search Allowance for 16 and 17-year-olds and the latter with Austudy, and to set both at the same level. The choice of level — substantially below the adult Unemployment Benefit, even at the independent rate — was influenced by the belief that a more substantial benefit would enable young people to live independently of their families and would therefore encourage them to leave home for 'frivolous' reasons and become dependent instead on the state. However, such studies as have been done do not indicate whether financial inducements are the most important factor taken into account by young people when deciding on their futures.

The available evidence appears to be conflicting on the relative importance of financial factors in decisions young people make about the types of activity they pursue.'

#### Welfare and Need

**144** On the other hand, it has been argued that the welfare or needs approach should be adopted. For example, the Youth Affairs Council of Australia has proposed that:

...a preferable focus would be a system of payments designed for need rather than incentives.

...the primary objective of income support for young people is to provide a just income.<sup>4</sup>

**14.5** In a submission to the Inquiry, the South Australian Youth Affairs Council stated that:  
...income security arrangements should not be based on policy objectives such as increasing school retention rates. Rather, they should be based on providing a secure and livable income to all those who need it?

## CURRENT APPROACH

**14.6** The existing youth income support system assumes that families will support their unemployed adolescents.

For young people, the loss of job opportunities and the difficulty of establishing themselves in independent households has meant a greater number in need of income support. Government has opted to reduce the burden of these needs on itself by shifting responsibility more fully onto families or to young people themselves.'

One witness made the point that this assumption is not always accurate:

Existing government policies, particularly in relation to income support, do not reflect the fact that many parents either do not want to or are unable to support their sons and daughters.'

**14.7** It was put to the Inquiry that young people living at home in lower income families may not in fact be able to depend upon their families for support.

There is the assumption that young people, who are, particularly, under 18, can rely on the support financially of a family of some sort...I think a closer look at the question of income transference in families leads one to the conclusion that very often the benefits that are supplied to young people even living within a family situation often go towards providing income for a family grouping, rather than it being a case of being icing on the cake and being something a little bit extra for them.'

**14.8** The impact of the removal or reduction of income support for young unemployed people on the ability of their (lower income) families to support them was adverted to in another submission to the Inquiry:

The notion that families, particularly low income families, are able to carry the burden [of unemployed young people] is in many cases totally erroneous. It is in fact the income provided by families' teenage children which allows families to stay together. To take away this income will mean that many will no longer be able to keep their young people with them.<sup>9</sup>

The Inquiry was also told that:

...some young people leave home to relieve pressure on the family finances...

in families under severe economic stress, the implications of 'living at home' are complex and can in fact eventually lead to young people leaving home.'

**14.9** It is clear that youth unemployment is concentrated disproportionately among young people from poorer backgrounds.

The class concentration of unemployment means that a family is often multi-disadvantaged, undermining its capacity to assist unemployed children. Often one or two parents are on a benefit or a very low wage or intermittently employed."

In a study conducted in the mid-1980s, it was found that unemployment rates were much higher among teenagers of sole parent families than among other teenagers and that this was attributable mainly to their low family incomes. In Chapter 9, Family Poverty and Isolation, we have dealt with the evidence to the effect that a majority of single parent households are living in poverty. The above-mentioned study of teenage unemployment also found that teenagers who lived with both parents also had high unemployment rates when family incomes were low.<sup>12</sup>

**14.10** The needs of young people who do not live at home, at least in terms of physical sustenance and shelter, are identical to those of single adults without dependants. As many witnesses Stressed to the

Inquiry, there are no 'junior' rents, no 'junior' utilities charges and no 'junior' food bills. Therefore, it is neither equitable nor sensible to have 'junior' income support payments."

There are assumptions made that some young people can survive on an income of \$25 a week. I would suggest that it is ludicrous and that the costs of living for a young person needing to live independently are just as great, independent of age.'

**14.11** Inadequate incomes are forcing young people into intolerable living conditions and leaving them exposed to ill-health, abuse, exploitation and often death, either on the streets if they decide to leave home regardless or are evicted, or in abusive families if they decide to stay in the family home.

Without adequate income, young people have no choice regarding their housing and consequently are forced to remain in intolerable living situations where they are subject to family conflict and domestic violence."

In Adelaide the Inquiry was told:

We are finding that we have children who are on Job Search Allowance who are not capable of living on the street on \$25 a week...there is a lot of begging going on on the streets of Adelaide at this stage and it has become quite a major problem.'

**14.12** One homeless young person told the Inquiry:

I was on the street when I was 12 years old, and I did not know anybody and I was very, very scared. I did not know anything and the only way I [could] survive was eat out of rubbish bins, roll people, get into fights, get into heaps of trouble with the police. Sometimes I would deliberately do it just to get locked up in the cells just for a place to sleep..."

A witness in Canberra stated:

Basically, if young people have not got any form of income, you get things like housebreaks, cars being taken, stuff being taken out of cars, things as simple as that."

## **YOUNG HOMELESS ALLOWANCE**

**14.13** The existence of detached children and young people and their need for support have been recognised by the introduction of the Federal Young Homeless Allowance (YHA).<sup>19</sup> The YHA was introduced in July 1986. It is not an independent benefit but can only supplement another Social Security benefit or allowance (Job Search Allowance, Sickness Benefit, Special Benefit) for those young people who establish their eligibility by proving that they had a 'valid' reason for leaving home and are unable to return. For full-time students above the minimum school leaving age<sup>20</sup> who are homeless, the YHA equivalent is an independent rate of Austudy. YHA is administered by the Department of Social Security while Austudy is administered by the Department of Employment, Education and Training.

### **YHA Eligibility**

**14.14** An eligible person is one who has no dependants and has been living away from his or her parents' home for a continuous period of six weeks or more because he or she:

- does not have a parental home;
- is not allowed by the parent(s) to live at home (under any conditions); or
- cannot, because of circumstances such as domestic violence, sexual abuse or other such exceptional circumstances, reasonably be expected to live with his or her parents."

**14.15 No Parental Home:** This refers to situations where the natural or adoptive parents are not living, where their whereabouts are not known, or where they are in prison, custody, a mental hospital or otherwise incapacitated so that they cannot provide a home for the young person.

**14.16 Not Allowed to Live at Home:** If the applicant asserts this as the reason for his or her homelessness, the parents are requested to sign a statement to the effect that they will not permit the child to live at home under any conditions. If the parents specify conditions under which the child may return home, the

child will be ineligible for YHA unless the conditions are 'unreasonable'. Both parents, even where separated, must be contacted by the Departmental assessor. The Department recognises the right of applicants to refuse to consent to parents being contacted to confirm that the applicant is not allowed to live at home. However, the consequence of such a refusal is that the claim will be rejected, unless there is 'very clear supporting evidence from State Welfare authorities or other agencies'.<sup>21</sup>

14.17 Exceptional Circumstances: This category covers situations in the home which render it unreasonable for the young person to live there. The Department has recently attempted to clarify this category by providing as follows:

'Other exceptional circumstances' refers to problems as severe as sexual abuse or domestic violence, which pose a threat to the claimant's physical or psychological well-being. While these problems are not limited to the following, they would usually involve one of these situations:

- criminal activity within the home;
- drug abuse or alcoholism by parents or other persons living in the home;
- prostitution by parents or other persons living in the home;
- extended irrational parental behaviour involving mental cruelty;
- insistence on leaving school; or
- insistence on unwanted marriage."

Conflicts with parents about household rules and disagreements over such matters as appearance, hours of staying out and chaperones are not included." If 'exceptional circumstances' are asserted by the applicant, the parents are not contacted. However, the claim must be verified. In cases of sexual abuse or domestic violence where the young person has already sought help, reports from appropriate professionals are to be obtained. Where there are no such reports, an assessment is to be made by a departmental social worker on the basis of information obtained during an interview with the applicant.

