

PROJECT SAFE SHELTER

SUBMISSION OF PROJECT SAFE SHELTER IN CANBERRA to the inquiry into the provision of Social Housing in the ACT by the Standing Committee on Health, Community and Social Services of the Legislative Assembly for the Australian Capital Territory

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I. RECOMMENDATIONS

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- ❖ Recommendation 2: Housing ACT should adopt accountability indicators that reflect the extent their activity is making inroads into unmet public housing needs. Page 5
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Is not this what I require of you as a fast:
to loose the fetters of injustice,
to untie the knots of the yoke,
to snap every yoke
and set free those who have been crushed?
Is it not sharing your food with the hungry,
taking the homeless poor into your house,
clothing the naked when you meet them
and never evading a duty to your kinsfolk?
Then shall your light break forth like the dawn . . .
(*Isaiah: 58, 6-7 NEB*).

1. This submission relates the modest attempts of a group of inner north Canberra churches to provide a safe shelter for some of the substantial number of our fellow citizens who, to the shame of us all in this the most prosperous city of Australia, sleep rough in the area: the Primary homeless, being those “sleeping rough or living in an improvised dwelling.” (Homelessness Taskforce 2008 p. 3) It is felt that the fraught attempts of our Project Safe Shelter in Canberra group would be of interest to your committee investigating social housing in the Territory not only for the light that it shines on the difficulty of doing something but also for the attention that our focus on a subset draws to a larger and more complex problem of inadequate crisis accommodation in Canberra. The first part of this submission deals with these general issues of primary homelessness and the second with our group’s efforts to plug some of the gap of unmet need.

2. This group of primary homeless comes to the attention particularly of inner city welfare services such as the Early Morning Centre run out of City Uniting Church in Northbourne Avenue and St John’s Care which provides food parcels and other assistance from the grounds of St John’s Anglican Church in Reid. From time to time the other categories of homeless Canberrans also avail themselves of these services, namely

- the secondary homeless which includes those “staying with friends or relatives and with no other usual address, and people staying in specialist homelessness services

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- the tertiary homeless including people living in boarding houses or caravan parks with no secure lease and no private facilities, both short and long-term (Homelessness Taskforce 2008 p. 2).

This submission focuses on the most needy segment of the homeless population in the ACT: those sleeping rough.

3. Compared to the rest of Australia, there is a smaller proportion of the homeless population in the ACT who sleep rough or in improvised buildings.
4. A difficulty in this area is that statistics of services provide by agencies to the homeless are hard hard to come by because agencies are constrained from making them public.

II. THE NUMBERS AND NEEDS: THOSE SLEEPING ROUGH IN THE ACT

5. Agencies estimate that every night there about 150 people in Canberra sleeping rough and that most of these are congregated in the inner north of the city. The most recent official figures are now some 5 years old. They derive from the 2006 national census and other surveys published in 2006. The results of the 2011 census are yet to be published:

TABLE 1: NUMBER OF PERSONS IN DIFFERENT SECTORS OF THE HOMELESS POPULATION

Australia				ACT	
	N	%	N	%	
Boarding houses	21 596	20	108	8	
SAAP accommodation	19 849	19	531	39	
Friends and relatives	46 856	45	647	47	
Improvised dwellings, sleepers out	16 375	16	78	6	
	104 676	100	1364	100	

Source: Census of Population and Housing 2006; SAAP Client Collection 2006; National Census of Homeless School Students 2006.

6. The estimate of 150 is, of course, substantially more than the 78 mentioned and closer to the upper bound of rough sleepers recognised in the territory's social plan: "The number who sleep rough (primary homelessness) each night was between 120 to 315 people" (ACT CMD 2004 p.24). Indeed, there is reason to believe that even these higher figures are a gross underestimate. These 2006 census figures included those in "improvised dwellings" as well as "sleepers out". That the number of primary homeless is as low as the official figures is contradicted by the uptake of the programmes that the government has instituted to address primary homelessness. For example in just 6 months of operation the Street to Home Program operated by St Vincent de Paul "engaged 94 rough sleepers . . . , including three young people, and supported 36 people off the street into accommodation options". Between November 2010 when First Point commenced operating and the end of March 2011 "over 1700 Canberrans who are homeless or at risk of experiencing homelessness have registered with First Point and are being assisted to find accommodation and support" (Burch 2011). The discrepancy is important. Members of Project Safe Shelter have met with scepticism from the Minister and her advisers that there is a

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significant problem of people sleeping rough in the territory. It is a case of out of sight, out of mind. As the World Health Organization has pointed out, without good data problems go unaddressed as did AIDs in South Africa (CSDH (2008) p. 180).

“For sound policy and other decision making purposes it is essential that counts of homeless persons are of the highest quality possible” (ABS 2006, p. vii &, similarly, p. 2).

A. What the census figures hide

7. Rough sleepers are diverse and transient and form an alienated and furtive population suspicious of officialdom and censuses, all of which makes them very difficult to count (ACTCOSS 2002). More is said below about the underestimation in censuses of rough sleepers. The 2006 census probably substantially underestimated the number. It acknowledged that the census was carried out in August when people sleeping rough are likely to hide away to escape the cold, so there could have been undercounting in this category (Chamberlain & MacKenzie (2009) p. 5). The most recent (2011) census took place on another inauspicious date: Tuesday 9 August. Project Safe Shelter understands that in spite of considerable efforts by those in agencies serving the homeless to locate all rough sleepers, those engaged in doing so failed to locate many. The consequences can be serious. For Government a problem does not exist unless it can be quantified.

8. It is little consolation that the level of homelessness here is lower than the national average with only 6 per cent of the homeless in improvised dwellings or sleeping rough in the Australian Capital Territory, compared with 16 per cent nationally. Even so, the churches associated with the Safe Shelter group consider it a disgrace that homelessness in this, the richest city in Australia, should be as high as it is.

B. Female & indigenous homelessness

9. The ACT departs from another national trend in that here more women than the national average are homeless: “in the ACT women outnumbered men 53 to 47 per cent.” (Chamberlain & MacKenzie (2009) p. 7). Moreover and unforgivably in our mind, the ACT homeless are younger than national average: the age profile of the homeless population was younger in the Australian Capital Territory than in other states. (Chamberlain & MacKenzie (2009) p. 7).

10. As elsewhere, “indigenous people were over represented in all sections of the homeless population in the Australian Capital Territory” (Chamberlain & MacKenzie (2009) p. 8).

C. Where homelessness is concentrated

11. *Homelessness is congregated in North Canberra:* There’s “a distinct geographical pattern in Canberra on census night. There were 381 homeless people in North Canberra (the ‘inner suburbs’), where the rate of homelessness was 90 per 10 000. In the remainder of Canberra there were 983 homeless people and the rate of homelessness was 35 per 10 000” (Chamberlain & MacKenzie (2009) p. 9). For this reason there is a particular need to roll out a safe shelter scheme in North Canberra.

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TABLE 6: NUMBER OF PEOPLE IN DIFFERENT SECTORS OF THE HOMELESS POPULATION, NORTH CANBERRA AND REMAINDER OF CANBERRA

North Canberra Remainder of Canberra ACT			
	North Canberra	Remainder of Canberra	ACT
Boarding house	47	61	108
SAAP	143	388	531
Friends and relatives	146	501	647
Improvised dwellings	45	33	78
	381	983	1364

Source: Chamberlain & MacKenzie (2009) p. 10.

1. Recommendation 1: The ACT Government should work with the Australian Bureau of Statistics, the Australian Institute of Health and Welfare and other relevant agencies to improve the estimation of the homeless population in the ACT.

D. Accountability indicators

12. The serious consequences of having no clear idea of the extent of primary homelessness in the ACT is found in the absence from the Government's Accountability Indicators for housing of progress towards meeting unmet needs. Those set out in the 2011-12 budget paper for Housing ACT are all ones of activity: of housing provided and of satisfaction of tenants. Data on activity and attitudes are all, of course, valuable but they are not nearly enough.

- Percentage of public housing allocations to priority and highest need applicants.
- Number of properties managed
 - Public housing properties;
 - Community housing properties;
- Number of tenancies managed by registered Not For Profit Housing Providers;
- Percentage of public housing tenants receiving rebates;
- Annual number of client service visits conducted;
- Overall satisfaction of tenants with the provision of public housing;
- Average cost per dwelling of public housing;
- Percentage of community housing tenants receiving rebates;
- Overall satisfaction of tenants with the provision of community housing (ACT Treasury, 2011, p. 386).

13. The closest any of these comes to linking activity achievements to unmet need is the measure of "Percentage of public housing allocations to priority and highest need applicants." However, the inadequacy of that is apparent on a moment's reflection. You have to be on a priority and highest need list and few of the primary homeless are.

