

# COUCH SURFING LIMBO

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LEGAL, POLICY  
AND SERVICE GAPS  
AFFECTING YOUNG  
COUCH SURFERS AND  
COUCH PROVIDERS IN  
MELBOURNE'S WEST

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# EXECUTIVE SUMMARY

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Couch surfing is increasingly being recognised as a form of homelessness in Australia. It is a particularly complex issue for young people (aged under 25) in outer urban areas, who face additional challenges due to lack of infrastructure, support and services.

Little is known about the legal challenges these young people face due to, or because of, couch surfing. Even less is known about the experiences and challenges of the ‘couch providers’ – individuals and families who provide a place to stay for these young people.

This research sought to fill this gap in knowledge, by looking into the experiences of young people who are couch surfing and the experiences of couch providers – seeking to identify the legal, policy and service gaps for these groups and provide a way forward in addressing these issues.

To this end, a literature review was undertaken to find out what is already known about couch surfing in Australia. Sixty-two case studies from the WestJustice Couch Surfing Clinic<sup>1</sup> were analysed and 30 professionals that work with young couch surfers were consulted.

The research revealed that it was a combination of structural, legal and policy issues which led to, or exacerbated, the vulnerability of young couch surfers. It also revealed a lack of community service options for couch surfers and couch providers.

Young couch surfers are falling through the gaps – not yet considered adults, but not given the same

level of protection as children, these young people are forced to couch surf to avoid violence at home and family conflict. While it was out of the scope of this project to critique the Victorian Out-of-Home Care and Child Protections systems, there were some challenges identified in protecting young people through these systems. The preference young people (and couch providers) had for their situations to remain ‘out of the system’ was indicative of a lack of trust in how their situations would be handled. Young couch surfers’ lack of identity as being homeless or victims of family violence was mirrored in the lack of recognition in the systems that were intended to support them.

The lack of restorative approaches – which favour a less adversarial approach than that of other justice responses – to young people’s experiences of violence limited young people’s ability to stay in the family home or report the violence they experienced. Challenges navigating the legal system to respond to this were also pronounced, including the Intervention Order process.

When young people needed to stay away from home, couch surfing was often considered the better of the few options available to them. There is a severe shortage of youth refuges in outer urban areas, and there are none in Wyndham where this research took place. If a young person were to seek support, they would need to stay outside of their local area, causing them further social isolation, stress and disengagement from school. Of the facilities that are available, albeit in different council areas, there are too few places for the numbers of young people needing support. This was further complicated by the fact that young couch surfers often needed intermittent accommodation, surfing between their family home and other homes.

Young people from refugee backgrounds were disproportionately represented at the Couch Surfing Clinic, with 10 of the 62 couch surfers presenting to

1 The WestJustice Couch Surfing Clinic provided legal advice and assistance to couch surfers under 25 at targeted outreach locations in Wyndham and the western suburbs of Melbourne including schools, welfare agencies and emergency houses.

the clinic with refugee background. Some of these young people were also unaccompanied and had spent time in detention before being resettled. The lack of support for these young people and lack of family networks meant they were often left with no choice but to couch surf.

Independent living was rarely, if at all, an option for the young people in this study. The lack of financial resources, and an inability to stay in the family home, meant many young people had no choice but to couch surf. Financial support is incredibly limited - the higher levels of youth unemployment in Victoria are well known, and it is a particularly acute problem in the Wyndham region. For unemployed youth experiencing homelessness, the only form of income support available is Youth Allowance, which is set at such a level to make independent living impossible. The conditions on access to Youth Allowance and Family Tax Benefit could also mean many young people had no income support at all.

Staying engaged in schooling was a challenge, as the young people in the study battled constant illnesses, poor mental health, and lacked the financial and other resources to stay engaged in their education. They were often unable to afford the basics for school, such as uniforms, books and technology. They also experienced discrimination at school because of these circumstances. School, however, was a critical touchpoint for these young people and an important place in which they could be connected to the supports they needed.

Public transport, infringements, and other debts (including those owed to Centrelink) were another significant problem that further entrenched couch surfers levels of vulnerability. Already financially and otherwise disadvantaged because of their housing situation, fines continued to accumulate, with young people having no real capacity to pay them.

Having limited legal rights to leases and property limited access to the few assets that young people

did have – with examples given of young people not being able to retrieve their school books, mobile phones (which were essential for any kind of social contact), and being asked to leave by couch providers without notice. This left young couch surfers even more financially vulnerable and unable to participate in education or employment.

Couch providers also had experienced theft from couch surfers that they provided housing to. On the whole, most providers spoken to offered a level of informal care that they were not always financially and emotionally resourced to. This had implications for their wellbeing and caused a level of financial stress. Couch providers were limited in accessing additional income support without complications, despite the additional costs of caring for another person. There was also no service for couch providers to access any other supports they might need.

Conversely, some young people reported being exploited by couch providers.

It was clear for both groups, there was a lack of legal and policy protections because of the nature of their experience. Services are not designed for these groups. To this end, a range of recommendations are offered.

# RECOMMENDATIONS

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## RECOMMENDATION 1: INFRASTRUCTURE

- » The Victorian Government expand access to both short and long-term options for young people who cannot live at home by increasing youth accommodation and support capacity in Melbourne's west.
- » The Victorian Government, as a matter of urgency, fund a new youth refuge in Wyndham that can assist young people from a point of crisis to supported housing or independent living including engagement with health, mental health, education and employment. A current example is the newly funded youth refuge in Melton run by Hope Street Family Services. The refuge has services on site and has a supported accommodation model.

## RECOMMENDATION 2: FAMILY VIOLENCE JURISDICTION

- » In enacting recommendation 122 of the Royal Commission in Family Violence, the Victorian Government (and other relevant bodies) invest in extending restorative justice models for young people experiencing family violence as victims in their own right as opposed to accompanying a parent or in the context of adolescent violence.

## RECOMMENDATION 3: RESEARCH INTO YOUNG PEOPLE'S EXPERIENCE OF FAMILY VIOLENCE

- » More research needs to be undertaken to better understand young people's experiences of family violence, the links to couch surfing and further homelessness.

## RECOMMENDATION 4: SMALL PROPERTY MATTERS

- » The Victorian Government legislate to remove licensee disputes in relation to small amounts of property from the jurisdiction of the Magistrates' Court and into the Victorian Civil and Administrative Tribunal by:
  - a.) amending Part 9 of the Residential Tenancies Act to allow a licensee to claim return of goods or documents from a tenant before the termination of the tenancy, or by
  - b.) creating a new jurisdiction with either the Residential List or the Small Claims List.



## RECOMMENDATION 5: PUBLIC TRANSPORT POLICY

- » The Victorian Government introduce a new temporary travel product that permits free travel for a limited period, while still encouraging passengers to touch on and off, for people with special circumstances (i.e. homelessness or family violence) that temporarily prevent them from being able to keep their Myki in positive credit (as recommended by the Infringements Working Group in their submission to The Department of Economic Development, Jobs, Transport and Resources).
- » The Victorian government enable access to public transport for young people who are experiencing family violence and live in the outer metropolitan areas by monitoring and expanding the pilot currently planned by the Department of Economic Development, Jobs, Transport and Resources, Department of Education and Training and Family Safety Victoria to partner with local schools to develop a program that will identify and support students who are experiencing family violence and rely on public transport to get to and from school. For example, state government should fund schools to distribute Myki cards to students experiencing family violence free of charge.

## RECOMMENDATION 6: SOCIAL SECURITY CHANGES

Young people have a right to financial support to meet their basic needs that is currently not being met.

- » The federal Department of Social Services (DSS) remove its criteria under section 1067A of the Social Security Act 1991 which requires a young person to have left the family home permanently in order to be eligible for the Youth Allowance Unreasonable to Live at Home benefit.
- » DSS provide easier access to the Youth Allowance Unreasonable to Live at Home benefit for young people who are not having their basic needs for food and accommodation met by their legal guardian by more clearly articulating this as a criteria for eligibility in the Guide to Social Security Law.
- » DSS resource Centrelink community engagement officers to provide youth specific outreach to schools and youth resource centres to reduce the likelihood of young people incurring debts or having their benefits suspended.
- » The Federal government must increase funding to specialist social security services, such as Social Security Rights Victoria, to assist vulnerable young people who are experiencing family violence, at risk of homelessness and or disengagement with respect to centrelink debts, suspensions and access to payments.
- » DSS resource training for Centrelink social workers regarding youth couch surfing and the impacts of family violence on young people living at home to support consistency of easier access to Youth Allowance Unreasonable to Live at Home benefit across offices.
- » DSS better recognize the challenges experienced by young couch surfers by providing more flexibility and support for them to demonstrate their Youth Allowance eligibility and to meet their reporting requirements.
- » The Federal Government expand eligibility to Youth Allowance Unreasonable to live at Home benefit to New Zealand citizens under 18 who reside in Australia.

## RECOMMENDATION 7: END DISCRIMINATION IN SCHOOLS

- » The Victorian Government should amend the Equal Opportunity Act 2010 to include Social Status and Family Violence as a protected attribute in line with the Australian Capital Territory.
- » The Department of Education and Training through schools need to develop more effective practices to identify vulnerable students who are couch surfing and or experiencing family violence in the home. For example, increased resources to wellbeing staff including training to ensure that they recognise the impact of family violence and homelessness on students.
- » Schools should be prohibited from excluding students from their education, including suspensions and expulsions, based on a breach of school uniform policy. Schools must provide alternative solutions to breaches of school uniform policy such as detentions and spare uniforms.

## RECOMMENDATION 8: ACCESS TO FLEXIBLE SUPPORT PACKAGES

- » The Victorian Government must recognise the financial burden placed on couch providers and allow them to benefit from the family violence flexible support packages, in order to support the young person in crisis and connect them with specialist family violence services.

## RECOMMENDATION 9: INFORMATION PROVISION FOR YOUNG PEOPLE

- » The Victorian Government resource an online guide for young people who are couch surfing that provides practical information such as:
  - » their legal rights as licensees and rights around social security
  - » where to access homelessness and family violence support
  - » how to access emergency relief for costs including transport, food, and school uniforms
  - » links to places where they access health services, free laundry facilities and other services

## RECOMMENDATION 10: SUPPORT SERVICES FOR YOUNG PEOPLE

- » The Victorian Government fund a specialist youth housing and homelessness service in the City of Wyndham that includes an ‘access point’ and integration that can provide a range of holistic programs targeting young people from crisis to housing. A current example is Frontyard Youth Services located in Melbourne, which provides a specialist youth centred housing service that spans across health, family violence, justice, education and employment. These also need to provide more flexible ways of engaging, such as after-hours support.
- » The Victorian Government strengthen pathways to support for young people by increasing the numbers of youth-specific homelessness workers in Melbourne’s West and creating stronger mechanisms for linkages between school welfare workers and youth-specific homelessness workers.
- » The Victorian State Government improve youth specific engagement skills across the Specialist Housing Services (**SHS**). It is crucial SHS workers – and not just those working directly with young people – get the appropriate training to develop these skills. Such training should be made available by the Department of Health and Human Services as part of its workforce development framework and could form part of a broader suite of specific youth training.

## RECOMMENDATION 11: FAMILY VIOLENCE SUPPORT FOR YOUNG COUCH SURFERS

- » The Victorian Government consider the needs of young people experiencing family violence in their design of the ‘Support and Safety Hubs’. These young people are often supported by their schools and by informal carers (i.e. a friend’s parent or extended family member). In most cases, young people prefer to stay with friends and family than at a refuge.
- » The Victorian Government must increase the level of funding to specialist family violence services, including legal services, to provide targeted youth support programs to young people who are experiencing family violence aged between 15 and 18. For example, a targeted youth program could work in schools and local youth resource hubs.
- » The Victorian Government must fund specialist family violence services to provide family violence training, education and support to schools, in order for them to support their students. By doing so, it will promote further engagement between young people and family violence services. School wellbeing officers, such as social workers and counsellors, are responsible for the wellbeing of students at their school. This often involves supporting students who are experiencing family violence.
- » The Victorian Government investigate the opportunity for schools to access Support and Safety Packages. Youth services and family violence services should partner with schools and school wellbeing officers to develop and monitor a case management plan and support the young person out of family violence.

## RECOMMENDATION 12: SUPPORT FOR COUCH PROVIDERS

- » The Department of Health and Human Services must fund an advice line or programs which offer information and support to informal carers (i.e. couch providers). Couch providers are responding to deficiencies in the out-of-home care, homelessness and family violence sectors by emotionally and financially supporting young people to stay in their homes, however they do so without any support or training. Without support these couch surfing arrangements often breakdown.

## RECOMMENDATION 13: CONTINUED FUNDING OF INNOVATIVE PROGRAMS

- » All levels of government continue to fund innovative programs such as those outlined in this report. These programs are designed to work holistically with young people who are couch surfing that are flexible, specialised and for where young people wish to seek support. Many young people do not wish to seek out more formal support systems, and programs such as these are critical.

## RECOMMENDATION 14: FUNDING FOR NEW PROGRAMS

- » The Department of Health and Human Services fund the pilot service for young people that are couch surfing. This program would work holistically within the many challenges couch surfers and couch providers face through collaboration with schools, legal services, Centrelink and with informal carers, addressing the varying and complex needs of these groups.



# 1. INTRODUCTION: YOUNG COUCH SURFERS

---

Couch surfing is an emerging and largely unaddressed issue in Australia. While couch surfing is recognised as a form of homelessness, there is limited research into the prevalence and impacts of couch surfing, specifically as it relates to young people.

It is an issue that is a particular problem for the young people that present to community legal services such as WestJustice. Young people are increasingly seeking support due to a range of complex challenges including insecure housing; living in between the family home and friends' homes; and a range of other couch surfing arrangements.

Little is known about the support needs of these young people and about the factors that led them to their current situations. Little has also been done by way of understanding the role of 'couch providers' – the informal carers who support young people by providing them with accommodation.

This project was undertaken to fill this gap in knowledge, by highlighting the issues of couch surfing for young people, particularly those in outer urban Melbourne.

## 1.1. RESEARCH QUESTIONS

This research sought to investigate:

1. What are the experiences of young people who are couch surfing?
2. What are the impacts of insecure housing for young people?
3. Where do these issues present?
4. What are the experiences of 'couch providers' – those who provide accommodation for young couch surfers?
5. What are the legal, policy and service gaps for young couch surfers and couch providers?

## 1.2. METHODOLOGY

The project materials derive from four principal sources:

1. A literature review of relevant materials
2. Analysis of case file data from 62 young people under the age of 25 assisted by the Youth Couch Surfing Clinic ('the Clinic')<sup>1</sup>
3. In depth interviews with six young couch surfers and six couch providers<sup>2</sup>
4. Thirty consultations with practitioners including lawyers, youth and social workers, health workers, cultural officers, schools, government, industry and academics.

<sup>1</sup> 'The Clinic' was in fact a series of clinics providing legal advice and assistance to couch surfers aged under 25 at targeted outreach locations in Wyndham and the western suburbs of Melbourne including welfare agencies, emergency houses and schools.

<sup>2</sup> All couch providers interviewed were not involved in exploitation nor the production or sale of recreational drugs. Couch providers were either parents of a friend or local community members (often involved in the community services sector).

## 1.3. DEFINITIONS

For the purposes of this report, **young couch surfers** are defined as those under the age of 25 including infants and children who:

- » were couch surfing when assisted through the Clinic, or
- » had couch surfed in the previous six months.

The term '**couch provider**' used throughout the report encapsulates any person or group of individuals providing short term shelter to a couch surfer on an informal basis. We have chosen to use 'couch provider' as opposed to informal carer, as those providing housing support to young people did not seek to be defined as informal carers.

For the purposes of this report, the City of Wyndham has been chosen to represent an outer-metropolitan council area, however, many issues identified in this report also exist in other outer-metropolitan areas across Victoria such as Casey, Cardinia, Hume, Melton, Mitchell and Whittlesea.

## 1.4. YOUTH COUCH SURFING CLINIC

The Youth Couch Surfing Clinic provided legal advice and assistance to couch surfers under 25 at targeted outreach locations in Wyndham and the western suburbs of Melbourne including schools, welfare agencies and emergency houses.

## 1.5. OUTLINE OF THIS REPORT

The report encompasses the findings of the research, and recommendations for the improvement of access to justice for young people who are couch surfing, with particular reference to those in the outer metropolitan areas. Insights from this study will assist in understanding the issues around supporting young people and their informal carers or 'couch providers' during the critical and very early stages of homelessness.

The report is divided into four main sections. Part A: Couch Surfing in Australia, identifies the prevalence and patterns of youth couch surfing in Wyndham and outer metropolitan areas in general. In particular, this section discusses the characteristics of young couch surfers as well as addresses some of the systemic and structural causes of youth couch surfing. Their lack of identity as homeless, the high prevalence of drug and alcohol misuse, and couch surfers experiences of violence are outlined in this section.

Part B: Legal and policy challenges for couch surfers, considers the areas of legal needs of young couch surfers and identifies areas for reform. Significant issues emerged as it relates to young people accessing legal supports for family violence, their lack of rights to property, and high levels of debt.

Part C: Experiences and challenges for couch providers highlights the experience of couch providers, their lack of recognition as care providers, and their lack of service and income support. Part D: Filling and legal and service gaps, identifies issues in terms of support services, information and training offered to couch providers and informal carers, and identifies new access points and early intervention strategies to support young couch surfers, such as schools, as well as a proposal for a new pilot service model targeting young couch surfers and their couch providers or informal carers.





**PART A:**

**COUCH SURFING IN  
AUSTRALIA AND OUTER  
MELBOURNE**



## 2. COUCH SURFING IN AUSTRALIA

### 2.1. WHAT IS KNOWN ABOUT COUCH SURFING IN AUSTRALIA?

Most of what is known about couch surfing is grounded in homelessness literature. This literature highlights that homelessness is not 'rooflessness'.<sup>3</sup> This is true for the many young people in outer metropolitan areas who may not be sleeping 'rough' (that is, sleeping on the street), but by no means could be considered stably housed.

In Australia it is widely accepted that homelessness should be broadly defined to include temporary stays with a friend or relative. Commonly referred to as couch surfing, this practice is defined as a type of secondary homelessness in present Australian Bureau of Statistics (ABS) definitions.<sup>4</sup> David MacKenzie & Chris Chamberlain define primary, secondary and tertiary homelessness as:

**PRIMARY:** People without conventional shelter such as living on the streets, sleeping in parks and cars, or squatting in buildings and improvised dwellings for shelter.

**SECONDARY:** People in temporary accommodation with no other secure housing elsewhere, such as staying with other households (Couch Surfing), refuges and hostels.

**TERTIARY:** Occupants of single rooms in private boarding houses that live there on a long-term basis (3 months or more) and caravan parks.

In 2003, MacKenzie and Chamberlain devised a model that identified a common set of circumstances that precede chronic homelessness. In what was termed the 'homelessness career', couch surfing was identified as one such precursor, occurring in the very early 'in and out of home' stage, when the young person is still at school.<sup>5</sup> It involves moving frequently between temporary living arrangements, including at friends, friends' parents, extended family and even strangers' homes, always in a constant search for the next place to stay. There is no security as young people move from one place to the next.<sup>6</sup>

The length and nature of couch surfing varies. For some, it is chronic and ongoing, whereas for others it is episodic.<sup>7</sup> It can also be an isolated event which happens once and only for a short time.<sup>8</sup> There is no reliable way of estimating couch surfing among youth, with the definition under ABS data collection principles unclear as to whether it involves days, months or even years before a situation can be considered couch surfing. What is known is that couch surfers are a transient cohort of vulnerable people and therefore can be difficult to identify.

3 Pauline J. McLoughlin. 'Couch surfing on the margins: The reliance on temporary living arrangements as a form of homelessness amongst school-aged home leavers', *Journal of Youth Studies*, 16:4, (2013), pp.521-545.

4 David MacKenzie & Chris Chamberlain. Youth homelessness in Australia 2006. (Hawthorn: Counting The Homeless 2006 Project, 2008). See: <https://www.dss.gov.au/our-responsibilities/housing-support/publications-articles/homelessness-youth/youth-homelessness-in-australia?HTML>

5 David Mackenzie & Chris Chamberlain, *Homeless careers: pathways in and out of homelessness*. (Melbourne: Salvation Army, 2003).

6 Monica Thielking, Paul Flatau, Louise La Sala & Daniel Sutton, *Couch surfing secondary students: the Yarra Ranges youth homelessness prevention project*. (Swinburne University of Technology, University of Western Australia Centre for Social Impact, and Anchor and Outer Eastern LLEN, 2015), p. 1.

7 Mackenzie & Chamberlain, *Homeless careers*.

8 Australian Bureau of Statistics (ABS), *Information paper – a statistical definition of homelessness*. cat. no. 4922.0. (ABS, Canberra, 2012).

In a 2004 study on youth couch surfing, Rachael Uhr defines couch surfing relationships as ‘naturally formed supports’ versus the ‘formal supports’ such as the welfare system, social workers and housing services.<sup>9</sup> This is particularly the case in outer metropolitan areas where relationships are defined as geographically situated or very localised for early home leavers.<sup>10</sup>

## 2.2. CULTURAL COUCH SURFING

It is important to recognise that in many cultures young children and adolescents constantly move between the homes of family and community members; these movements should not fall under the definition of couch surfing as a form of homelessness. This is particularly the case for Pacific Islander, Māori, Aboriginal and Torres Strait Islander communities, where it is normal for parents to send their children to live with extended members of the family. For these communities, ‘home’ is understood in a different way, particularly when staying with their extended family.

In the Aboriginal and Torres Strait Islander communities for example, the mother’s sisters are also considered ‘mothers’ and the father’s brothers considered ‘fathers’. It is a community responsibility to raise the child and each elder or family member has a different role to teach the child. For Pasifika and Māori people, the community is also considered ‘family’ and it is therefore normal for several families to live in the same house.

**Our community is like family. It’s about having compassion and looking after your own. We don’t see that as a form of homelessness. Couch surfing in the community is probably considered when you don’t have your close support networks to rely on and have to go to strangers. - Māori Elder**

It is important to distinguish between ‘cultural couch surfing’ and secondary homelessness, however our research is preliminary, and further investigation is needed.