14.18 Other Conditions: The young applicant must also establish that he or she:

- is not receiving or likely to receive continuous support of any kind from either parent;
- is not receiving continuous support of any kind from a person acting as guardian on a long-term basis; and
- is not receiving continuous income support from another Commonwealth department or State or Territory authority."

It was submitted to the Inquiry that 'the YHA guidelines are extremely narrow and exclude many if not most young people who are homeless'."

### Number of YHA Recipients

14.19 Although there are certainly at least 12,000 homeless children and young people in Australia,<sup>26</sup> only 14% of that number (1,653) were in receipt of YHA, and another 20% (2,384) were on the independent rate of Austudy at the end of June 1988. Evidence presented to the Inquiry in virtually every major city indicated that the average age of homeless people is falling, with many 12 and 13-year-olds now among them. The National Client Data Collection undertaken by the Review of the Supported Accommodation Assistance Program revealed that 23% of residents of youth refuges are aged 12 to 15 years. Yet fewer than 3% of YHA recipients are under 15, and only 16% are under 16. This reflects the fact that children under 16 are not able to claim the Job Search Allowance to which the YHA is a supplement. They can apply for the Special Benefit which, however, is granted entirely at the Department's discretion. The Department has determined to attach the YHA eligibility criteria to claims by under-16-year-olds for Special Benefit making that Benefit even more difficult to obtain. Approximately 70% of all YHA recipients receive it as a supplement to their Job Search Allowance, and the majority of these recipients are 16 and 17 years old."

14.20 In June 1988 55,462 16 and 17-year-olds were unemployed. Of these, 1,916 were not family members and, therefore, likely to be at serious risk of becoming homeless. The number of 16 and 17-

year-olds in receipt of YHA and the Job Search Allowance represented 59% of this figure. Evidence to the Inquiry, however, suggests that a much higher proportion of homeless young people is unable to obtain YHA. For example, almost every refuge worker stated that all or most young people passing through his or her refuge were not in receipt of the YHA. They also stated that most of these were not in receipt of any social welfare support payments whatsoever.

Although homeless, none of the young people we interviewed are recipients of the Young Homeless Allowance."

In a study of 273 homeless young people in the Illawarra region of New South Wales in 1985 and 1986, although 42% were receiving the (then) junior unemployment benefit, only 3% were receiving YHA and 11% had no income whatsoever.' At one youth refuge in the region only 27 residents (18%) in 1987-88 were in receipt of YHA on admission. The refuge estimated that 61 residents should have been receiving YHA by the time of departure but were not. Only 34 residents left with YHA." In Hobart one youth service reported:

Most people under 18 are not in receipt of YHA on arrival at the shelter. Until the end of 1987, only 10% were receiving or waiting to qualify when they came into Youthcare.<sup>31</sup>

In Ian O'Connor's study of 100 homeless young people, commissioned by the Inquiry, only 19 were receiving the YHA, one-third the number who had applied for it. 35 of those interviewed stated that they had not bothered to apply for the allowance.'

**14.21** The Inquiry wrote to the Department of Social Security seeking information about the number of applications for YHA which had been rejected over a period as a proportion of the total number of applications made and about the reasons for these rejections. The Department informed the Inquiry that this information was unavailable although internal checks had revealed that 25% of files did not indicate the reasons for rejection." Two weeks later, however, the Department was in fact able to provide the Senate Estimates Committee with the following information:

...the proportion of young homeless allowance claims granted was...90.5 per cent. I have given the number of claims as 4,110 in 1987-88. We granted 3,720<sup>4</sup>

The Inquiry considers that this rate of approval of claims is high. However, we would not underestimate the impact of the disincentive effects of the factors mentioned below on the numbers of applications actually being submitted and followed through to a final decision.

### **Criticisms of YHA**

**14.22** The Inquiry received a considerable body of evidence about the substantial failure of the YHA as a measure to address the problems faced by homeless young people. One witness submitted that:

There are a great many shortcomings in the administration of the YHA and, more importantly, in the underlying eligibility criteria."

Criticisms of the YHA cover both the eligibility criteria, including the six week qualifying period and the fact that it is not intended for young people under 16 years of age, and the rate at which it is paid. Criticisms have also been leveled at various aspects of the implementation of the allowance.

### **Eligibility Criteria**

**14.23** While the Inquiry is convinced that the family home is the best place for most children to grow and develop in a healthy manner and that abuse, neglect and an atmosphere of violence are the most serious reasons for diverging from this general rule, there are reasons for a child or young person to leave home which are neither 'frivolous' at one extreme nor fall within these categories at the other. They may nevertheless be valid and real. In a written submission to the Inquiry, the Tasmanian Government stated:

...there are many...young people who, for a variety of reasons and circumstances, would be actually if not technically classified as unsupported youth, but who are excluded from [Commonwealth] government financial assistance and consequently receive no income support whatsoever. It is an unfortunate feature of the present inadequate income support system that it operates in ways which

either blame or discriminate against disadvantaged young people for family or other circumstances over which they have neither influence or control.'

**14.24** Another criticism of the criteria was made by a representative of the New South Wales Welfare Rights Centre:

...I think the major problem with Young Homeless Allowance is this whole thing of a pathological analysis of what really is a sociological problem."

In many cases, the Inquiry heard, young people had left home because of a fundamental incompatibility with the new parent in a 'reconstituted' family. The fact is that this phenomenon is increasingly familiar in our society and is very often something over which the child has no control.

**14.25** It was submitted to the Inquiry that 'the government has put more effort into ensuring that those who are not eligible will not get YHA rather than ensuring that those who are homeless are supported'." The stringency of the YHA eligibility criteria of homelessness precludes many situations where it is apparent that a young person either had little real choice but to leave home or the option of leaving was a reasonable one.

**14.26** 'Extreme domestic disharmony', it was argued to the Inquiry, should supplement 'exceptional circumstances' as a relevant criterion. Incorporated within this would be situations where a child's relationship with a parent's new partner was destructive, clashes of values whether religious, political or cultural, severe economic hardship in the family and situations which were seriously demeaning in other ways to the child."

An extension of the criteria for receipt of YHA to cover circumstances involving extreme domestic disharmony, being required to leave school, financial hardship and enforced moves because of parents' relocation, would assist a number of young homeless people who are not only finding it difficult to survive in the present, but whose futures look grim because they are being forced into life styles which offer few possibilities for developing positive orientations towards anything different.°

**14.27** Some State Governments making submissions to the Inquiry also identified the YHA eligibility criteria as excessively stringent and in need of liberalisation. The Government of Western Australia submitted that:

One of the major criticisms of the Young Homeless Allowance is its strict eligibility criteria, which includes a six week waiting period for receipt of the additional, benefit. This delay in providing assistance appears inappropriate when it is targeted at homeless youth who need immediate accommodation."

The Victorian Government stated:

...the YHA has been provided to a very small number of those in need, reflecting extremely strict and inappropriate eligibility criteria and other problems."

The Tasmanian Government stated:

...the eligibility criteria for the Young Homeless Allowance are very restrictive, extremely difficult for unsupported, inexperienced, and generally unsophisticated young people to satisfy, while requiring applicants to have been homeless for six weeks beforehand."

**14.28** Other witnesses argued for the virtual abolition of eligibility criteria beyond the fact of homelessness. For example, the Victorian Youth Accommodation and Support Services Project recommended that:

...the Young Homeless Allowance be made available to all young people living independently regardless of their reasons for leaving home.<sup>41</sup>

This position finds some support in a decision of the Administrative Appeals Tribunal where it was stated:

The structure of social security is to take its applicants as it finds them and provide succour and assistance to a person finding himself in need, no matter how that need arose.'