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14. The same criticism can be made of the practice of Ministers and Departments in stressing in media releases and speeches what the Government has achieved or committed to in terms of activity. An example is the phrasing of Minister Burch's media release of 3 May 2011 on the most admirable Street to Home program addressing the very question of primary homelessness:

“\$508,000 over four years will see the expansion of the existing Street to Home program, to actively engage people experiencing chronic homelessness, link them with support services and help them successfully sustain a tenancy” (ACT Budget 2011-2012).

15. It usefully goes on to state that the program had already “engaged 94 rough sleepers . . . between July December 2010, including three young people, and supported 36 people off the street into accommodation options” but it did not indicate how many more it is hoped the program would engage. Such statements should always be linked to unmet need. We appreciate that the political incentive to crow about positive action and gloss over what still needs to be done is great but believe that in the longer term, transparency in announcing progress towards meeting unfulfilled needs, will serve to build public and political support for diversion of resources necessary for the elimination of the scandal of homelessness in our society.

2. Recommendation 2: Housing ACT should adopt accountability indicators that reflect the extent their activity is making inroads into unmet public housing needs.
3. Recommendation 3: The ACT Government should follow a consistent practice of including in every announcement of action to address homelessness, the projected impact of the action on the problem and the estimated level of need remaining to be addressed.

III. THE SLEEPING ROUGH EXPERIENCE

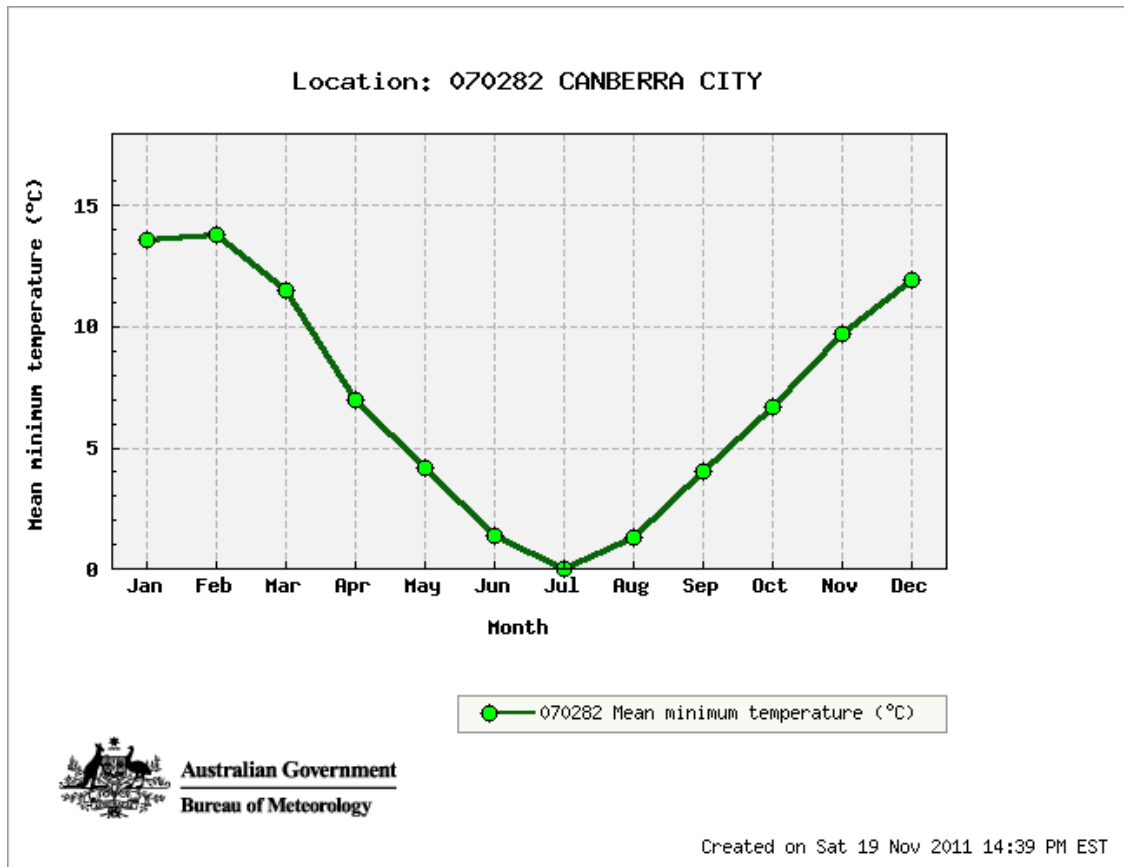
16. Without a conventional residence that one can call one's own, our city is not a particularly welcoming place. We are inclined not to notice indications of our fellow citizens settling down for a night under hedges, as a shadow on one of the few benches around town one can stretch out on (our town designers prefer benches with unwelcoming handrails half way along so you can't), a storm water pipe, an unlocked garage, dump bin or, preferably, a charity bin, if one can fit. When day dawns one may see figures emerging from thickets near CSIRO headquarters or from bush land around Mt Ainslie. From daylight to the evening our conscience is somewhat appeased by the existence of places like the Early Morning Centre at City Uniting Church, the Boomerang Café in Allawah/Coorong flats and St Vincent de Paul's Night Patrol that provide low threshold services to these shadows with whom we share our city.

A. “The owl for all its feathers was a'cold.”

17. Reflection on the rigours of the Canberra weather is the surest way of evoking sympathy for rough sleepers. The limitations of a storm water drain are

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obvious. No, Canberra, particularly in winter, is not a kind climate for those trying to



get a night's sleep outside.

Chart: Average minimum temperature for Canberra.

18. The chart shows that for 8 months of the year the average minimum temperature is less than 10° and less than 5° for 5 months. No wonder that a lot, but far from all, of rough sleepers are thought to migrate to the coast during winter.

19. The weather is one thing but it is not the foremost among the concerns of rough sleepers. Insecurity is, which is ironic, given that we the general community are often apprehensive about rough sleepers.

B. What the client base wants

20. On commission from the Government, the ACTCOSS conducted a needs analysis of homelessness in 2002 of the population that are "sleeping rough". That analysis found:

- 75 percent were single men;
- 79 percent were aged 25 years and over;
- 38 percent had been homeless for over a year;
- 42 percent were on a disability support pension; and

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- 100 percent needed basic support services including meals, showers and laundry facilities. (ACTCOSS 2002, p. 106).

1. Insecurity

21. The adjective “safe” and “safety” figures in the statement of needs. A British survey put it in the following strong terms:

“ . . . at the very heart of the research findings is the fact that the homeless – in hostels and on the street – experience the world as an insecure, unpredictable and troubled place where one is obliged continually to be guarded and suspicious. This is the almost inevitable product of the fear, danger and powerlessness that is at the core of much of the experience of rough sleeping. Many of those living rough take themselves to be socially invisible. The homeless feel – or perhaps more accurately are made to feel – marginal, apart from the respectable world, and heavily stigmatised. Theirs is a world of exposure to frequent, if not continual abuse, and one in which they are denied ‘respect’” (Newburn & Rock 2005, p. 28).

22 That is something that they are often denied by being harassed and moved on. Rough sleepers are more often than the rest of us the victims of crime. Theirs is a sad predicament. For them the police are seen less as their friend or protector but rather as adding to their troubles. They tend to see police as the representatives of broader society and authority which deny the legitimacy of their non-conformist life and is more likely to intensify their troubles and disturb their rest by ordering them to move on. To the credit of ACT Police, we are unaware of any police harassment of homeless people.

2. Homelessness and human rights

23 Housing is an essential ingredient of an adequate standard of living recognised as a human right in fundamental universal human rights instruments including the United Nations Universal Declaration on Human Rights of 1948:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (Art. 25(a)).

24 And the International Covenant on Economic, Social and Cultural Rights:

“The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” (art. 11).

25 Homelessness commonly entails a string of other human rights violations such as “the right to an adequate standard of living, the right to education, the right to liberty and security of the person, the right to privacy, the right to social security, the right to freedom from discrimination [and] the right to vote . . . (HREOC 2008). In the words of the Commonwealth Human Rights & Equal Opportunity Commission:

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“ . . . homelessness is more than just a housing issue. Homelessness is about human rights. Homeless people are not merely objects of charity, seeking help and compassion – like all Australians, they are individuals *entitled* to the protection and promotion of their human rights. Since human rights belong to everyone, it is in the interests of the Australian community as a whole to ensure that the rights of homeless people are respected and protected.” (HREOC 2008).

26 The multiple disadvantages discussed below that the primary homeless typically suffer include substance dependence and other mental illnesses. These conditions intensify their stigma and alienation from the society at large. This is a core human rights issue as Navi Pillay, the United Nations High Commissioner for Human Rights declared in 2008:

“All too often, drug users suffer discrimination, are forced to accept treatment, marginalized and often harmed by approaches that over-emphasize criminalization and punishment while under-emphasizing harm reduction and respect for human rights” (UNHCR 2008).