## 2.3. PREVALENCE OF COUCH SURFING IN OUTER METROPOLITAN AREAS

Couch surfing is accepted as a ‘norm’ in outer metropolitan areas such as Wyndham.<sup>11</sup> It is widespread and an early indicator of longer term homelessness, however, it is hidden. The experiences of these young people are not visible to the general public, to the local community, to the schools and sometimes to the places they stay.<sup>12</sup>

In 2011, homeless children and young people (under 24) accounted for 42 percent of all homeless persons in Australia.<sup>13</sup> Homelessness organisations expect the 2016 Census to show an increase in the number of homeless people. However, research dictates that couch surfing among youth is more episodic than chronic and would therefore result in a difference in the number of homeless youth counted on a single night as

9 Rachel Uhr, *Couch surfing in the burbs: Young hidden & homeless*. (Brisbane: Brisbane City Council, 2004).

10 Ibid.

11 Outer-metropolitan areas in Melbourne are defined by geography and, more specifically by location relative to the central business district. In a geographical sense, outer-metropolitan areas could be thought of as a doughnut-shaped ring that bridges the inner and middle city with the hinterland. As such, the character combines both urban and rural elements. Examples of outer metropolitan areas include Cardinia, Casey, Hume, Melton, Mitchell, Whittlesea and Wyndham.

12 Uhr, *Couch surfing in the burbs*, p.5.

13 ABS, *Census of Population and Housing: Estimating homelessness, 2011. cat. no. 2049.0*, (ABS, Canberra, 2011).

opposed to counting the number of youth experiencing homelessness over a longer period.<sup>14</sup>

Furthermore, in a 2006 national census of homeless secondary students, 84 percent of homeless adolescents reported being in couch surfing situations.<sup>15</sup> During the 2015/2016 financial year, Uniting Care Werribee Support and Housing Youth Housing Program assisted 122 clients in Wyndham. Services also reported that there is a significant number of young people couch surfing who may not be captured by the data.<sup>16</sup>

## 2.4. COUCH PROVIDERS AS INFORMAL CARE

There is little research into the experiences of those who are providing accommodation for young couch surfers – for the purposes of this report, known as ‘couch providers’. Given this type of homelessness is under-reported, or not identified, those who are providing this type of informal tend to be unrecognised until there is statutory involvement (i.e. Child Protection or Kinship carers). While it is out of the scope of this project to critique the out-of-home and informal care systems, it is important to recognise the experience of couch providers to ensure they, too, are given the appropriate supports.

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14 Marjorie Robertson, 'Homeless youths: An overview of recent literature,' in *Homeless children and youth: A new American dilemma*, eds. J. Kryder-Coe, L. Salmon, & J. Molnar, (London: Transaction Publishers, 1991), pp. 33-68. See also, ABS, Position Paper – ABS Review of Counting the Homeless Methodology, cat. no. 2050.0.55.002, (ABS, Canberra: August 2011).

15 Mackenzie & Chamberlain, *Youth homelessness*.

16 Wyndham City Council, *H3 Wyndham Integrated Service Hub: A growth area solution for homelessness and housing pathways*, 2016. See: Submission from Wyndham City Council to Infrastructure Victoria: 'All things considered', [http://yoursay.infrastructurevictoria.com.au/30-year-strategy/application/files/2114/6726/4488/All\\_things\\_considered\\_submission\\_-\\_FINAL\\_-\\_2016-06-30.pdf](http://yoursay.infrastructurevictoria.com.au/30-year-strategy/application/files/2114/6726/4488/All_things_considered_submission_-_FINAL_-_2016-06-30.pdf)

# 3. SYSTEMIC AND STRUCTURAL CAUSES OF COUCH SURFING

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Youth couch surfing is not simply the result of unfortunate individual circumstances such as family violence or mental illness. There are a number of systemic and structural factors that cause youth couch surfing. These include, but are not limited to:

- » inadequate infrastructure
- » migration challenges
- » child protection systems
- » intergenerational poverty
- » unemployment
- » inadequate social security provisions.

These factors all contribute to the level of couch surfing in the outer metropolitan areas, and Victoria more generally. In many cases of couch surfing, these causes are intersectional and interrelated.

## 3.1. INFRASTRUCTURE (ACCOMMODATION AND TRANSPORT)

### CASE STUDY 1: NO LOCAL EMERGENCY BEDS

Jane is 17 years old and lives at home with her mother and father in Wyndham. She is currently completing her year 12 studies at a public school near home. Jane's father has been physically and emotionally violent towards Jane and her mother for several years. Jane spends much of the week couch surfing at friends' houses and at the Werribee plaza.

Jane's mother has no present intention to leave her marriage. Jane does not want to live at home with her abusive father however there are no emergency beds and no youth refuge in Wyndham for her to go to. Jane has no capacity for private rental as she is still going to school. She has been told that the nearest crisis facility is in Footscray or Sunshine.

Jane has chosen to stay at home as she is concerned that she will not be able to complete year 12 and doesn't want to be socially and physically isolated from her support networks.

The most significant dimension that differentiates inner-city youth couch surfing from suburban couch surfing is the lack of infrastructure and services in the outer metropolitan areas.

At present, there is no emergency accommodation facility (i.e. shelter or hostel) in Wyndham and there is a serious lack of crisis accommodation options across the western suburbs of Melbourne. Victoria's youth refuges have insufficient capacity to meet demand: in June 2014 there were 20 youth refuges, and in July 2015 they had a combined total of 159 beds.<sup>17</sup> At the same time community and social housing is in short supply and the private rental market is increasingly unaffordable or inaccessible for young people.<sup>18</sup> The majority of young people experiencing homelessness in Melbourne's outer metropolitan areas are required to be relocated to private (often unregistered) rooming houses, caravan parks and motels outside of their locality (i.e. St Kilda or Melbourne). This further adds to their distress as they are often separated from their family, friends and other support networks. Furthermore, compared to the inner-city, Wyndham and other outer-metropolitan areas are significantly under-provided for in terms of road infrastructure and public transport options.

Young people are therefore 'choosing' to remain homeless and couch surf close to their school and social networks instead of turning to formalised systems outside of their local area.

**I didn't seek for that stuff [shelters]. That is a bit too far for me and not a good idea for me. --16 yrs, couch surfer**

It is also important to note that negative experiences or perceptions of crisis accommodation options by young people is also a major deterrent to seeking formal sources of accommodation, even in cases where it is available.<sup>19</sup> This is particularly the case for young single mothers with infants. These deterrents included the risk of sexual assault and violence, overcrowding, drug use and theft from other young people sharing rooms and facilities.

Experiences of family violence is also an important factor: according to McAuley Care's Crisis Program, in the western suburbs of Melbourne, 127 women were supported in the 2016/17 financial year accompanied by 131 children under the age of 15. The largest group was infants aged 0 to 2 (being 36 per cent) however children aged 15 to 18 only accounted for 2 per cent. It is common that children aged 15 years do not accompany women to crisis accommodation, and often need to find alternative accommodation<sup>20</sup>

This indicates an urgent need for viable accommodation options, including emergency housing, for young people forced to leave home, as they are often too old for child protection but too young to access government housing or private rental accommodation. The features of such accommodation must include youth-appropriate settings, a rapid response, and the provision of support integrated with a continuing participation in education and learning.<sup>21</sup>

The Victorian Government has recently committed \$10 million over four years to the Wyndham H3 Network, a network of local agencies providing housing and homelessness support services in Wyndham. The funding includes eight self-contained units for 16 to 25 year olds. This is an important step, though will not meet the full extent of need.

<sup>17</sup> Victorian State Government. *Royal Commission into Family Violence: Summary and recommendations*. Parliamentary Paper no.132 (Victoria: Victorian Government Printer, 2016), p.140.

<sup>18</sup> Anglicare Australia, *State of the family report 2014: Being a/part*: (Canberra: Anglicare Australia, 2014).

<sup>19</sup> MacAuley Services for Women – Client data

<sup>20</sup> *Ibid.*

<sup>21</sup> *Royal Commission into Family Violence*, p.148.

## RECOMMENDATION 1: INFRASTRUCTURE

- » The Victorian Government expand access to both short and long-term options for young people who cannot live at home by increasing youth accommodation and support capacity in Melbourne's west.
- » The Victorian Government, as a matter of urgency, fund a new youth refuge in Wyndham that can assist young people from a point of crisis to supported housing or independent living including engagement with health, mental health, education and employment. A current example is the newly funded youth refuge in Melton run by Hope Street Family Services. The refuge has services on site and has a supported accommodation model.

## 3.2. HUMANITARIAN ENTRANTS AND DETENTION

### CASE STUDY 2: FROM CHRISTMAS ISLAND TO COUCH SURFING

Adi was 17 years old when he was forced to leave his country because he identified as homosexual. In 2012, Adi travelled to Australia by boat as an unaccompanied humanitarian minor and was placed in detention on Christmas Island. He spent seven months in the detention centre where he suffered further physical and emotional pain. He was then released into community detention and spent the following 13 months couch surfing between strangers' homes, sometimes having to move to a different place each night. Due to the loss of his family and country, Adi suffered from significant mental illness and attempted to take his own life while couch surfing a number of times.

In 2014, Adi received his permanent residency and found stable accommodation and support with a youth homelessness service.

Young people from refugee backgrounds are six to ten times more likely to be at risk of homelessness than Australian-born young people.<sup>22</sup> The available literature indicates that couch surfing is the main form of homelessness experienced by refugee youth.<sup>23</sup> There are circumstances to the refugee experience that complicate family relationships and cause tension such as the impact of trauma and loss, disrupted family relationships and overcrowding which all can cause young people to couch surf. There are also some young refugees who experience particular vulnerabilities that put them at higher risk of homelessness, for example, young mothers and refugee minors who arrive in Australia without relatives (Unaccompanied Humanitarian Minors).

<sup>22</sup> Centre for Multicultural Youth (CMY), Finding home in Victoria: Refugee and migrant young people who are homeless or at risk of homelessness, (Carlton: Centre for Multicultural Youth, 2010).

<sup>23</sup> Paul Flatau, Jessica Smith, Georgina Carson, Jake Miller, Angela Burvill & Rachael Brand, The housing and homelessness journeys of refugees in Australia, AHURI Final Report No.256. (Melbourne: Australian Housing and Urban Research Institute Limited, 2015). See: <http://www.ahuri.edu.au/publications/projects/p82015>

The Youth Couch Surfing Clinic assisted 10 young people of refugee background, several of whom came to Australia unaccompanied. Some of these young people had spent time in off-shore detention centres as well as in community detention. After exiting detention, many of these young people were placed in the community without stable accommodation and were forced to couch surf (often with strangers) as their only option. In addition, many of the young people we assisted, had insufficient knowledge of the service system and an inability to navigate homelessness and housing service systems.

### 3.3. OUT-OF-HOME CARE

At the time there wasn't any other option. I put in a referral through school for foster care but didn't get a family. I've heard really bad stories about DHS and I didn't want to go through that at all. - 17yrs, couch surfer

State and territory governments are responsible for the care and protection of children and young people if their parent or guardian cannot adequately care for them. There are several types of out-of-home care services, including foster care, kinship care and residential care.<sup>24</sup> However, young people who come to the attention of Child Protection after they are 15 years old often fall through the gaps, with support and services prioritised for younger children.<sup>25</sup> In their submission to the Royal Commission into Family Violence, Melbourne City Mission highlighted, for example, that some child protection workers consider young people aged 15 to 17 years 'old enough to look after themselves' and therefore in less need of protection after experiencing family violence. The subject was also raised during community consultations: "Child Protection won't pick up on kids 15 and over unless there are younger siblings."<sup>26</sup> Once a young person has reached the age of 17, child protection will not respond to any reports of abuse or neglect at all, unless a protection order or the like has already been granted.<sup>27</sup>

However, it is well understood that young people who are in out-of-home care are significantly more likely to experience homelessness than other young people. Many young people exit state care with no real accommodation plan in place and with inadequate resources to access and maintain housing and meet other living costs. Some are released straight into couch surfing arrangements that are tenuous and break down. In addition, the breakdown of out-of-home care arrangements means that there are some young people under 16 in the homelessness delivery service system who are couch surfing.

It is important to note that young people will often preference couch surfing over the formalised out-of-home care system. There are not enough families willing to act as foster carers and current funding does not meet the demands of residential care. As a result, many young people turn to couch surfing.

This report does not seek to make recommendations regarding the child protection system. Rather, it acknowledges the system's difficulties and challenges and provides alternative solutions to complement the Victorian government's existing programs and services.

<sup>24</sup> Residential Care is a residential care unit in the community which houses up to five children (approximately) and is generally the least preferred type of out-of-home care.

<sup>25</sup> Human Rights and Equal Opportunity Commission (HREOC), *Our homeless children: Report of the national inquiry into homeless children*. (Canberra: Australian Government Printing, 1989), Part II.

<sup>26</sup> *Royal Commission into Family Violence*, pp. 366-367.

<sup>27</sup> *Children, Youth and Families Act 2005* (Vic) s 3



### 3.4. INTERGENERATIONAL COUCH SURFING

Intergenerational poverty is a reality for many families, and workers in homelessness services are now supporting second and third generations of young people whose families have had contact with the homelessness system.<sup>28</sup> Many children are born to parents who are couch surfing and can therefore be classified as second generation couch surfers.

### 3.5. YOUTH UNEMPLOYMENT AND YOUTH ALLOWANCE

Youth unemployment and labour market marginalisation is a driver of couch surfing, and youth homelessness in general. In Victoria, the regions of Melbourne's West and Geelong have the highest rates of unemployment, with more than 17 percent of youth in the labour market unemployed.<sup>29</sup> In the absence of employment, young people are forced to rely on Commonwealth benefits such as Youth Allowance, or in some cases charity.

The level of Youth Allowance payments makes it difficult for independent young people to meet the basic cost of living. People on Youth Allowance receive approximately 20 percent less than those on Newstart Allowance and more than 40 percent less than those on the Age Pension.<sup>30</sup> This makes accessing private rental in a tight market difficult, forcing people to couch surf.

### 3.6. CHARACTERISTICS AND EXPERIENCES OF COUCH SURFERS

It is still common for the general community and decision-makers to understand homelessness as something that affects older men. The image of an older man sleeping rough is a persistent stereotype of who experiences homelessness and why. Yet, women make up nearly 50 percent, and children and young people 42 percent, of the homeless population in Australia. Young people and children experiencing homelessness are hidden in society as they are more likely to couch surf with friends or family rather than sleep rough in the street. Most people are very young when they have their first couch surfing experience, some move in and out of home a number of times before making a 'permanent break'.<sup>31</sup>

A total of 62 young people were seen in the Youth Couch Surfing Clinic over a nine month period between 2014 and 2015. The clinics provided legal advice and assistance to couch surfers under 25 at targeted outreach locations in Wyndham and the western suburbs of Melbourne including schools, welfare agencies and emergency houses.

Ages ranged from 14 to 24 and many clients revealed that they started couch surfing as young as 12 years old. A significant group were teenage males and single mothers. A total of 24 babies and toddlers were identified through the project. 14 single mothers had left their housing due to family violence committed by their partner.

28 Homelessness Australia, *Fact sheet: Homelessness and young people*, (Lyneham, ACT: Homelessness Australia, January 2016).

29 Brotherhood of St Laurence, *Australia's youth unemployment hotspots snapshot*, (Fitzroy: Brotherhood of St Laurence, March 2016), p. 4.

30 Homelessness Australia, *Fact sheet: Homelessness and young people*.

31 Guy Johnson, Helen Gronda & Sally Coultis, *On the outside: Pathways in and out of homelessness*. (North Melbourne: Australian Scholarly Publishing, 2008).

**Table 1: Age, gender and parental status - Youth Couch Surfing Clinic**

AGE	MALE	FEMALE	ACCOMPANYING CHILDREN
14	2	0	
15	5	1	
16	2	6	1
17	3	3	2
18	4	3	1
19	3	4	6
20	3	3	2
21	2	3	1
22	1	7	8
23	1	3	2
24	1	2	1
<b>Total</b>	<b>27</b>	<b>35</b>	<b>24</b>

Some schools in Wyndham reported anecdotally that up to 20 students at any one time were couch surfing. However, this only takes into account the students who have self-identified as being in that situation.

We estimate we may have up to 20 students experiencing some form of homelessness, including couch surfing, at any given time - Wellbeing coordinator

Couch surfing does not involve a particular type of young person but a process of events that happen in a young person’s life. Although each couch surfer is unique, our research identifies a number of characteristics common to many young couch surfers.

# 4. CHARACTERISTICS AND EXPERIENCES OF COUCH SURFERS

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## 4.1. IDENTITY AS 'HOMELESS'

I saw myself more as unwanted. I didn't really see myself as homeless. I just saw myself as someone who was going place to place.

- 16 yrs, couch surfer

It felt like more of a choice for me. I knew I wasn't in the right place. Like I knew there was something better that wasn't home.

- 17 yrs, couch surfer

I felt like why can't I deal with the problems at home? I was blaming myself for running away. - 15 yrs, couch surfer

The majority of young couch surfers that were assisted by the project did not consider themselves to be homeless. According to their perceptions, couch surfing is a choice made by the young person and the act of 'running away' is a means of trying to cope with difficult personal and family circumstances.<sup>32</sup> Couch surfing was not perceived as a form of homelessness because they felt that they could always choose to go home.

Furthermore, young people are unlikely to identify as homeless as long as they have some kind of roof over their head, however unsafe or insecure it may be. It was only when their options were running out that couch surfers began thinking of themselves as homeless.

These results shed light on the way homelessness is currently understood by young people (as largely meaning 'rooflessness') and that the current usage of the word homelessness support service is perhaps not appropriate with this age group.<sup>33</sup>

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<sup>32</sup> P. David Kurtz, Elizabeth W. Lindsey, Sara Jarvis & Larry Nackerud, 'How Runaway and Homeless Youth Navigate Troubled Waters: The Role of Formal and Informal Helpers,' *Child and Adolescent Social Work Journal*, 17(5), (2000), pp. 381-402.

<sup>33</sup> Thielking et al., *Couch surfing secondary students*, p. 7.

## 4.2. EDUCATIONAL ATTAINMENT

I wanted to go to school the entire time I was couch surfing. I wanted to finish my education and finish year 12 because I knew it would open up a lot of pathways for me.

- 19 yrs, couch surfer

When I couch surfed, I was exhausted at school all the time. When it came to exams, I made sure I studied as much as I could. I would stay awake until 2am to study, getting about four hours sleep. Besides that I didn't have time for homework, I was falling behind.

- 18yrs, couch surfer

I would still go to school though because I knew I could eat. I would go to the canteen and they would always give me food. - 22yrs, couch surfer

It really impacted on my school, especially the TAFE I did once per week. I was exhausted. I drank a heap of energy drinks, about three per day. - 19yrs, couch surfer

Almost 50 percent of the young people assisted by the project began couch surfing during primary school. Most students at the early stages of couch surfing are committed to remaining at school because this is the one point of stability in their lives. These students were physically and emotionally exhausted (some getting only four hours sleep a night) and often hungry. Many reported that their school performance and grades declined dramatically as a result of being unable to complete homework or study for exams as they needed to spend most of their energy looking for a safe place to sleep for the night.

Attending school in these circumstances takes commitment, but paradoxically, many needed to couch surf precisely because they did not want to leave the local area until they finished secondary school. Others remained engaged with their school in order to find their 'next place to stay' or to be fed. In both cases, the longer a young person couch surfed the more likely they disengaged from their education.

## 4.3. POOR HEALTH AND HYGIENE

It was stressful on my emotions, mentally and physically I was drained. I felt bad all the time and when I felt good I still felt bad. I felt hopeless. - 16yrs, couch surfer

My emotions fell and I felt like being alone when I couch surfed. His parents gave me space when I was sad. - 17yrs, couch surfer

I did go to school but I smelt. There were times when I had to go use the pond to wash my clothes and have a bath. - 22yrs, couch surfer

I didn't have any clothes of my own. I only had enough clothes for about 3 days of the week. My friend would sometimes lend me his clothes but basically I lived in those three outfits for the year. - 17yrs, couch surfer

You also get sick a lot [when you couch surf] and can't seem to shake it. I didn't have a Medicare card or anything so I couldn't go to the doctors. - 22yrs, couch surfer

Mental health issues are more prevalent among homeless youth (including couch surfers) than the overall population of young people in Australia.<sup>34</sup> In fact, recent findings from the Cost of Youth Homelessness in Australia Report found that homeless youth experience significantly higher levels of psychological distress than their non-homeless counterparts.<sup>35</sup>

The young people assisted by the project reported feeling 'lonely', 'anxious and stressed', 'sad', 'depressed' and 'hopeless'. Several couch surfers reported self-harming and thought about suicide. In addition, some youth may also have experienced trauma including fleeing a home country with civil strife, war or violence. The majority of the young people reported that their mental health declined when they began couch surfing.

Young people also reported physical health issues while couch surfing including constant colds and flues. Poor health and limited access to medical care was blamed on not having a Medicare card, insufficient time to visit the doctor and poor hygiene. With no money for clothes and no access to washing machines, personal hygiene was reported by all to be an issue.

## 4.4. FEELING LIKE AN IMPOSITION

You get a hint or a vibe that they don't want you hanging around and so you leave. It felt lonely. - 20 yrs, couch surfer

I was told I could stay as long as I wanted but I felt bad because I was eating their food and everything. I just felt like I was imposing all the time ... it wasn't permanent. - 15yrs, couch surfer

I would stay for about a day and then I'd be like I better go now. I don't want to be imposing.  
- 18yrs, couch surfer

The informal nature of couch surfing means that the young person is often left to feel like they are imposing on the couch provider and their families, although this is not often the case. This was coupled with the strong fear of 'over staying their welcome' and a concern that unless they minimised their impact and presence in the guest arrangement, they could be asked to leave without notice.<sup>36</sup> Moreover, the majority of young people began couch surfing while they are at school and therefore have limited access to finances, leaving them financially dependent on the couch provider for basic living necessities (i.e. shelter, food and essential services).

## 4.5. SINGLE MOTHERS WITH CHILDREN

I think my daughter [1 years] knew it was an unstable environment. She would freak out and want to be on me. She was always on edge. She would be more observant and take notice of her surrounding whereas at home she is a lot more comfortable with anyone that walks inside. - 21yrs, couch surfer

A total of 14 young single mothers were assisted by the Youth Couch Surfing Clinic after fleeing their homes from family violence, with 24 babies and toddlers also identified through the project, including two newborns. Anna's story, featured on Women's Policy Action Tank blog, provides a look into how couch surfing specifically impacts on young women and their children:

<sup>34</sup> National Youth Commission. (2008) *Australia's homeless youth: A report of the National Youth Commission Inquiry into youth homelessness*. (Brunswick: National Youth Commission), p. 10.