**14.29** The Department of Social Security advised the Inquiry that:

These strict requirements were adopted to ensure that there is no undue incentive for a young person to leave and remain away from home.<sup>o</sup>

While the Department is aware of criticism of the eligibility criteria, it was submitted that extended criteria incorporating such terms as 'extreme domestic disharmony', 'threat to psychological or emotional well-being' and 'severe economic hardship in the parental home':

...are not easy to define and would be difficult to apply in practice. The likely effect would be to make it difficult to reject a claim from any young person choosing to live away from home."

Options being explored by the Department include:

- YHA to be payable where the young person established independence by having lived away from home for six months and worked and/or been registered with the CES for at least thirteen weeks in that period; and
- YHA to be payable where the young person leaves home to move to an area of better employment prospects or refuses to move with his or her parents to an area of lower employment prospects.<sup>o</sup>

**14.30 Qualifying Period:** To qualify for YHA an applicant has to substantiate that he or she has lived away from the family home continuously for six weeks or more. It is also necessary that the parents have not supported the applicant 'continuously' during the period and that the reason for the absence from home is directly related to the criteria for 'homelessness'. The Inquiry heard evidence from medical professionals and youth workers, supported by other written submissions, that 'the effect of the six weeks without any money on many young people is very severe'.<sup>49</sup>

It is frequently the case that young people leave home with no money. Their choices are very limited and at a time of considerable emotional upheaval they can make decisions which have a crucial effect and can set a pattern for the future...The waiting period operates to force young people into a mendicant position and into situations which can frequently be dangerous.

...many young people go into refuges, or are forced to subsist on handouts, to rely on friends who may have as few resources as they themselves do, or to sleep out. Alternatively, given the difficulties of facing six weeks with no support in order to qualify for the Allowance, some young people give up and decide to return to dangerous or inadequate home situations. It is not known how many young people never leave such home circumstances because of the six weeks barrier."

**14.31** Many young people said they had no alternative but to resort to criminal acts to survive.

Social Security don't give a stuff. You go there for money and you have-to wait for 4 weeks to get it. In that 4 weeks I have bashed 4 people to get the money, and before you know about it, you are locked

In a number of cases the Inquiry was told that a future pattern of criminal behaviour and/or of vulnerability\_ to exploitation had its source in this period.

in city streets it really does take, often, as few as two or three days, and certainly a week or two, before young people become so inculturated into the whole street scene that no manner of sledge-hammers will get them out of that very easily."

A few weeks on the street will usually be too late in Surfers Paradise, and I imagine that is the case elsewhere in the country."

**14.32** However the Department of Social Security submitted that:

A qualifying period of some duration is needed to ensure that only genuine claims are approved. It could also be argued that abolishing the waiting period would provide an incentive for some young people to leave home?'

**14.33 Generally Unavailable to Under-16-Year-Olds:** Only 16% of YHA recipients are aged under 16 years. Yet, in all States of Australia except Tasmania the minimum school leaving age is 15 years.

There seems to be a great deal of difficulty with the age group of 15. 15-year-olds are allowed to leave school. They are not eligible for employment training programs, which start at 16. They are not eligible for unemployment benefit, which starts at 16. And the criteria for Young Homeless Allowance and Special Benefits is an extremely odd one indeed because when young people are rejected we are unable to ascertain from the Department of Social Security why that rejection has been made."

**14.34** As described above, homeless young people aged 16 and 17 may establish eligibility for YHA once they have secured the Job Search Allowance (to be discussed below). The latter allowance, however, is not available for young people under the age of 16. The Department of Social Security has determined that unemployed 15-year-olds and younger children including full-time students may apply for the Special Benefit which is granted entirely at the discretion of the Department and for which no rate has been set. The young person, however, will be successful in this application only if he or she can establish eligibility for the YHA." Evidence to the Inquiry indicated that this is extremely difficult to do.<sup>51</sup> One concession is that while regular parental support, however inadequate, renders a child ineligible for the YHA, applicants for Special Benefit are eligible to be considered if they are unable themselves to earn a sufficient livelihood."

**14.35** State Governments asserted in submissions to the Inquiry that it is at the minimum school leaving age that the State's child welfare role should be largely superseded by Commonwealth income support, rather than at 16 as occurs (in all but exceptional circumstances) at present. The Victorian Government, for example, stated:

It is apparent that the Commonwealth Government is increasingly reluctant to make discretionary payments in respect to young people aged under 16 who apply for financial assistance.

The lack of access to Commonwealth education and training assistance and increasing lack of access to Commonwealth payments by fifteen year olds is in contradiction with the fact that, in Victoria and other States except Tasmania, young people can leave school on their fifteenth birthday and can undertake full-time work.

Given the association between early school leaving, insecure employment, unemployment and poverty, it is likely that a significant proportion of 15 year olds not in education, training or employment face severe risk of homelessness."

Similarly, the Tasmanian Government expressed concern about:

...the failure of the present [social security] system to give adequate recognition to the legitimate needs of unsupported children 15 years of age and younger. There is already evidence to show that the incidence of school-aged children using services for the young homeless is increasing."

Finally, the Queensland Government stated:

Essentially youth under 16 years of age have almost no access to income support even though they are legally able in all States (except Tasmania) to leave school and seek employment at 15 or earlier under certain circumstances.

Fifteen year olds who are not in employment, education or training and who are disaffiliated from their families are thus at special risk of entering the cycle of poverty and chronic homelessness.<sup>6</sup>

**14.36** The States find support for their position in a 1985 decision of the Administrative Appeals Tribunal in the case of Spooner, a 15-year-old who applied for the Special Benefit as a homeless person. Spooner was receiving ex gratia payments from the State welfare department and the Department of Social Security had rejected his application for Special Benefits on three grounds, one of which was his receipt of support from the State. The Administrative Appeals Tribunal stated:

The Commonwealth is charged with the basic, recurring, organised support of those in need, with the systematic alleviation of poverty and with the structural support of a minimum level of existence for all Australians.'

The Tribunal rejected the Department's claim that it was not responsible for people who were receiving some support from the State and, on all three grounds, overturned the Department's decision.<sup>o</sup>

## The Rate of YHA

14.37 The rate of YHA in mid-1988 was \$26 per week which, for most (83%) eligible 16 and 17-year-olds, supplements the Job Search Allowance at the independent rate which is \$50 per week. In late 1986, this rate for people in this age group was only 62% of the poverty line set for single young people without dependants! When considering the adequacy of the YHA, which is intended to permit recipients to secure accommodation, it is important to remember what accommodation options are available to young people without dependants. They are not generally entitled to public sector housing and they are very often unable to secure private tenancies: generally neither sector will enter a lease with a person under 18. Private rental costs, even if sharing with an adult, are prohibitive in major Australian cities and are far above \$26 per week almost everywhere in Australia. Refugees, apart from their suitability and the fact that they only offer temporary accommodation, turn away between two-thirds and three-quarters of applicants. Finally, there is a severe shortage of subsidised medium to long-term accommodation for people under 18.

14.38 A great deal of evidence to the Inquiry stressed the inadequacy of Commonwealth income support for homeless young people. The Queensland Government, for example, stated in its submission to the Inquiry:

This potential maximum payment [of JSA plus YHA: \$761...is well below the poverty line and cannot provide for basic essentials including weekly housing costs."

The Victorian Government submitted that:

The maximum level of payments to independent under 18 year olds is inadequate to meet their housing and living costs."