27 “Individuals,” She stressed, “who use drugs do not forfeit their human rights,”

28 There are even grounds for believing that were the ACT to adopt effective and human rights compliant drugs policy it would not have its current scandalous accommodation crisis:

3. As victims of crime

29 They challenge a perception of good order and seem a threat to public safety fed by the knowledge that the homeless constitute a high percentage of those who end up in prison. As the Australian Institute of Criminology has observed, the truth is rather the opposite: “Although homeless people are generally regarded as perpetrators of crime, a recent study highlights their risk of victimisation from other homeless people and the public” (AIC 2008). Far from being perpetrators of crime, the homeless are far more likely to be victims of crime. This is attested to by surveys in the United Kingdom, the United States, Sydney and anecdotal reports from homeless in Canberra. It is a measure of the social ostracism and invisibility of the homeless that they are ignored in the collection of official data on victimisation conducted by the Australian Bureau of Statistics which admits that its period survey of crime victimisation in Australia: “does not include people such as the homeless or those living in special accommodation, who may experience different levels of victimisation than others in the community.” (ABS 2011p. 45).

“While crime levels are dropping across the UK [just as in Australia], for homeless people the rates are staggering:

- 20% of homeless people suffered a burglary, whilst the British Crime Survey reported that 3.2% of all households in England and Wales had done so
- 67% of the homeless had suffered a theft, whilst 1.4% of all adults in England and Wales had done so.

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- 43% of the homeless had experienced damage to property, whilst 7% of all households had done so.
- Just over half of the sample, 52%, had experienced violence in the past year, in contrast to 4% of the general population
- 8% of the homeless had been sexually assaulted, but the British Crime Survey had encountered too few cases ‘to count.’” (p. 6).

30. A survey in California of 432 youth between 13 and 23 years old tells a similar story:

“Respondents reported a high rate of exposure to violence. Female respondents reported levels of exposure to violence that were as high as those reported by males. Females were more likely to report having been sexually assaulted and fearing victimization, and tended to be less likely to report perpetrating violence. With a few exceptions, ethnic identity was not a significant predictor of exposure to violence or fear of victimization. Age tended to be inversely associated with risk of exposure to violence. Length of time homeless was not associated with fear of victimization” (Kipke *et al* 1997).

31. The Law and Justice Foundation of New South Wales found that in Sydney:

“Many homeless people (women, men and young people) have been victims of crime. A lack of secure housing means that many homeless people are vulnerable to acts of violence while homeless. In the Law and Justice Foundation’s Legal Needs Survey 2003, preliminary analyses of the data suggest that a higher percentage of homeless respondents said they had been a victim of assault in the previous year compared with other respondents. In a 1998 study of homeless people living in inner-city Sydney, 58% of the 157 respondents had been seriously physically attacked or assaulted, 46% had been threatened with a weapon, held captive or kidnapped, and 55% had witnessed a serious crime while homeless. Among the 38 women who were surveyed, two thirds had been indecently assaulted and half had been raped while homeless.

“Twenty of the 30 homeless people interviewed in the current study reported that they had experienced crimes such as assault, stalking and sexual assault, being ‘conned’, being mugged and having their property stolen while homeless.

“A manager in a SAAP service for men referred to the dangers of living on the streets for homeless people and the threats to safety that they face. He said that many of their clients come in during the day to sleep, having kept ‘one eye open’ to ensure their safety while sleeping rough during the night. One participant stated:

“When you’re living out on the street, you’ve gotta be careful and you’ve gotta watch where you go down, where you go to sleep, because you don’t know whose gonna come up after you. And if they find out that you’ve been paid, then they’re a threat. They want to

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come up and rob you, because they know you've got a pension.”
(Forell, McCarron & Schetzer 2005 pp. 75-76.)

32. Another participant reported having been the victim of crime on three separate occasions:

I got threatened by a guy with a syringe. That was in Redfern ... I also got hit on the head with a big heavy frypan and got concussion. I was also robbed at knifepoint at the Cross but that was a few years ago. I reported it as I was a bit scared and really pissed off. He took me gear and me money. (Forell, McCarron & Schetzer 2005 p. 76).

33. A few of the homeless participants in this study also reported being the victim of a crime while they were staying at a boarding house or refuge” (Forell, McCarron & Schetzer 2005).

34. The Foundation reported that women, gay and lesbian and transgender people who are homeless are “at great risk of violence on the streets.”

4. Recommendation 4: Relevant agencies including the police, the Department of Health and Aging and the Housing Directorate establish a continuing arrangement for the measurement of the extent of victimisation of homeless people in the Australian Capital Territory.

IV. HOMELESSNESS AS A MANIFESTATION OF OTHER PROBLEMS

35 In this section we will turn to the factors that are behind homelessness. This understanding is necessary if an appropriate response is to be crafted to assist those suffering from homelessness including those sleeping rough. The two insights into those factors are the understanding of social determinants of health and of risk and protective factors in the life course of people.

A. The homeless and the social determinants of health

36 As well as amounting to a deprivation of their human rights, the deprivation of homelessness typically impairs the health of those who experience it. Housing status is a social determinant of health. “Access to quality housing and shelter and clean water and sanitation are human rights and basic needs for healthy living” (CSDH 2004 p. 4)

37 According to Mr Tony Nicholson who runs the Brotherhood of St Laurence in Melbourne, the life expectancy of the homeless is 15 to 20 years shorter than for average Australians (Pearlman 2008). Around the world, homelessness is one of the most baleful influences on health (CSDH pp. 31-23; O'Connell 2005). In the words of a large agency serving the homeless in Britain, “Street homelessness is a health problem, that requires a dedicated response from the Department of Health” (St Mungo's 2009 p. 4). As a Canadian writer has put it, the influence in the lifecycle process of early childhood education, public education generally and food and shelter are the social determinants of health “that will likely shape our health and life span [and] are the ones that affect society as a whole. And if we want Canadian [for which

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read residents of Canberra] to be the healthiest people in the world, we have to deal with them at that level” (Raphael 2004 p. ix)

B. Homelessness as a life choice

38 One hears it said of people who sleep rough that theirs is a life choice and even that they prefer their unconventional accommodation and lifestyle; that they have an aversion to being confined within four walls and that this aversion can be so extreme as to amount to a panic disorder: anxiety about being in a situation or place from which escape may be difficult (WHOC 2004 p. 225).

39 Indifference and inaction to tackle the problem of homelessness is rationalised by the perception that many homeless like their lifestyle and have a tendency to hold people responsible for their misfortune. Unfortunately, the comments of a British observer resonate in this country:

“According to the New Right, conservative view, homeless people are the authors of their own misfortunes due to their feckless and irresponsible behaviour. They are presented as part of a dangerous and immoral underclass with criminal tendencies which is a threat to the safety of property, the respectability of neighbourhoods and the stability of society. This view of homeless people was clearly articulated by the right-wing conservative UK governments of the early 1990s . . . [Even British Labour] Prime Minister Tony Blair in his foreword to the Social Exclusion Unit's report on rough sleeping, . . . described it as ‘bad for the rest of society,’ explaining that ‘many people feel intimidated by rough sleepers, beggars and street drinkers, and rough sleeping can blight areas and damage business and tourism’” (Grimshaw (2002))

40 What is known about the social determinants of health give the lie to such beliefs and to the unsustainability of indifference to homelessness. It is clearly established that the homeless suffer from multiple disadvantages and that unless effectively addressed society at large suffers and incurs large human and financial costs well into the future.

C. Homelessness flowing from risk factors in the course of their life

41 A possible drawback of the term “determinants of health” is perhaps its suggestion of a fatalistic progression into trouble: that there is no escaping the typical consequences of one's background. Analysis of the determinants in terms of “risk factors” might be seen as more optimistic – one can overcome risks but not “determinants” – and more illuminating in that the associated ideas of buttressing protective factors and intervening with support at times of transitions in people's lives when they are particularly vulnerable. For children times of transition include moving between or from schools and family break up. Divorce and family break up, bereavement and loss of employment can be points of transition in the lives of adults frequently associated with homelessness.

42 As the Australian Institute of Health and Welfare points out, those who are homeless can be expected to suffer from a set of multiple disadvantages. “Homelessness,” it declares, “is a complex issue, involving more than just a lack of

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housing. Factors in the life course of people that increase their risk of becoming or remaining homeless can include:

- Structural factors:
 - o Poverty
 - o Unemployment
 - o Lack of affordable housing
- Personal circumstances:
 - o Discrimination
 - o Poor physical or mental health
 - o Intellectual disability
 - o Drug and alcohol abuse
 - o Gambling
 - o Family and relationship breakdown
 - o Domestic violence
 - o Physical and sexual abuse.” (AIHW 2011).

43 The Commonwealth Government’s white paper on homelessness makes the same point in these terms:

“There is no single cause of homelessness. People at risk of homelessness typically face multiple difficulties. Underlying issues might include domestic and family violence, mental health problems, poverty or drug and alcohol addiction. Often, a single further pressure or event –

job loss, eviction, poor health or relationship breakdown – can tip a person who is already vulnerable into homelessness.

