



Submission on Exposure Draft Homelessness
Bill 2012

3 August 2012

Homelessness Bill Consultation
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Dear Homelessness Bill Consultation

National Shelter welcomes the move by the Commonwealth Government to further its commitment to reducing homelessness by drafting the Homelessness Bill 2012, which is to take the place of the *Supported Accommodation Assistance Act 1994*. We understand that the National Quality Framework is anticipated to become the instrument for ensuring citizens have access to quality services.

Mechanisms to advise and inform government

We think that the Exposure Draft Bill would be strengthened by including mechanisms that would allow government to be better advised, such as:

- the Specialist Homelessness Coordination and Development Committee;
- the National Research Program; and
- the Commonwealth Advisory Committee on Homelessness.

We acknowledge that these matters may be addressed under the pending Homelessness National Quality Framework. However, our preference is that they be provided for under the Bill.

Long title, clause 3 and funding arrangements between the Commonwealth and state and territory governments

The long title of the Act is: 'A Bill for an Act to provide for the recognition of persons experiencing homelessness, and for related purposes'. Clause 3 states: 'The object of this Act is to increase recognition and awareness of persons who are, or are at risk of, experiencing homelessness.' We think that the wording of the long title and clause 3 are too vague, particularly given the government's commitment to reducing homelessness as outlined in its 2008 white paper on homelessness, *The road home*. We recommend that the long title be reworded to state, 'A Bill for an Act to provide the framework for strategies and mechanisms for reducing homelessness, and related purposes' and that Clause 3 be amended to state: 'The object of this Act is to set out the framework for strategies and mechanisms for reducing homelessness, and for related purposes.' We also think that this framework would be strengthened by provisions covering funding arrangements between the Commonwealth and state and territory governments, as per the *Supported Accommodation Assistance Act*.

Clause 5

Clause 5(c) includes in the definition of homelessness the following: 'the person is living in a boarding house, caravan park, hostel, refuge, shelter or similar accommodation, whether on a short-term or long-term basis, in respect of which the person has no secure lease and the person is not living in that accommodation by choice.' We think that the phrase, 'by choice', is too subjective and unworkable, and should be deleted.

Clause 6

We note that the Exposure Draft Bill does not refer to the specific needs and experiences of Aboriginal and Torres Strait Islander (ATSI) peoples who are homeless or at risk of homelessness. Given the over-representation of ATSI peoples in the population of homeless people, we recommend that a subclause be added to clause 6 to cover recognition of the needs and experiences of ATSI peoples, and the context of the intergenerational impact of colonisation and dispossession on ATSI peoples.

Clause 7

Clause 7 of the Exposure Draft Bill states that: 'The Commonwealth's aspiration is that all persons living in Australia have access to adequate housing.' In comparison, clause 6 of the National Affordable Housing Agreement states: 'The aspirational objective is that all Australians have access to affordable, safe and sustainable housing that contributes to social and economic participation.' We do not think that the phrase, 'adequate housing', is sufficient to encompass the need to respond to homelessness within a social inclusion framework. We recommend that clause 7 be amended to utilise the same wording as in the National Affordable Housing Agreement: 'The aspirational objective is that all Australians have access to affordable, safe and sustainable housing that contributes to social and economic participation.'

Clause 8

Subclause 8(2) states: 'The Commonwealth recognises that a cooperative approach between the Commonwealth, States and Territories, local government, the not-for-profit sector and the for-profit sector to address the issue of homelessness helps more persons living in Australia achieve social inclusion.' We think that this clause needs to be strengthened to emphasise the importance of embedding the responsibility for enhancing social inclusion. We recommend that subclause 8(2) be reworded to state: 'The Commonwealth is committed to working cooperatively with the States and Territories, local government, the not-for-profit sector and the for-profit sector in responding to homelessness in ways that enhance the social inclusion of people who are homeless or at risk of homelessness.'

Clause 10 and commitment to funding for an increase in the supply of affordable rental dwellings

Clause 10 commences with the following words: 'The Commonwealth recognises the importance of having strategies to reduce the number of persons who are, or are at risk of, experiencing homelessness...'. We think that this clause needs strengthening, to commit the Commonwealth to action on homelessness. We recommend that this part of the clause be reworded to state: 'The Commonwealth is committed to developing, implementing and improving strategies to reduce the number of persons who are homeless or are at risk of homelessness...'

We welcome the inclusion of subclauses 10(c) ('increasing the supply of affordable housing') and 10(d) ('increasing the range of appropriate accommodation options') as two of the specified strategies for reducing the number of people who are homeless or at risk of experiencing homelessness. We note that the white paper's headline goals are to halve overall homelessness and offer accommodation to all rough sleepers who need it by 2020. To help meet the white paper's headline goals, National Shelter calls for the Commonwealth and state/territory governments to commit to the delivery of an extra 200,000 affordable rental dwellings by 2021.

Clause 11

We strongly support the use of mechanisms to gather input from consumers into the development of policy on housing and homelessness. We note that subclause 11(2) states: 'The Commonwealth is committed to maintaining a consultative approach to the development of policy to address the issue of homelessness.' We recommend that subclause 11(2) be amended to add the following phrase to the end: ', including consultation with people who are homeless or at risk of homelessness, or have experienced homelessness'.

Clause 13

While the Exposure Draft Bill lists a number of international conventions to which Australia is a signatory, clause 13 states that the Act does not create or give rise to rights or obligations. National Shelter would like to see the commitments made in those conventions transformed into rights created by legislation that can be asserted by citizens under Australian law. This would create a right to adequate housing under Australian law.

Thank you for the opportunity to comment on the Exposure Draft Homelessness Bill.

Sincerely,

Adrian Pisarski, Chairperson, National Shelter