In its submission, the Western Australian Government stated:

The issue of the adequacy of the levels of payment under youth income support schemes (and other benefits) is open to question. Young people are amongst the most poverty stricken in the community and youth allowances are below the Henderson poverty line. Young people are especially disadvantaged when housing costs are taken into account\*?"

The Tasmanian Government recommended that:

...the Commonwealth reassess as a matter of urgency the adequacy of income support payments for the young unemployed, placing priority on the needs of those unemployed who have already established independent living arrangements (but so as not to encourage young persons to leave the parental home), and who are in rental housing..."

Recent rent increases in Sydney make the position for homeless young people there almost impossible."

14.39 Ian O'Connor interviewed 100 homeless children and reported that:

The experience of being homeless and the experience of poverty are inextricably linked in the histories of all of those interviewed...

...The two legitimate avenues of income support — government benefits and labour market participation — fail to adequately respond to the special needs of homeless young people. In consequence many are forced into marginal, exploitative or illegal activities to survive.'

14.40 Nevertheless, the Department of Social Security submitted:

In examining the level of income support paid to the young homeless, consideration must be given to the possible incentive effects of making the payment more generous. Although many young people on YHA may find the level of support inadequate for their needs, under some circumstances boosting the value of the allowance could make separation from the family unit a more attractive option...

...The expenses of living, especially away from home, do not necessarily vary with age, but there are substantial issues in the question of adequacy about general youth policies and budgetary constraints on what can be done."

## **Criticisms of the Implementation of YHA**

**14.41** The evidence presented to the Inquiry, as well as our independent observations, indicate the following primary areas of concern in the implementation of the YHA:

- lack of information about the allowance;
- discouragement of enquirers by Departmental staff attitudes, breaches of individual privacy and insensitive assessment processes;
- complex application procedures and the time and effort required to succeed; requirement of multiple forms of identification; and
- verification procedures.

The 1987 National Women's Housing Conference expressed a vote of no confidence in the implementation of the YHA."

**14.42 Lack of Information:** The YHA is not well publicised. Even those who know of it often have inaccurate information.

It is common for young people to arrive at a refuge or at other youth services with no money and few ideas about what financial assistance might be available to them."

The Inquiry was informed that counter staff in Department of Social Security offices are still failing to advise young people who may be eligible of the availability of the allowance:<sup>4</sup>

**14.43** The South Australian Youth Housing Network, in a submission made to the South Australian Youth Housing Inquiry in 1986, and also submitted to this Inquiry, identified six major problems that young people face in obtaining information:

- leaflets and brochures are not an effective means of getting information to young people;
- the language used in printed information is often inappropriate, especially for young people with a low literacy level;
- in many cases, printed information is available only in English;
- information is sometimes only available from locations which some young people find threatening (e.g. Government buildings);
- 'word of mouth' is the most common source of information for many young people, but the information gets distorted or out of date;
- many Government workers only provide information which is specifically requested, rather than volunteering additional information. This is particularly difficult when young people don't know what information they need, or what might be available."

**14.44** It was submitted to the Inquiry that:

If the- YHA is to be an effective safety net for young people who cannot live with their families, appropriate attention should be given to ensuring that its existence and basic provisions are well known in schools and in the community.. There is a strong argument for a range of innovative publicity initiatives about the allowance which are targeted at particular groups."

**14.45** The Department of Social Security advised the Inquiry that a decision had been taken to improve the publicity given to the YHA with a particular emphasis on informing people in contact with homeless young people." The Department expressed its concern that a broad dissemination of information about the YHA would be an incentive to young people to leave home for frivolous reasons."

**14.46 Staff Attitudes:** Evidence was given that many homeless young people have been permanently discouraged by the reception given their initial enquiries by counter staff of the Department of Social Security or by insensitive handling of their claims. A Victorian youth worker told the Inquiry:

The thing that I have noticed recently is a lack of understanding by Social Security officers and the lack of willingness to provide young people with information. For example, very few young people are told

that they have a right to appeal against a decision. They also have a right to apply for Special Benefits if they are under extreme circumstances. They probably also do not tell young people that there is a four month waiting period for appeals and during that four months you are not entitled to payment..."

A refuge worker told the Inquiry:

We often get complaints about the attitude of counter staff at Social Security offices. The young people have reported things like being ignored, misled, treated with disrespect, indifference and being intimidated."

**14.47** The very nature of the types of disclosures required of YHA applicants will cause distress in many cases. Evidence was presented to the Inquiry that this is not sensitively handled by counter staff of the Department of Social Security:

In some instances a young person's initial enquiries concerning eligibility have been handled in an insensitive manner involving the semi-public disclosure of private and distressing information."

**14.48 Complex Application Procedures:** Many youth workers gave evidence to the Inquiry that no young person known to them had been successful in obtaining the YHA without the significant and persistent assistance of an adult advocate."

...compiling correct and sufficient documentation to support a case can be extremely time consuming and difficult. Establishing a case almost certainly requires self confidence, a good working knowledge of the 'system', probably a little legal knowledge and good writing and negotiating skills. It cannot be assumed that all young people possess such skills, all of which are required at a time when applicants might be experiencing considerable emotional upheaval because of leaving home...

The reality is that youth workers, refuge workers, social workers attached to community and welfare agencies, school counsellors and school welfare coordinators play a crucial part in young peoples' applications for YHA. It is clear that many young people do not have the skills or the knowledge to successfully negotiate the path to receiving the Allowance, nor do they have the persistence and self-confidence to fight an application through when so many barriers and set-backs can be placed in their way."

**14.49** Securing entitlements to income support for young people may entail appealing to the Social Security Appeals Tribunal or the Administrative Appeals Tribunal. Without advocacy, very few (if any) young people are able to pursue these options, even if aware of their existence. A 15-year-old homeless witness told the Inquiry that:

It took me four months to get cash from the Department of Social Security. I needed a youth worker to advocate for me. I had to go to the Social Security Appeals Tribunal...If I did not have a youth worker who helped me with the Department of Social Security, I probably still would not have an income. There are lots of young people who do not have access to youth workers and some do not even know about the Department of Social Security and the CES and housing services and welfare agencies.'

Many become frustrated, give up, and fail to pursue their rights:

It is very hard for young people just off their own bat to say: I wish to appeal, because there has been a precedent set in 1986 that I should get a homeless allowance or special benefit."

**14.50** The Inquiry was told that many young people, hearing of the experiences of others, decided not to attempt to obtain YHA. Others persevere only to be ultimately frustrated by the difficulty of satisfying the assessor or by the length of time taken to process the application. Some have been forced to move on to other areas in the period between application and assessment, for example when requested to move out of a refuge or when a temporary accommodation arrangement broke down. The Department of Social Security submitted that:

The complexity of YHA administration is in part a function of the eligibility criteria. Criticisms of the administration of YHA centre on how claims should be investigated and verified."

**14.51** Late in 1988 the Department revised some of its procedures for determining YHA applications, placing more emphasis 'on determining claims as quickly as possible.' Assessors are now instructed to

avoid 'detailed checking of aspects of claims about which there is little doubt' and to limit 'questioning to matters directly relevant to the claim and to persons with direct knowledge of the situation'." The new guidelines make clear that the departmental social worker's assessment is to be determinative 'in the absence of other conflicting evidence.'

**14.52** Professional staff of the Department are more likely to understand the difficulties of the young applicants. Evidence was given in Tasmania, for example, that the Department's social workers are sympathetic and helpful:

Social Security social workers seem to be sympathetic to shelter residents and will make an effort to prove eligibility and recommend payment. Also, information which we can offer regarding the applicant's situation is often accepted when parents are inaccessible or difficult to deal with."

