

NSW Youth Parliament 2024

**Out of Home Care
Transition Youth Act
2024**

**Housing and
Homelessness
Committee**



NSW Youth Parliament

Out of Home Care Transition Youth Act 2024

Lead Sponsor: The Hon. Angel Ambas-Scutts, Youth Member for Pittwater
Shadow Youth Minister for Housing and Homelessness

Sponsors: Zahlia Kelly, Youth Member for Bega
David Griesz, Youth Member for Davidson
Matilda Webb, Youth Member for Winston Hills

Lead Refuter: The Hon. Edgar Bo, Youth Member for Holsworthy
Youth Minister for Housing and Homelessness

Refuters: Charumathi Kumar, Youth Member for Charlestown
Lauren Korenblyum, Youth Member for Ryde
Lucas McClintock, Youth Member for Winston Hills

Crossbench: Elijah Gill, Youth Member for Campbelltown

Summary of Debate

On Thursday 11 July 2024, the Education and Training Committee debated their Youth Bill, *Out of Home Care Transition Bill 2024*, on the floor of the Legislative Assembly; presided over by The Hon. Rose Jackson MLC, Minister for Youth, Mental Health, Housing, Homelessness and North Coast.

Results of the Vote

The results of the amendments were 20 Ayes, 22 Noes, and 17 Abstentions. As such, the amendments were resolved in the negative.

The results of the vote on the Bill were 31 Ayes, 17 Noes, and 10 Abstention. As such, the Bill was passed.

*The Out of Home Care Transition Youth Act 2024 (NSW) was **passed in its original form.***

Explanatory Notes

Summary

Young people exiting Out-of-Home Care (OOHC) in NSW face an abrupt shift away from supported living to independence. As young people 'age-out' of the system they are faced with a variety of unique challenges, combined with the difficulties of coming to mature age and are at an increased risk of homelessness compared to their peers. Often, young people leaving OOHC have moved around the system, preventing the development of adequate support networks, or skills such as financial literacy, that increase difficulty into independent living and increase the risk for homelessness. Furthermore, the instability of the OOHC environment exacerbates existing mental health conditions such as anxiety, depression, and PTSD, which also contribute to homelessness risk factors. Young people exiting OOHC have an increased risk of experiencing homelessness, combined with a unique set of needs, not shared by their peers, and are holistically unsupported to empower themselves into independent living.

Providing leavers with holistic support within their communities would improve the transition from OOHC to independent living and prevent homelessness by promoting positive behaviours and mitigating risk-behaviours and factors. Mission Australia states that building reliable support networks involving social workers, community organisations, and peers can offer continuous guidance and a sense of belonging, allowing individuals to better assimilate within their communities and decreasing risk of homelessness. Homelessness, by its nature, is cyclical, with an increased risk for leavers. Of the 16% of leavers who access homelessness services, 96% re-present to homelessness services within 12 months. Therefore, solutions are not just about inserting young people into homes, but maintaining the course and transition into sustainable independent living by developing community ties and providing individuals with the tools for sustainable independence. To do this, services that address this must interact both with the community and individual leaver to develop solutions that work sustainably and practically. By empowering leavers with choices in their education, their employment, where they live and the parts of the community, they interact with enhances self-confidence and autonomy. Strategies that address the ongoing difficulties of the transition into independent living by fostering independence and creating roots in communities prevents the re-entry into homelessness and improves housing outcomes for individuals exiting OOHC.

The development of resources for preventing homelessness in OOHC leavers must work alongside community efforts to deliver localised support to individuals. Resources should focus on the uptake of positive behaviours, such as maintenance of physical health or gainful employment, and the reduction in behaviours that increase risk for homelessness, such as drug and substance use or illegal activities. Working alongside community organisations, such as youth centres, Aboriginal community-controlled services, disability advocacy groups, and religious centres, ensures that interventions are tailored and responsive to the specific challenges faced by vulnerable individuals. These partnerships enable the provision of essential supports including, mental health counselling, life skills training, and employment opportunities, which are crucial in preventing homelessness among OOHC leavers. Similarly, community organisations facilitate ongoing engagement and support networks that promote social inclusion, ensuring a more sustainable transition into adulthood by creating community ties. Through the utilisation of the expertise and community connections of local organisations, resources can enhance the effectiveness and impact of initiatives aimed at securing stable housing and positive outcomes for leavers.