“People without support networks, skills or personal resilience, or who have limited capacity due to their age or disability, can quickly become homeless. Those with the least resources are likely to remain homeless longer. When a person becomes homeless, even briefly, the impact can be long-lasting.

“There are four main pathways into homelessness:

- Housing stress, often driven by poverty and accumulating debt
- Family breakdown, particularly driven by domestic violence
- Poor life transitions, particularly transitions out of the child protection system, prison or statutory care
- Untreated mental health and substance use disorders that lead to the loss of housing, education, employment, family and other relationships” (Homelessness Taskforce (2008), p.24).

44 Professor Tony Vinson has grouped disadvantage or risk factors leading to homelessness and other problems under social distress, poor health, economic

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disadvantage, educational disadvantage and weak community engagement (Vinson 2007).

V. HOMELESSNESS AS A MULTIPLIER OF OTHER PROBLEMS

45 Just as homelessness is a consequence of a range of earlier “problems”, of “risk factors” uncompensated for by “protective factors” or of “determinants”, so the experience of homelessness can intensify existing problems or precipitate new ones. In this way human beings can be caught up in a vortex of disadvantage that increasingly plays out in their own life and in the life of their children and others dependent on them. In this way disadvantage is guaranteed to echo down generations. Two disadvantages commonly intensified or precipitated by homelessness are mental ill health and crime. It is to these that this submission will now briefly turn.

A. Homelessness and mental illness

46 Mental illness is much more common among homeless people than in the general community. A study of a large number of people in a inner-City hostels in Sydney found that at least 75% had at least one significant mental health disorder. “The prevalence was higher for women (81%) than men (73%). The expected prevalence rate of at least one mental disorder in the Australian population is 18%” (Forell, McCarron & Schetzer 2005, p. 51). The Homelessness Task force noted that: “In 2004–05, 12 per cent of SAAP clients reported a mental health problem (Homelessness Taskforce 2008, p. 8). A British survey found “. . . a staggering 76% of interviewees who lived on the streets or in hostels, had some form of mental health problem –either diagnosed by a doctor (65%) or self identified (11%)” (St Mungo’s 2009 p. 4).

“Homelessness and inappropriate housing expose people with mental illness to a wide range of risk factors for their mental and physical health and wellbeing. These include violence and abuse, harmful alcohol and other drug use, poor nutrition and sleep, severe social isolation, lack of amenities for self-care, disease, and even exposure to the elements. All of these are major stressors that are highly likely to compromise mental and physical wellbeing and pose additional challenges for providing continuing care” (Rickwood 2005 p. 36).

47 Rickwood attributes the high coincidence of mental illness and homelessness in part at least to deinstitutionalisation of mental health services. “Of major concern is the level of homelessness experienced by people with mental illness. An unintended consequence of the deinstitutionalisation that has taken place over the period of the National Mental Health Strategy has been an increase in the number of people with mental illness who are homeless or inadequately housed. Data collated by the AIHW on supported accommodation programs show that mental illness, directly and indirectly, is a major contributor to homelessness” (Rickwood 2005, p. 36).

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1. Substance dependence a common mental disorder

48. The high level of mental health and other health problems among the primary homeless lead commentators to suggest that street homelessness should be viewed as a health rather than a bricks and mortar problem (St Mungo's 2009 p. 4). Society is indeed conflicted in how it should respond to primary homelessness: the law has it that a large proportion of rough sleepers are criminals. This is not so much because of the law on street offences (see pp. 18 19below) but because of the high proportion of homeless people afflicted with a substance abuse disorder involving illicit drugs.

“ . . . Homeless people as a group are more likely to encounter the law than other groups because of their greater involvement in illicit drug taking. Further, their lack of financial resources may also mean that homeless people use illegal means to get sufficient money to support their addiction” (Forell, McCarron & Schetzer 2005, p. 111)

49. Substance use disorders are also recognised as mental health conditions under both the International Classification of Diseases (ICD-10) of the World Health Organization and Diagnostic and Statistical Manual (DSM-IV) of Mental Disorders of the American Psychiatric Association.

50. The Commonwealth's Homelessness Taskforce which noted that 12 per cent of SAAP clients reported a mental health problem other than a substance use one, added that “19 per cent reported a substance use problem and another 5 per cent reported both a mental health and a substance use problem. The majority of these clients were men aged between 25 and 44 years”. Much higher prevalence has been detected in a large Victorian survey conducted in 2005-06 of 4,291 homeless people in Melbourne: it found that 43 per cent had substance use problems (Johnson & Chamberlain 2007 p. 5). The drugs concerned were predominantly illicit rather than alcohol or prescription medications:

“The most common drug was heroin, but a minority identified alcohol or other prescription drugs. This is consistent with recent findings indicating that drugs have displaced alcohol as the most abused substance among the homeless, particularly among the young” (Johnson & Chamberlain 2007 p. 5)

51. Substance dependence is regarded as a risk factor for homelessness as well as many other disadvantages but the large Melbourne study suggests that homelessness is an even more potent risk factor for substance abuse:

“We identified that 1,940 people, or 43 per cent of the sample, had substance use issues. Table 2 shows that two-thirds (66 per cent) of them developed substance use problems after they became homeless. Our data confirm that substance use is common among the homeless population, but for most people drug use follows homelessness. Drug use is an adaptive response to an unpleasant and stressful environment and drug use creates new problems for many people” (Johnson & Chamberlain 2007 p. 8).

52. Here we have another of those self perpetuating vortices of disadvantage. Disadvantage and other risk factors lead to homelessness. Homelessness is likely to lead to the mental disorder of substance dependence. The substance concerned is

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likely to be an illicit drug like heroin. Criminal prosecution and imprisonment is a likely consequence of that use of illicit drugs. Imprisonment is likely to compound or create other mental health problems, chances of employment, and stable housing. Is there any way of breaking this downward cycle of disadvantage?

53. Rickwood emphatically believes that establishing people in stable accommodation does:

“In contrast, safe, secure and stable accommodation is protective of health, including mental health (Thomson, Pettigrew & Morrison 2001). Appropriate accommodation not only removes the risks associated with unsuitable accommodation or homelessness, but also provides a base from which a person can focus on their recovery. It enables people to develop links with organisations and services within their community, and allows them to channel their energy into other factors supportive of their ongoing wellbeing (such as education or employment). (Rickwood 2006 p. 36).

54. Substance dependence is often the most urgent issue in the lives of many rough sleepers whose resulting chaotic life style sabotages their dreams and best of intentions. Effectively addressing this can bring stability that facilitates them securing and maintaining housing.

55. The scope for enormous improvement in housing status entailed by treating the mental health condition of drug dependence as a health rather than a law and order issue is illustrated by what happened in Switzerland with the introduction of heroin prescription. At the outset 43% of those recruited to that treatment were in “unstable provisional accommodation”. This fell to 31% after 6 months and 21% after 18 months. Over the same period those in stable, long term accommodation increased from 57% to 79%. This resulted in a substantial reduction in the cost of accommodation in institutions for those on the programme (Uchtenhagen *et al.* 1999, pp. 58-59).

56. So mental health problems are prevalent among the homeless and among these is a high prevalence of substance use disorders involving illicit drugs. In the eye of the law, many of the homeless are criminals on this basis. From this perspective homelessness is a law and order issue.

57. There is thus a conceptual confusion whether the appropriate approach to tackling primary homeless is a health/welfare or a law and order approach. Thankfully the health/welfare one dominates official rhetoric. Both approaches are demanding of resources. The Commonwealth’s Homelessness Taskforce considered that: “About one third of SAAP clients required intensive and/or ongoing assistance with mental health issues” (Homelessness Taskforce 2008, p. 8). An ACT Affordable Housing Steering Group has given a similar warning:

“A response to homelessness will require a strong focus on provision of health services, in particular mental health, and drug and alcohol services” (ACT AHSG 2009 p. 12).

58. Significantly, the Steering Group added that human contact was as important as professional treatment:

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“Such a response should not only be clinical, but should be based on building an ongoing relationship with the client individual” (*ibid.*).

59. At the same time the reality is that more resources are probably poured into the law and order model than the mental health/welfare one. As discussed on page 17 well over 65% of inmates had been in housing stress prior to their incarceration (ACT Health, 2010, p. 12). The ACT prison is thus part of the mix of accommodation for the homeless in the ACT but a most inefficient one. The prison cost around \$131m to build. According to the 2011 Productivity Commission report on Government Service the daily net operating expenditure and capital costs in (2009-10) of maintaining someone there is over \$657.57 (Productivity Commission (2011) table 8A.67) – dwarfing the national average of \$275 (*ibid.*, p. 8.24). Net operating expenditure in 2009-10 excluding capital costs amounted to \$13.3m (*ibid.*, table 8A.74). The cost per prisoner per day amounted to \$369.27 (*ibid.*, 8A.67) compared to a national average of \$127 (*ibid.*, p. 8.4). The recent reviews of the prison attest to the quality of medical, dental and other care accorded remandees and sentenced prisoners although the same can apparently not be said for the standard of mental health care there. The inquiry undertaken by the Burnet Institute found:

“very high levels of mental health morbidity typical of incarcerated populations and a high level of unmet need for mental health care services among prisoners at the AMC, much of which was reported as being unmet” (Stoové & Kirwan 2010 p. 98).