<sup>35</sup> Paul Flatau, *The costs of youth homelessness in Australia: Final report*. (Melbourne: Swinburne University Institute for Social Research, 2016).

<sup>36</sup> McLoughlin. 'Couch surfing on the margins,' p. 540.

*Imagine you are an 18-year-old girl who finds herself pregnant. You are currently couch surfing at friend's houses and you have no family support. You are still an adolescent, but now you must find suitable accommodation to house you and your new baby as well as figure out how to care for your baby with minimal support. What do you do if your newborn baby has colic or screams during the night (like most newborn babies!) and you are staying at a friend's house? Fast forward 6 months and your maternal child health nurse advises you to implement a structured routine and practice 'control crying', while you are couch surfing. A baby that cries throughout the night is a great way of being asked to leave the next morning! Even the most generous friend would have issues having you stay over for more than a couple of nights. Worse – you are aware that Department of Health and Human Services may be forced to remove your child if you do not have appropriate accommodation. This was the case for Anna, a 19-year-old couch surfer in Wyndham.<sup>37</sup>*

As documented in the Victorian Royal Commission into Family Violence Summary report, 'infants are highly sophisticated in their capacity to process information and very attuned to their environment and whether they feel safe'.<sup>38</sup> All of the mothers chose to couch surf instead of spending time in refuges due to the perceived risk of danger to themselves and their children.

These are significant aspects of the research findings which will need to be explored in future.

## 4.6. ALCOHOL AND DRUG DEPENDENCE

The majority of young people assisted by the project reported that they did not have a substance abuse issue when they began couch surfing, however began using substances while couch surfing. A small number of clients reported personal issues with substances as one of the causes of their couch surfing.

## 4.7. PREVALENCE OF VIOLENCE

I was running away from family. Dad was very scary, for sure there was mental and emotional abuse. It wasn't mum, she copped it as well and she was avoiding home. So I left to stay at a friend's house. - 17 yrs, couch surfer

Me and my mum didn't really get along so she'd always be kicking me out on the street, so I started staying at mates' places. - 21 yrs, couch surfer

Living with my mum and my step-dad I've seen way too much family violence to get frightened. That's the bad thing I see it as a normal thing now. So I chose to leave.

- 16 yrs, couch surfer

Family breakdown and family violence were the largest causes of couch surfing for young people in this study. All of the 62 young people assisted by the project had experienced, or were currently experiencing, family violence at home. For some, parental separation and the arrival of a step-parent can cause conflict that makes living at home seem untenable.<sup>39</sup> For others, personal issues of substance abuse and mental illness were the drivers behind the violence.

<sup>37</sup> Shorna Moore, 'Always on edge: The dangers to female couch surfers and their children,' *Power to Persuade Blog*, 4 April 2017. See: <http://www.powertopersuade.org.au/blog/always-on-edge-the-dangers-to-female-couch-surfers-and-their-children/3/4/2017>

<sup>38</sup> *Royal Commission into Family Violence*, p. 106.

<sup>39</sup> Homelessness Australia, *Fact sheet: Homelessness and young people*.



The majority of young victims of family violence will not seek assistance from specialist services but will stay with friends and family members in temporary arrangements.<sup>40</sup> Furthermore, young people may have escaped violent homes only to encounter further violence while couch surfing. The Royal Commission into Family Violence received a large number of submissions describing the devastating effects of family violence on children and young people, including the link between family violence and homelessness. Young people were often described as silent victims because the system has historically focused on the safety and wellbeing of women (or women accompanied by their children).<sup>41</sup>

Most young people living with their parents or guardian seek to resolve family violence by ‘running away’ and couch surfing with friends and family. In many cases, a young person will only couch surf part of the week in order to avoid violence at home. As seen in the case study below Anna couch surfed during weekends when her parents were most likely to use drugs. Other young people seen by the project couch surfed during the week, often with friends who lived in the local area and attended the same school as them. Young people’s attitudes reflect limited understanding of the nature of family violence, especially when violence did not include physical acts (i.e. emotional abuse).

The Youth Couch Surfing Clinic identified three common family violence situations experienced by young couch surfers:

1. Violence committed by the couch surfer’s parents (couch surfer generally under the age of 18).
2. Violence committed by the couch surfer’s partner (couch surfer generally over 18, however in a small number of cases the couch surfer was an underage mother).
3. Violence committed by the couch provider.

## Violence committed by couch surfer’s parents

### CASE STUDY 3: WEEKEND COUCH SURFING

Anna was 12 when she started running away from home and staying with friends. Her mother and father were substance users and would hit her and her brother when they were ‘high’, often with objects such as pieces of wood and electrical cords. When her parents were not affected by drugs they were not violent and were kind to their children.

In the early years, Anna spent most weekends couch surfing at friends’ houses when her parents were most likely to use substances. She would often leave home on a Friday after school and return early Monday morning. Later on, Anna found herself staying with ‘boyfriends’ and strangers in order to avoid home. She didn’t want to tell her school teachers about the violence at home as she was scared that it would upset her parents.

<sup>40</sup> Homelessness Taskforce, *The road home: A national approach to reducing homelessness*. (Canberra: Commonwealth of Australia, 2008), p. 7.

<sup>41</sup> *Royal Commission into Family Violence*.



## **CASE STUDY 4: I WANT TO FINISH SCHOOL**

Michelle is 17 years old and is a high achieving year 11 student. She wants to complete her VCE and study accounting at university.

Michelle lives with her parents and two younger brothers. Michelle's father is an alcoholic and is often violent towards her and her mother. He mostly leaves the boys alone because they can fight back. Michelle's mother suffers from mental illness and has been a victim of her father's abuse for nearly 15 years. Michelle often sleeps at her best friend's house, and when she feels like she has overstayed her welcome, she will go to her grandmother's house. However, her grandmother lives outside the local area and Michelle finds it difficult to get to school due to poor public transport.

Michelle has chosen to endure the violence at home so that she can complete her education.

## **Violence committed by the couch surfer's partner**

### **CASE STUDY 5: COUCH SURFING AND CHILD PROTECTION**

Samara is 20 years old and was born in Iraq. Her step-mother and father raised her. Her family relocated to Melbourne when Samara was 6 years old. She was forced by her step-mother to perform household duties just like 'Cinderella'. Her father was physically and verbally abusive. Samara was not allowed to attend school for 6 months in year 10 so that her bruises were not discovered. She ran away with her partner to escape the violence.

Samara fell pregnant to her partner shortly after running away. Her partner had significant mental health issues and would often self-harm and beat Samara when she was pregnant. Child protection became involved and Samara was threatened that her baby would be taken away if she didn't take out an FVIO<sup>42</sup> against her partner. As a result of taking out an FVIO, Samara and her baby were forced to couch surf at friends' places. As she was moving frequently from place to place, child protection threatened that her baby would be taken away, unless she received 'proper care' including being bathed on a daily basis. This was very difficult for Samara as she didn't always have access to a bath/shower.

As discussed earlier in the report, the Youth Couch Surfing Clinic assisted 14 single mothers who had escaped violent relationships. The clinic also assisted two underage mothers who couch surfed but would often return to live with their violent partners in order to financially support their children. Most of the women with children refused to stay in refuges or other forms of crisis accommodation as they were afraid for their safety. Couch surfing was preferred over other forms of emergency housing.

Consistent with other research, pregnancy was a time of increased risk of family violence for the young women in the study. There is an increased risk of family violence just after a baby is born, which has also been highlighted by the Royal Commission into Family Violence.

<sup>42</sup> FVIOs are discussed in more detail in section 5.1

## Violence committed by couch provider (sexual violence)

When I was 15, I was dating an 18 year old boy and he insisted I stay with him when home was too violent. He was nice but I didn't like him that much and I wouldn't have stayed there if I was living at home. I felt like I was being forced into an 'adult relationship' and I was scared of getting pregnant because I was not on the pill - 19 yrs, couch surfer

### CASE STUDY 6: SEXUAL ABUSE

Cassie was 16 years old when she was sexually abused while couch surfing. 'When I was 16 I was couch surfing at this guy's house. One day he took me to this remote place to his grandpa's house. I had to go with him. His uncle lived down the road and it was him that did it. I got back on the bus to town not knowing where I was going to stay that night'.

Cassie didn't report the sexual abuse to the police because she was couch surfing at the time of the offence and felt that she wouldn't be taken seriously.

Many young people escape violent homes only to encounter further violence while couch surfing. Sexual abuse of young female and in some cases male couch surfers was common. Some young couch surfers were 'sleeping on couches for sex' or being forced into more serious relationships in order to keep a roof over their head. The Youth Couch Surfing Clinic heard several stories of young women trading sex for a safe place to sleep. Engaging in this type of survival sex or 'sex surfing' also led to sexual abuse and unplanned pregnancies. As one young female couch surfer stated:

I experienced lots of violence while couch surfing. You can put yourself in positions where there are people you never met before and you can be put in a very awkward position because they were men - 19 yrs, couch surfer

In a poorly funded service system, for a single female who is homeless, survival sex may be the only way to survive.

Young couch surfers are reluctant to report sexual abuse to the police. Reasons included guilt for couch surfing, worried that they wouldn't be believed, removal of children (if couch surfing with a young child) and mental health.

The issue of informed consent when engaging in survival sex is not well understood or documented. For example, when a young girl is forced into a serious relationship or engaging in survival sex as a result of the violence at home.

These are significant aspects of the research findings which will need to be explored in future.

It is important to note that, in response to the submissions made to the Royal Commission into Family Violence, the Victorian government is investing \$21.8 million over two years to roll out a holistic approach to Respectful Relationships across schools and early childhood services. This approach will support the delivery of respectful relationships education, through the new Victorian Curriculum across all year levels. This school-based prevention program will also assist young people in their understanding of what is family violence and how to seek help. This may go some way in supporting young people in understanding the difference elements and types of family violence, including emotional abuse.

## 4.8. RELIANCE ON MOBILE PHONES AND SOCIAL MEDIA

I never had credit on my phone but I had free social media, it saved my life when I was couch surfing - **18yrs, couch surfer**

I'd just be asking around where I could stay. It was about a 2 hour process after school. Basically asking people on Facebook while I was walking around the streets. I'd just put something up like 'looking for somewhere to stay for the night, can anyone help me out?'  
- **17yrs, couch surfer**

Access to mobile phones and social media platforms such as Facebook is vital for young couch surfers. Many reported using social media as the primary way to find their next place to stay. Importantly, many applications such as Facebook and Whatsapp are free and couch surfers can also access free Wi-Fi at most public venues (i.e. fast food outlets and shopping centres).

As evidenced in the Yarra Ranges Youth Homelessness Prevention Project, "social media platforms were mentioned by school teachers and support staff as a mechanism for some students to communicate with each other about temporary accommodation needs. They had heard of students posting requests for a place to stay on Facebook and then other students responding with offers to stay at their house in order to help them out."<sup>43</sup>

## 4.9. INTERSECTIONS

There is no one demographic that characterises young couch surfers. Rather, it is a range of complex and intersecting challenges that impact on the young person's capacity to retain stable housing. Questions of self-identity, and the lack of young people's own recognition that they are homeless, further highlight how underreported couch surfing is. When understanding experiences of couch surfers, attention must be paid to this complexity if young people are to be properly supported.

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43 Thielking et al., 'Couch surfing secondary students,' p. 11.



**PART B:**

**LEGAL AND POLICY  
CHALLENGES FOR  
COUCH SURFERS**



# 5. FAMILY VIOLENCE

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As mentioned previously, all of the young people in the study had experienced family violence. This could be at the hands of their parents, their partners or couch providers.

This section highlights some of the legal challenges for young people in navigating the family violence system.

## 5.1. FAMILY VIOLENCE INTERVENTION ORDERS

Unless a young person is involved in the child protection system (in which case, applications are made on behalf of the young person), it is the responsibility of the young person themselves to navigate the legal system and take their parents to court in order to protect themselves through Family Violence Intervention Orders (FVIO). An FVIO is a court order that seeks to ensure the safety of an applicant in circumstances involving family violence by often restricting a person's ability to approach or communicate with the applicant. A young person over 16 years can apply for an FVIO, with the leave of the court, with the written consent of the parent or guardian

## 5.2. ORDERS AGAINST PARENTS

If a young person is successful in getting an FVIO against their parent(s) it is often the case that they can no longer live in the family home. Without proper access to housing, many of these young people are left to navigate the homelessness service sector, often disengaging from their education or employment. Young people are choosing to stay in violent homes so that they can continue their education and stay close to their social networks.

Many clients of the Youth Couch Surfing Clinic sought assistance because they were experiencing family violence and wanted protection. The clinic assisted 8 young couch surfers to apply for, extend or vary an FVIO and several more sought information about making an application for an FVIO.

The decision to make an application for an FVIO was generally considered once the couch surfer had exhausted their social networks and had to rely on the formal service system for support. Many young people who approached the Youth Couch Surfing Clinic for advice regarding family violence chose not to make an FVIO application and instead chose harm minimisation by couch surfing with friends and extended family members.

Largely speaking young people did not want to make an application for an FVIO against their parents. For some, it was that they wanted the possibility of maintaining some relationship with their parents in the future. For other young people, concerns were raised that making an FVIO could increase their vulnerability and ultimately lead to increased violence. Without secure alternative accommodation or a support person, a FVIO was not going to necessarily protect them.

Several of the couch surfers were fearful of their parents, however said they still loved them and did not want to upset them by applying for an FVIO or contacting child protection services. Although they wanted the violence to stop, they did not want to break ties with their parents permanently.

Other couch surfers felt it is seen as 'shame' in their culture to speak badly about your family to third parties, especially if the third person is not from your community. Some young people refused to make an application for an FVIO against their parents as they did not want to speak badly about their parents or family in public (i.e. Court).

### 5.3. ORDERS AGAINST INTIMATE PARTNERS

In escaping violence at the hands of an intimate partner, many of the young women experiencing family violence did not want to report violence to the police as they were worried about losing their children because they were couch surfing. When reports were made, children were not included on several of the FVIOs even though they had witnessed family violence.

Violence included physical, emotional and economic abuse and some mothers reported increased violence while they were pregnant. Many of the women were forced into signing household accounts, loans and other contracts by their partners. The majority of these women had already applied for an FVIO against their partners and wanted assistance to extend, vary or cancel the FVIO. FVIOs had been breached on a number of occasions, generally because of economic reasons (i.e. non-payment of bills, cars, mobile phones and child support).

### 5.4. RESTORATIVE JUSTICE FOR VICTIMS OF FAMILY VIOLENCE

The research has identified that there is a need to provide young victims of family violence with a way to access a justice response when they do not wish to press charges against their parents or other family members. As discussed above, many of the young people seen by The Clinic did not want to make an application in a formal court setting as they wanted the possibility of maintaining some relationship with their parents and or family in the future. Unlike intimate partner violence, children have more of a reason to want to have a relationship in some form with the perpetrator (as long as they are safe). In some cases, young people from cultural and linguistically diverse communities were concerned that by taking their parents to court, they would not only destroy the possibility of repairing their relationship with their family but would also mean they were excluded from their community.

The Royal Commission into Family Violence heard that restorative justice has the potential to deliver 'better outcomes than the adversarial [court] processes because of its ability to provide a forum for women to be heard on their own terms, and offer a process that is tailored to individual needs'.<sup>44</sup> Restorative justice processes can provide opportunities for a victim to meet with the perpetrator in a safe environment to describe what impact the abuse has had on them; for the perpetrator to acknowledge the harm they have caused; and for the parties to decide what action might be taken to repair the harm. Although the reference was made in relation to women who had experienced family violence, it can be argued that a restorative justice framework would be a useful option for young people who want to repair and preserve a relationship with their parents, family and in some instances their community. Recommendation 122 made by the Royal Commission into Family Violence states that 'The Department of Justice and Regulation, in consultation with victims' representatives and experts in restorative justice, develop a framework and pilot program for the delivery of restorative justice options for victims of family violence.'<sup>45</sup> It is important to note that restorative justice should be made available to those who wish to pursue it as an additional option and not as a substitute to pursuing court action.

<sup>44</sup> *Royal Commission into Family Violence*, p. 30.

<sup>45</sup> *Royal Commission into Family Violence*, p. 78.

Since the recommendation for a restorative justice framework and pilot for victims of family violence, responses have focused primarily on women. Young people have only been considered in the context of adolescent family violence (that is, when the young person is identified as the perpetrator of family violence). Young people who are not violent in the family home but are experiencing family violence should also have a restorative justice pathway available to them. Any framework or pilot that is developed to address family violence in the home should also apply to young victims in their own right. Young people do not want to navigate an adversarial system that is set up for intimate partner violence and is more interested in a violation of law than restoring the family relationship. Young victims also need an additional forum to resolve family violence. Consideration must be given to non-adversarial processes such as conferencing circles and conciliation. The adult FVIO system is focused upon protecting and securely separating former partners – whereas young people may need a viable solution to stopping the violence while continuing a parental relationship that they are economically and emotionally dependent upon.

As stated in recommendation 122 above, restorative justice should be made available to those who wish to pursue it as an additional option and not as a substitute to pursuing court action.

It is important to note that restorative justice options are only appropriate after careful and cautious risk assessments are conducted in terms of the young person's physical and emotional safety.





## **RECOMMENDATION 2: FAMILY VIOLENCE JURISDICTION**

- » In enacting recommendation 122 of the Royal Commission in Family Violence, the Victorian Government (and other relevant bodies) invest in extending restorative justice models for young people experiencing family violence as victims in their own right as opposed to accompanying a parent or in the context of adolescent violence.

## **RECOMMENDATION 3: RESEARCH INTO YOUNG PEOPLE'S EXPERIENCE OF FAMILY VIOLENCE**

- » More research needs to be undertaken to better understand young people's experiences of family violence, the links to couch surfing and further homelessness.

### **5.5. THE NEED FOR REFORM - VIOLENCE AND YOUNG PEOPLE**

While there has been an increase in focus on family violence, particularly in Victoria, little of it appears to be directed towards supporting young people who are victims of family violence. The research uncovered that it was rare for young people to accompany parents to refuge, and rare for the young people themselves to have access to emergency accommodation in their own right. The complex relationships that exist, such as with their parents and with others for whom they rely upon for their accommodation, is overlooked when responding to issues of violence. Greater research needs to be undertaken to understand this, as well as better responses developed that can deal with the challenges these young people experience.

# 6. COUCH SURFER TENANCY RIGHTS AND POSSESSIONS

## CASE STUDY 7: 'DON'T COME BACK, YOU'RE NOT WELCOME'

Charlie is 17 years old and has been couch surfing at his friend's house for a couple of weeks. His friend is 21 years old. He had only known this friend for a couple of months before staying over. Charlie did not pay rent but when he occasionally found work, he handed over his wages to his friend. His friend was a regular drug user and suffered from mental illness.

One day when Charlie was out of the house, he received a text message from his friend telling him that he was not allowed to come back to the house. Charlie was concerned that his belongings were still at the house, including his clothes, laptop and other personal possessions, and didn't know how to get them back. He tried to call his friend to ask when he could pick up his belongings but his friend didn't answer his phone. When Charlie went back to the house, his friend told him to 'get lost' or he would call the police for trespass.

Charlie decided to go to the police station to ask for help but was told that he had a civil dispute and therefore the police could not retrieve his possessions unless there was a warrant. He was advised that he could make an application in the Magistrates' Court to enforce his rights but he should probably get a lawyer. He could not go to the Victorian Civil & Administrative Tribunal.

Charlie chose not to go to Court as he needed to spend his time and energy looking for somewhere to stay.

Vulnerable members of society, especially young people, should have adequate protections under the law that guarantee continued access to stable housing. The Residential Tenancies Act 1997 (Vic) (RTA) was established for this purpose. As stated by Youthlaw in their submission to the Residential Tenancies Act Review, '[y]oung people are often most at risk of being in unstable housing because of their low income, difficulty finding work and lack of knowledge around their legal rights and responsibilities.'<sup>46</sup> This is particularly the case for young couch surfers who do not have family support or any proprietary rights over the family home. Yet, in most cases, young couch surfers are not entitled to the legal protections under the RTA which includes dispute resolution at the Victorian Civil and Administrative Tribunal (VCAT).

## 6.1. TENANT OR LICENSEE (GUEST)

Whether a couch surfer has any rights under the RTA depends largely on whether he or she is found to be a tenant, a licensee or simply a guest. Disputes between a licensee and licensor are not covered by the RTA. Section 446 of the RTA provides that VCAT has jurisdiction to hear and determine an application under the RTA relating to a tenancy agreement, rooming house residency right or caravan park site agreement. These disputes are heard in the Residential Tenancies List at VCAT.

<sup>46</sup> Youthlaw, *Submission to Residential Tenancies Act Review – Submission for security of tenure issues paper*, (Melbourne: Youthlaw, 2015).

It can be difficult to determine whether a person occupying premises has been provided with a lease or a license. A license is a personal interest to enter a premises, whereas a lease is a proprietary interest. Where a couch surfer pays a monetary amount in exchange for staying in someone's home, the agreement will be classified as a tenancy in the event that exclusive possession is granted.

Exclusive possession might be conferred over part of the property, such as a bedroom with independent access, or any self-contained part of the premises. If established, the couch surfing arrangement will fall under the numerous protections of the RTA, including the right to be given notice before termination of the agreement. It is important to note, that to enforce tenancy rights under the RTA, an agreement must include consideration. Money given for a day or two from time to time is not likely to be a tenancy as rent must generally be agreed to be paid periodically.

The RTA also has special provisions for an arrangement known as a rooming house, which encompasses buildings 'in which there is one or more rooms available for occupancy on payment of rent ... in which the total number of people who may occupy those rooms is not less than 4'. If a young couch surfer occupies a room in a rooming house, he or she can enforce the agreement in the Residential Tenancies List, since the RTA protects these agreements.

In the context of youth couch surfing, it is far more likely that the couch surfer will be staying in a shared space such as a lounge room, in which case exclusive possession will not be established. The arrangement will therefore take the form of a licence agreement, whereby the person will have a personal right to enter the premises. Licensees are not provided with rights under the RTA.