**14.53 Forms of Identification:** In order to obtain the YHA, a homeless young person must possess at least three identifying documents. The applicant will normally have satisfied this requirement, if at all, when applying for the Job Search Allowance or other benefit which YHA supplements. The point has been well made that the requirement is unrealistic in the case of homeless children and young people. It is not unusual for young people to leave home without taking with them their birth certificate (and the Department will not accept a birth certificate issued less than 12 months previously). Most do not have a tax file number, a Medicare card, a driver's licence or other means of proving their age, identity and address (student cards, library cards, automatic bank teller cards and bank accounts less than 12 months old are not accepted in any event).

One of the big problems with homeless or transient people is identity, proving who they are, having identity papers, especially younger kids...Unless they have been a ward of the state or had some contact with welfare, they can have problems proving who they are...Usually Social Security [Adelaide] do give two payments to people on inadequate identity, so it is not a problem immediately. But it can be in the long term...and what can happen is they just keep moving around...to get their next two payments..."

Many homeless young people will be unwilling to re-establish contact with their parents in order to obtain proof of identity.

**14.54 Verification Procedures:** All statements by YHA applicants in support of their applications must be verified in all cases. Verification difficulties arise in two main areas. First, parents contacted by the Department of Social Security to confirm or deny that the child could not live at home under any circumstances will often be reluctant to admit this publicly and will be more likely to give the 'socially acceptable answer that the young person can return home'." As Ian O'Connor reported:

...there would seem to be a serious problem with regulations which require parents to admit to child abuse or forcing their children out of home, before the homeless young person can be deemed eligible for the YHA."

**14.55** The Inquiry was told that some parents had been contacted, contrary to departmental instructions, when their children had alleged abuse." In Melbourne the Inquiry was told:

...I know of a young woman who gave her reason for wanting to live away from home as being sexual assault by her father, and so then the father was contacted and asked if that was true. He said no, and so the young woman did not get the [Young] Homeless Allowance because in the Department's eyes she had no reason not to go home."<sup>4</sup>

Another example was given in Sydney:

A 15-year-old...boy who runs away from a father who wants him to return. This 15-year-old boy has been the subject of physical and sexual abuse. For a number of years his father attacked him with a horse whip and left some scarring., he was allowed on Special Benefits but was refused the Young Homeless Allowance because his father said he was happy for him to come home."

**14.56** A second set of difficulties surrounding the verification requirement relates to the proof of 'other exceptional circumstances'. When a young person claims that exceptional circumstances prevent a return to the family home, proof of those exceptional circumstances may be very difficult to provide. The

Department of Social Security has, until recently, preferred claims on this ground to be validated by a professional who worked with the child while still in the threatening home situation or by someone else who knows the family well. However:

Not all young people with difficult home situations have come to the notice of an agency, nor are the details of what goes on in the home necessarily known to neighbours or the school. This is frequently the case where sexual abuse or domestic violence has occurred.%

Late in 1988 an alternative was introduced so that now the claimant can be referred, with his or her consent, for medical advice or the departmental social worker can make an assessment." Parents are not to be contacted without the claimant's consent."

14.57 The Department of Social Security advised the Inquiry that it was 'acting to improve the way YHA operates'. The Department is considering whether State welfare authorities could become more involved in assessing claims and eligibility. Efforts are being made to ensure that each departmental office is staffed by at least one officer expert in the handling of YHA claims who is able to do so with the requisite sensitivity. In addition, the Department is taking steps to ensure that contact with parents is handled more sensitively in future.'" Given the delays involved in contacting parents in some cases as well as the sensitivity surrounding some parent-child relationships and their breakdown, the following new instruction is particularly welcome:

Parents should not be contacted. .if there have been no dealings of a type which indicate parental concern with the claimant for at least two years."

However, except in the above case, it is still necessary to contact both parents even where they no longer live together."

## INDEPENDENT AUSTUDY

**14.58** Austudy is an allowance paid to secondary and tertiary students aged 16 years and over who are in need. Payment is usually made direct to the student, although parents of younger secondary students can ask to have it paid to them instead. A parental income test is applied to all students except those who are assessed as 'independent'. Among those who are assessed as independent are homeless young people determined on the same criteria as for YHA. However, unsupported students face an additional difficulty in establishing their eligibility in that, unlike the Department of Social Security, the Department of Employment, Education and Training does not employ social workers to assist in the assessment of claims.'" A six week qualifying period also applies, as for the YHA.

14.59 On 30 June 1988, 4,717 students were in receipt of Austudy at the independent rate due to homelessness: 2,384 (50.5%) of these were aged under 18 years. Implementation problems similar to those noted with respect to the YHA have plagued the independent Austudy allowance. A Department of Social Security social worker identified the six week waiting period, lengthy delays in processing applications and the difficulties of proving homelessness as particular problems."

**14.60** The Department of Employment, Education and Training advised the Inquiry that 'in the six months ending 30 June 1988, 7,437 applications for the grant of independent status under the homeless criteria were received. Of these, 4,717 [63%] applicants were granted independent status on that basis'.'" Another 5% of applicants were granted the same (higher) rate of Austudy on a basis other than homelessness. Reasons for rejection of the remaining applicants were as follows:

- Homeless provisions misunderstood: 15.9%
- Insufficient information provided to establish eligibility: 15.5%
- Home circumstances not severe enough to meet criteria: 14.6%
- Student allowed by parents to live at home under conditions not considered unreasonable: 11.2%
- Failure to meet other Austudy eligibility criteria: 10.5%

- Receiving other income support: 9.7%
- Application withdrawn or applicant has failed to provide further information required: 6.4%
- Student returned home: 2.0%<sup>106</sup>

Thus, over 40% of rejected applicants, and 15% of all applicants, were rejected because of a failure to meet the requirements of the eligibility criteria.

## **JOB SEARCH ALLOWANCE**

14.61 When the junior Unemployment Benefit was abolished for 16 and 17-year-olds (effective 1 January 1988), it was replaced by a Job Search Allowance (JSA) for unemployed young people actively looking for work, at a basic rate of \$25 per week. For those who are without parental support or whose parents are on a low income, the rate is \$50 per week. The abolition of the Unemployment Benefit for under-18-year-olds was greeted with considerable consternation by young people and youth workers. It was clear that income support was being denied to the majority of unemployed 16 and 17-year-olds and that the JSA was nothing more than an allowance to allay the costs of the job search.' The Inquiry was told:

During the Christmas [1987] and New Year [1988] period when all under-18-year-old Unemployment Benefit recipients were automatically cut back to the \$25 per week, youth refuges and emergency accommodation services reported an overwhelming increase in the number of referrals and a general feeling of panic among young people.'

Similar evidence was given in Adelaide and Hobart:

...over the last two months, particularly in February [1988]...young people that were coming in seeking information about housing quadrupled. So did our requests for financial support in the 15 to 18 year old age bracket. I am suggesting that has...everything to do with the Job Search Allowance."

The Inquiry received a substantial amount of evidence to the following effect:

The ramifications of the changes to Job Search Allowance, in that it is an allowance and not income support and, therefore, the young person cannot possibly live on an allowance, are enormous. The financial strain on the families of these young people and on the young person themselves has increased youth homelessness and related problems for young people across Australia."

14.62 All of those who apply for JSA at the higher rate must submit a parental income statement. For homeless young people this may be very difficult, especially for those whose parents have rejected them. Those who qualify for YHA, and those are very few as detailed above, are relieved from the requirement to submit a parental income statement.