Background

The housing crisis

Housing affordability refers to the ability for young people in NSW to rent or purchase a home. With Sydney being the world's second least affordable housing market with an income to median house price ratio of 1 to 13 and rents in Sydney significantly outpacing inflation, it can be safely said that there is a housing crisis in NSW.

This crisis originates from an accumulation of many factors that have increased house prices and rent. On the supply side, NSW housing approvals have fallen to 50,000 from a 2019 pre-COVID-19 peak of 80,000. Other supply side issues include increased construction costs, a shortage of construction workers, vacant land being used as short-term rentals and holiday homes and a cultural preference for single family homes that reduces the density of housing being built.

Many factors affect the demand side of the housing crisis, including migration, negative gearing which incentivises property investment, increasing house prices while adding supply to the rental market and historically low interest rates that incentivised the purchase of houses.

Current strategies for affordable housing for young people

Current existing strategies for young people's accessibility to affordable housing tend to be quite limited and have been ineffective in addressing the root causes of the housing crisis within youth and the broader populace.

Notably social and affordable housing are core strategies aimed at young people and others in low economic state. However, there has been a notable deficit in recent years in the construction of social housing dwellings in NSW, with the total estimated amount of housing at about 221,500 (Roth and Gilyana, 2023). As a result, the wait time for social housing dramatically increased, with over 56,000 people still waiting, occasionally up to 10 years. Young people aged 12 to 24, although making up 25% of the NSW homeless population, are underrepresented in their access to social housing, related to educational issues. (Australian Institute of Health and Welfare, 2021).

Mandatory Inclusionary Zoning (MIZ) has been experimented to some degree in the Pyrmont, Ultimo and Green Square areas. In this model, developers are mandated to include affordable housing or pay an affordable housing tax (Council of the City of Sydney, 2012). The program has shown varying success, particularly in areas with a high concentration of young people (Constellation Project, 2016). City West Housing has delivered 900 social houses, triple the projection, and is expected to generate 80 housing units annually in these regions.

Another strategy implemented by the NSW government is the Permanency Support Program (PSP) beginning in 2019. The program has three strategies: Fewer entries into care by keeping families together, short time in care by returning children home or finding other permanent homes for more children and better care experience by supporting children's individual needs and their recovery from trauma.

To achieve this the program provides caseworkers to young people who assist them in accessing appropriate social housing and the development of essential 'life-skills'. The caseworkers aim to provide a plan for permanency with the young person. However, as the program is in its infancy, there is limited information on its effects.

'Rent Choice Youth' is a strategy implemented by the NSW government, endeavouring to increase affordability and accessibility to housing for youth aged between 16 and 25. This strategy aims to reduce the 'couch surfing' experienced by 15.6% of people aged from 15 to 24 years and the youth homelessness crisis (Mission Australia, 2017). The scheme assists in

locating affordable housing and supplies subsidies that continue for three years, dependent on eligibility of youth. The estimated 28,000 homeless young people (Australian Bureau of Statistics, 2023) are assisted by the Rent Choice Youth Scheme.

However, the youth homeless population is a 'hidden population'. The difficulty of disseminating the information regarding services available to young people is increasingly difficult and is a critical hurdle in the strategy (Property Industry Foundation, 2023). Further, this scheme is only available to Australian citizens and permanent residents, disregarding the further homeless population. This consequentially creates the possibility of language barriers and accessibility issues. While the Rent Choice Youth Strategy helps in numerous areas, it is hindered by accessibility and eligibility criteria flaws prevalence to youth (Australian Institute of Health and Welfare, 2021).