It is important to note that a tenancy or license agreement may still exist even where consideration is non-pecuniary. For example, the reduction of a debt is thought to be good consideration, which may occur in a couch surfing arrangement. Consideration however does not include the provision of care, housekeeping, property or illegal activity, such as a couch surfer watching over a stash of illicit drugs or a couch provider defrauding Centrelink for the Family Tax Benefit.

Where the 'couch' is provided gratuitously, the couch surfer appears to be a guest and therefore has no personal or proprietary right to enter the premises. The only rights protecting a young couch surfer in such a situation are those of licensee in tort law. The couch surfing guest is owed a general duty of care, which is based on 'common humanity' and requires only that no positive acts of endangerment occur. This general duty is reflected in section 14B(3) of the Wrongs Act 1958 (Vic), which includes the age of the person entering the premises as a factor to be taken into account. For example, a breach of this duty might include subjecting a young couch surfer to a violent partner or exposing the couch surfer to infected needles or other dangerous substances.

In the context of youth couch surfing, it is unlikely that there is a requirement for the couch provider to provide care or support in the form of food, clean sheets, use of certain household appliances (i.e. washing machine) or emotional support. It is unclear however whether a couch provider would breach his duty of care to the young couch surfer by making them leave the premises without considering the likelihood of any physical or emotional abuse occurring elsewhere.

Given the above observations, the following section of the report assumes that a young couch surfer is legally defined as a licensee.

## 6.2. AUSTRALIAN CONSUMER LAW PROTECTIONS UNDER THE RTA

The Australian Consumer Law and Fair Trading Act 2012 (ACLFTA) provides VCAT with jurisdiction to hear consumer and trader disputes. The ACLFTA provides for a broad range of remedies including rights to compensation, specific performance and orders voiding unfair terms.<sup>47</sup> As the ACLFTA is broad legislation for the protection of consumers, its jurisdiction is provided to a number of lists at VCAT, including the Residential Tenancies List and Civil Claims List.

Licensees may bring an action under the Residential Tenancies List if they can demonstrate that the license was provided in 'trade or commerce'. 'Trade or commerce' 'includes any business or professional activity (whether or not carried on for profit)'.<sup>48</sup> The Court of Appeal has interpreted 'in trade or commerce' to require 'in the course of...activities or transactions which, of their nature, bear a trading or commercial character'.<sup>49</sup>

A couch surfing arrangement is unlikely to be a license provided in 'trade or commerce' unless the couch provider runs it like a business 'with some degree of system and regularity'. However, there may be some argument to say couch providers who regularly take in couch surfers, could be doing so in 'trade or commerce' even if they are doing so on a non-profit basis.

## 6.3. ASKED TO LEAVE WITHOUT NOTICE

You're not on the streets, but you're homeless in the fact that [where you are staying] isn't yours. You haven't got any rights on it, and at any point, somebody can tell you to go without warning. You don't know how long you are there for; it could be a day, it could be a week.

- Couch surfer<sup>50</sup>

The Youth Couch Surfing Clinic saw a large number of young couch surfers with legal issues relating to unstable housing that didn't include the family home. Many of these problems arose from licensee issues for which there are currently few protections under the law. The clients had no written agreement with the couch provider about the terms of their stay, including when and how they could be asked to leave.

As most couch surfers are legally guests, their license to remain on the property can be revoked at will and they can be asked to leave without notice. This means that they are often told by other tenants or owners that they must leave the house immediately without reasonable time to find alternative accommodation. In some cases, young people are effectively 'locked out' of the premises with no notice (as seen in the case study above). As a result, these young people are left in a perpetual state of anxiety and fear that they can legally be asked to leave at any time including late at night. As one young couch surfer stated, 'I was always thinking when, when, when are you going to tell me to go.'

In circumstances where the couch surfer has paid a person to stay at their house (but is not considered a tenant), the contractual license to enter and remain on the land, can be unilaterally and immediately terminated without notice, leaving the couch surfer to a remedy for breach of contract.<sup>51</sup>

47 *Australian Consumer Law and Fair Trading Act 2012* (Vic) s 182.

48 *Australian Consumer Law and Fair Trading Act 2012* (Vic) s 7.

49 *Sigma Constructions (Vic) Pty Ltd v Marvell Investments Pty Ltd* [2004] VSCA 242

50 McLoughlin, Pauline J. (2013) 'Couch surfing on the margins: the reliance on temporary living arrangements as a form of homelessness amongst school-aged home leavers,' *Journal of Youth Studies*.

51 Unless the contract is of such a kind and the circumstances are such that equity will interfere. It is unlikely that a court would require a period of grace to enable alternative accommodation to be found.

## 6.4. POSSESSIONS LEFT BEHIND

I remember once I left my wallet and I couldn't go back there to get it or I would leave my stuff there and half of it went missing.

-20yrs, couch surfer

I left lots of stuff at people's houses but I didn't want to go back there. They threw everything out. Mainly clothes and school stuff. I couldn't do anything.

- 18yrs, couch surfer

As couch surfers are legally licensees, they are often told that they must leave the house immediately without any notice. As a result, possessions are often left behind and the couch surfer is unable to collect their belongings. This was the case for several of the couch surfers who were assisted by the Youth Couch Surfing Clinic. Several clients spoke of situations where they had been at school or work and were told that they could not return to the house. The most common items left behind included wallets, mobile phones, laptops, clothes, textbooks and personal hygiene products such as a toothbrush or hair straightener. The loss of personal possessions had a big impact on the couch surfers' mental health as they were often already struggling with loss of identity and familial connections. For couch surfers who had left their wallet and /or mobile phone at the couch provider's house, it was more difficult to find a safe place to sleep as they were unable to contact their friends or extended family.

The personal possessions belonging to a couch surfer are legally their own according to common law principles, as the true owner has the best title to a chattel. Therefore, when a couch surfer's possessions are wrongfully detained by the couch provider after a request for their return, a common law claim in *detinue* can be brought. Dating back to the twelfth century, *detinue* is one of the oldest forms of action in common law and today the action has been almost entirely superseded by statutes. However, due to the lack of protections awarded to licensees, the principles underlying the ancient common law form of action are still the foundation for the recovery of personal property.

In this situation, a police officer can accompany the young couch surfer to the home of the couch provider and request the return of the possessions. However, if entry is refused and trespass would be necessary to retrieve the possessions, the young couch surfer must apply to the Magistrates' Court. In some cases, the breakdown of the couch surfing relationship may render an intervention order including ancillary orders to collect the goods.<sup>52</sup> In practice, police officers are reluctant to assist the young couch surfer and do not want to play civil arbiter.

It is important to note, that Part 9 of the RTA 'Goods Left Behind by Tenants and Residents' recognises that a licensee, 'the rightful owner of goods or documents', has a right to claim the goods or documents left behind from the owner of the premises upon termination of the tenancy agreement.<sup>53</sup> This right would be enlivened if the tenancy of the licensor was terminated two days after the licensee left the premises for two years. Thus, Part 9 provides some recognition for a legal identity that sits outside the tenant, landlord or rooming house operator relationship (being the rightful owner of goods or documents) who has no other claims under the RTA other than to gain access to their goods or documents.

<sup>52</sup> Residential Tenancies Act 1997 (Vic)

<sup>53</sup> Residential Tenancies Act 1997 (Vic) Part 9.

In reality, this means that a couch surfer has to wait some indeterminate period for a tenancy to terminate before seeking to regain their goods or documents. Furthermore, there is no obligation that they be notified when the tenancy does terminate. Similarly, the only existing obligations under the RTA not to destroy or dispose of goods or documents are the obligation of the owner of the premises not necessarily the person who grants the license i.e. the tenant.

## 6.5. DISPUTE RESOLUTION

Currently in Victoria there is not an affordable and effective mechanism for couch surfers to resolve housing disputes. When possessions are left behind or a small amount of money is paid, the issue is not proving ownership but about that of enforcement. There needs to be a fair and accessible avenue for young people in these situations to resolve disputes and recover their possessions. VCAT was established to create a modern, accessible, efficient, cost-effective, and independent judicially governed tribunal.<sup>54</sup> Ideally the dispute would be heard at VCAT, however it is unlikely that VCAT has jurisdiction to hear tenancy disputes that fall outside the RTA. As discussed above, if a license is not 'in trade or commerce' it sits outside of the scope of VCAT, either in the Civil Claims or Residential Tenancies List.<sup>55</sup>

If a tenant is to leave their possessions behind, they are awarded the protection of the RTA and therefore have access to the Residential Tenancies List at VCAT.<sup>56</sup> However, when a licensee or couch surfer leaves their possessions behind, it is considered a small property dispute and they are expected to lodge a claim in the Magistrates' Court, where the fees are higher than those at VCAT and formalities are more stringent. This is the case even when the amounts in dispute are likely to be a very small sum of money (i.e. \$300). Lodging a claim in the Magistrates' Court is costly, time-consuming and not likely to be a priority for the young couch surfer, whose priority is to find his or her next place of safe accommodation. If a couch surfer is unsuccessful, they may also be made to pay the other party's costs. Furthermore, young couch surfers are reluctant to pursue court action to recover possessions as they cannot afford to pay for a private lawyer and the community legal sector does not often represent licensees.

Currently the best option for a young couch surfer wanting to retrieve their possessions or money paid, is to be referred to the Dispute Settlement Centre Victoria (DSCV), a community-based focus on solving interpersonal disputes. However the DSCV is a voluntary process and it is unlikely that the couch provider will participate.

Therefore, there is a need to get small private civil disputes, such as small property claims, out of the jurisdiction of the Magistrates' Court and into VCAT. This is supported by the recommendations in the Royal Commission into Family Violence report that states '[t]he Victorian Government consider transferring some of the jurisdiction of the Magistrates' Court of Victoria to another forum' in order to support the capacity of the Magistrates' Court.<sup>57</sup> Small private civil disputes, such as possessions left behind while couch surfing, should be dealt with at VCAT. This could be done through the creation of a specific division of the Residential Tenancies List or a Small Claims List, both involving legislative reform. Alternatively, an amendment to Part 9 of the RTA to allow a licensee to claim return of goods or documents from a licensor before the termination of the tenancy.

<sup>54</sup> Victorian State Government, Parliamentary Debates, Legislative Assembly (9 April 1998), 972 (Jan Wade, Attorney-General).

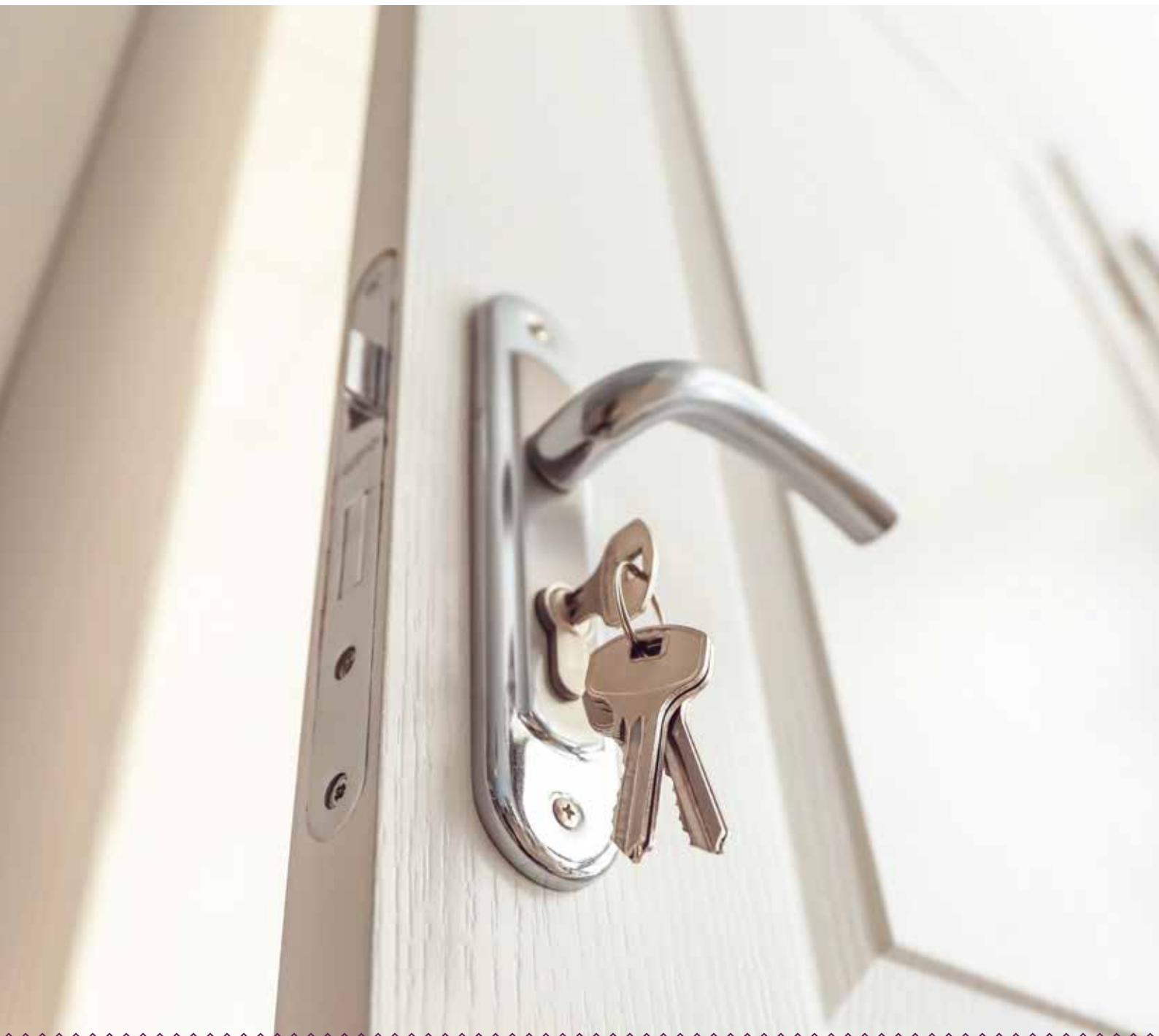
<sup>55</sup> A 'small civil claim' is defined under the *VCAT Act* as a claim where the value of the goods or services in dispute is an amount not exceeding \$10,000. Small civil claims are heard and determined in the Civil Claims List, one of three lists that make up VCAT's Civil Division. Small civil claims at VCAT may be disputes between a consumer and a business, or a business and another business.

<sup>56</sup> Residential Tenancies Act 1997 (Vic) s 466.

<sup>57</sup> *Royal Commission into Family Violence*, p.63.

## RECOMMENDATION 4: SMALL PROPERTY MATTERS

- » The Victorian Government legislate to remove licensee disputes in relation to small amounts of property from the jurisdiction of the Magistrates' Court and into the Victorian Civil and Administrative Tribunal by:
  - a.) amending Part 9 of the Residential Tenancies Act to allow a licensee to claim return of goods or documents from a tenant before the termination of the tenancy, or by
  - b.) creating a new jurisdiction with either the Residential List or the Small Claims List.



# 7. CRIMINAL ISSUES, FINES AND DEBT

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## 7.1. CRIME RELATED TO DRUG USE

It was hard on me because we had to go steal more food so we could eat. Sometimes I would have to give over money but I'd always have marijuana with me so they'd constantly use that instead. I wasn't just staying there for nothing. I was trying to pay my way.

- 22 yrs, couch surfer

I was made to go down and drop it [drugs] off to people because I was staying at the house. I'd get a feed every now and again. I wasn't involved in it at all before I started couch surfing. I got a bad heroin habit, it was disgusting. - 18 yrs, couch surfer

Without stable accommodation or adequate income, young couch surfers can end up engaging in petty crime to survive, such as shop lifting. The Burdekin Inquiry reported that homeless young people engaged in various crimes to supplement their income or avoid expenses, from robbery to public transport fare evasion. The evidence presented to the Inquiry considered that most crimes committed by homeless young people were for economic reasons. These were referred to as 'survival crimes' and include shop-lifting and fraud.<sup>58</sup>

The Youth Couch Surfing Clinic was told of a few cases where young couch surfers were forced to shop lift at local supermarkets or sell illicit drugs to their friends in order to survive. One young couch surfer was forced to steal clothes from the local supermarket as she only had one t-shirt and a pair of pants to wear. It was not uncommon for these young people to develop a drug addiction while couch surfing. The Youth Couch Surfing Clinic also heard a number of cases where local drug dealers invited young couch surfers to live with them to watch over their crop and sell drugs to their younger friends. Some were even made to target schools. In return they were given free board, food and drugs.

Young couch surfers are also particularly vulnerable in dealing with the criminal justice system when they do come in to contact with it. For the young couch surfers who were charged, they did not have a parent or other adult who could be called on to be present during questioning by police.

While the scope of this research is broad, we saw relatively few criminal law cases and believe we have not seen enough casework to draw informed conclusions about those issues that are having a particular impact on young couch surfers in the western suburbs. However, there were some clear findings as it relates to couch surfers fare evading, the subsequent fines they received, and their contact with the justice system as a result. This is covered in this section.

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<sup>58</sup> HREOC, *Our homeless children*, p. 49.



## 7.2. INFRINGEMENTS AND PUBLIC TRANSPORT

### CASE STUDY 8: MYKI OR FOOD?

Mike is 15 years old and is in year 10 at school. His parents are divorced and he lives with his father full time. His father is verbally and emotionally abusive and often plays harmful psychological games involving money. In order to escape the bullying, Mike spends some nights of the week couch surfing at his friend's houses or with acquaintances from school.

Mike relies solely on his father for financial support. He is not eligible for Youth Allowance and does not have a job. For 12 months, his father only gave him \$5 per day to pay for his bus and train to school and to pay for his lunch. His father knew that he would have to choose between paying for his Myki (\$3.50 per day) or food. One of the bus drivers knew of his circumstances and allowed him to travel for free however he was often forced to fare evade in order to go to school.

After 12 months of living with his father and couch surfing, Mike accumulated 24 public transport Infringements for 'failing to provide a valid ticket' totalling approximately \$3,400. The majority of infringements were either incurred on the way to or from school or moving between friend's housing to sleep the night.

### CASE STUDY 9: PUBLIC TRANSPORT, AS ESSENTIAL SERVICE

Toni had been a victim of family violence since the day he was born. His parents were not living together and he would be sent back and forth between houses. Both his father and his mother's boyfriend used violence against him. At the age of 10, he spent several nights per week sleeping at his best friend's house.

When Toni was 15, his father got drunk one night and kicked him out of the house. He had nowhere to go and no money on his Myki. He decided to catch the train to his friend's house where he hoped to spend the night. After exiting the train, he was stopped by an Authorised Officer and received an infringement for 'failing to provide a valid ticket'.

Toni did not identify as homeless and would not discuss his personal family situation with the Authorised Officer.

Most young people use public transport to go to school and socialise with their friends on the weekend. For young couch surfers in the outer metropolitan areas, access to public transport means a lot more. It provides access to an education and services particularly for those who are not supported at home. It also allows them to escape violence at home and move between houses in order to find somewhere safe to sleep for the night. As couch surfing often involves moving between multiple houses, sometimes across suburbs and regions, these young people are therefore more vulnerable to accumulating large numbers of infringements given their lack of capacity to pay for transport use and their disproportionately high use of public transport.

More clients of the Youth Couch Surfing Clinic sought assistance in dealing with infringements than with any other kind of legal issue. Thirty-three young couch surfers presented with a range of infringements. Most of the infringements related to public transport offences, such as travelling without a valid ticket, travelling without a valid student concession card, and placing feet on the seats. A few clients had infringements relating to driving (e.g. toll fines, parking offences, speeding or red-light-camera offences). Several clients had outstanding court appearances. Most clients did not take any steps to deal with an infringement after they had incurred it—they did not pay the fine or seek to have the fine revoked. As a result, costs were added, and in several cases, warrants issued. The infringements owed by the young couch surfers at the Clinic totalled between \$300 and \$20,000.

The majority of these young couch surfers were secondary school students who were all experiencing family violence. To escape the violence, they stayed at friend's houses, sometimes moving between several houses per week. They had very little if any financial support from their parent(s), no access to Centrelink benefits and they were unemployed. Most of the infringements were incurred on the way to and from school as well as travel between different houses where they were sleeping. The fines created further conflict in the home and made the couch surfer's situation worse.

Furthermore by fare evading, young couch surfers could come into conflict with Authorised Officers, bus drivers and other transport users. Without a compliant pathway for travel, couch surfers attending school will continue to incur fines, creating further anxiety and disengagement from their education.

Young couch surfers accumulate public transport infringements for a number of reasons including:

- » parent(s) refusing to give money for public transport to young person (sometimes to go to school)
- » escaping family violence without sufficient funds on Myki
- » no access to Centrelink benefits or income
- » moving between multiple houses, sometimes across suburbs and regions increases likelihood of incurring infringements
- » moving between houses and being asked to leave without proper notice
- » fines listed in the wrong name, for example, by an abusive partner
- » car taken by others staying at the couch provider's place.

Couch surfers do not self-identify as homeless and are unlikely to disclose family violence to Authorised Officers. This is largely driven by a distrust of authority, especially for those who have had contact with the homelessness sector for some time. Their mental health challenges are also a hindrance to their fines and infringements issues.

### **7.3. LEGAL AND POLICY CHALLENGES - YOUNG PEOPLE'S ACCESS TO PUBLIC TRANSPORT**

Most young people under the age of 18 do not have income, cannot drive and must attend school. Therefore, access to public transport is an essential service for these young people in order for them to stay engaged with their education.

Every young person must pay to access public transport, regardless of their socio-economic status or whether they are given the funds to pay. Many young people however do not have a source of income outside the home. Obtaining Youth Allowance reduces Family Tax Benefits paid to their parent(s) creating a further source of friction and danger to the young person. Therefore, it is very unlikely they have their own funds to pay for transport or infringements. These young people will continue to be non-compliant travellers and receive infringements.

It is a legal requirement that young people up to the age of 17 years attend school and it is the duty of the parent/carer to ensure this is complied with. However if the parent fails to provide funds for school, the legal responsibility for the resulting infringements lie with the young person.

For young people escaping family violence, access to public transport can often be the only form of escape. As in Toni's story above, he received an infringement late at night while trying to escape his father's violence.