60. The Crisis Support Unit (CSU) where many mentally ill detainees are often confined came in for particular criticism:

“The CSU is designed for a short stay but a significant number of detainees remain for a long term. Some of the detainees had been in the CSU for nine months” (Knowledge Consulting 2011 p. 146).

61. Apart from the inadequacy of treatment, conditions of the standard prison constitute a harmful environment for people with mental health problems. Indeed the stressors of prison routine are risk factors for mental illness. In the words of a prominent Victorian Forensic Psychiatrist:

“The correctional culture and the physical realities of prisons are rarely conducive to therapy. Rigid routines, the pedantic enforcement of a plethora of minor rules, the denial of most of that which affirms our identity, add to the difficulties of managing vulnerable and disordered people”. . . . Placing potentially suicidal prisoners in isolation cells stripped of furniture, clear of hanging points and subject to the constant gaze of prison staff may be a cheap and, in the very short term, effective suicide prevention strategy, but should remain unacceptable to a mental health professional concerned with the state of mind and long term mental health of their patient. Sadly, thriving in total institutions is rarely conducive to coping in the community” (Mullen 2001).

62 The homeless should not have to go to prison in order to receive a standard of health care that they should receive in the community.

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“So really street homelessness is a health problem, that requires a dedicated response from the Department of Health. We all instinctively know street homelessness can cause mental health problems, and mental health problems can cause street homelessness – yet to us it seems health services and policy makers do not make that connection. Substance misuse is often masking mental illness, and services and policy makers need to respond better to this too” (St Mungo’s 2009 p. 4).

B. The homeless and crime

63 “Strong links have been found between homelessness and offending, with the experience of homelessness contributing to an increased likelihood of being imprisoned” (Willis 2004 p. vi). The homeless are more likely to end up in prison, and imprisonment, with the disruption imprisonment brings and the extra difficulty it entails for those released in reestablishment in the community including in employment also intensifies the risk of homelessness. The Homelessness Task Force summarised the situation as follows:

“People leaving prison are also at risk of homelessness. In 2006–07, 1.3 per cent of homelessness service clients reported that they had spent time in the criminal justice system immediately before entering SAAP. People leaving gaol may not have any housing to go to or may return to live with family and friends in situations that are not sustainable.

“Seven per cent of prisoners reported that they were homeless at the time of their arrest.

“An Australian Institute of Criminology study of housing and homelessness outcomes for ex-prisoners found that stable accommodation was likely to contribute to a decrease in reoffending and drug use.

“With the numbers of people in the criminal justice system increasing over the last two decades, this is also a growing group of people at risk of homelessness” (Homelessness Taskforce (2008), p. 9).

64 The 2010 ACT Inmate Health Survey found that well over 65% of inmates had been in housing stress prior to their incarceration (ACT Health, 2010, p. 12) with this stress aggravating stress in other domains: clearly, disadvantage in [health, justice, education, housing and employment] is over-represented among the inmate population” (ACT Health, 2010, p. 12). “Indeed, Prison inmates are characterised by disadvantage, with histories of disrupted family and social backgrounds; abuse, neglect and trauma; poor educational attainment and limited employment opportunities; unstable housing; parental incarceration; juvenile detention; dysfunctional relationships and domestic violence; and previous episodes of imprisonment.” (ACT Health, 2010 p. 4). The 2010 “It is clear that whatever the cause, inability to obtain stable accommodation, ongoing employment and a minimum standard of education are linked to incarceration in the ACT, as in other jurisdictions.” (ACT Health, 2010, p. 12).

65. A 1999 federal/state study, which is still very relevant, on early intervention approaches to crime, describes some of the pathways whereby other risk factors

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combine with homelessness to propel young people into trouble with the police. Children subject to and even exposed to family violence can be expected “to act aggressively towards their parents and siblings.” In that case “they are more likely to be turned out of their homes and to become homeless and then to engage in crime as a means of survival or as part of a deviant peer group” (NCP 1999 p. 164).

“Children in need of care or in wardship are more likely to come to the notice of the police and the juvenile justice system as a result of instability in their out-of-home placements, because of homelessness and the need to commit crimes (fare evasion, theft, break and enter) to survive, because of their exposure to deviant peer groups in refuges, and because they are less likely than other children and young people to have access to appropriate advocates who can prevent the escalation of the consequences for minor infringements” (NCP 1999 p. 163).

66 As measures of early intervention this report called for:

- Increased provision of family housing;
- Increased provision of accommodation for young people, especially those leaving care;
- Provision of refuges/safe houses for runaways, many of whom have been abused;

while ominously noting that “Homelessness has increased in recent years.” (NCP 1999 p. 108).

67. If homelessness multiplies the likelihood that someone will end up in prison so does homelessness on release increase the likelihood of reincarceration. There is a “strong relationship between provision of accommodation-related support and successful progress towards re-integration among this client group” (Willis 2004 pp. 125 & vi).

1. Police, the law and the homeless

68. The sight of people sleeping rough is often seen as an embarrassment to be swept out of sight when a city seeks to project itself favourably to the world for an event like the Olympics. In the words of a British Prime Minister “many people feel intimidated by rough sleepers, beggars and street drinkers, and rough sleeping can blight areas and damage business and tourism” (Grimshaw (2002) quoting Tony Blair). Such people are not welcome in shopping centres. The homeless often see police as hostile rather than protectors. Many homeless who are victims believe that the police will not follow up crimes they have experienced (Forell, McCarron & Schetzer 2005 p.): “despite high rates of repeat victimisation there were relatively few efforts to report these events to the police” (St Mungo’s 2009 p. 9). The police can use the law to harass rough sleepers. A British survey found that: “one of the chief sources of insecurity on the streets was said to be the sense of regulation and surveillance by the police, and there were frequent but not wholly consistent complaints about petty police harassment in public places and squats” (St Mungo’s 2009 p. 16). A Sydney survey recorded that: “Homeless participants, particularly those who sleep rough in parks, bus stops and other public spaces, commonly report

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being asked to 'move on' by police" and "also security guards and council rangers" (Forell, McCarron & Schetzer 2005, p. 109).

69. The ACT no longer has a law against vagrancy. In 1993 the ACT Law Reform explains how it faded away:

"There remains a nostalgic remembrance of the procedural simplicity of the old law, particularly the provisions of the former *ACT Police Offences Ordinance* 1930. The Ordinance had its genesis in a series of ancient laws dealing with begging, gypsies, itinerant traders and the poor (Attachment B). Under the law, police were able to keep undesirables off the streets. Single women suspected of being prostitutes were stopped at the border and returned to Sydney. Tramps, suspected criminals and, sometimes, the unemployed were taken across the border and left in the main street of Queanbeyan. Under associated laws, the public service inspectorate actively discouraged the development of outdoor cafes.

"The old policy of civility so evident before the 1970's has gradually been dismantled. The *Police Offences Ordinance* 1930 has been progressively repealed" (CLRCACT 1993).

70. Similar legislation, the *Summary Offences Act* 1988 still exists in New South Wales where it is used against the homeless (Forell, McCarron & Schetzer 2005, pp. 108-09). Even without a law against vagrancy, there are a number of current offences under ACT law that can bear particularly hardly on the rough sleeping homeless. These include:

Breach of peace: a breach of the peace or apprehended breach of the peace (*Bail Act* s 8(1)(c), CLRCACT 1993) although it is worth noting that the Law Reform Commission considered that it did: ". . . not envisage this as a power to direct a person to leave a place. It is seen principally as a power to enable the police to defuse a potential breach of the peace by disentangling protagonists and letting potentially explosive situations cool down" (CLRCACT 1993).

The offence of *Offensive behaviour*. Under s. 392 of the *Crimes Act 1900*, "A person shall not in, near, or within the view or hearing of a person in, a public place behave in a riotous, indecent, offensive or insulting manner."

Urinating in public place. "A person commits an offence if the person urinates in a public place" (*Crime Act* 1900 s. 393A).

71. There are two offences of particular application to squatting:

Entering land: A person who enters on land that is in the actual and peaceable possession of another person in a manner likely to cause a breach of the peace commits an offence (*Crime Act* 1900 s. 151).

Holding possession of land: holds possession of the land against any person legally entitled to possession of the land in a manner likely to cause a breach of the peace commits an offence (*Crime Act* 1900 s. 152).

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72. That said, ACT Police have been involved in discussion about a safe shelter scheme and support the initiative.