Out of Home Care transition issues

The transition of young people in OOHC to adulthood has issues stemming from systematic inadequacies in preparing leavers for the change (Campo and Commerford, 2016). Young people leaving OOHC can find themselves navigating a complex and unsupported transition phase. Central to the issue is the lack of comprehensive support systems, that leave many deprived of the resources to successfully transition to independent living. There is a distinct lack of focus placed on improving the support systems and care provided to all young people leaving OOHC, which needs to be addressed.

Young people leaving OOHC who have a history of placement instability, significant adverse or traumatic life experiences, poor planning of leaving care and limited social and support networks is particularly vulnerable to homelessness after leaving OOHC. Over half of young people leaving OOHC will access homelessness services in their lifetime and 1 in 6 (17%) will access these services within a year of leaving care (NSW Department of Communities and Justice, 2021). Aboriginal and Torres Strait Islander young people and females are overrepresented in this issue.

Furthermore, accessing a homelessness service after leaving OOHC is a significant predictor for a young person's future. These young people are more likely to have adverse experiences in the housing, health, economic, legal, and social sectors (Department of Communities and Justice, 2021). This is illustrated by an increased risk of having a police officer recorded victim incident, accessing an emergency department, accessing ambulatory mental health services, and accessing Legal Aid. This highlights the need for comprehensive reform of the OOHC system to ensure a smoother transition for young adults.

Current strategies for transition

The NSW government offers the Transition to Independent Living Allowance (TILA), a one-time payment of up to \$1,500 for eligible individuals aged 15 to 25 (Department of Social Services, 2024). This allowance aids those transitioning from formal or court ordered OOHC to independent living and is also available to those who remain with non-parent carers after their care order expires.

Concurrent with this allowance is a jointly-operating, nationally consistent approach to planning for the transition from OOHC to Independent Living (Department of Social Services, 2020). This approach segments the transition into three phases: preparation (assessing the young person's needs and setting goals), transition (securing accommodation and financial support), and after care (helping retain accommodation and access services). These phases aim to maintain a connection between young people and government services.

Beyond TILA, available resources are limited to government website recommendations for NGOs and counselling services, which lack the depth needed for stable integration into society. Campo and Commerford (2016, p.2) emphasise that "the leaving care transition needs

to be flexible, gradual, and well-planned.” However, current strategies fall short of providing a holistic, individualised process or financial security essential for living independently, particularly in NSW’s fluctuating socioeconomic landscape.

A revision of current services is crucial. The present support system does not adequately balance the needs of young people, many of whom experience trauma and have minimal supportive relationships with the realities of housing and support services. Improved strategies are necessary to ensure young people transitioning from OOHC to affordable housing and independent living receive the proper support and resources.

Importance of housing to young people

Housing is important for young people as it provides them with not just a roof over their head, but it is also a place where they can feel safe. 81% of people who went from accessing insecure homelessness services to having secure housing said they felt an improvement in their overall wellbeing, and 58% said their feelings of safety improved (Mission Australia, 2023). But some young people who move out of home cannot afford housing, so social housing provides a safety net for young people with limited income, offering affordable rent as an alternative to homelessness or poverty, at the cost of the stigma many face living in social homes.

Affordable housing offers an avenue to all the benefits that having a stable home provides. It fosters a sense of ownership and personal responsibility. This not only benefits them, but also strengthens the community by creating a more stable and engaged population. This creates a long-term stake in the community, encouraging young people to take down roots and invest in their future. This not only benefits them but also strengthens the community by creating a more stable and engaged population.

Concerns about affordable housing lowering property values are often unfounded. Diverse housing options can revitalise neighborhoods by attracting various residents and businesses. Affordable housing also eases the burden on social services and healthcare by reducing homelessness. Providing stable housing enables young people to contribute more to the workforce and economy, benefiting both them and the community.

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I certify that this public Bill, which originated in the Youth Legislative Assembly, has finally passed the Youth Legislative Assembly of New South Wales.

Hamani Tanginoa, Youth Voice Coordinator



NSW Youth Parliament

Out of Home Care Transition Youth Act 2024

Act no. 6, 2024

A Bill for

An Act to provide a just transition from OOHC to independent housing using housing support such as affordable housing, social housing; and for other purposes.