Parents/guardians who use violence against their children can use Myki as a way to control their children. Moreover, if an infringement is incurred, our research shows that these young people will be even more afraid of returning home once their parent(s) find out about the infringement. However this form of economic abuse is largely unrecognised and leads to further detriment to young couch surfers, who bear the responsibility of the fines.

## 7.4. A WAY FORWARD - PUBLIC TRANSPORT

Following extensive consultation with the Public Transport Ombudsman and public transport operators, it was agreed that rather than looking at ways to identify and excuse non-compliant travel by this cohort, it would be more desirable to find a way to assist couch surfing youth to travel compliantly while they are most in need. This would have a positive impact on issues such as bus driver safety, future fare compliance and peer behaviour on public transport. Additionally it would minimise negative Authorised Officer interactions and support young people in engaging with and respecting public transport. If young couch surfers are provided with a pathway to access public transport without having to break the law, it will help create a culture of compliance in the local community and improved engagement with the local public transport system as well as its users. An example of this kind of program is the *Wyndham Myki-School Program* and a proposed new travel product, as outlined below.

### Wyndham Myki-School Program

The Wyndham Myki-School program is a 12 month transport-education pilot program aimed at creating a new pathway of compliance for young couch surfers and victims of family violence who do not have access to income and rely on public transport to get to and from school.

It is planned to deliver the program in partnership with the Department of Economic Development, Jobs, Transport and Resources (DEDJTR); Public Transport Victoria (PTV); and the Department of Education and Training (DET), through four pilot secondary schools in the City of Wyndham, over a 6 month period. Each pilot school has a large vulnerable student population. Secondary school students who are couch surfing and/or experiencing family violence will be eligible to participate in accordance with criteria and guidelines established by the pilot program.

The pilot involves distributing a fixed number of myki cards to the wellbeing department at each school, which will be responsible for working with and supporting the students. The idea behind the provision of a Myki card is that it is temporary relief while the young person is supported out of homelessness by the school, which may involve leaving a violent home. As a result, the pilot program will build the capacity of the school to support students and at the same time will encourage engagement with wellbeing staff who are in a position to provide holistic support to couch surfers (i.e. housing, health, employment, welfare and safety).

A Project Steering Group will be established and will include members from DEDJTR, PTV, DET, Family Safety Victoria, Wyndham City Council, Public Transport Ombudsman, WEstjustice and a pilot school.

Some outcomes that might indicate a successful pilot include:

- » increased participation in and engagement with the school wellbeing department by students who are already engaged and identified as couch surfing
- » new participation in and engagement with the school wellbeing department by students who were not previously known to be couch surfing
- » students being supported by school wellbeing department and appropriate external agencies to move out of cycles of family violence and homelessness
- » increased knowledge and improved understanding of the relationship between school education, transport use and homelessness/family violence for young people
- » positive feedback from students on the impact the pilot has on their health, wellbeing and ability to engage with education
- » a reduction in public transport fare evasion by this cohort improved attitudes towards public transport.

### ***Pilot resources:***

The pilot utilises 200 monthly Myki cards worth \$600 to be distributed over six months, at an average of 50 Myki cards per pilot school.

For each card, a maximum of 6 x 28 day pass (\$68.88) is issued. As it is envisaged that the cards will be distributed progressively over the 6 month period, it is possible some will require less than 6 passes.

In addition to staff resources, the pilot requires maximum funding of **\$14,376** to cover the Myki cards – based on all 200 cards being distributed and all cards being used for a maximum time of six months.

### ***Evaluation:***

Over a three month period, WEstjustice will undertake project evaluation in consultation with the Project Steering Group and relevant staff/students from each of the four pilot schools and report to the Project Steering Group.

Development of specific Key Performance Indicators for the pilot will be undertaken by the Project Steering Group prior to commencement.

## **New temporary travel product**

Alternatively, as recommended by the Infringements Working Group (**IWG**) in their submission to the Public Transport Concession Entitlements Review, the introduction of a specific product for people with temporary conditions or circumstances that prevent them from being able to travel with a valid Myki is a key opportunity to build a culture of transport compliance among vulnerable public transport users.<sup>59</sup> The IWG recommends the introduction of a new temporary travel product that identifies people with special circumstances or other acute hardship that temporarily prevents them from being able to keep their Myki in positive credit or engage with the Myki infrastructure. The product would permit free travel for a limited period, while still encouraging passengers to touch on and off. To be eligible, applicants would be required to have an appropriate practitioner endorse their eligibility. For young people, their school or service could identify the young person and endorse their application through a centralised Public Transport Victoria system.

59 Infringements Working Group, *Public transport concession entitlements review – Proposal for the development of a new temporary travel product*, Submission to the public transport concession entitlement review, 20 June 2017.

Currently, vulnerable passengers – such as young people experiencing family violence and couch surfing – who are unable to validly touch on or to keep their Myki in credit experience extreme stress while travelling because they fear being intercepted by an Authorised Officer (AO). According to the IWG members, many of their clients have no option but to fare evade because of their circumstances. This type of fare evasion is not the kind intended to be dealt with through the infringements system, which the Department has rightly reserved for deliberate repeat offenders. Without a new product identifying these passengers to AOs and entitling them to travel for short periods, these vulnerable people will continue to travel without paying and/or touching on due to their special circumstances, which has resource implications for Authorised Officers and the Department.

According to the submission, AOs specifically stated a product of this nature would make their jobs safer – the frequency of escalating interactions with vulnerable passengers would be reduced as these passengers would not be subjected to high-stress situations with AOs. AOs also raised the fact that they are exposed to criticism or abuse from other commuters when they are seen to exercise discretion in relation to vulnerable people.

Public transport is an essential service for young couch surfers and young people in general. It should be available despite poverty or disadvantage. Young people should be able to go to school regardless of whether they have money on their Myki. It is recognised public policy that user's should pay for public transport but that goal should be secondary to the goal of ensuring young people attend school and have a roof over their head every night. It is clear from this project that the problem of infringements for young couch surfers is not minor, in terms of prevalence and impact on their lives. New thinking about young homeless people and the public transport system is required.

## RECOMMENDATION 5: PUBLIC TRANSPORT POLICY

- » The Victorian Government introduce a new temporary travel product that permits free travel for a limited period, while still encouraging passengers to touch on and off, for people with special circumstances (i.e. homelessness or family violence) that temporarily prevent them from being able to keep their Myki in positive credit (as recommended by the Infringements Working Group in their submission to The Department of Economic Development, Jobs, Transport and Resources).
- » The Victorian government enable access to public transport for young people who are experiencing family violence and live in the outer metropolitan areas by monitoring and expanding the pilot currently planned by the t Department of Economic Development, Jobs, Transport and Resources, Department of Education and Training and Family Safety Victoria to partner with local schools to develop a program that will identify and support students who are experiencing family violence and rely on public transport to get to and from school. For example, state government should fund schools to distribute Myki cards to students experiencing family violence free of charge.

## 7.5. CREDIT AND DEBT

The Youth Couch Surfing Clinic saw several clients who were struggling to deal with debt and financial issues. The majority of the financial problems were experienced by female couch surfers who had escaped violent relationships. Most of these women were couch surfing with their children when they approached the Clinic. The other significant cohort were the younger couch surfers who had been inappropriately provided with credit that they could not afford to pay back.

Clients had a mix of debts generally arising from unpaid bills for utilities, mobile phones, personal loans and credit cards, totalling on average between \$200 and \$10,000. It is important to note that there is a difference between debts accrued by minors and debts accrued by people over the age of 18. Although the Clinic saw several couch surfers under the age of 18 who had accrued debts, in Australia, at Common law and in statute, the general rule is that a contract with a minor is void except in limited circumstances such as contracts of necessity (i.e. food and accommodation) and employment.

In cases involving family violence, the use of debt was a common and pervasive form of economic abuse that was used by abusers to control the young women.<sup>60</sup> There are several reasons for couch surfers' difficulties managing their debt:

- » **Borrowing beyond their means.** Young couch surfers were struggling to deal with numerous debts and continued to borrow more money from places like Cash Converters to pay off other loans, often paying high interest rates.
- » **Not receiving communications.** Many young couch surfers did not receive mail as they had no stable permanent housing and or sufficient credit on their phones to receive voicemails. In many cases, parents refused to hand over mail once the young person had left the home and started couch surfing.
- » **Mental health issues.** Many couch surfers struggled with mental health issues while couch surfing, which had an impact on their ability to manage day-to-day expenses such as paying bills.
- » **Lenders lent more than clients could afford to pay.** In several cases, young people were given credit whilst being homeless and solely reliant on Centrelink. Lenders also failed to ensure vulnerable young people understood what they were signing up for, particularly with respect to mobile phone contracts.
- » **Family violence.** The majority of debts seen by the clinic arose in circumstances where the young women had experienced family violence. It was common for abusive partners to refuse to contribute to household expenses and childcare, leaving the women to manage all the family debts. As the majority of the utility contracts were registered in only the women's name they were afraid to get a bad credit rating if they missed payments (even though they were homeless). This was particularly true if the other partner already had a poor credit rating. Some women had been forced or coerced to take out debts and loans in their name or in joint names, when they would not receive a benefit. The partners would then refuse to contribute to the payment of those loans leaving the women to pay.

<sup>60</sup> Owen Camilleri, Tanya Corrie & Shorna Moore, *Restoring financial safety: Legal responses to economic abuse*, (Abbotsford: Good Shepherd Australia New Zealand and Wyndham Legal Service, 2015), p. 13.

Protection of credit rating was a very important issue to many of the couch surfers, which resulted in them being signed up to long-term payment plans while they were homeless, instead of using their small amounts of money to pay rent or buy food. Although a number of legal protections exist for people who are judgment proof (people who rely solely on Centrelink and have no assets) clients refused to enforce their rights if it meant that a 'bad' credit rating would be listed against their name. These are significant aspects of the research findings which will need to be explored in future.

This report should be read alongside the 2015 report, *Restoring Financial Safety: Legal Responses to Economic Abuse* which points to a way forward and identifies key issues in addressing economic abuse. The report works through the remedies used to address the legal issues surrounding abuse and where the gaps are in enabling women who have experienced violence to rebuild their financial security.

## 8. SOCIAL SECURITY SUPPORT AND COUCH SURFING

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The Youth Couch Surfing Clinic provided assistance to several clients who needed help dealing with Centrelink and the income support payment system. All of the cases centred on the struggle by individuals to navigate a complex administrative system. The Australian Government has the primary responsibility for providing income support to vulnerable Australians, through its key agency Centrelink. Centrelink provides income support payments to over 6.5 million people, many of whom are disadvantaged, vulnerable and socially excluded. Centrelink therefore has a critical role to play in preventing homelessness. However in reality, benefits are often given to a young person when they become homeless, instead of being used to prevent homelessness.

Common issues included:

- » difficulties in accessing Youth Allowance's Unreasonable to Live at Home benefit
- » ceasing of payments due to breaches of non-reporting and difficulty communicating with Centrelink
- » debts to Centrelink because a person failed to report change in circumstance
- » exploitation of Family Tax Benefit by guardians, couch providers and informal carers
- » young New Zealand citizens who arrived in Australia after 26 February 2001 not entitled to Centrelink benefits.





## 8.1. YOUTH ALLOWANCE: UNREASONABLE TO LIVE AT HOME

### CASE STUDY 10: UNREASONABLE TO LIVE AT HOME

Shaun is 17 years old and lives at home with his mother and step-father. His step-father works and his mother receives the Family Tax Benefit. His step-father is violent and has broken Shaun's nose and arm in the past 12 months. Shaun's mother is financially dependent on his step-father which makes it difficult for her to leave him. In order to avoid his step-father, Shaun couch surfs several days per week at his friends' house. He relies on his friends' family to feed him and provide money for transport as he has no income. Shaun's mother financially supports him by paying for his school fees and providing food etc. when he is staying at home. Shaun has spoken to his mum about going to Centrelink and applying for Youth Allowance so he can support himself when he stays at his friends' houses but she has threatened him not to go as her Family Tax Benefits would be cut as a result.

When Shaun visited the Centrelink office, he was advised that he is not eligible to receive the Unreasonable to Live at Home benefit (Youth Allowance) because he still lives at home and receives support from his family. He tried to explain that most of the week he is moving between friend's houses because he can't live with his step-father. The worker said she was sorry but Shaun still has a relationship with his mother and she provides emotional and financial support to him. The worker also advised that if Shaun's circumstances change and he becomes homeless (i.e. moves into a youth refuge) or leaves home permanently, he would be eligible for the benefit.

For now, Shaun is classified as 'dependent' on his parents.

For young couch surfers, Youth Allowance provides the bridge to help them transition to independence. However, young people who are in the process of leaving or who are forced out of home at short notice are rarely in receipt of an income. This initial period can be expected to be accompanied by considerable hardship. Without adequate income, young people in these situations are likely to turn to the temporary shelter offered by friends, family and even strangers. They must rely on these networks to provide them with food, care and other general living expenses. As a result, these young couch surfers can be left open to exploitation and abuse. Without access to social security, young couch surfers face a serious risk of falling into longer term homelessness, which often leads them to sleep rough on Melbourne's streets.

In addition, accessing Centrelink benefits requires negotiating a bureaucratic maze. Young couch surfers generally face difficulties with the system owing to its immense complexity and onerous reporting requirements.

Recent changes to social security laws has meant that Youth Allowance is only available to those over the age of 18, unless a person can prove independence. For example, if a person is married or if it is unreasonable for them to live at home, and they are not supported by a parent or guardian. A person who is aged between 18 and 22 will also be considered 'dependent' on their parents and will only receive benefits if their parents also receive them – again, unless they can prove independence.

According to the Social Security Act 1991, the relevant income support payment for young homeless Australians is the 'Youth Allowance Unreasonable to Live at Home' benefit. Young people under 18 are considered to be independent for Youth Allowance purposes if they cannot live at the home of either of their parents because:

- » of extreme family breakdown or other exceptional circumstances; or
- » it would be unreasonable to expect them to stay at home because there would be a serious risk to their physical or mental health due to family violence, sexual abuse, child abuse, neglect or other unreasonable circumstance; or
- » their parents cannot provide a suitable home because they lack stable accommodation.<sup>61</sup>

In order to be eligible, the young person must not be living at home or receiving continuous support from a parent or guardian. Although the *Social Security Act 1991* is the governing legislation, Centrelink decision makers rely on the *Guide to Social Security Law* (Guide), which works as their policy manual. According to the Guide, 'continuous' support is not tied to any specific period of time, nor to a specified amount or type of support and may be direct or indirect, financial or otherwise. In order to be considered continuous support, the support must allow for the young person's basic needs. Basic needs includes, for example, food, accommodation, clothing and utilities.<sup>62</sup>

It is worth noting that there are 'at risk' young people under 18 who do not meet the Unreasonable to Live at Home criteria but may still be eligible for benefits. If a dependent full time secondary student living at home is not benefiting from the Family Tax Benefit paid to their parent(s) on their behalf, a Centrelink social worker may determine that the young person can apply for Youth Allowance. If the benefit is granted, the parent(s) cannot continue to claim the Family Tax Benefit.<sup>63</sup>

Difficulties in accessing the Unreasonable to Live at Home benefit was the most significant issue couch surfers faced. Young couch surfers who are in the process of transitioning out of the family home, often as a result of experiencing family violence, have difficulty proving their independence for the purposes of receiving the benefit. A young person must have left home permanently and not receive continuous support in order to be entitled to the allowance. According to specialist social security lawyers, the application of the Guide is inconsistent and unequal across Centrelink offices. Decisions are primarily left with Centrelink social workers and will come down to their perceptions and beliefs regarding what is youth homelessness. In fact, according to one worker, there have been Centrelink social workers in the past who did not believe in youth homelessness (and family breakdown) as a concept, so as a result no young person received the benefit. Therefore it will depend on who sees the case as to whether or not the young person is homeless. This is in stark contrast to other Centrelink requirements such as 'enrolment in a course' or eligibility for Newstart Allowance.

In most cases, a young person under the age of 18 must be living on the streets, in a refuge or other unstable accommodation before they are able to access the Unreasonable to Live at Home benefit. This effectively means that the benefit is given to a young person when they become homeless, instead of being used to prevent homelessness.

It is presumed by Centrelink that the parent(s) or guardian(s) are supporting the young person. Therefore a person under the age of 18 is either considered dependent on their parents or homeless in order to have legal standing under social security laws. If a young person is experiencing family violence and supporting themselves but is not in a position to leave the home, they are not entitled to the benefit. The absence of economic assistance is not a basis for benefit. Whether or not a parent or guardian provides care and support is not a factor in determining eligibility for income support, but rather it is about whether the young person is living in the family home or has left. If a young person comes and goes from the family home, like most early home leavers do, they cannot be considered to have left and will not be entitled to the benefit.

<sup>61</sup> *Social Security Act 1991* (Cth), s 1067A. See also: *Guide to Social Security Law*, s 3.2.5.30.

<sup>62</sup> *Guide to Social Security Law*, s 3.2.5.30.

<sup>63</sup> *Guide to Social Security Law*, s 3.2.5.40.

Furthermore, even if the young person has left the family home, if they are still receiving some form of continuous support from their parent(s) or guardian, for example, school fees, provision of food or emotional support, they are still presumed dependent on their parent(s) or guardian.

The issue is that couch surfing has not yet become relevant under the law even though it has now been defined and recognised by the Australian Bureau of Statistics and other government and non-government bodies as secondary homelessness. Due to the strict nature and application of the Unreasonable to Live at Home benefit, social security laws do not recognise early home leaving or couch surfing as an indicator of homelessness. A young person is only considered homeless (for the purposes of proving independence) if they have left home permanently, even though it is widely recognised that couch surfing can begin at an early age and will often present with a young person sleeping at friend's houses for part of the week. Most move in and out of home a number of times before making a 'permanent break' from their family.

Therefore, young people who are couch surfing at a very young age (i.e. 15 or 16) as a result of family violence and are not being financially supported by their parent(s) or guardian are in a very problematic situation.

## 8.2. FAMILY TAX BENEFIT

### CASE STUDY 11: EXPLOITATION OF FAMILY TAX BENEFITS

Sammy is 15 years old and attends a local school in Wyndham. She lives at home with her parents who are both violent and have substance abuse issues. Her mother is in receipt of the Family Tax Benefit.

For the past two years, Sammy has been couch surfing at her friend's houses with no income support. This has put considerable financial and emotional strain on the families who are trying to support her, and as a result, she has exhausted many of her social connections. Sammy has now been forced to couch surf at strangers' houses.

At one particular house, Sammy was made to sleep on the floor along with two other young couch surfers. She was not allowed to eat the family's food, use the shower or stay in the house when they weren't at home. The family asked if she could get a letter from her school saying that she was living with them instead of at home. The family then took the letter to Centrelink and applied for the Family Tax Benefit as they said they had Sammy in their care. The benefit was then transferred from Sammy's parents to the family. As a result, Sammy's parents not only lost their benefits but a debt was raised against them for failure to report her leaving the family home. Sammy became more frightened of her parents and what they would do to her if they saw her.

Again, the Family Tax Benefit was not being spent on Sammy. She also found out that the other couch surfers also requested letters from the school to give to the family.

1.7 million Families receive Family Tax Benefit in Australia (FTB).<sup>64</sup> The FTB is a payment that helps eligible families with the cost of raising children. It is made up of two parts; Part A is paid per-child and the amount paid is based on the family's circumstances. Part B is paid per-family and gives extra help to single parents and families with one main income.

<sup>64</sup> Australian Government, *Statistical Paper No. 12: Income support customers: a statistical overview 2013*. See: [https://www.dss.gov.au/sites/default/files/documents/01\\_2015/sp12\\_accessible\\_pdf\\_final.pdf](https://www.dss.gov.au/sites/default/files/documents/01_2015/sp12_accessible_pdf_final.pdf)

To be eligible for the benefit, you must:

- » have a dependent child or full time secondary student younger than 20 years of age who is not receiving a pension, payment or benefit such as Youth Allowance; and
- » provide care for the child for at least 35% of the time; and
- » meet an income test.

The FTB can also be given to an individual that is not a parent or family member but has the child in their care for more than 35% of the time. In order to receive the benefit, an individual must show that the child is sleeping at their home.<sup>65</sup>

The Youth Couch Surfing Clinic saw several young people who were not being supported by the FTB paid to their parents. Many young people also complained that their parents would not allow them to apply for Youth Allowance, even if they were eligible, as the FTB could not be claimed at the same time. In some cases, young people who had left home and were couch surfing at friends' houses were afraid to apply for Youth Allowance as their parents threatened to bring them home if their FTB was cut. It was also common for parents of the couch surfer to still be collecting FTB while the couch provider or informal carer was the one caring for the child.

It is worth noting that if a dependent full time secondary student living at home is not benefitting from the FTB paid to their parent(s) or guardian on their behalf, a Centrelink social worker may determine that the young person can apply for Youth Allowance. However, if the benefit is granted, the parent(s) or guardian cannot continue to claim the FTB, causing further conflict in the home.

In cases where the young person was granted Youth Allowance (Unreasonable to Live at Home), debts were regularly raised against parents for failing to notify Centrelink that the child was no longer living at home. As one young couch surfer stated:

I wanted to get Centrelink when I lived with my mum but she wouldn't let me because then her Centrelink would be taken away from her. When I got kicked out she continued to get the benefits. She now has a debt to pay Centrelink but she is making me pay because she said it was my fault. - 17 yrs, couch surfer

In some cases, the couch providers were in receipt of the FTB instead of the couch surfer's parent, promising to buy food and essential items but then reneging on this promise.

In order for an individual to claim the FTB, there is no requirement under the family assistance legislation for there to be any form of actual care of the young person. All that is required under the legislation is that the child sleeps at the individual's house, even if that means sleeping on the couch or floor. The definition of a FTB child is a child that is under a certain age, attends school and stays at a person's house and the claimant is that person's house they stay at. If the criteria is met, the benefit will automatically transfer to the claimant unless a parent or guardian makes an objection to Centrelink. An automatic transfer will also occur if the claim is made by a recognised care group, such as a youth refuge. If a parent or guardian contests the transfer of the FTB, it is then open for Centrelink social workers to investigate who is caring for the child and make a decision as to whether the FTB will be transferred. These contests will also lead to debts being raised against a parent or guardian.