Not all JSA claimants who live away from their parental home will qualify for Young Homeless Allowance. Most of those not qualifying for Young Homeless Allowance will need to have their parents complete a form...and submit this to the Department of Social Security for the purposes of the parental income test, Without the completion of [the] forms, and without convincing Social Security of a possible entitlement to Young Homeless Allowance, these youth will be forced to survive on \$25.00 per week. This causes obvious problems!"

14.63 Apart from those qualifying for YHA, only young people in the following categories need not submit a parental income test:

- those who have been in continuous receipt of Unemployment Benefit since May 1987;
- single 16 and 17-year-olds with dependent children;
- single 16 and 17-year-olds who have lived away from home continuously for at least six months and have also had a total of not less than 13 weeks employment in that time; and
- State wards not in long-term foster or other forms of institutional care.' One submission to the Inquiry criticised the JSA parental income test exemption criteria as `unjust.'<sup>3</sup>

**14.64** Evidence was presented to the Inquiry that the JSA, even at the basic rate is difficult to obtain, so that some unemployed young people will be without any income whatsoever." Many youth workers gave evidence to the Inquiry that significant proportions of youth refuge residents are without an income.

...in 1986-87, 81% of residents had no income. Furthermore, 90% of all Western Port Youth Refuge residents between the ages of 15 and 17 had no income.'

In a study of 273 homeless young people in the Illawarra region of New South Wales in 1985 and 1986, 11% had no income whatsoever." Of the 1,454 contacts of the Fremantle Youth Accommodation Service in Western Australia in 1987, about 253 (17%) were in receipt of no income whatsoever." In O'Connor's study of 100 homeless young people, 29 relied on the JSA, 27 had no income whatsoever, 17 received small incomes from family, friends, boyfriends etc, and a smaller number were in receipt of some other form of Social Security benefit or pension — Special Benefit, Sickness Benefit, Supporting Parents Benefit — or Austudy."

**14.65** For all JSA applicants there is a 13 week waiting period. The applicant must have been in the labour market (that is, registered for employment and not a full-time student) for 13 weeks before he or she becomes entitled to the Allowance. As the YHA supplements the JSA and has its own six week waiting period, it is clear that a young unemployed and homeless person not only must wait over three months to receive even the meagre \$50 per week JSA but an additional six weeks plus processing time, which can stretch into some months, before receiving the additional YHA payment of \$26 per week. Of the 21,125 JSA recipients in June 1988, only 6.1% (1,287) were also in receipt of YHA. One New South Wales youth service advised the Inquiry that, of 242 homeless clients between 1981 and 1983, 88% were unemployed but only 18% were receiving social security benefits."<sup>9</sup>

**14.66** The view was strongly put by many to the Inquiry that, in the words of one witness:

The Federal Government labours under three false assumptions in the area of income support:

- one, that unemployed under-21s are dependants receiving parental support and that students under 25 are also...supported;
- two, that young people under 21 have lower living costs;
- three, that unemployment is only brief...

Underpinning the recent changes is a push to prolong the dependency of the 16 to 20 age group on their parents...The family, not the community, is to foot the bill for the children's economic redundancy...

The fact is unemployed teenagers come from families that can least afford to support them.<sup>12o</sup>

## **FINDINGS AND RECOMMENDATIONS**

**14.67** The Inquiry finds unacceptable the fact that the Federal and State Governments have been unable to agree which has the responsibility for financial support of those young people detached from their families who are under 16 years of age. They are among the most vulnerable people in our society, yet they are left, in far too many cases, to fend for themselves.

My name is Danny...I am 15 years old and I was on the streets for six months and I did not like that because I did not have no food and no money and no other clothes and no bed. Just an ordinary dirty ground and I was hungry so I had to steal some food and when the night came I went snow dropping for some clothes to wear...<sup>12,</sup>

The Inquiry also finds unacceptable the fact that too many homeless young people, including those aged 16 and 17, are unable to survive even on the maximum income provided to them by the Federal Government (JSA + YHA = \$76 per week). Many must wait for an inordinately long period of time before receiving any income support. During this period they are particularly vulnerable to exploitation and violence and, in some cases, are unable to establish their eligibility for income support and must attempt to survive without a legitimate income.

**14.68** The evidence, both in Australia and elsewhere, is dear and compelling. Homeless children and young people who cannot return to their families, cannot find employment and cannot get income support are sometimes forced, *in a matter of days (not weeks)*, into criminal activity or prostitution to survive.

One of my boys put it for me very directly. 'Bruce', he said, 'I've got two choices: I can go with a john [customer] and do what he wants' (his actual phrase was 'sell my tail') 'or I can rip somebody off and go to jail. And', he said, 'I'm afraid to go to jail. I wouldn't make it through my first shower. I can't get a job. I have no skills. I have no place to live.'<sup>22</sup>

You see, the word on the street is, johns prefer chickens —

The costs of providing effective and timely income support --- both in economic and social terms — must be matched against the costs of *failing* to provide such support — both in economic and social terms. These are addressed in Chapter 7, The Costs of Youth Homelessness.

**14.69** All children are entitled to 'enjoy the benefits of social security'." A child acquires the right to determine his or her own place of residence when he or she has the maturity to make this decision. As discussed in Chapter 4, The Rights of the Child, Australian law does not establish an age at which this maturity is deemed to have been achieved. Moreover, it is not appropriate for Department of Social Security officers to determine the maturity of each applicant for a benefit or allowance. The Department does have a responsibility, however, to ensure equity of access to welfare entitlements for children and young people.

14.70 The State has an obligation to protect all children from exploitation and abuse. Income support for young people should *enable* them to remain with their families even when the family is financially disadvantaged. Income support for homeless children and young people must be combined with intensive efforts at reuniting the family and preventing future detachment. If reunion is impossible or inappropriate, finding secure and adequate accommodation with necessary supports for the young person is essential." The system of providing income support should not *force* children and young people to remain in homes where they are seriously abused or in homes where conditions are seriously detrimental to their healthy and normal development."

#### **RECOMMENDATION 14.1**

- **Where children and young people leave or ought to leave home because of serious neglect or abuse, the Commonwealth<sup>1</sup> should meet the obligation to support them, regardless of their age, in conditions where they are protected and can develop as required by the Declaration of the Rights of the Child.**

**14.71** The Young Homeless Allowance has proved to be inadequate to the task of alleviating youth homelessness. The Inquiry finds that existing Federal income support measures for homeless children and young people are extremely inadequate. They must be thoroughly revised with a view to making them both adequate and realistic. There is a need to develop a strategy for income security which accords with human rights and the requirement of adequate payment levels.

#### **RECOMMENDATION 14.2**

- **The Inquiry recommends that adequate income support be urgently provided by the Federal Government for all homeless children and young people who cannot, or should not, be reunited with their families.**

**14.72** The Commonwealth should provide support to young people *actually* in need and not only to those whose 'need' can be 'justified'.

#### **RECOMMENDATION 14.3**

- **The Inquiry recommends that, while an alternative income support strategy for homeless children and young people is being developed, the following changes in the eligibility requirements for the Young Homeless Allowance be implemented immediately:**
  - **that the Allowance be equally available to children under 16 and young people 16 and 17 years of age;**

- that, during the qualifying and assessment periods for the Allowance, Special Benefit be paid (at a total equivalent to the Job Search Allowance plus the Young Homeless Allowance — subject to the following recommendation — unless the applicant is already in receipt of Job Search Allowance) when the application is supported by a youth worker from a recognised agency or by a social worker of the Department of Social Security; and
- that the criteria of homelessness be extended to include a test of independence. A young person who has lived away from home for three months should qualify for the Allowance without the need to prove that the other criteria of 'homelessness' apply to him or her.