VI. RESPONDING TO HOMELESSNESS: A MIRE OF CONFUSION

73. The foregoing overview of issues relating to primary homelessness here in the ACT reveals an alarming confusion about the facts of the situation and how it should be responded to:

A. II. Factual uncertainties

a) There is *no clear idea of the size of how many people are sleeping rough* with the Minister professing that primary homelessness does not exist in Canberra and the experience of central Canberra welfare agencies knowing otherwise. For the design of an effective response, it is fundamental that Government and the community know the size of the population.

b) Another way of putting it is vital to know the *level of unmet need*.

c) The *distribution of primary homeless* across the ACT is not accurately known. Central Canberra welfare agencies believe that they are concentrated in the inner-North area. Accurate information on distribution is essential in order to locate services.

d) There is no accurate estimate of the *level of mental disorders* among the Canberra primary homeless. This is essential for the location and design of services.

e) There is no specific information on the *level of victimisation* of primary homeless in the ACT and whether this is perpetrated by other homeless or other members of the community. From services elsewhere the level of victimisation is probably high. This information is necessary for police and government to frame their responses.

B. II. Conceptual Confusion

a) That *homelessness is a bricks and mortar issue*. This diverts efforts toward providing extra accommodation;

b) *Homelessness as a human rights issue*. This points to the need to formulate measures that effectively address homelessness, drawing on knowledge about the social determinants of health and the influence of risk factors uncompensated by sufficiently strong protective factors which propel people into homeless and, once there, compound risk factors thus perpetuating their homelessness and other disadvantaged status.

c) That homelessness is *primarily a mental health issue*. This points to the need for mental health and other human services to supporting existing housing tenants.

d) That at least in large measure the response to homelessness treats it as *a law and order issue*. This is indeed given effect to through the disproportionate application to the homeless of the processes of the criminal law. Co-existing substance dependence and other mental health problems result in gross overrepresentation of homeless people in prison and the stresses of the criminal law

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further compound risk factors, thus perpetuating their homelessness and other disadvantaged status.

e) Homelessness as a *failure of individual responsibility*. The disproportionate application of the criminal law to the homeless reflects this mind set. It is also reflected in type casting the homeless as bludgers on the social welfare system and calls to impose conditions on their receipt of benefits. Such approaches are often justified on the ground of mutual obligation. The application of that principle would also require government and the community to examine critically measures that weaken the capacity of homeless people to assume their responsibilities to themselves, their dependants and the community at large. The extent of criminalisation of them through drug laws as well as untreated mental health and other conditions and low level of education would seem to amount to such incapacitation.

5. Recommendation 5: That the Government articulate a coherent integrated principle underpinning its approach to homelessness based on respect for the human rights of the homeless.

VII. INNER NORTH SAFE SHELTER OPTIONS

74. Representatives of several inner north Canberra churches met on 29 June 2011 and formed "Project Safe Shelter." The project has as its object the establishment by one means or another of safe shelter arrangements for primary homeless in the area. This need was identified by clients of the Early Morning Centre at City Uniting Church in Northbourne Avenue. Confirmation of this need is apparent from the statistics mentioned above at page 2 and from advice received from agencies like St Vincent de Paul and St John's Care serving the welfare needs of homeless people in the area. The churches that have been represented at the Project Safe Shelter in Canberra meetings have been St. Ninian's UCA, St. Columba's UCA, St. Patrick's Catholic Church, Lutheran Church, Ainslie Church of Christ, All Saints Anglican Church, Ainslie, Society of Quakers, Canberra Central UCA, and representatives of Catholiccare, St John's Care, Uniting Care, and Centrelink and interested individuals.

75. The idea of a safe shelter has long been identified. A needs analysis of homelessness conducted by ACTCOSS's in 2002 identified as a need:

An increase in the current SAAP capacity to accommodate people in crisis, including crisis overnight accommodation including for people with "challenging behaviours" (ACTCOSS 2002 p. 7 & 31).

Recently clients of the Early Morning Centre reaffirmed this need. Their views were canvassed in the course of several focus groups. Many of these clients are rough sleepers. They identified two needs: one, the availability of a safe shelter to which rough sleepers could have occasional recourse particularly in winter and, secondly, a secure storage place where they could safely leave their few belongings during the day rather than carting them around with when visiting Centrelink, attending a job interview or otherwise attending to their affairs. This second need has been largely accommodated by the installation of lockers during the recent refurbishment funded

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by the ACT Government of the Early Morning Centre. Arranging for a safe shelter is proving a harder nut to crack. For a start, we understand that at a meeting with Brendan Kennedy, as Director of the Early Morning Centre wrote to the Chief Minister about the need (see Annex A at page 35), Minister Joy Burch, and Housing denied that there was a sleeping rough problem.

76. There are a number of possible different strategies to provide safe shelter for the primary homeless of inner north Canberra. Project Safe Shelter has given close attention to only the first but, it is important that the Committee, be aware of alternatives. The different models that have come to mind are:

- a) Use on a rotational basis of halls of inner north Canberra churches
- b) Ainslie Village hall
- c) Mimosa Lodge
- d) Vacant office building space
- e) Managing an unoccupied government property
- f) Erecting and managing a residence on church land.

The submission now turns to give brief consideration to each of these.

77. We observe in passing the reference in the ACT Government's submission to the present inquiry to the Government's intention to "complete a short-term accommodation strategy by December 2011 and progress the most feasible options identified which may include hostel-style accommodation." (submission 2, p. 5). This announcement is most welcome.

A. Use on a rotational basis of halls of inner north Canberra churches

78. The Project Safe Shelter in Canberra has had in mind to secure the co-operation of a group of churches in the North Canberra area to open their halls for homeless people to sleep over one night a week. Ideally seven churches could be enlisted to do this on rotational basis so that the burden would fall on any one church only once a week.

79. The Project Safe Shelter in Canberra has contacted churches in the North Canberra area and invited them to implement such a model in North Canberra.

80. Clusters of churches, in Brisbane, Melbourne and Sydney and in many places in the United States, have successfully established safe shelter programs for people sleeping rough which serve as a model for Project Safe Shelter.

81. Having regard to the need and limited human resources it has been envisaged that a maximum of ten male clients would be accommodated each night and that these would be referred by organisations such as Uniting Care, the Police, St. Vincent de Paul and Centrelink.

82. The Project Safe Shelter in Canberra is conscious that limiting the scheme to ten referred clients will exclude many needy homeless people. It is for this reason that the submission calls on the committee to address the broader systemic issues of homelessness identified in the first part of this submission.

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1. Supervision

83. A small group of three volunteers from church congregations would supervise a shelter each night.

84. In the case of difficulty in finding volunteers within the congregation, volunteers would be recruited from churches beyond the inner North and further volunteers can be provided through community service organisations like Rotary, Lions and Volunteering Australia.

85. The volunteers will be given necessary training and back up by other emergency services.

2. Support in the event of difficulties

86. Someone on familiar terms with clients and conveniently located to be on call for volunteers to ring in the event of difficulty.

87. ACT Policing and CAT team to be available in case of emergency. Credible assurances to be obtained of prompt response time. (Response time is highly dependent on how busy the police and CAT team are.)

3. Sleeping, eating and washing arrangements

88. All church halls have toilets. Most have kitchens for hot drinks and snacks. Breakfast will be served at the Early Morning centre. The sleeping arrangement will be basic e.g. mattresses on the floor. Meals will not be provided but tea and coffee will be made available.

89. What arrangements will be made for transport of clients to meal services for lunch and dinner. Possible providers:

- Ainslie Village;
- Boomerang Café in Allawah/Coorong Flat
- Hari Krishna's, Ainslie
- Red Cross
- Northbourne Flats
- St Vincent de Paul's Night Patrol
- Stasia Dabrowski's Soup Kitchen,

4. Transport to and from the Early Morning Centre

90. How will clients move to the Halls in the evening and from the Halls to the Early Morning Centre in the morning? Will other transport need to be provided?

5. Planning Regulations

91. ACT Planning and Land Authority advised the Project Safe Shelter in Canberra at a meeting on 21 July the church properties would need to be appropriately zoned. The group was advised that churches are generally zoned as community facilities though some were on commercially zoned land. It would be necessary to check the zoning of each property. ACTPLA pointed out that properties zoned "community facilities" incorporate a listed use of "residential care accommodation" and "supportive housing" which would cover the safe shelter use intended. ACTPLA kindly offered to provide zoning information upon receiving the address and block number of the churches concerned.

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92. The response received from ACTPLA in respect of St Columba's UCA in Braddon and St Ninian's UCA in Lyneham confirmed the advice given at the meeting. Those properties are within the Territory Plan zoning under a Crown lease expressed to be for 'Church purpose'. "The proposed use," we were advised for temporary accommodation/safe shelter can be considered as ancillary to the "Church purpose" mentioned in the Crown lease, and also permitted under the Community Facility Zone Development Table in the Territory Plan."

6. Building Regulations

93. The situation regarding building classification is not similarly straight forward. The ACT Planning and Land Authority at the meeting on 21 July advised that the proposed use of church halls as temporary safe shelters will more than likely change their building classification from a Class where residential accommodation is not permissible to a Class which permits residential accommodation, as specified in the Building Code of Australia.