It is worth noting that there are certain people Centrelink will not give the FTB to, for example, registered sex offenders. However, in order for Centrelink to investigate the claim, a parent or guardian must lodge an objection with Centrelink.

<sup>65</sup> Australian Government, *Families and children: Family Tax Benefit*, (2017). See: <https://www.dss.gov.au/families-and-children/benefits-payments/family-tax-benefit>

It is therefore not uncommon to have some individuals ‘in the business’ of taking young couch surfers in, convincing the school into supporting applications to Centrelink. As seen in Sammy’s story, the couch providers saw an opportunity to exploit the system and collect FTBs, by effectively running an illegal rooming house without spending the benefit on the children.<sup>66</sup>

## 8.3. BREACHES AND CENTRELINK DEBTS

### CASE STUDY 12: CENTRELINK DEBTS

Sai is 19-years-old and lived in a refugee camp in Thailand for two years before coming to Australia. He came to Australia with his mother and siblings. His father died when he was a young boy.

When Sai was 18 he left home due to family violence. His mother would hit him regularly (at least three times per week) with objects, such as electrical cords and lamps. After leaving home he became homeless and slept on his friends’ couches. He continued to go to school 1-2 days per week for the first couple of months but then disengaged.

At the time, Sai was in receipt of Youth Allowance (dependent rate) but as his mother had organised his application, he was unaware of Centrelink’s reporting requirements. After leaving home, he lost contact with his mum and she refused to give him his mail. He had not provided Centrelink with another address as he was couch surfing and did not have credit on his mobile phone to access Centrelink’s online services. He did not want to seek help from the local homeless agency for a number of reasons, including stigma, shame on his community and not wanting to report personal family conflict to strangers.

Sai became aware of the Centrelink debt raised against him when he received a call from Centrelink. He was told that his school had contacted Centrelink and reported his absence. This was the first time Sai was aware that he had the responsibility to report not going to school. As a result, Sai owed Centrelink \$7,000 that was being automatically deducted from his fortnightly payments.

WEstjustice assisted Sai to make an application to the Authorised Review Officer, however the request to have the debt waived was refused. Due to Sai’s personal circumstances and cultural background, he did not want to fight Centrelink at the Administrative Appeals Tribunal.

Sai continues to pay off his Centrelink debt.

For the clients who were in receipt of Centrelink benefits, several had periods of time where their payments were temporarily cut off. Suspension of payments were due to failure to attend appointments; not receiving Centrelink correspondence sent via post; difficulty communicating with Centrelink staff (and misunderstanding information provided by Centrelink over the phone); inability to understand complex forms and correspondence sent by Centrelink; and failure to provide sufficient proof of address. As one young couch surfer stated:

**You don’t have a letterbox or credit on your phone to see when your appointments are from Centrelink or your job agency, then your Centrelink would be cut off.**

**- 21 yrs, couch surfer**

<sup>66</sup> If four or more individuals are living in a house, there may be argument for it to be an unregistered Rooming House with criminal sanctions.

Many clients of the Clinic who depended on Centrelink benefits received a reduced amount every fortnight, over a long period of time, because they were paying off debts to Centrelink. When a young person's circumstances change and Centrelink is not informed immediately, overpayments can occur that need to be repaid. For example, some clients who had been couch surfing and developed mental health issues as a result had difficulty staying in school full-time, a requirement of Youth Allowance. As the young person did not inform Centrelink immediately, a debt to Centrelink accrued and was repaid out of future payments. The average Centrelink debt ranged between \$3,000 and \$7,000. These young people were entirely dependent on Centrelink to meet all of their living expenses while they were couch surfing. Unlike private debt collectors, Centrelink has the authority to automatically reduce Centrelink payments if they decide an overpayment was made. Some clients receiving Youth Allowance had up to \$120 taken from their fortnightly allowance, being more than 35 percent of their benefit. The Clinic was able to reduce the amount to the minimum fortnightly payment of \$20, while an application for waiver of the debt to Centrelink was made.

Three applications for review were made to Centrelink to waive a debt, however in all cases, the Authorised Review Officer refused the request. According to administrative law experts, it is common practice for an administrative agency such as Centrelink to refuse applications at first instance. Individuals are expected to take Centrelink to the Administrative Appeals Tribunal in order to enforce their rights and prevent further payments being taken from their benefits. Only one client chose to make an application to the Tribunal. It is worth noting that this client had found transitional housing when the application was made and was no longer couch surfing. The other clients who were couch surfing did not want to pursue their rights due to their unstable housing situation and mental health.

## 8.4. NEW ZEALAND CITIZENS

From the 1980s onwards, as migration increased from New Zealand to Australia at a time of growing unemployment in New Zealand, the Australian government perceived “an unfair welfare burden being placed on it by New Zealand’s migrants”.<sup>67</sup> From 1989, New Zealand agreed to begin reimbursing Australia for age and disability support payments for its nationals in Australia. In 1994, this payment was extended to also cover single parent and widow benefits.<sup>68</sup>

Further to these arrangements, people who arrived in Australia on a New Zealand passport (including people from the Pacific Islands) after 26 February 2001 do not qualify as Australian residents and are only entitled only to a small number of payments including the FTB.<sup>69</sup> This means that young people and children who arrived in Australia after 26 February 2001, or who were born in Australia to parents from New Zealand who came to Australia after this date, are not entitled to Youth Allowance or Newstart.<sup>70</sup> This is despite the fact that these young people have spent their lives in Australia or came to Australia as a very young child and have no connections to New Zealand or the Pacific Islands.

These changes have led to a critical imbalance between the rights of Australians living in New Zealand, and New Zealanders living in Australia – New Zealanders need to apply for and be granted permanent residency to access certain Centrelink entitlements whereas Australians who are ‘ordinarily resident’ in New Zealand (as opposed to having applied for and been granted a form of permanent residency) enjoy the same social security entitlements as New Zealand citizens (subject to a waiting period of two years from the time they first arrived in the country). As at June 2016, New Zealand paid an annual amount of AU\$263 million a year

<sup>67</sup> The Rt Hon Helen Clark MP, Transcript of Joint Press Conference with Prime Minister John Howard, Wellington, New Zealand, 26 February 2001. Accessed at <http://pmtranscripts.pmc.gov.au/release/transcript-11978> on 20 September 2017.

<sup>68</sup> *Ibid.*

<sup>69</sup> Iwi n Aus, New Zealand citizens claiming payments in Australia: Residence requirements for Centrelink payments, <http://www.iwinaus.org/payments-that-can-be-claimed-if-you-are-a-new-zealand-citizen/>

<sup>70</sup> If you arrived in Australia on a New Zealand passport and have lived in Australia for at least ten continuous years since 26 February 2001, you may be able to access a once-only payment of Newstart Allowance, Sickness Allowance or Youth Allowance. If you are eligible, payment can be made for a maximum continuous period of up to six months.

in pension payments to Australia. Australia, by contrast, paid \$71.5 million to New Zealand. According to Department of Social Services statistics, 11,296 people were being paid within Australia, and 13,754 were being paid within New Zealand.<sup>71</sup>

The Clinic saw a number of Pacific Islander and Māori young people who had arrived in Australia after 26 February 2001<sup>72</sup> and were not entitled to income support. These young people were unable to live at home due to family violence or overcrowding, and were forced to rely on loans from friends and charity. Returning to the Pacific Islands or New Zealand was not an option for them as they had no ties or connection and some were unable to speak the local language.

Despite this situation being subject of criticism in the media, chiefly from advocacy groups for New Zealanders who live and work in Australia<sup>73</sup>, no significant proposals to change access to Centrelink payments and allowances have been advanced by Australia or New Zealand's governments.

## Obligations under the Convention of the Rights of The Child

Beyond their reciprocal agreement on social security, Australia and New Zealand are signatories to the Convention on the Rights of The Child (CRC).<sup>74</sup> The CRC defines a child as any natural person under the age of 18.

The CRC requires that its signatories shall: "Undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures;"<sup>75</sup> and that this applied "irrespective of the child's or his or her parent's guardian's race, colour, sex, language, religion, political or other opinion, **national**, ethnic or social origin, property, disability, birth or other status."<sup>76</sup>

It further stipulates that: "A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided for by the State"<sup>77</sup> and that "The benefits should, where appropriate, be granted, taking into account the **resources and circumstances of the child** and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child."<sup>78</sup> (Emphases the author's)

The extension of Family Tax Benefits to New Zealand-born parents living in Australia arguably goes part-way (though not fully) to allowing children the right to benefit from social security. However, the denial of Youth Allowance to 16 and 17-year-old New Zealanders who cannot live with their parents fails to take into account their resources and circumstances.

Additionally, the CRC is clear that children deprived of or unable to return to their family environment are entitled to special protection and assistance from the State, and that national origin cannot be a basis on which to refuse that special protection and assistance.

71 Report No.170, Joint Standing Committee on Treaties of the Parliament of Australia, May 2017. Accessed at [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Treaties/LoanAgreementIMF/Report\\_170/section?id=committees%2Freportjnt%2F024055%2F24474](http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Treaties/LoanAgreementIMF/Report_170/section?id=committees%2Freportjnt%2F024055%2F24474) on 20 September 2017.

72 The most recent ABS statistics, from 2009, indicated that there were 529,200 New Zealand-born people living in Australia. Of these, 17% were aged between 0 and 19. Although the number of NZ-born people living in Australia will have increased in the results of the 2016 Census, only a fraction of that proportion will fall in the vulnerable high-school age bracket. Only a much smaller fraction again would find themselves in the position of couch surfing or homelessness, and be in the precarious situation that Youth Allowance can target.

73 For a recent example, see "Kiwis in Australia push for their rights" (SBS, 21 September 2017, <http://www.sbs.com.au/news/article/2017/09/21/kiwis-australia-push-their-rights>); "New Zealanders in Australia are still treated like second-class citizens" (Sydney Morning Herald, 15 April 2016, <http://www.smh.com.au/national/new-zealanders-in-australia-are-still-treated-like-secondclass-citizens-20160414-go691n.html>)

74 Convention of the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. Accessed at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> on 20 September 2017.

75 Ibid, Art. 3 Cl. 2

76 Ibid, Art. 2 Cl. 1

77 Ibid, Art. 20 Cl. 1

78 Ibid, Art. 26 Cl. 2

The inability to access social security in Australia meant that these young people were left vulnerable to exploitation and abuse, and is not in keeping with the obligation to protect children and young people who cannot live at home.

## 8.5. KEY SOCIAL SECURITY CHALLENGES

It is clear that the current Social Security System is causing significant harm for young people who are couch surfing as they are unable to live at home. Due to the complexity of Centrelink, young people did not understand their rights or know how to enforce them. Young people are not aware of their rights to appeal Centrelink decisions nor do they elect to take Centrelink to the Administrative Appeals Tribunal. Further, the system itself is too restrictive to be adequate for these young people, and a range of changes to this are necessary.

## RECOMMENDATION 6: SOCIAL SECURITY CHANGES

Young people have a right to financial support to meet their basic needs that is currently not being met.

- » The federal Department of Social Services (DSS) remove its criteria under section 1067A of the Social Security Act 1991 which requires a young person to have left the family home permanently in order to be eligible for the Youth Allowance Unreasonable to Live at Home benefit.
- » DSS provide easier access to the Youth Allowance Unreasonable to Live at Home benefit for young people who are not having their basic needs for food and accommodation met by their legal guardian by more clearly articulating this as a criteria for eligibility in the Guide to Social Security Law.
- » DSS resource Centrelink community engagement officers to provide youth specific outreach to schools and youth resource centres to reduce the likelihood of young people incurring debts or having their benefits suspended.
- » The Federal government must increase funding to specialist social security services, such as Social Security Rights Victoria, to assist vulnerable young people who are experiencing family violence, at risk of homelessness and or disengagement with respect to centrelink debts, suspensions and access to payments.
- » DSS resource training for Centrelink social workers regarding youth couch surfing and the impacts of family violence on young people living at home to support consistency of easier access to Youth Allowance Unreasonable to Live at Home benefit across offices.
- » DSS better recognize the challenges experienced by young couch surfers by providing more flexibility and support for them to demonstrate their Youth Allowance eligibility and to meet their reporting requirements.
- » The Federal Government expand eligibility to Youth Allowance Unreasonable to live at Home benefit to New Zealand citizens under 18 who reside in Australia.



# 9. SCHOOLS

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## 9.1. DISCRIMINATION IN SCHOOLS

### **CASE STUDY 13: SCHOOL UNIFORMS AND SUSPENSIONS**

Beky was a year 8 student at a local public school in the western suburbs. She lived at home with her mother, who suffered from severe mental illness which meant she often disappeared for days or weeks at a time. Beky regularly slept nights out between friend's houses where she was also given dinner. She was not given any money from her mother when she disappeared and when she was at home, her mother used most of her social security benefits (including the FTB) to gamble. Beky was too young to work or receive Youth Allowance.

As a result of having to couch surf between friend's houses, her uniform and socks often smelt and she was unable to regularly wash them. As she had hidden her family circumstances from the school, it was difficult to access the 2<sup>nd</sup> hand clothing store or the 'lost & found' items at school. She did not want to disclose the neglect at home as she was afraid that the school would notify the Department of Health and Human Services and she would be removed. She also felt a strange attachment to her uniform as 'it belonged' to her and she was too ashamed to ask her friend's to borrow theirs.

Beky's school had a strict uniform policy and any student with incorrect uniform could be given a detention or even suspended. She was often given detentions for wearing ankle socks instead of knee high socks and on one occasion she was sent home from school and unable to sit her maths test. Her school shoes had also broken and she did not have money to buy a new pair so she wore her runners to school. As a result she was suspended as she could not give an adequate reason for not wearing the correct uniform.

On one occasion, Beky did not attend school for 2 weeks as her uniform smelt so bad that she was too embarrassed to face her peers. She was also afraid to turn up with the incorrect uniform and face another suspension. She knew that if she continued to receive suspensions she could be expelled from school. She asked her friend to pretend to be her mum and tell the school that she was sick.

One of the most serious consequences of couch surfing is the impact it has on education, especially for school students. Young people who do not have access to the amenities of a conventional home life face a number of difficulties, such as having an inadequate school uniform, problems completing assignments and homework and reaching school by public transport. This is on top of the physical exhaustion, impact on health, and the emotional and psychological toll of being homeless. Although there are a number of schools in the western suburbs which offer support and flexibility to vulnerable students, disturbingly, certain secondary schools are taking a hard line on uniform, punctuality and other such issues. As seen in the case study above, this approach can lead to single and sometimes multiple suspensions from school as well as disengagement.

Each Victorian government school has a school council that decides on the uniform guidelines for the school – if the school will have a uniform, what the uniform will be and whether it will be compulsory to wear.<sup>79</sup> Historically, after the transition from English style uniforms, public schools in Victoria adopted more casual uniforms (often involving a yellow top and blue pants). More recently, there has been a shift for public schools to adopt more formal uniforms, similar to those worn at private schools.

This report does not seek to comment in favour or against uniforms, but highlights some of the negative consequences for young couch surfers as a result of formal uniform policies.

The Youth Couch Surfing Clinic and consultations revealed a number of cases where a student was suspended from school for not having the correct uniform. Most commonly, incorrect socks, shoes and jumpers. In one case, a year 11 student was suspended for not having the correct shoes and was not allowed to sit their exams:

**Whenever I got to school I didn't have the right shoes and had to wear my runners. I told my dad but he didn't care so I'd always get suspended.  
- 16 yrs, couch surfer**

Some of the students reported that they had missed days and even weeks of school as they were afraid to turn up to school with the incorrect uniform and be punished. According to students:

**When I first left home I did take about 2 weeks off but the first week was because I didn't have anything like my school uniform. - 17 yrs, couch surfer**

**I couldn't afford my shoes and some teachers couldn't understand I just couldn't do it. I was told it wasn't good enough. Teachers said I had to get a uniform. Before I started couch surfing I had \$400 in savings but now I don't have anymore because all of it went to school stuff. - 15 yrs, couch surfer**

The harm caused by such an approach is articulated in the Australian Law Reform Commission's report 'Seen and Heard', which deals with the effects of exclusion from school:<sup>80</sup>

Excluding children from school, on a short or long-term basis can have a serious effect on their education and life chances ... [T]here is little doubt that there is a *strong correlation* between early leaving and criminal activity, poverty, unemployment and *homelessness*.<sup>81</sup>

It is important to note that in September 2016, the Victorian Ombudsman commenced an 'own motion' investigation into school expulsions which will examine (amongst other things) whether vulnerable or at-risk students are over-represented in expulsion numbers and whether the department is effectively addressing any such issues. Figures from the Department of Education and Training show that the number of students being expelled has risen over 25 per cent in the past year.<sup>82</sup>

79 Victorian State Government, 'School: Uniforms', (2017) <http://www.education.vic.gov.au/school/parents/primary/Pages/uniforms.aspx>

80 Australian Law Reform Commission, 'Seen and heard: Priority for children in the legal process,' (Canberra: Australian Government Publishing Service, 1997).

81 Cited in *Purvis v New South Wales Department of Education (No 2)* [2000] HREOCA 47 (13 November 2000), emphasis added.

82 Victorian Ombudsman, Ombudsman investigates expulsions at Victorian Government schools, <https://www.ombudsman.vic.gov.au/News/Media->

## 9.2. REGULATORY SCHEME FOR VICTORIAN GOVERNMENT SCHOOLS

Suspension and expulsion are not strategies that work for those marginalised at school and are not always appropriate for certain sub-groups of children within the school community, particularly young couch surfers.<sup>83</sup> This strict approach to uniform policy however may not be consistent with the regulatory regime applicable to government schools in Victoria.

The School Policy and Advisory Guide (**the Guide**) is the source of governance and operational policies and advice for Victorian government schools.<sup>84</sup> It compiles the range of legislative and regulatory requirements that apply to Victorian government schools, primarily the *Education and Training Reform Act 2006 (Vic)* (**Reform Act**) and the *Education and Training Reform Regulations 2007 (Vic)* (**Reform Regulations**). Section 2.2.19 of the Reform Act, 'Discipline of students', provides that the principal of a Government school may suspend or expel a student only in accordance with the relevant Ministerial Order. Pursuant to Part 3 of Ministerial Order 625:

### 6. Grounds for suspension

A principal may suspend a student if, whilst attending school ... the student – ...

- a. fails to comply with any clear and reasonable instruction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person; ...
- b. causes significant damage to or destruction of property;
- c. commits or attempts to commit or is knowingly involved in the theft of property;
- d. possesses, users or sells or deliberately assists another person to possess, use or sell illicit substances or weapons;
- e. fails to comply with any clear and reasonable instructions of a staff member as to pose a danger, whether actual, perceived or threatened to the health, safety or wellbeing of any person;
- f. consistently engages in behaviour that vilifies defames, degrades or humiliates another person based on age, breastfeeding, gender...with a person who is identified by reference to any of the above attributes; or
- g. consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.<sup>85</sup>

A student who is couch surfing can only be suspended if his or her conduct contravenes these grounds. A breach of dress code is not generally linked with interference to the rights of other students, pose a threat to health and safety or interfere with the capacity of a teacher to teach a class and therefore exclusion from class should only occur in very limited circumstances.

The Guide also provides that disciplinary procedures 'must be interpreted and applied under the Charter of Human Rights and Responsibilities (**the Charter**), which incorporates the non-discrimination provisions of the *Equal Opportunity Act 2010 (Vic)* (**Equal Opportunity Act**)', discussed below. With respect to uniform requirements, the Student Policy and Advisory Guide provides that the purpose of the Student Dress Policy is '[t]o ensure student dress codes treat students equally, protect students against discrimination, and uphold human rights requirements'. The dress code and uniform requirements at any government school must comply with the Equal Opportunity Act and the Charter.

Those legislative regimes must therefore be examined to determine whether they offer any protections for young people susceptible to discrimination on the basis that they couch surf (experience homelessness).

Releases/Media-Alerts/Ombudsman-investigates-expulsions-at-schools (8 September 2016).

83 Samia Michail, *Understanding school responses to students' challenging behavior: A review of literature*, (Paramatta: UnitingCare Children, People and Families Unit, 2011), p.2.

84 Formerly known as the Victorian Government Schools Reference Guide, the Guide is now known as the 'School Policy & Advisory Guide.' See: <http://www.education.vic.gov.au/school/principals/spag/Pages/spag.aspx> (accessed 21 May 2015).

85 This Order came into effect on 1 March 2014.

### 9.3. ANTI-DISCRIMINATION LEGISLATION

The anti-discrimination legislation relevant to government schools include the *Equal Opportunity Act* and the *Victorian Charter of Human Rights (The Charter)*. . Presently, homelessness or socio-economic status is not one of the ‘protected attributes’ under any Victorian anti-discrimination legislation; therefore, it is permissible to discriminate against a person on the basis of their homelessness, including school students who are couch surfing.<sup>86</sup> The *Equal Opportunity Act* reflects the view that homelessness, being a form of social and economic disadvantage, should be considered a consequence of discrimination on the basis of other, protected grounds (such as age, sex, race, religion or marital status) rather than a ground for discrimination itself. This is an outdated view of discrimination that does not take into account the potentially compounding effect of discrimination as well as the impact it has on young people and children.

The Charter is similarly silent with respect to discrimination on the basis of homelessness or socio-economic status. The Charter was enacted in 2006 to implement the substantive rights enshrined in the International Covenant on Civil and Political Rights, however, did not include the rights enshrined in the International Covenant on Economic, Social and Cultural Rights. Although the Charter offers a general protection against discrimination, it is limited, defining ‘discrimination’ as discrimination on the basis of an attribute set out in the *Equal Opportunity Act*. As discussed above, that section is an exhaustive list, which does not recognise homelessness or socio-economic status as a basis for discrimination. It is worth noting that an argument could be made that section 17 ‘Protection of families and children’ and section 18 ‘taking part in public life’ of the Charter could offer young couch surfers some protections. However, as limited case law exists in respect to the Charter, it is difficult to determine its application.

Alternatively, it could be argued that young people experiencing homelessness and couch surfing are being discriminated against indirectly on the basis of their age. That is, a young person is unfairly discriminated against, in an indirect manner on the basis of his or her age, where he or she is denied access to schooling (i.e. suspension) because of an inability to obtain the required uniform or shoes. Whilst a minor within a conventional family unit receives the financial support for these things, young couch surfers lack this support. Before a certain age, they also lack the capacity to work or receive any Centrelink benefits. However, without a test case brought under the Equal Opportunity Act or the Charter, it is impossible to determine whether the above argument would succeed.