**14.73** The amount of the Young Homeless Allowance must be immediately increased so that it is sufficient for the recipient to secure and maintain adequate accommodation and for other necessities including social participation.

#### **RECOMMENDATION 14.4**

- **The Inquiry recommends that the total benefit paid to a homeless young person be equivalent to the adult rate of Unemployment Benefit.**

The Inquiry agrees that:

Once a young person is independent of their family the rationale for a reduced level of payment no longer holds."

#### **RECOMMENDATION 14.5**

- **The Inquiry recommends that the Special Benefit, payable to 'independent' children and young people not eligible to receive the Job Search Allowance, be administered in the light of these recommendations.**

**14.74** All Social Security benefits for which young people may properly apply should be as accessible to young people as adult benefits are to adults.

#### **RECOMMENDATION 14.6**

- **Therefore, the Inquiry recommends that:**
  - **eligibility and ID requirements must not bar eligible young people on technicalities;**
  - **publicity and information about the benefits be directed to young people;**
  - **publicity must recognise that most young applicants will have no previous experience of dealing with the Department of Social Security;**
  - **the Department consider effective methods of reaching needy (and possibly eligible) young people unlikely to approach the Department, such as outreach within schools, youth refuges, community-based youth centres and other welfare organisations;**
  - **specialist staff be selected and trained by the Department to deal sympathetically and speedily with claims from young people; and**
  - **counter staff also be trained in the provision of information in an appropriate way to young people.**

## Notes

1. N. Burrows, *Transcript* at 1807.
2. S.88, M. Parrish, at 1.
3. M. Edwards, 'Youth Allowances: Incentives and Reform Issues' (1985) 20(1) *Australian Journal of Social Issues* 35, at 44.
4. *Income Support for Young People: Priorities* (1984) at 9.
5. S.106, Youth Affairs Council (SA), *A Fair Deal for Young People: Principles and Proposals*, at 3.
6. F. Maas, Australian Institute of Family Studies, *Transcript* at 914.
7. K. Dyson, Youth Accommodation Coalition (WA), *Transcript* at 621.
8. K. Ferdinand, Fusion Australia Launceston (Tas), *Transcript* at 1528. See also, S.106, Youth Affairs Council (SA), at 18.
9. S.110, Youth Accommodation Association (NSW), at 3.
10. S.49, Australian Institute of Family Studies, at 47.
11. T. Moore, Developmental Youth Services Association (NSW), *Transcript* at 61.
12. B. Bradbury et al, 'Youth Unemployment and Intergenerational Immobility' (1986) 28(2) *The Journal of Industrial Relations* 191, at 191.
13. See, eg, J. Boulenez, Teen Challenge Brisbane, *Transcript* at 264; C. Crowe, ACT Youth Accommodation Group, *Transcript* at 519.
14. K. Ferdinand, Fusion Australia Launceston (Tas), *Transcript* at 1528.
15. S.34, Essendon Youth Accommodation Group Inc. (Vic), at 22.
16. K. Mickan, Service to Youth Council Adelaide, *Transcript* at 1262.
17. Anon., (Adelaide), *Transcript* at 1328. See also, Anon., (Adelaide), *Transcript* at 1329; Anon., (Hobart), *Transcript* at 1457.
18. I. Boyson, Southside Youth Refuge (ACT), *Transcript* at 587.
19. We are indebted for the description of the Young Homeless Allowance to a submission from the Australian Institute of Family Studies entitled '*Issues Arising from the Implementation of the Young Homeless Allowance*' by F.Maas and R.Hartley (1987) (S.49).
20. *Social Security Act 1947* (Cwth), s.118(8).
21. Department of Social Security, *Unemployment and Sickness Benefits Manual* (1988), para 29.220.
22. *Id*, para 29.480.
23. *Id*, para 29.481.
24. *Social Security Act 1947* (Cwth), s.118(8)(b),(c). The Department's Benefits Manual, *op cit*, para 29.311, makes clear that any form of continuous material support from parents, 'regardless of the amount', makes a person ineligible for YHA. Continuing income support from Commonwealth or State agencies also disqualifies a person from YHA. The Department of Social Security regards income support as 'continuing' where it is on a regular and stable basis leading to the beneficiary having a reasonable expectation of receiving benefits for an extended period. Payments for specific purposes - such as emergency relief or rent relief payments - are not regarded as income support: Benefits Manual, *op cit*, para 29.332.
25. S.82, Young Homeless Allowance Reform Group (Vic), at 4.
26. R. Fopp, Appendix D.
27. *Social Security Act 1947* (Cwth), s.116(1)(a).
28. S.34, Essendon Youth Accommodation Group Inc. (Vic), at 19.
29. S.146, I. Watson, at 1.
30. N. Clay, Wollongong Youth Refuge (NSW), *Transcript* at 1796.
31. J. Chisholm, Youthcare, Anglicare (Tas), *Transcript* at 1490.
32. I. O'Connor, '*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* (1988) at 24.
33. Telephone communication between I.Carnell, Department of Social Security, and the Secretary to the Inquiry, 7/10/88.
34. Mr Godfrey, First Assistance Secretary (Resource Management), Department of Social Security, *Senate Hansard* 21 October 1988, F216.
35. F. Maas, Australian Institute of Family Studies, *Transcript* at 910.
36. S.120F, Tasmanian Government, at 10

37. J. Rome, *Transcript* at 83. See also, T. Moore, Developmental Youth Services Association (NSW), *Transcript* at 63.
38. S.82, Young Homeless Allowance Reform Group (Vic), at 5.
39. S.49, Australian Institute of Family Studies, at 42-45.
40. *Id.*, at 54.
41. S.120B, Western Australian Government, at 36.
42. S.120D, Victorian Government, at 10.
43. S.120F, Tasmanian Government, at 5.
44. S.91, at 25.
45. Re Spooner and Secretary, Department of Social Security, (1985) 8 *Administrative Law Decisions* 80, at 87.
46. S.65C, Department of Social Security, at 16.
47. *Id.*, at 17.
48. *Ibid.*
49. S.49, Australian Institute of Family Studies, at 29.
50. *Ibid.*
51. Anon., quoted in S.112, Bankstown Workers With Youth Network (NSW), at 21.
52. C. Holdom, YMCA Perth, *Transcript* at 759.
53. T. Bourne, Lifeline Gold Coast (Qld), *Transcript* at 389.
54. S.65C, Department of Social Security, at 18.
55. K. Walker, Street Work Project, Vic Department of Community Services, *Transcript* at 982.
56. Department of Social Security, *Benefits Manual* (1988), para 24.2010.
57. This approach also defeats the purpose of the Special Benefit which is to provide a safety net for those in need who nevertheless do not fit the eligibility criteria for more specific purpose benefits. It is at least arguable that imposing the eligibility requirements for the YHA on applicants for Special Benefit is incorrect in law. The application of the criteria for the YHA, in s.118(8) of the Act, to eligibility for Special Benefit, under s. 129, is not expressly authorised. The Department's view is that Special Benefit should not be used to evade the eligibility requirements of other specific benefits: *Benefits Manual*, *op cit*, para 24.003. The Administrative Appeals Tribunal, however, has pointed out that this is exactly the purpose of the Special Benefit. It is intended to serve as a 'safety net' for those who are not within the criteria of more specific benefits: Re Spooner (1985) 8 *Administrative Law Decisions* 80 at 89. See also Re Takacs and Director of Social Services, (1982) 4 *Administrative Law Notes* 234: '...the purpose of the section was that no-one should be left without a sufficient livelihood, and that for those who do not qualify for receipt of some specific benefit, provision for such livelihood should be made.'
58. *Social Security Act* 1947 (Cwth), s.129. According to the Administrative Appeals Tribunal, receipt of support from parents is relevant only to the exercise of discretion and should not bar a child from receiving Special Benefit unless it in fact provides the child with a sufficient livelihood: see Re MT, KM, NT and JT (1986) 9 *Administrative Law Decisions* 146 at 149.
59. S.120D, Victorian Government, paras 3.14, 3.19, 3.20.
60. S.120F, Tasmanian Government, at 10.
61. S.120A, Queensland Government, at 11.
62. Re Spooner, *op cit*, at 88.
63. The Tribunal also rejected the Department of Social Security's argument that the payments received by Spooner from the State Department of Youth and Community Services constituted a sufficient livelihood. These payments were outside Spooner's control and were unpredictable and discretionary. At the time of the Tribunal hearing, Spooner remained in circumstances described by the Tribunal as 'desperate': Re Spooner, *op cit*, at 89. He was awaiting a decision by the State welfare department on an application for a payment to buy some underclothes and socks: *id.*, at 92. The Department's *Benefits Manual* now accepts that emergency relief payments are not to be regarded as 'income': para 29.332. The Tribunal also rejected the suggestion that the possibility of legal action by Spooner against his parents for maintenance meant that he had means of securing an adequate livelihood: The structure of social security is to take its applicants as it finds them and provide succour and assistance to a person finding himself in need, no matter how that need arose: *id.*, at 87.
64. F. Maas, 'Keeping Income Support on the Youth Policy Agenda' (1987) 6(1) *Bulletin of the National Clearinghouse for Youth Studies* 2, at 4.
65. S.120A, Queensland Government, at 12.
66. S.120D, Victorian Government, para 3.4.
67. S.120B, Western Australian Government, at 37.