I have examined this Bill and find it to correspond in all respects with the Bill as finally passed by the Youth Legislative Assembly.

Joshua Shaw, Youth Governor of the NSW Youth Parliament

The Youth Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of Act

This Act is the *Out of Home Care Transition Act 2024*.

2 Commencement

The Act commences on the date of assent to this Act.

3 Relationship with other Acts and laws

This Act prevails to the extent of an inconsistency with another Act or law.

4 Objects

The objects of this Act are to—

- (a) reduce the risk of leavers experiencing youth homelessness to break the cycle between people experiencing youth homelessness and subsequently adult homelessness,
- (b) create a priority queue for leavers seeking housing support,
- (c) improve the transition from OOHC to independent housing,
- (d) provide housing support for all leavers to decrease the risk of homelessness,
- (e) create strong connections between leavers and social workers to continue support during transition, and
- (f) create and maintain support networks for the leavers throughout all stages of transition.

5 Definitions

In this Act—

affordable housing is housing that facilitates all members of a household to meet accommodation that is deemed fit for habitation, as well as afford basic living costs, including, but not limited to food, clothes, and medicine.

fit for habitation has the same meaning as in the *Residential Tenancies Act 2010*.

full housing independence—see section 15(2).

high-risk leavers—see section 22(2).

homelessness—see section 6.

leavers—see section 7.

OOHC stands for Out-of-Home Care and refers to overnight care for children under 18 who are unable to live with their birth families due to child safety concerns. There is an ongoing case management and financial payments given to carers. It encompasses both court ordered and voluntary placements, and placements to provide respite for parents or carers.

social housing is government subsidised short and long-term rental housing that is managed by the DCJ that is deemed fit for habitation.

support networks are the variety of systems, resources and individuals that support a leavers physical, mental, and emotional health, including, but not limited to, kin, peers, formal support services, and community organisations.

Note—The *Interpretation Act 1987* also contains definitions and other provisions that affect the interpretation of this Bill.

6 Meaning of “homelessness”

- (1) In this Act, *homelessness* means the lack of access to stable, safe, and functional housing that adequately supports mental, physical, and emotional needs of individuals.
- (2) Homelessness includes—
 - (a) *primary homelessness*, which is the lack of conventional housing accommodation,
 - (b) *secondary homelessness*, which is the forced movement between temporary shelters, and
 - (c) *tertiary homelessness*, in which accommodation is deemed not fit for habitation.

7 Meaning of “leavers”

- (1) In this Act, *leavers* mean individuals who are legally exiting or have recently exited the OOHC system, in which court orders pertaining to parental responsibilities of these individuals cease to apply.
- (2) This term applies to an individual who is at least 16 years of age but who is less than 25 years of age.

Part 2 Expedited housing for OOHC leavers

Division 1 Priority queue for housing

8 Leaver’s Expedited Access Priority (LEAP) list

- (1) There shall be a queue for social housing and affordable housing for leavers, known as the Leavers' Expedited Access Priority (*LEAP*) list.
- (2) The list will be based upon priority and risk factors related to the risk of homelessness and safety of involved youth as identified in section 9.

9 Factors influencing prioritisation

- (1) There will be a range of factors that influence priority on the list.
- (2) These factors will be determined by the Minister, the Department, the Advocate for Children and Young People and the Children’s Guardian.
- (3) These factors may change and continue to be reevaluated over time.

Division 2 Individual case management for the LEAP list

10 Social worker assignment

- (1) A social worker shall be assigned to individuals exiting, or close to exiting, out-of-home care on the LEAP list.
- (2) The social worker will remain to work with leavers until secure, affordable housing has been established for an adequate period.

11 Role of the social worker

- (1) Social workers will recognise and aim to support the diverse range of needs of leavers, based on individual circumstances.

(2) Social workers will work in tandem with the existing support networks of leavers, including, but not limited to—

- (a) counsellors,
- (b) kin,
- (c) health professionals, and
- (d) personal mentors.

Division 3 Identifying risk of homelessness

12 Early identification

- (1) There shall be an early identification process of youth who are experiencing factors that increase risk for homelessness.
- (2) Criteria for identifying these leavers shall be determined by the Minister, or their delegate.