94. According to a building assessor whom Project Safe Shelter in Canberra has consulted, churches and church halls are presently class 9(b) structures. Assembly buildings, picture theatres, gymnasiums, motels and schools usually fall within this class. Halls and churches used in the safe shelter scheme would need to meet the additional requirements of a class 3 building. The end result would be that the class 3 would be added to the certificate of occupancy. Doing this would not change the status of the structures usable as churches or halls.

95. The Building Code of Australia states that class 3 buildings must include for residents "(a) a bath or shower; and (b) a closet pan and washbasin, for each 10 residents for whom private facilities are not provided" and laundry facilities. The latest building code identifies facilities required for people with disabilities.

96. The main additional requirement of the class 3 building would probably be bathing facilities.

97. This condition would be onerous given the intermittent nature of the occupancy and the plan that the clients have access to bathing facilities installed at the Early Morning Centre at the City Uniting Church.

a) Timing and consideration of neighbourhood objections

98. ACTPLA is required to make a determination within 30 days. If there is an objection, this experience increases to 45 days. Determinations take effect after 28 days. This extra time is given to provide an opportunity for consideration by the ACT Civil and Administrative Appeal Tribunal though the Project Safe Shelter in Canberra group expects that matters could be delayed indefinitely if proceedings are actually commenced. Project Safe Shelter in Canberra understands that local community attitudes can often make projects with a social objective difficult. We understand that the Civil and Administrative Tribunal is currently hearing objections to a development application for supported housing in Braddon for people with a disability.

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b) Costs

99. Were the Churches permitted to use their halls for Project Safe Shelter, the scheme could go ahead without any cost to the government. Clubs ACT has agreed to make a grant to meet the cost of mattresses and such like. Without the permission that Project Safe Shelter seeks, the group understands the following additional costs may be applicable rendering it prohibitively expensive:

- the installation of bathing facilities in church halls few of which already have them would impose;
- a Building Application fee of ACTPLA at 1% of the construction cost.
- engagement of a building certifier at about \$250 per hour;
- cost of representation before the ACT Civil and Administrative Appeal Tribunal if neighbourhood objections are raised.

c) Waiver of Building Code requirements

100. The Project Safe Shelter in Canberra group wrote on 25 October 2011 to The Construction Occupations Registrar of the Environment and Sustainable Development Directorate seeking permission under s. 77(3) of the Building Act to approve the use of church halls for occasional shelter for homeless men. The terms of the letter and a follow up one are reproduced at annexes B & C at pages 37 & 39. Effectively the group sought a waiver of the Building Code requirements of bathing facilities.

101. S. 77 of the Building Act makes it an offence punishable by a fine of \$5,500 for a person to occupy or use, or allow someone else to occupy or use, a building or part of a building for a purpose “other than the class stated in the plans approved”. The group’s letter to the Construction Occupations Registrar describes Project Safe Shelter’s aims and plans as follows:

Our aim of the Project Safe Shelter is for each participating church to provide safe, warm sleeping spaces on a rotational basis. We wish to replace cars, bushes, doorways, bridges and sheds all of which are now being used by homeless men with a safe, warm, dry place they may occasionally use as respite. The people we are intending to help are not seeking conventional accommodation but want overnight sleeping places without any commitment. In particular, they do not want to use church halls as residences, mailing addresses or anything of a permanent nature.

The project has secured funding and will be undertaken by volunteers from churches and community groups.

In recent months, we have been talking to staff in the ACT Government and ACTPLA on the building and planning issues involved. We have been given useful information and helpful advice by the officers with whom we have been discussing the project.

We understand that the Construction Occupations Registrar has the authority to approve the use of church halls to provide occasional, safe, warm sleeping

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places for homeless men. In order to progress this project, we wish to submit an application under s 77 (3) of the Building Act to allow churches to use their halls occasionally for this purpose.

In support of our application, we have sought the services of an approved Building Certifier. Church halls would normally be classified as Class 9 b buildings under the Building Code. We have been advised that the halls to be used would need to meet the requirements of Class 3 buildings if we wished to use them for the proposed purpose. Participating church Halls have adequate toilet facilities, smoke detectors, exit signage and kitchen facilities. However, they do not have showers or bathing facilities required to meet Class 3 building code. Should it be necessary, we will engage a Building Certifier to provide the necessary declaration of compliance.

The requirement to provide shower or bathing facilities would impose a heavy burden on churches without them. Such a requirement is not necessary for our purposes. It is intended that the homeless people taking up the church hall sleeping spaces will continue to access the bathing facilities at the Early Morning Centre operated by the City Uniting Church on Northbourne Avenue in the city.

102. The group sent a follow up letter on 25 November. It has yet to receive a reply at the time of making this submission.

6. Recommendation 6: The Government review its building classification and planning requirements that presently impede the use of church premises for periodic, overnight shelter for the primary homeless.

103. Safety and Insurance for running a Safe Shelter as a part of Church's ministry are being addressed.

B. Ainslie Village hall

104. Using capacity in the Ainslie Village hall. Brendan Kennedy of the Early Morning Centre with Sue Jordan of St John's Care saw, the Village Manager in 2010. She was willing to have the premises used by rough sleepers. The Village is aware of a substantial unmet need with 10 to 15 people sleeping in the Mt Majura bush. The Village allows rough sleepers to use shower and laundry facilities at the Village. The manager advised those at the meeting that they would need to approach the Housing which funds the Village. Housing rejected the proposed safe shelter use as did Meeting Minister Burch herself at a subsequent meeting that Mr Kennedy had with her. The Havelock Housing Association is presently responsible for running Management of Ainslie Village. Whether management of the Village may remain willing that it be used as a safe shelter is affected by the fact that the current management contract for it expires on 31 March with bids being lodged rivalling that of the Havelock Housing Association.

C. Mimosa Lodge

105. Using capacity at Mimosa Lodge, the Sobering Up Shelter located in Ainslie Village. There are some 15 beds in Mimosa Lodge. Because of funding restraints,

PROJECT SAFE SHELTER

only 5 are used. Catholic Care manages the lodge. When in 2010 Brendan Kennedy of the Early Morning Centre approached the management, it expressed interest in utilisation of the unused beds for rough sleepers but referred the matter to the Department of Health which is the funding Department. Official there referred the request on to Housing which rejected the idea.

7. Recommendation 7: The Government consent to the use of spare capacity in Ainslie Village and Mimosa Lodge for the purpose of temporary safe shelter for the primary homeless.

D. Vacant office building space

106. Possible use of vacant office building space whether in public or private hands (such as the office opposite City Uniting vacated by the Australian Federal Police and, I understand, owned by Stocklands). We understand that Housing has advertised for the private sector to make space available. The Safe Shelter Group wonders whether more may be done to pursue such an option by approaching relevant business bodies and whether the willingness of any owner may be facilitated by the ACT Government providing an assurance about making good any damage and assuming responsibility for finding alternative accommodation when the owner wishes to reclaim possession.

E. Managing an unoccupied government property

107. Secure a head lease over an existing building, probably a vacant Government House or apartment, with appropriate use classification (an ordinary residence). Apparently this option was considered and rejected some time ago. That decision should perhaps be reconsidered because it would circumvent a number of the obstacles. Moreover the Government would appear to be open to such an arrangement. In March this year it “made 12 vacant public housing properties available for crisis accommodation to assist families experiencing homeless, with more properties to follow. The Minister added that: “outreach support will be provided by specialist homelessness services in the community” (Burch 2011).

F. Erecting and managing a residence on church land

108. Erection of a cottage on the grounds of a church following the precedent of St Margaret’s UCA in Hackett which established Ross Walker Lodge for 5 disabled residents and a live-in resident adviser. There are similarities between this and an innovative program that the government has introduced to erect bungalows behind existing family residences for semi-independent living by “young people living in overcrowded or stressful family environments - and at risk of homelessness . . . while staying in contact with their family” (Burch 2010).

109. The lodge was built on land subdivided from the Church property with the aid of a grant of \$1.2Million from the Federal Government’s financial stimulus package.

- Constructed by partnership between St Margaret’s and Housing ACT, with formal Operation Deed between Uniting Church Property Trust and Territory

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- Before funding was secured planning was undertaken over a considerable period by Stepping Stones committee working with project architect
- Ross Walker Lodge Management Committee is chaired by St Margaret's and includes Community Services Directorate, Uniting Care Disability, Uniting Care Aging, community and resident representatives.
- Day to day operation of the lodge is carried out by Uniting Care Aging under a Memorandum of Understanding with St Margaret's.
- A Live in Resident Adviser provides support and receives discounted rent.
- Coordination of support services and promotion of resident independent living occurs through 2 year non-recurrent funding from Disability ACT to Stepping Stones

G. Afterword

110. Many of us remember a Canberra as late as the early 1980s without weary figures huddled in shadows. Rough sleeping then seemed to belong to a past age and less happy lands: under London Bridges or in Asian Cities. Many of us took pride that we had consigned all but a token amount of rough sleeping to the pages of history – pages that spoke of the Poor Houses of England and the perpetually shuffling swaggies of the Great Depression. It was not that the Canberra of the 1970s lacked vulnerable people.