The Equal Opportunity Act should be amended to include Social Status which includes homelessness as a protected attribute as a measure to ensure the protection of young people who are couch surfing whilst attending school. Homelessness should be recognised legally as a standalone ground of discrimination, not confined solely to a potential consequence of discrimination on other grounds (i.e. age or race).<sup>87</sup> The current regime offers no effective protection to young people at risk of being discriminated against on the basis of couch surfing – for example, discrimination for wearing the incorrect uniform to school. Despite research indicating that people experiencing homelessness ‘suffer direct and indirect discrimination on a regular basis’, as well as strong advocacy by the community sector, Victorian legislatures have been reluctant to adopt recommendations that homeless or socio-economic status be included in anti-discrimination legislation.<sup>88</sup>

In 2017, the Australian Capital Territory’s Discrimination Act 1991 was amended to protect people from discrimination on five extra grounds: accommodation status, employment status, status as a victim of family or domestic violence, immigration status and physical features. ACT is the only Australian state to tighten up discrimination laws. The concept of ‘social status’ as a protected attribute, has however been identified

<sup>86</sup> See Australian Human Rights Commission, A Guide to Australia’s Anti-Discrimination Laws, <https://www.humanrights.gov.au/guide-australias-anti-discrimination-laws>

<sup>87</sup> For example, see Philip Lynch and Bella Stagoll, ‘Promoting Equality: Homelessness and Discrimination’ (2002) 7 *Deakin Law Review* 295; and Philip Lynch, ‘Homelessness, Human Rights and Social Inclusion’ (2005) 20 *Alternative Law Journal* 116.

<sup>88</sup> Various bodies, including Justice Connect Homeless Law (formerly PILCH Homeless Person’s Legal Service) have made recommendations that homelessness, or alternatively ‘social status’ (which can encompass homelessness), should be included as a protected attribute in anti-discrimination legislation. So far none of these recommendations have been adopted.

in other jurisdictions such as the United States of America, Canada, New Zealand, United Kingdom and Europe.

## **RECOMMENDATION 7: END DISCRIMINATION IN SCHOOLS**

- » The Victorian Government should amend the Equal Opportunity Act 2010 to include Social Status and Family Violence as a protected attribute in line with the Australian Capital Territory.
- » The Department of Education and Training through schools need to develop more effective practices to identify vulnerable students who are couch surfing and or experiencing family violence in the home. For example, increased resources to wellbeing staff including training to ensure that they recognise the impact of family violence and homelessness on students.
- » Schools should be prohibited from excluding students from their education, including suspensions and expulsions, based on a breach of school uniform policy. Schools must provide alternative solutions to breaches of school uniform policy such as detentions and spare uniforms.



**PART C:**

**EXPERIENCES AND  
CHALLENGES FOR  
COUCH PROVIDERS**



# 10. CHARACTERISTICS AND EXPERIENCES OF COUCH PROVIDERS

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Couch providers or 'informal carers' are the unknown element in the couch surfing relationship. There has been very limited work done by youth and homelessness services, schools, government and even academics to identify and assist those individuals or families who are informally supporting young couch surfers. Although workers, school staff and friends are aware that the young person is couch surfing, there are no proper processes in place to respond, and as a result, they are often unsure of where and with whom they are staying.

This project has identified four broad categories of couch providers through discussions with support workers and providers themselves: friends, parents of friends, family, and strangers.

## 10.1. INFORMAL 'CARER'

When we were doing the initial talking and finding out what was going on, it felt like an assessment. It felt like a structured role.

- Couch provider, Interviewee

For me it was a bit blurred. I didn't know whether I was there as a social worker or friend's mum. - Couch provider, Interviewee

[Couch] providers do not even know they are playing a role in service delivery. - Worker, Interviewee

Couch providers are all responding to deficiencies in the homelessness sector in some way: couch providers are subsidising the housing and homelessness sector by providing emergency or interim accommodation as housing workers are often forced to advise the young person to 'find someone to stay with'; abusive couch providers are exploiting a service gap. The majority of workers in this research compared the role of a couch provider to a 'service provider', an 'informal foster carer' or 'respite carer' without a service to support them. However, the providers themselves did not identify this way, and nor did they want to be assigned those labels. As an alternative to the housing and care service systems, providers and surfers did not want to be 'in the system'. However, their need for the appropriate supports needs to be considered.

I remember one girl I stayed with had a 1 bedroom unit. I slept on the floor, the couch and in a chair. Sleeping in a chair is the most uncomfortable place to sleep. - 20yrs, couch surfer



## 10.2. THE EXTENT OF THE PROVIDERS ROLE

Many couch providers such as a friend's parent or a caring community member genuinely wanted to help couch surfers, providing a roof, food, care, money and safety. They treated the young people as if they were another one of their children.

On the other hand, there are couch providers who are involved in crime, drugs, prostitution and illegal rooming houses, exploiting and abusing young couch surfers for their own ends.

Couch surfers are exploited in many ways. Some couch providers get the Family Tax Benefit instead of the parents, promising to buy food and essential items but then renege on this promise. Some are 'in the business' of taking young couch surfers in, convincing the school into supporting applications to Centrelink. There were also other types of economic exploitation:

**I stayed in the house for the whole 3 months, doing housework. They didn't let me leave the house. I did it because she was paying for the food. - 16yrs, couch surfer**

**They said they would help me out for the night but then I'd have to get going in the morning. It was just 'a roof'. - 16yrs, couch surfer**

However, for many young people leaving home, couch surfing involved something more than just the need for affordable and immediate (though often temporary) rent-free accommodation. For most, couch surfing emerged as part of a search for connectedness and social supports.<sup>89</sup>

**It felt like a home to me, it felt comfortable there. I slept in his room in a spare bed. I ate dinner with them. - 15yrs, couch surfer**

**I treated him like any of my kids. I made sure his clothes were washed, had food, showers and internet. I felt that was my responsibility because I took him in. - Couch provider, Interviewee**

On the other hand, couch providers were divided on how they interpreted their role.

Some couch providers, particularly those looking after school aged couch surfers, saw their role as more than simply providing 'a roof' for the couch surfer. These individuals and families often provided a supportive environment by offering vital sources of practical, personal and familial-like support that helped young people re-engage with school and work.<sup>90</sup> For example, providing the young couch surfer with rent-free living, food, clothing, amenities (i.e. washing machine), transport, money and emotional support.

On the other hand, some couch providers defined their role as simply providing 'a safe roof over their head' for a short period of time.

The majority of workers in this research expected the couch provider to offer the young person a safe environment to stay as well as food, care and support. In a small number of instances, workers felt that the role is limited to providing 'interim accommodation in the form of somewhere safe to sleep' and food.

<sup>89</sup> Findings from this research about the search for connectedness is consistent with the existing literature. See: McLoughlin. 'Couch surfing on the margins,' p. 537.

<sup>90</sup> McLoughlin. 'Couch surfing on the margins,' p. 539.

### 10.3. RESPONSIBILITY OF THE COUCH SURFER

If you are loitering around you meet people like that and someone will offer you somewhere to sleep. - 20yrs, couch surfer

In all the cases in this project, the young couch surfer was responsible for finding an appropriate couch provider, which included the assessment of their safety. Several couch surfers admitted finding their couch provider at local train stations, shopping centres and on the street. These arrangements tend to be unsustainable and unsafe, often leading to exploitation and abuse of the young couch surfer. As one 15 year old couch surfer said, 'I would go anywhere'.

According to one worker:

Young kids and teenagers have a warped idea of what is safe and should not be responsible for assessing their own safety when searching for housing.

The idea that a young person is responsible for assessing their own safety in terms of safe housing is inappropriate and a proper process must be in place to prevent exploitation and abuse of young people. At the very least, comprehensive risk assessments and safety planning should be done by a qualified worker with the couch surfer. The requirement for couch providers to have a Working With Children Check was identified, however most workers agreed that such a requirement to regulate an informal system would deter individuals from opening up their home to couch surfers.

### 10.4. LACK OF EXPERIENCE OR SUPPORT FOR PROVIDERS

It took up so much time trying to get some help for him [couch surfer]. I didn't know where to go. I had no real options.  
- Couch provider, Interviewee

I had no knowledge of what to do when I had couch surfers stay. I guess it was just like having family stay? - Couch provider, Interviewee

At the time it was a challenge dealing with their behavioural issues including their trauma. - Couch provider, Interviewee

The majority of couch providers do not have formal qualifications to care for vulnerable young people including children and adolescents. Furthermore, couch providers in Victoria have no helpline, service, support or information about their rights and responsibilities when taking in a couch surfer. Many feel unsure about how to assist a young person, especially if they are experiencing family violence, trauma, health or legal issues. This de-facto 'care giver' or 'informal foster parent' role is especially challenging as many young couch surfers have experienced trauma and may exhibit some behavioural issues.

## 10.5. EFFECT ON PROVIDERS FAMILY MEMBERS

My husband and I would talk about it all the time at night, when we went to bed. When the couch surfers came he was always saying 'why is it our problem?' If I asked him, he would have said no.

- Couch provider, Interviewee

You could see my family getting more and more tense.

- Couch provider, Interviewee

In several of the interviews with the couch providers, the person admitted that they had not properly consulted their partner and family before allowing a couch surfer to stay, in fear that they would say no. Some couch providers acknowledged that their partner and family were not happy with the arrangement, causing tension and arguments between family members; for example, when a sibling was made to share their personal space or possessions. As a result, young couch surfers were made to feel 'unwanted' by some members of the household.

## 10.6. FINANCIAL HARDSHIP

I'm already a struggling mum with three kids and that's not cheap. Just putting another mouth to feed, especially with teenage boys is added pressure. I really felt the pressure over the four weeks. I had to be realistic with the food I bought, I had to buy cheap. - Couch provider, Interviewee

I had to break into my daughter's piggy bank to make do, even though it was only 20 cent pieces. I had to take money out to give to him [couch surfer]. - Couch provider, Interviewee

I treated him like my own kids. I gave him money for his myki, my last \$5 in my wallet but he didn't have any money to get to school. I felt it was my responsibility because I took him in. - Couch provider, Interviewee

Many couch providers felt it was their responsibility to take care of the young couch surfer, including offering financial support. With many young couch surfers not entitled to government benefits or housing services – such as children, New Zealand citizens and asylum seekers – couch providers took on the financial burden of early home leaving.

Many couch providers not only welcomed the couch surfer in to their home but also gave them money for food, clothes, transport, medical and other personal expenses. In addition, household expenses such as utilities and telecommunications also increased while the couch surfer(s) stayed at the home, adding further pressure on the family and family relationships.

Some couch providers experienced significant financial hardship while the couch surfer was in their care. In some cases, the couch provider invited the young person to stay even though they were already struggling to meet day-to-day expenses. One parent explained that she had to break in to her daughter's piggy bank in order to give the couch surfer money to pay for his Myki to go to school.

All the couch providers involved in the project chose not to go to Centrelink and apply for benefits to care for the young person. Reasons included not wanting 'to give the wrong idea' as to why they were caring for the young person or not wanting to upset the parents or guardians of the young person.

Couch providers were not interested in becoming foster parents, entering into kinship arrangements or other permanent care arrangements as they preferred to keep the arrangement with the young person informal.

It is important to note that Family Violence Flexible Support Packages are available to people who are experiencing or have experienced family violence. This includes young people. These packages are designed to provide a new individualised approach to respond to victim/survivors experiencing family violence. Individualised packages of up to \$7,000 are available, with an average cost of \$3,000. Flexible support packages deliver a personalised and holistic response to victim/survivors experiencing family violence by assisting them to access support, move out of crisis, stabilise and improve their safety, well-being and independence.<sup>91</sup> As the intention of flexible support packages is to assist victim to stabilise and improve their safety in a crisis or post-crisis situation, there is argument to suggest that such finances could also go towards supporting informal carers who are financially supporting the young person experiencing family violence (see also section 4.8). The informal carer would support the young person in partnership with a family violence support service.

## RECOMMENDATION 8: ACCESS TO FLEXIBLE SUPPORT PACKAGES

- » The Victorian Government must recognise the financial burden placed on couch providers and allow them to benefit from the family violence flexible support packages, in order to support the young person in crisis and connect them with specialist family violence services.

### 10.7. FAMILY VIOLENCE AND INTERVENTION ORDERS

The biggest issue was her safety in our house. There was one incident one night where she continued to get phone calls from people saying they were going to get her and we didn't know the people or what to do. We had to keep her safe at the house. - Couch provider, Interviewee

I was afraid that the step-father would find out where I lived. He was very volatile. - Couch provider, Interviewee

In many cases, young people who are couch surfing are trying to escape a violent relationship. Some are running from violent parents and step-parents and others are leaving a violent partner. Some of the young people assisted by the Youth Couch Surfing Clinic, often single mothers, had an existing family violence intervention order against their ex-partners.

According to most of the young couch surfers and couch providers, the parents and partners did not know where the young person was staying. Most of the couch providers felt comforted by this, however were afraid that if they reported the informal care arrangement to the school, to community services or to Centrelink, the violent parent or partner would find out where the young person was staying.

<sup>91</sup> Department of Human Services, 'Program requirements for the delivery of family violence flexible support packages,' (2016). <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/rental-rebate-manual>

Couch providers also expressed concern for the safety of the couch surfers and felt that it was their responsibility to keep them safe. According to some couch providers, it was common for them to receive threats from parents and partners of the young person who was staying with them. The majority of these couch providers were unaware of the intervention order process and where to get help.

By letting couch surfers stay in their homes, couch providers were not only responding to system failures but were also potentially putting themselves and their families at risk. This was particularly the case when the parent or partner's social security benefits were involved.

## 10.8. SOCIAL SECURITY

### CASE STUDY 14: FAMILY TAX BENEFIT

Grace was a single mother of two and lived in the Wyndham area. She had one daughter aged 15 and a son aged 12. Grace worked part time at the local dry cleaner but relied mostly on her Centrelink payments to support her family.

Her daughter's friend, Sienna, stayed over on weekends for approximately 12 months and was treated as if she was part of the family. Grace was aware that Sienna was experiencing problems at home and that her step-father and mother often used violence. On occasion, she would end up staying at Grace's house for weeks at a time to avoid going home. Grace not only fed Sienna but also gave her money for transport (i.e. Myki), food and hygiene products as well as emotional support. Sienna's parents did not know where she was staying and did not care.

Grace felt the extra financial pressure when Sienna stayed over. She had to purchase more food and the utility bills, particularly internet, increased as well. Grace knew that she could apply for the family tax benefit or another carers allowance from Centrelink because Sienna was too young to receive Youth Allowance, however she did not want to aggravate Sienna's parents. If she applied for the benefit, Sienna's parents' FTB and any other allowance would be reduced substantially or cut. Centrelink may also raise a debt against them for failing to report a change in circumstance.

Sienna had also been threatened by her parents that if she or anyone else applied for benefits to care for Sienna, they would come and find her and bring her back home.

Grace chose not to apply for the FTB even though she needed the money. She did not want to put her family or Sienna in danger in case Centrelink or any other service disclosed where Sienna was staying.

By applying for the FTB or another carers allowance from Centrelink, couch providers are indirectly reducing benefits paid to the parent/guardian of the young person. Furthermore, once Centrelink is notified that the young person is no longer living at home, a debt is likely to be raised against the parent/guardian for not reporting the change in circumstances. As discussed in section 6.3, the debt is paid by reducing future payments. As seen in the case study above, this situation placed the couch provider in a precarious situation as they were in need of additional funds to support the couch surfer but did not want to further aggravate the parents who had a history of violence.

It is also worth noting that if a couch provider makes an application for the FTB and it is challenged by a parent or guardian, Centrelink social workers will conduct an investigation, which may lead to a notification made to child protection.

Consultations also identified issues for couch providers who lived in government housing and received rental rebates. The Director of Housing accepts from eligible tenants a reduced rent on the basis of the department's rental rebate policy.<sup>92</sup> The assessable household income determines the calculation of rebated rent and therefore if a couch provider has individuals staying for longer periods of time at their place the assessable household income will be affected. These are significant aspects of the research findings and will need to be explored in future.

## 10.9. CRIME (THEFT AND DRUGS)

I noticed that certain pieces of my own jewellery went missing including my wedding bands and engagement ring. - Couch provider, Interviewee

I had a couch surfer leave because of conflict in relation to drugs. It was a conflict with another couch surfer staying with us.  
- Couch provider, Interviewee

As highlighted above in section 7, without stable accommodation or adequate income, young couch surfers can end up engaging in petty crime to survive. This includes stealing from friends and family who they are staying with. Furthermore, it was common to hear from couch providers that they did not know the couch surfer before they stayed at their home.

Interviews with couch providers heard a small number of cases involving crimes committed by couch surfers staying in their home. One couch provider spoke of her engagement ring and wedding bands being stolen by her daughter's friend who was staying at their family home for a couple of weeks. Once the couch provider realised what had occurred, she went to the local police station to report the theft but was told that she did not have a case as she had invited the couch surfer to stay.

Another couch provider spoke about couch surfers using drugs in her home and as a result was forced to ask the couch surfer to leave. As discussed in section 4, some young people who were couch surfing used drugs, such as marijuana, to deal with the emotional and psychological stress of being homeless.

<sup>92</sup> Victorian Government, Department of Human Services. *Rental Rebate Manual*, <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/rental-rebate-manual>

## **10.10. SUPPORT FOR PROVIDERS**

While many couch surfers reported incidence of violence and exploitation, it is important to note that all couch providers interviewed as part of this research were genuinely trying to help the young person and were not the type of couch provider who was involved in the production or sale of recreational drugs (as discussed in section 4). However, they were doing this in absence of appropriate social services and social security support. The nature of the relationships between the provider, the surfer and the surfers' families created complexity in negotiating the appropriate supports. It is clear that reform is needed in the 'informal care' sector that recognises this complexity to better support young couch surfers and providers.





**PART D:**

**FILLING THE LEGAL  
AND SERVICE GAPS**



# 11. ENABLING SUPPORT FOR COUCH SURFERS AND COUCH PROVIDERS

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## 11.1. IDENTIFICATION, AWARENESS AND STIGMA

Negative stereotypes of homelessness as well as the overall lack of awareness and understanding of the issue has meant that young couch surfers scarcely access support services.

Ninety-seven percent of the young people assisted by the project did not access support services when they began couch surfing, such as housing, welfare or legal services. This is mainly because they did not consider themselves homeless and felt that others were more in need of help (see section 4).

According to two young couch surfers:

I didn't feel like I was good enough to ask someone [for help]. There were people out there that needed it more. - 17 yrs, couch surfer

I just felt that there were people that deserved it more than I did. I also felt that my situation was more prone to me not wanting to deal with my violent father, where other people had it worse. - 19 yrs, couch surfer

Our research suggests that by the time a young person is engaged with formal support services (i.e. homelessness or legal services) they are no longer 'in and out' of home but have made the 'permanent break.' They have often already spent long periods of time couch surfing, sleeping rough and/or in refuges.

According to the 2016 Wyndham City Council Youth Forum, young people identified the key barrier to accessing homelessness services as there being a lack of services and a lack of awareness about those services that do exist. To remedy this, young people advocated for the promotion of homelessness services in Wyndham through schools and/or through media advertising. They also identified the need for education surrounding youth homelessness and the associated systems and services.

According to the Mission Australia's annual youth survey, young people use the internet as a key source of information. Therefore, work needs to be undertaken to ensure young people (and first to know agencies) can easily find the information they need about how and where to get assistance to prevent or end experiences of homelessness.

For many young people, being identified (and therefore treated) as a homeless person also carries a heavy personal cost that profoundly impacts help-seeking behaviour. The identity of being 'homeless' is perpetrated by the act of seeking or receiving services which highlight or create a sense of being different.<sup>93</sup> Therefore many of the young people seen by this project had understated their situation and distanced themselves from being perceived as homeless.

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93 McLoughlin. 'Couch surfing on the margins,' pp. 534-35.

## RECOMMENDATION 9: INFORMATION PROVISION FOR YOUNG PEOPLE

- » The Victorian Government resource an online guide for young people who are couch surfing that provides practical information such as:
  - a.) their legal rights as licensees and rights around social security
  - b.) where to access homelessness and family violence support
  - c.) how to access emergency relief for costs including transport, food, and school uniforms
  - d.) links to places where they access health services, free laundry facilities and other services

### 11.2. MANDATORY REPORTING AND CHILD PROTECTION

Child Protection provides services to protect children and young people from significant harm caused by abuse or neglect within the family. It also aims to make sure that children and young people receive services to deal with the effect of abuse and neglect on their wellbeing and development.<sup>94</sup> A major role of Child Protection is to receive and respond to reports of abuse or neglect. This may involve investigating the allegation and in some cases taking matters to the Children's Court.

Some professionals such as doctors, nurses, police, school teachers and youth workers are legally obliged to report suspected cases of child abuse or neglect. In October 2014, a new criminal offence for failure to disclose child sexual abuse also came into effect. The offence requires that any adult who holds a reasonable belief that a sexual offence has been committed against a child (under 16) disclose that information to police. In addition, Victoria has introduced the Child Safe Standards which form part of the Government's response to the Betrayal of Trust Inquiry in 2013.<sup>95</sup> This report does not seek to evaluate or comment on the effectiveness of the mandatory reporting regimes in Victoria, rather it acknowledges some of its consequences in relation to young people's help seeking behaviours.

With strict reporting obligations placed on school wellbeing officers, it is no surprise that several of the young people in the research did not disclose family violence to their school social workers, school counsellors or other support services for fear that notifications will be made to Child Protection. This also meant that these young people were unable to access the family violence flexible support packages (see section 5.5).

As seen in section 4.8, there are a number of reasons why young people refuse to disclose abuse and neglect including:

- » lack of trust and confidence in Child Protection and the Intervention Order process
- » lack of alternative accommodation and housing in the western region
- » young Pacific Islander, Māori, Aboriginal and Torres Strait Islander people were often afraid of bringing shame to their families and community.

<sup>94</sup> Victorian State Government, 'Service Providers,' <http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/child-protection>

<sup>95</sup> See 2013 Parliamentary Inquiry into Handling of Child Abuse by Religious and Other Non-Government Organisations.