Part 3 Expansion of housing support

Division 1 Housing support

13 Providing housing support

- (1) The Minister shall use the LEAP list to prioritise the allocation of social and affordable housing to leavers.
- (2) This will be achieved by the Department of Communities and Justice providing social and affordable housing depending on a leaver's individual situations.
- (3) All leavers shall be offered some form of housing support; however the leaver may choose to accept or decline the support.

14 Determining suitability

The caseworker, the Department, and the Minister or their delegate, shall determine if social or affordable housing is suitable for a leaver.

15 Duration

- (1) The Minister shall provide housing and supports to aid leavers in achieving full housing independence by 25 years of age.
- (2) In this Act, *full housing independence* means that a leaver will not have a social worker anymore, and will pay full market rent for the house, should they choose to stay.

Division 2 Affordable housing

16 Providing affordable housing

- (1) Government or Community Housing providers shall provide affordable housing for all leavers who choose to accept housing support and are not deemed as high-risk.
- (2) The classification of high-risk leavers will be determined by the caseworker or the Department in accordance with section 22(2).

17 Duration

- (1) Some form of affordable housing assistance shall be provided under this Act until the leaver no longer needs assistance, or the individual reaches 25 years of age, whatever is sooner.
- (2) This may be reduced based on assessment of the leaver's circumstances in accordance with section 20.
- (3) Any extension of housing assistance after reaching this age will be acted in accordance with section 25.

18 Eligibility

- (1) The Minister, or their delegate, may set income limits for eligibility.
- (2) These may commence in the program no sooner than 3 years after the leaver departs OOHC.

19 Suitable locations

- (1) The Department and Community Housing Providers shall offer leavers a house with consideration of the following factors—
 - (a) liveability, in that homes should be well connected to public transport and local amenity,
 - (b) safety, in that where possible—
 - (i) homes should not be in an 'estate' model, and
 - (ii) where the leaver expresses a preference for a same gender household this should be prioritised, and
 - (c) growth and transition options, in that homes should be in areas with reasonable connection to employment opportunities and likely to offer accommodation options after the original placement, to the extent this can be predicted,
 - (d) connections to community, in that where the leaver identifies as a member of a minority group connection to community should be considered for the placement,
 - (e) in rural and regional areas, a focus should be placed on maintaining a leaver's connection to society.
- (2) The Department and Community Housing Providers shall use the LEAP list to prioritise leavers for allocation in their preferred housing zone.

20 Transition after affordable housing

- (1) The Minister, or their delegate, must take into consideration a variety of factors that may contribute to a leaver's ability to secure stable housing independently.
- (2) This includes, but is not limited to—
 - (a) vacancy rates,
 - (b) rental rates,
 - (c) individual circumstances, or

(d) medical and/or disability related costs.

(3) After assessing such factors, the Minister, or their delegate, may implement a transitional period for leavers to move to independent housing.

(4) This could be implemented through changes made to the percentage of income paid to rent, or other strategies deemed suitable by the Minister.

21 Income eligibility limits

(1) Income eligibility limits to access affordable housing may be set by the Minister, or their delegate, to begin the transition process to independent housing outlined above.

(2) This shall take effect no sooner than 3 years after the assent to this Act.

Division 3 Social housing

22 Providing social housing

(1) Government or Community Housing Providers shall provide social housing for all high-risk leavers determined by the caseworker, or the Department.

(2) For the purposes of this Act, *high-risk leavers* are any leavers who meet the eligibility criteria outlined in the *Social Housing Eligibility and Allocations Policy Supplement* published by the Department of Communities and Justice, 16 November 2023.

23 Suitable locations

(1) The Department and Community Housing Providers shall offer leavers a house with consideration of the following factors—

(a) liveability, in that homes should be well connected to public transport and local amenity,

(b) safety, in that where possible—

(i) homes should not be in an ‘estate’ model, and

(ii) where the leaver expresses a preference for a same gender household this should be prioritised, and

(c) growth and transition options, in that homes should be in areas with reasonable connection to employment opportunities and likely to offer accommodation options after the original placement, to the extent this can be predicted,

(d) connections to community, in that where the leaver identifies as a member of a minority group connection to community should be considered for the placement,

(e) in rural and regional areas, a focus should be placed on maintaining a leaver’s connection to society.