111. Until its closure in 1984, St Vincent de Paul ran a men's shelter in McKay Gardens with a capacity of about 24 and patronised by an average of 10 to 12 every night. It provided free short term shelter. For some, the service was a rotating door but the service stressed stabilisation. Longer stays incurred a charge after clients began receiving social security payments. In 1975 a social welfare worker was employed to assist in the work of stabilisation. On the measure of primary homelessness alone Canberra (and Australia) has gone backward in the past 40 years. Project Safe Shelter calls on the Government to commit itself to reducing homelessness in Canberra to the level that existed in the 1970s. The shameful irony is that we are now part of a vastly wealthier country than we were then.

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VIII. ABBREVIATIONS

ACTCOSS	ACT Council of Social Service
SAAP	Supported Accommodation Assistance Program

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PROJECT SAFE SHELTER

X. ANNEXES

Annex A.

**ANNEX A: LETTER FROM THE DIRECTOR, EARLY MORNING CENTRE TO THE
CHIEF MINISTER ON THE NEED FOR A SAFE SHELTER FOR THE HOMELESS**

***We have a serious Obligation to provide safe shelter to
ever & man woman and child in Canberra before next
Winter***

Dear Chief Minister,

I note in the footnote on page two of the Chief Ministers communication concerning Boarding houses, that "the rights of tenants is perceived to mean the right to a humane, healthy and safe environment in a dwelling that is consistent with the appropriate laws and regulations for the style of rental accommodation"?

The people who were removed from the Boarding houses on 27th July 2010 were presumably moved on to appropriate Housing. If so why are people who are sleeping rough right now not being given the same option that these tenants received?

If those tenants were not subsequently housed appropriately why were they moved before adequate housing was available?

These two questions get to the nub of the matter.

Is there adequate shelter for all of the homeless people in Canberra?

If not how can we object to people accepting even substandard Boarding houses when there is no better accommodation available? Is there a regulation saying that if a tenant cannot find proper shelter they must sleep rough?

"the rights of tenants is perceived to mean the right to a humane, healthy and safe environment in a dwelling that is consistent with the appropriate laws and regulations for the style of rental accommodation"?

This right must mean that where there is no accommodation of the type described above a tenant has a right to the best available shelter.

And this should mean that the legal authority does not have a right to remove them from such shelter but does have an obligation to bring this unlawful situation to the notice of the proper authorities and to ask them to correct the situation by fulfilling their duties of providing adequate housing.

Submission into the provision of Social housing

People sleeping rough have a right to a humane, healthy and safe environment.

It is too easy to hide ourselves in rules, regulations and legalities.

The document on Boarding houses puts a lot of stress on laws and regulations.

It is more important that we place emphasis on people. In particular on people who cannot find a safe place to sleep.

Presently in the ACT we do not have places for those who are sleeping rough. Officially census figures say there are some eighty people sleeping rough in Canberra every night. Unofficially the number is said to be more like 150 people.

And if we can believe what we are being told about homelessness and older women ("It could be you" Ludo McFerran and Sonia Laverty) there are also many older women sleeping rough.

*We can begin with the decision that nobody in Canberra will have to sleep in an **unsafe shelter** this Winter. That we will guarantee every man, woman and child in Canberra that there will be a safe shelter for them this Winter. There are a number of people in Canberra who are ready to work on this commitment.*

This is a perfectly achievable goal, if we have the will to carry it out.

Should we guarantee this first step we are going a long way to making it possible for all of the other services to move people on from this first step of Safe Shelter to full participation in society again.

There are many empty buildings at night in Canberra where homeless people could sleep in safety. To mention a few cnr of Anzac Parade and Parkes in Campbell, between Bunda, Cooyong, Mort and Northbourne Ave, etc.

In Winter 201.012011 no one in Canberra should have to sleep rough. There is no shortage of accommodation if only we decide to use it.

We do not have sufficient housing in Canberra. In this situation we need to do what we can and at least guarantee everyone a safe place to sleep, a Safe Shelter.

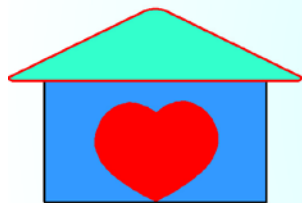
Kind regards,

Brendan Kennedy
Director
Uniting Care Canberra City
unitingcare@canberracityvca.org.au Tel 0425 138 053
(02)6257 4600

PROJECT SAFE SHELTER

Annex B.

**ANNEX B. LETTER DATED 25 OCTOBER 2011 FROM PROJECT SAFE SHELTER TO
THE CONSTRUCTION OCCUPATIONS REGISTRAR SEEKING APPROVAL FOR THE
OCCASIONAL USE OF CHURCH HALLS FOR HOMELESS MEN TO SLEEP**



Safe Shelter in Canberra
A Combined Churches and Community Project

41/50 Ellenborough Street
Lyneham ACT 2602
25 October 2011

The Construction Occupations Registrar
Environment and Sustainable Development Directorate
GPO Box 1908
Canberra ACT 2601

Dear sir/Madam

I am writing on behalf of the Safe Shelter Group whose aim is to provide occasional, overnight shelter in inner Canberra church halls for homeless men during the winter months. The attached document provides details on this project.

Our aim is for each participating church to provide safe, warm sleeping spaces on a rotational basis. We wish to replace cars, bushes, doorways, bridges and sheds all of which are now being used by homeless men with a safe, warm, dry place they may occasionally use as respite. The people we are intending to help are not seeking conventional accommodation but want overnight sleeping places without any commitment. In particular, they do not want to use church halls as residences, mailing addresses or anything of a permanent nature.

The project has secured funding and will be undertaken by volunteers from churches and community groups.

In recent months, we have been talking to staff in the ACT Government and ACTPLA on the building and planning issues involved. We have been given useful information and helpful advice by the officers with whom we have been discussing the project.

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We understand that the Construction Occupations Registrar has the authority to approve the use of church halls to provide occasional, safe, warm sleeping places for homeless men. In order to progress this project, we wish to submit an application under s 77 (3) of the Building Act to allow churches to use their halls occasionally for this purpose.

In support of our application, we have sought the services of an approved Building Certifier. Church halls would normally be classified as Class 9 b buildings under the Building Code. We have been advised that the halls to be used would need to meet the requirements of Class 3 buildings if we wished to use them for the proposed purpose. Participating church Halls have adequate toilet facilities, smoke detectors, exit signage and kitchen facilities. However, they do not have showers or bathing facilities required to meet Class 3 building code. Should it be necessary, we will engage a Building Certifier to provide the necessary declaration of compliance.

The requirement to provide shower or bathing facilities would impose a heavy burden on churches without them. Such a requirement is not necessary for our purposes. It is intended that the homeless people taking up the church hall sleeping spaces will continue to access the bathing facilities at the Early Morning Centre operated by the City Uniting Church on Northbourne Avenue in the city.

We submit this application for your approval and we are available to discuss this matter with you, if necessary.

Yours sincerely

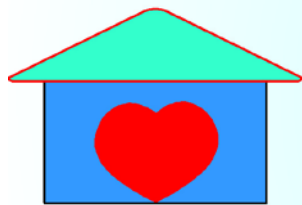
(Rhonda Back)

thebacks@grapevine.com.au | 0262479287 | 0421153232

PROJECT SAFE SHELTER

ANNEX C

ANNEX C: FOLLOW UP LETTER DATED 25 NOVEMBER 2011 FROM PROJECT SAFE SHELTER TO THE CONSTRUCTION OCCUPATIONS REGISTRAR SEEKING APPROVAL FOR THE OCCASIONAL USE OF CHURCH HALLS FOR HOMELESS MEN TO SLEEP



Safe Shelter in Canberra
A Combined Churches and Community Project

41/50 Ellenborough Street
Lyneham ACT 2602
25 November 2011

The Construction Occupations Registrar
Environment and Sustainable Development Directorate
GPO Box 1908
CANBERRA ACT 2601

Dear Sir/Madam,

I am writing again on behalf of the Safe Shelter Group, concerning our proposal to set up and operate a series of safe shelters.

We wrote previously – 25 October – explaining our proposition, and seeking your support and have not received a reply. It is for this reason that we are now following up on our initial communication.

The more we inquire into the needs of the homeless, the more we become aware that the need is great; and the more we learn about the apparent invisibility of that need.

One point which was not emphasized in our previous letter is the breadth of community support and planned contribution committed to this proposal. A number of inner-city churches as well as business organizations, community groups and police have all expressed interest in and promise of support.

We look forward to a prompt reply to our proposal.

Yours sincerely,

(Rhonda Back)
thebacks@grapevine.com.au | 0262479287 | 0421153232