It is important to note that in response to the Royal Commission into Family Violence, the Victorian Government has introduced two Bills to create a specific family violence information-sharing regime.<sup>96</sup> The new regime does not require consent for the sharing of information in relation to children. This means that there is no requirement for children to consent to having their information shared with other services such as health professionals or schools. These changes could see more young people reluctant or unwilling to disclose information relating to family violence.

### 11.3. FEW HOMELESSNESS SERVICES FOR YOUTH

Limited service provision remains a key issue in all outer-metropolitan areas especially in terms of youth housing and homelessness services. Youth housing and homelessness services are particularly scarce in Wyndham. If a young person is experiencing or at risk of homelessness in the outer western region, they are expected to approach the local housing access point. These services are already at maximum capacity, forcing them to prioritise those homeless youth who are in the greatest crisis, which often neglects those who are couch surfing. The local funded specialist homelessness service has 1.5 funded Youth Housing Support Workers to cover a rapidly growing population of more than 225,000 people. With the exception of Whitelion outreach services which can also provide support to young people experiencing homelessness and unstable housing amongst other complexities, there are no housing support workers or programs that target young couch surfers, who may not identify as homeless or disclose family conflict.

In a crisis driven policy environment focused on extremes of rough sleeping, there has been a lack of funding and government policies to deal with various kinds of homelessness that take place ‘under a roof’, such as couch surfing. As demand has increased on specialist homelessness services, and available supports increasingly prioritised to those who are most in crisis, young people who are ‘under a roof’, such as couch surfers increasingly miss out. Young people reported that homelessness workers advised them to continue to rely on their family and friends for support as there were no emergency beds available in the local area.

The lack of specialist youth workers also presents challenge. Most homelessness workers are expected to work across cohorts, including youth, families and single adults and often lack the specific skills and knowledge required to engage effectively with young people. In addition, young couch surfers interviewed as part of this research felt that there was a lack of workers who genuinely ‘cared’ about their wellbeing.

In metropolitan Melbourne, young people aged 12 to 25 have access to Frontyard Youth Services, an integrated service providing housing and homelessness support including outreach. Without targeted outreach services in Wyndham, it is unlikely that young couch surfers will approach a generalist homelessness service for support.

The federally funded Reconnect program could be an option for many of these young people. Reconnect uses community-based early intervention services to assist young people aged 12 to 18 years who are homeless, or at risk of homelessness, and their families. Reconnect assists young people to stabilise their living situation and improve their level of engagement with family, work, education, training and their local community. This program is ideal for young people who are couch surfing and want to be reconnected with their families or caregivers. It includes an outreach component in Wyndham that receives many referrals from schools. However, the Reconnect program is a voluntary process and it is not always the case that young people or families will participate.

Operational times: There is a lack of after-hours and weekend homelessness support options available in Wyndham and the outer western region in general. The majority of programs and workers are operating within business hours, being Monday to Friday from 9am to 5pm, however it is well known that young people, especially adolescents, need access and support outside of business hours. It is important to also

<sup>96</sup> *Family Violence Protection Amendment (Information Sharing) Bill 2017 (Vic)* and *Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016 (Vic)*.

note that adolescents and young adults are often asleep during business hours and find it difficult to attend appointments in the morning.

## RECOMMENDATION 10: SUPPORT SERVICES FOR YOUNG PEOPLE

- » The Victorian Government fund a specialist youth housing and homelessness service in the City of Wyndham that includes an ‘access point’ and integration that can provide a range of holistic programs targeting young people from crisis to housing. A current example is Frontyard Youth Services located in Melbourne, which provides a specialist youth centred housing service that spans across health, family violence, justice, education and employment. These also need to provide more flexible ways of engaging, such as after-hours support.
- » The Victorian Government strengthen pathways to support for young people by increasing the numbers of youth-specific homelessness workers in Melbourne’s West and creating stronger mechanisms for linkages between school welfare workers and youth-specific homelessness workers.
- » The Victorian State Government improve youth specific engagement skills across the Specialist Housing Services (SHS). It is crucial SHS workers – and not just those working directly with young people – get the appropriate training to develop these skills. Such training should be made available by the Department of Health and Human Services as part of its workforce development framework and could form part of a broader suite of specific youth training.

## 11.4. FAMILY VIOLENCE SERVICES FOR YOUTH

Limited service provision remains a key issue in all outer-metropolitan areas especially in terms of youth specialist family violence services. There is an urgent need for government to invest in these programs, alongside those designed to support women and other children impacted by family violence.

**Specialist family violence services:** Specialist family violence services in the outer west of Melbourne are funded to work exclusively with women. In many instances, women are accompanied by their children, and if so, the service will also assist the children. Apart from one family violence counsellor, the specialist agencies funded to provide family violence services in Wyndham do not provide case management support to people under the age of 18. Young people are expected to attend local Council youth services or other non-specialised community organisations for family violence support. Young people under the age of 17 who are experiencing family violence will be referred to Child Protection, however as already discussed in this report, 15 to 17 year olds often fall through the gaps in the formal system. If the violence has not escalated to a point that requires family violence support, young people will also be referred to Child and Family Information, Referral and Support Teams (Child FIRST). Once a young person turns 17 (assuming no formal child protection order has been made) they fall outside the responsibility of child protection, however, currently specialist family violence services in Wyndham and the outer west of Melbourne do not provide support until they turn 18. The Victorian Government must ensure that specialist family violence services are funded to provide case management services not only to women but also young people experiencing family violence.

**SPECIALIST FAMILY VIOLENCE LEGAL SERVICES:** Specialist family violence legal services in Victoria are focused on assisting women who are experiencing intimate partner violence. These legal services do not provide specific targeted services to young people. Unless a young person approaches the legal service themselves, it is unlikely they will be assisted. As highlighted above, in order to engage young people, an organisation must provide outreach services to where the young people congregate (i.e. local youth hubs

or schools). The Victorian Government must ensure that specialist family violence legal services are funded to provide targeted programs and services not only to women but also young people experiencing family violence.

**Schools:** School Wellbeing Offices, including school social workers, counsellors and nurses are responsible for supporting a large number of vulnerable young people experiencing family violence. It is important that the Wellbeing Officers are provided with appropriate training and support in relation to working with these young people. This may involve developing partnerships between specialist family violence services, the future Support and Safety Hubs and schools including case management planning and support and the provision of specific family violence training.

**FLEXIBLE SUPPORT PACKAGES:** Family Violence Flexible Support Packages are available to people who are experiencing or have experienced family violence. This includes young people. Individualised packages of up to \$7,000 are available, with an average cost of \$3,000. Flexible support packages deliver a personalised and holistic response to victims/survivors experiencing family violence by assisting them to access support, move out of crisis, stabilise and improve their safety, well-being and independence. Packages can only be distributed to victims/survivors who already have a case management plan and have left or in the process of leaving a family violence situation. This means that young people can only access these packages if they are no longer living at home. As discussed in this report, young people often couch surf for several years before making a ‘permanent break’ from the family home. This often involves financially supporting themselves in terms of welfare needs. Without alternative housing options and an under resourced child protection system, young people are sometimes forced to endure family violence at home and are therefore unable to access the packages. As discussed in section 9.2, young people are also reluctant to disclose information about family violence due to mandatory reporting regimes and therefore are unable to access the packages. In order to increase access for young people, there must be an option for flexible support packages to be administered through schools. As discussed above, it is common for School Wellbeing Officers to support young people who are experiencing family violence. In some cases, these officers have supported a young person for several years, building trust, connectedness and security. It would be a mistake to expect the young person to approach an external support service. Instead, youth and family violence services (including the future Support and Safety Hubs) must partner with schools and their Wellbeing officers to develop and monitor a case management plan and support the young person out of family violence.

**SUPPORT AND SAFETY HUBS:** In response to the Royal Commission into Family Violence, the Victorian Government has committed to fund Support and Safety Hubs (**Hubs**) across Victoria, which will provide a new way for women, children and young people experiencing family violence to access coordinated support from justice, health and social services. The Hubs will replace existing referral points for victims and perpetrators of family violence (including police L17 referral points) and children and families in need of support (ChildFIRST).<sup>97</sup> In designing the Hubs, there must be consideration of young victims in their own right and not just young people accompanying a parent. In order to engage young victims, there must be multiple ways to access the Hub. For example through the internet or by locating outreach workers at schools and other places youth frequent. It is important to consider that a young person will generally prefer to stay with friends and family rather than stay at a ‘Support and Safety Hub’ or refuge. As discussed in this report, stigma is a big issue for young people and they do not want to feel ‘different’ to their peers. To overcome these barriers, there must be capacity for the Hub to link in and support informal carers who are looking after the young person (i.e. a friend’s parent).

**ROYAL COMMISSION INTO FAMILY VIOLENCE:** As stated in the report produced by the Royal Commission into Family Violence, there is a lack of targeted resources to meet the specific needs of children and young people who have experienced family violence:

<sup>97</sup> Family Violence Reform: <http://www.vic.gov.au/familyviolence/rolling-action-plan/safety-and-support.html>

Current policy does not pay sufficient attention to the effects of violence on children. Supporting children and young people must be central to family violence policies. Family violence can have serious effects on children and young people but they do not always receive necessary support. There is insufficient focus on their needs and on the therapeutic and other interventions they may require to mitigate the effects of the violence.<sup>98</sup>

## RECOMMENDATION 11: FAMILY VIOLENCE SUPPORT FOR YOUNG COUCH SURFERS

- » The Victorian Government consider the needs of young people experiencing family violence in their design of the 'Support and Safety Hubs'. These young people are often supported by their schools and by informal carers (i.e. a friend's parent or extended family member). In most cases, young people prefer to stay with friends and family than at a refuge.
- » The Victorian Government must increase the level of funding to specialist family violence services, including legal services, to provide targeted youth support programs to young people who are experiencing family violence aged between 15 and 18. For example, a targeted youth program could work in schools and local youth resource hubs.
- » The Victorian Government must fund specialist family violence services to provide family violence training, education and support to schools, in order for them to support their students. By doing so, it will promote further engagement between young people and family violence services. School wellbeing officers, such as social workers and counsellors, are responsible for the wellbeing of students at their school. This often involves supporting students who are experiencing family violence.
- » The Victorian Government investigate the opportunity for schools to access Support and Safety Packages. Youth services and family violence services should partner with schools and school wellbeing officers to develop and monitor a case management plan and support the young person out of family violence.

### 11.5. SUPPORT SERVICES AND EDUCATION FOR COUCH PROVIDERS

I had no knowledge of what to do when couch surfers stayed. It was just like having family stay. - Couch provider, Interviewee

I wasn't sure what to expect. I just thought I could invite them and treat them like any other overseas visitor. I should have had more rules. That would have probably come from education. - Couch provider, Interviewee

Couch providers are generally inviting young people into their homes who have experienced family violence, neglect and trauma. These couch providers have no service or helpline available to them nor do they have access to information about their rights and responsibilities. Many feel unsure about how to assist with family violence, medical, trauma, mental health and legal issues. Couch providers need to be in a position to respond and manage challenging behaviours in their home.

<sup>98</sup> Royal Commission into Family Violence, p. 8.

## Funded services

As discussed in section 10, Couch Providers are responding to deficiencies in the out-of-home care, homelessness and family violence sectors and often act as informal service providers, offering interim accommodation, support and care to vulnerable young people in the community.

However currently there are no funded services to support couch providers and informal carers. This includes case management, emotional and financial support, training and education.

## School services

If a couch surfer is still at school, the couch provider may contact the school for advice regarding how to support the couch surfer. This is often the case if the couch provider is also a parent at the school. If not, then it was rare for the couch provider to make contact with the school.

Although the schools consulted as part of this research did not have an official process established to support couch providers, some referred to them as 'emergency contacts' or 'relative care givers'. However the young person was not required to tell the school where they were staying. This often came up when permission slips and consent forms needed to be provided by a parents or carer.

No proper relationship was established between the couch provider and the school due to the transient nature of couch surfing.





## Family, community and faith groups

I have turned to family for support and we have a really good church community who has helped us in relation to emotional support. - Couch provider, Interviewee

Due to the lack of services offered to couch providers and informal carers, they are forced to rely on their family, friends and community. Many couch providers spoke about their local church or faith group who had provided them with extra funds and emotional support to continue housing the couch surfers.

It is important to note that within certain communities such as the Pacific Islander and Aboriginal and Torres Strait Islander communities, structured programs and services have been created by members of the community to support homeless people. In order to receive support and housing, the individual (including young people) had to be from the community (see section 9).

## RECOMMENDATION 12: SUPPORT FOR COUCH PROVIDERS

- » The Department of Health and Human Services must fund an advice line or programs which offer information and support to informal carers (i.e. couch providers). Couch providers are responding to deficiencies in the out-of-home care, homelessness and family violence sectors by emotionally and financially supporting young people to stay in their homes, however they do so without any support or training. Without support these couch surfing arrangements often breakdown.

## 11.6. PRACTICE EXAMPLES OF SERVICE RESPONSES

### School Lawyer Project - Pilot

Since May 2015, WEstjustice and The Grange P-12 College in Hoppers Crossing (**The Grange**) has been running the School Lawyer Pilot Project (**SLP**). The SLP is an access to justice initiative that has developed an innovative model to address hidden problems within a school community, aimed at breaking down barriers and building the trust and confidence of that community to effectively engage with the justice system.<sup>99</sup>

The Project sees a lawyer working at the school four days per week, operating across all year levels as an integrated member of the school wellbeing team, guided closely by the school principal and Manager at the legal service. The lawyer delivers legal education and conducts 1:1 consultations with students and parents to provide legal information, advice and where needed and appropriate, representation. The role focuses also on education and prevention. The lawyer is not governed by mandatory reporting rules and can therefore provide a confidential service to young people who are unwilling to disclose issues to the wellbeing officers. Confidentiality can be waived by the young person or if the lawyer is concerned for the immediate safety of the young person or others.

Mid-term evaluation indicates that the model currently used by the SLP is appropriate – it is addressing identified needs and aligns with, supports and enhances the school's wellbeing strategy. The project aims to improve the physical and emotional well-being of primary and secondary students at The Grange, thereby contributing to students being engaged in their education.

<sup>99</sup> See: WEstJustice, *Community development and law reform projects*, 'School Lawyer', <http://www.westjustice.org.au/community-development-and-law-reform>

Since the pilot began, the SLP has expanded to six schools across the Melbourne's west, including programs run in alternative education settings and special needs schools. The program is also trialling a similar model whereby a lawyer is working across two schools instead of one, to determine whether the same outcomes can be achieved.<sup>100</sup>

This report should be read along side the School Lawyer Project: Evaluation Report (2017).

## Iwi n Aus and Melbourne Te Whanau

Iwi n Aus began in 2013 and is run by a small volunteer committee and a team of community members.<sup>101</sup> The organisation was set up to support New Zealand citizens who arrived in Australia post 2001 and have been affected by the changes in legislation. These include members from the Pacific Islander, Māori and New Zealand communities.

Iwi n Aus works closely with Melbourne Te Whanau (**MTW**) in Wyndham to support families and individuals who are homeless or at risk of homelessness. If a New Zealand Citizen arrived in Australia after 2001, they are not able to access a range of housing and welfare benefits including Centrelink and government housing. MTW provides the welfare (i.e. crisis accommodation and food) and Iwi n Aus provides the case management component of the program. Volunteer community members are inducted and trained by Iwi n Aus to become caseworkers.

MTW and the local housing access point are contacted by people from the community when they are in crisis and are referred to Iwi n Aus. As part of the program, a handful of community 'host families' are set up in the western suburbs of Melbourne. Community members have volunteered their homes to act as crisis accommodation for members of their community. Hosts are completely supported by MTW and Iwi n Aus to assist the client.

Once the referral is received, an assessment is made by Iwi n Aus caseworkers. The client is then matched with and housed by the host family. Host families undergo background checks in terms of safety and financial capacity. Iwi n Aus will continue to case manage the client as well as support the host family. For example, caseworkers will support the client into stable housing, employment pathways and education courses and make sure children are attending school. Through the MTW food bank, emergency relief and welfare is also provided to the host family to support the client. Families and individuals will often stay with the host family for anywhere between a couple of days to several weeks until they are stable.

Both organisations are volunteer based and have zero funding.

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<sup>100</sup> See: WEstjustice, 'School Lawyer Program', <http://www.westjustice.org.au/legal-help>

<sup>101</sup> See: Iwi n Aus, <http://www.iwinaus.org/>

## Elizabeth Morgan House

Elizabeth Morgan House Aboriginal Women's Service Inc. (**EMH**) is a Victorian peak body for Aboriginal women. EMH provides specialist Family Violence support to Aboriginal women and their children who are currently experiencing or have experienced Family Violence.

As part of the 'Outreach Program', EMH provides continuous and culturally appropriate support and Case Management to women and children, including those young women who are couch surfing. The program includes the following (non-exhaustive):

- » creation of thorough safety plans
- » emotional and practical support
- » advocacy and information
- » assistance with housing applications and Centrelink processes
- » legal needs – intervention orders and Family and Magistrate Court matters.

EMH also provides assistance and support to families who are housing women and children who are couch surfing. For example, case workers will assist couch providers or informal carers to complete Utility Relief Grants, Centrelink applications, manage issues with Office of Housing, financial counselling (i.e. budgeting) and provide additional food for the family.

## The Geelong Project

The Geelong Project (TGP) is led by Barwon Child, Youth & Family service (an SHS), Swinburne University, and the Local Learning and Employment Network. It began in 2012 as part of research project funded by the Commonwealth Government. It has since received funding from the Victorian Government and philanthropic organisations. The aim of TGP is to shift the Geelong Specialist Homelessness Service (SHS) system from focusing on crisis management to early intervention.

TGP is a collaborative, localised approach to early intervention that aims to prevent young people in high school from becoming homeless. TGP uses population screening, co-location of services and family centred case management to improve service delivery to young people at risk of homelessness.

TGP partners with local schools to use surveys, interviews and school data to identify at-risk young people and triage them into support. Swinburne University has designed a Student Needs Survey to identify young people at high risk of homelessness. Early Intervention Teams work in schools daily, liaising with school support workers such as counsellors to plan and tailor services appropriate for each student's needs. The students come from six schools and a substantial number of referrals have been made to homelessness services. The project also developed an e-Wellbeing Toolbox, so Early Intervention Teams can track – in real time – who is receiving and providing support.

Before TGP, local youth workers would mostly work only with the young person. TGP trained their workforce to work with families as well as young people, as research and local experience found this to be more effective.

## RECOMMENDATION 13: CONTINUED FUNDING OF INNOVATIVE PROGRAMS

- » All levels of government continue to fund innovative programs such as those outlined in this report. These programs are designed to work holistically with young people who are couch surfing that are flexible, specialised and for where young people wish to seek support. Many young people do not wish to seek out more formal support systems, and programs such as these are critical.

### Potential Pilot Service

I would have gone to a couch surfing service if there was a place like that. I would have definitely sought help if it was targeted to couch surfers. - 21 yrs, couch surfer

I needed a supportive person, someone who wants to listen to us. Someone who actually cares about us at night and will answer our call. Someone to explain things and put things in perspective because you don't have that until you are older. - 19 yrs, couch surfer

Couch surfing involves something more than just the need for affordable and immediate rent-free shelter. For many it involves a search for connectedness, social and emotional support and role models. A service model for couch surfers and couch providers (informal carers) must position itself across multiple sectors including housing and homelessness, out-of-home care, mental health, family violence, education and employment and justice. It must also provide an after hour service including on weekends.

This couch surfing pilot will develop and trial a new model to house and support young couch surfers aged between 15 and 24, who are either too old or fall through the gaps in the out-of-home care system. It involves developing a two year program similar to the Iwi N Aus program discussed in previously and will involve a local partnership between two youth and family organisations and a legal service.

The program involves setting up 4 to 6 host families across one local government area who will provide emergency housing and care for young couch surfers. The host families will be supported by an organisation that will provide training and support including (but not limited to):

- » supporting each host family via a case worker and team, similar to the support offered to foster carers
- » training on how to support young people who are couch surfing's mental health, trauma and behavioural issues including setting boundaries
- » education in relation to couch providers legal rights and responsibilities
- » counselling services including 1:1 and group work with the young person
- » support groups (similar to council mother's groups) involving peer support and training
- » provision of welfare and material aid.

The other organisation will support the young people who are placed with the host families as well as a number of young people who are couch surfing but are not staying with the host families. These young people will be case managed and supported by the organisation including:

- » supporting each young person with a case worker and team who will provide client-centred case management support including comprehensive case planning support, assessing and addressing risk and protective factors
- » counselling services including 1:1 and group work with the host family or informal carer
- » facilitating access to treatment programs
- » Developing pathways into or re-engaging with education and or employment
- » a mentorship program (an additional supportive person and role model)
- » providing recreational and experiential learning (i.e. adventure therapy and linking in with existing clubs and associations)
- » provision of welfare and material aid.

Some young people assisted by the pilot program will be staying with informal carers who are not host families. These informal carers will also be supported in the same way and by the same organisation that is supporting the host.

Each placement will require comprehensive assessment including risk and financial assessments on both parties in order to make successful placements.

The legal service will work in partnership with both agencies and will provide a holistic advocacy program including advice on Centrelink issues, tenancy and housing stress, credit and debt and consumer law issues.

As the program targets transient young people, the partnership must continue to deliver the program even if a young person no longer resides in the local area.

A Project Steering Group will be established and will include members from partner organisations, local Council, schools and the Department of Health and Human Services.

As a result, the pilot program will trial a new model that supports the entire couch surfing relationship, including the young person and informal carer, as well as provide a new form of emergency housing for young people and the community in general.

## RECOMMENDATION 14: FUNDING FOR NEW PROGRAMS

- » The Department of Health and Human Services fund the pilot service for young people that are couch surfing. This program would work holistically within the many challenges couch surfers and couch providers face through collaboration with schools, legal services, Centrelink and with informal carers, addressing the varying and complex needs of these groups.

### 11.7. A REFORM AGENDA

The research has made clear the need for comprehensive community service and investment responses to dealing with the issue of couch surfing for youth. Reform is also desperately needed to income support policy, fines and infringements regulation, and transport policy. The causes and consequences of couch surfing are complex and interwoven. Many of these challenges could be avoided if the systems that interact with these young people were designed to support this complexity. This means access to effective housing, drug and alcohol and mental health services. It also means fundamentally rethinking how various government policies compound this issue.



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