68. S.120F, Tasmanian Government, at 10.
69. See also, S.61, Welfare Rights Unit (Vic), at 3.
70. O'Connor, *op cit*, at 150.
71. S.65C, Department of Social Security, at 18-19.
72. S.113, National Women's Housing Conference Action Network, at 14.
73. S.49, Australian Institute of Family Studies, at 16.
74. P. Andrews, St Kilda Youth Housing Group (Vic), *Transcript* at 977.
75. S.106, Youth Affairs Council (SA), Attachment at 11.
76. S.49, Australian Institute of Family Studies, at 17.
77. Letter to Secretary to the Inquiry from S. Spooner, Acting First Assistant Secretary, Social Policy Division, Department of Social Security, 5 October 1988.
78. Mr Butel, Department of Social Security, *Senate Hansard* 21 October 1988, at F206.
79. P. Andrews, St Kilda Youth Housing Group (Vic), *Transcript* at 977.
80. H. Cox, Adelaide Central Mission, *Transcript* at 1308.
81. S.49, Australian Institute of Family Studies, at 20. See also, S.129, Youth Project Centre Port Augusta (SA), at 2; S.82, Young Homeless Allowance Reform Group (Vic), at 4; M. McGregor, SA Department for Community Welfare Port Augusta, *Transcript* at 1401.
82. See, eg, S.82, Young Homeless Allowance Reform Group (Vic), at 10: 'The only young people who have contacted Brunswick City Council Youth Services who have been successful with their claims are those who have been assisted by the Youth Outreach Worker.'
83. S.49, Australian Institute of Family Studies, at 27.
84. N. Burrows, *Transcript* at 1806-1807.
85. S. Boyle, Youth Legal Service (WA), *Transcript* at 709.
86. S.65C, Department of Social Security, at 12.
87. Benefits Manual, *op cit*, para 29.220.
88. *Id*, para 29.241.
89. J. Chisholm, Youthcare, Anglicare (Tas), *Transcript* at 1490.
90. H. Cox, Adelaide Central Mission, *Transcript* at 1308. See also, K. Swanton, Sydney Area Health Service, *Transcript* at 151.
91. S.97, Central Highlands Youth Accommodation Coalition (Vic), at 6.
92. O'Connor, *op cit*, at 154.
93. The Department's Benefits Manual states that departmental social workers may investigate claims only with the applicant's express written consent: Benefits Manual, *op cit*, paras 29.240-29.244. Parents are to be contacted concerning a child's allegations of sexual abuse 'only if this is justified in the professional opinion of the Social Worker and only if the express written permission of the claimant is obtained': *id*, para 29.444.
94. K. LSiall, Young Women's Housing Collective Melbourne, *Transcript* at 1028.
95. D. Leary, Come-In Youth Resource Centre (NSW), *Transcript* at 6-7.
96. S.49, Australian Institute of Family Studies, at 21.
97. Benefits Manual, *op cit*, para 29.482.
98. *Id*, para 29.483.
99. S.65C, Department of Social Security, at 15.
100. *Id*, at 15-16.
101. Benefits Manual, *op cit*, para 29.280.
102. *Id*, para 29.402.
103. S.17, N. Springell, at 2.
104. *Id*, at 1.
105. Letter to the Human Rights Commissioner from V.Fitzgerald, Secretary, Department of Employment, Education and Training, 12 October 1988.
106. *Ibid*.

107. T .Moore, Developmental Youth Services Association (NSW), *Transcript* at 61.
108. K. Gregory, Youth Accommodation Coalition Incomes Working Group (Vic), *Transcript*, at 932.
109. K. Grogan, Shop Front Adelaide, *Transcript* at 1303.
110. R. Hughes, Stepping Stone Streetwork Hobart, *Transcript* at 1467.
111. S.17, Neil Springell, at 2.
112. Benefits Manual, *op cit*, para 32.410.
113. S.61, Welfare Rights Unit (Vic), at!.
114. D. Saltmarsh, Melbourne City Mission, *Transcript* at 920.
115. J. Perham, *Transcript* at 1103.
116. S.146, I.Watson, at 1.
117. G. Kempin, Fremantle Youth Accommodation Service (WA), *Transcript* at 693.
118. O'Connor, *op cit*, at 24.
119. S.13, Homeless Children's Association (NSW), at 2.
120. T. Moore, Development Youth Services Association (NSW), *Transcript* at 60.
121. Quoted in S.96, Westir (NSW), at 37.
122. Father Bruce Ritter, *Sometimes God has a Kid's Face* (Covenant House,1988) at 55.
123. *Ibid*.
124. Declaration of the Rights of the Child. Principle 4.
125. The system of income support should further recognise the incremental independence of young people from puberty to full adulthood at 18. In particular, once legally employable, a young person has an expectation of increased independence. Legal employability begins at the minimum school leaving age - 15 in all States but Tasmania, where it is 16. Special arrangements may be needed in some cases - including for adolescents who are physically disabled or intellectually disadvantaged. The system should be *equitable* in that young people of similar age should not be treated differently on the basis of activity engaged in: i.e. full-time education, full-time training, unemployed.
126. Declaration of the Rights of the Child, Principles 2 and 6. We need not address the question of the appropriate recipient (parent or young person) of a benefit paid to enable the young person to be maintained within the family. The question is important but outside our terms of reference unless it is considered to be a factor in the success of family income support as a measure to prevent homelessness.
127. The Commonwealth has made considerable savings as a result of its abolition of the junior Unemployment Benefit and the substitution of the Job Search Allowance. These savings were \$14.9 million in the second half of financial year 1987-88 and are expected to total around \$34.7 million in 1988-89. The extension of the waiting period from six to 13 weeks led to savings of \$40 million in the second half of 1987-88 and savings are expected to total \$45 million in 1988-89: *1987-88 Budget: Initial Measures* (May 1987). These changes, however, have directly contributed to the homelessness of many young Australians.
128. S.147, Brotherhood of St Laurence, at 18.