(2) The Department and Community Housing Providers shall use the LEAP list to prioritise leavers for allocation in their preferred housing zone.

24 Transition after social housing:

(1) The Minister, or their delegate, must take into consideration a variety of factors that may contribute to a leaver's ability to secure stable housing. This includes—

- (a) vacancy rates,
- (b) rental rates,
- (c) individual circumstances, or
- (d) medical or disability related costs.

(2) After assessing such factors, the Minister, or their delegate, may implement a transitional period for leavers to move to affordable housing or independent housing.

(3) This shall be implemented through changes made to the percentage of income paid to rent, or other strategies.

(4) This is to occur through a transition to affordable housing where possible the leaver shall remain in the same property.

25 Extension of support

When it is deemed by the Minister, or their delegate, that a leaver will not be able to achieve independent housing by 25 years of age, they must be assessed for eligibility for social housing according to normal procedures.

Part 4 Expanding support systems

Division 1 Establishment of support

26 Development of support systems

The Minister shall facilitate support networks for young people leaving OOHC.

27 Purpose of support systems

(1) The networks will seek to build community engagement within leavers and act as a prevention strategy for harmful behaviours.

(2) There shall be key prevention strategies surrounding harmful behaviours and the results of such behaviours that are exacerbated by unstable housing in youth including, but not limited to—

- (a) alcohol and drug abuse,
- (b) engagement in organised crime,
- (c) low mental wellbeing,
- (d) disengagement from education, or
- (e) anti-social behaviours.

(3) There shall be key education strategies to promote positive behaviours including, but not limited to—

- (a) financial literacy,
- (b) health literacy and good physical activity habits,
- (c) positive relationship with education systems,
- (d) gainful employment,
- (e) emotional regulation and high self-esteem, and
- (f) engagement and connections in two or more of the following contexts: school, with peers, in athletics, employment, religion, culture.

Division 2 Partnering of organisations

28 Appropriate partnerships

- (1) The Minister shall partner with community organisations in areas with high density of leavers at risk of homelessness.
- (2) There shall be methods of identification of key organisations utilised in supporting youth and to work towards promotion of positive behaviour that are targeting to the key areas relevant to supporting leavers.
- (3) Organisations are to be selected based upon communities, needs, pre-established services and community leaders by the Minister, or their delegate.

29 Funding of such organisations

The Government shall appropriate and provide resources to any organisations they partner with to assist in the creation of networks.

Division 3 Addressing needs of leavers

30 Providing adequate support

- (1) The Minister shall address the diverse needs of each leaver due to individual circumstances.
- (2) The response to such needs should be based on contributions from community organisations, consultation with the leaver, and caseworkers.
- (3) This support should evolve over time as the needs of the leaver changes.

31 Protecting minority groups

The protection of minority groups should allow support networks to be focussed on providing adequate assistance to help minority groups at higher risk for harm, including but not limited to—

- (g) Aboriginal and Torres Strait Islander peoples,
- (h) women,
- (i) people with disabilities,
- (j) LQBTQIA+ people, and
- (k) Culturally and Linguistically Diverse people.

32 Partnership with social worker

- (1) The government must ensure that all individuals on the LEAP list will be partnered with a social worker.
- (2) The Department should aim to keep the same social worker paired with the same leaver throughout the duration of the transition stage, until an individual is 25 years of age.
- (3) The social worker shall be adequately trained and qualified to work with at-risk youth.
- (4) The social worker shall work in conjunction with other relevant people and organisations to support the leaver.
- (5) The social worker shall support the person in—
 - (a) establishing community ties,
 - (b) obtaining gainful employment, and
 - (c) develop all the skills necessary for successful transition out of OOHC and to gain full housing independence.

Produced for The Y NSW Youth Parliament 2024