

# Submission

**Parliament of the Commonwealth of Australia**

**HOUSE OF REPRESENTATIVES/THE SENATE**

**Exposure Draft**

**Homelessness Bill 2012**

**A Bill for an Act to provide for the recognition of persons experiencing homelessness, and for related purposes**

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## Shelter WA

Shelter WA is the peak body for affordable housing and homelessness in Western Australia. It is an independent community based organisation committed to accessible, affordable and secure housing for every Western Australian. Shelter WA provides a link between government and the community, through consultation, research, systemic advocacy, policy advice and development. Our role is to provide an independent voice on housing rights and options in the state along the housing continuum, with a focus on low to moderate income earners, those who are otherwise disadvantaged in the housing market and people experiencing homelessness.

## Introduction

Shelter WA welcomes the opportunity to contribute to the Parliament of the Commonwealth of Australia's House of Representatives and The Senate Homelessness Bill 2012 Exposure Draft. Shelter WA has prepared this response to the Homelessness Bill 2012 Exposure Draft in consultation with its members and stakeholders within the homelessness sector in Western Australia. A preliminary response was prepared and sent to all Shelter WA members and sector stakeholders for comment and feedback. This submission represents an amalgamation of Shelter WA's response and that of these stakeholders, including the Health Consumers' Council, Street Law Centre WA Inc., Sussex Street Community Law Service, City of Perth, amongst others.

Shelter WA commends the Commonwealth Government of Australia's drafting of the Homelessness Bill.

## Key Issues

Shelter WA supports National Shelter and others in the view that the following are required to be expressly articulated within the Bill to ensure continued relevance and appropriateness of services and strategies to address homelessness:

- The creation of a Specialist Homelessness Coordination and Development Committee;
- The establishment of a national research program;
- The formation of a Commonwealth Advisory Committee on Homelessness;
- Commonwealth **commitment** to ongoing joint funding with the States and Territories.

The articulation of these mechanisms within the Bill and in legislation will ensure they upheld by future governments and administrations.

## 1 Title of the Act

The wording of the long title and object of the Act speaks to increasing the recognition and awareness of people who are homeless. However, the introduction of legislation arose from the Federal Government's White Paper on Homelessness 'The Road Home' ('The White Paper') objective to ensure people who are homeless or at risk of homelessness receive quality services and adequate supports. As such, Shelter WA, and those who support this submission, believe the Object of the Bill should reflect this intention and the statement '...and for related purposes' in the long title of the Act needs to be expanded and clarified accordingly. We would suggest the statement as it stands is ambiguous and open to subjective interpretation. The long title should also acknowledge that the Act is for people experiencing, **or at risk of**, homelessness.

## 2 Definition

### (Section 5 b(i))

Including '... no other usual address' in the definition may result in some individuals being excluded from services or supports, if they have an address but it is unsafe for them to return there for various reasons, including safety, health or family conflict. Shelter WA would recommend omitting this phrase from the definition.

### (Section 5 b (ii))

The definition should be expanded to include people in State institutional care. The White Paper specifically spoke to the needs of this particular group and the requirement to ensure they do not exit State institutional care into homelessness. The definition as it appears in the draft Bill could be interpreted to exclude people in State institutional care from accessing housing and supports, or accessing eligibility for waiting lists.

**(Section 5 c)**

Shelter WA concurs with Homelessness Australia, National Shelter and Shelter Tasmania that the element of choice should be removed from the definition of homelessness. Shelter WA is concerned the introduction of choice to a definition of homelessness may open the floodgates to subjective interpretations of the situations of people experiencing homelessness and hence exclusion from services.

**3 General Recognition (Section 6)**

A general recognition of the specific needs of Australia's First Peoples needs to be stipulated within this section, to acknowledge the unique cultural, linguistic and spiritual needs of Aboriginal and Torres Strait Islander peoples. That recognition should also articulate the importance of connection to country, land and seas for Aboriginal peoples, as well as the history and effects of colonisation on those relationships and dispossession on Aboriginal communities, families and individuals.

**4 Social Inclusion (Section 8 (2))**

Recognition of cooperation is not sufficient to ensure partnerships between federal, state and local governments and community agencies to addressing homelessness. Shelter WA would suggest the wording should articulate a *commitment* to cooperative approaches between federal, state and local governments and community agencies to address the issues of homelessness.

**5 Service Delivery (Section 9)**

A commitment to principles of service delivery specific to the needs of Australia's First Peoples, which recognises the right to self determination, the differences between and within Aboriginal and Torres Strait Islander cultures, and the right to culturally appropriate services which respect family relationships and kinship obligations. Culturally appropriate services include relationship-based services which emphasise trust, relationship building, personal communication and flexibility<sup>i</sup>.

**6 Strategies to Reduce Homelessness (Section 10)**

A commitment to developing strategies to reduce homelessness, which include those listed in Section 10, with the addition of:

(d) Increasing the range of appropriate accommodation options, ***including emergency housing***;

(e) Ongoing support, including case management where appropriate, which is not time limited but rather is ongoing as necessary, particularly where issues are complex, generational and/or the result of historical circumstances.

**7 Australia's International Human Rights Obligations (Section 12)**

Recognition of international standards for the protection of universal human rights is not enough; a ratification of Australia's international treaties and conventions also needs to be stated in the Bill.

**8 Act does not create or give rise to rights or obligations (Section 13)**

Shelter WA believes this section should be redrafted to exclude this wording from the Act, as it contradicts the recognition and acknowledgement of conventions to which Australia is a signatory. Where there is a violation of the rights of people who are homeless or at risk of experiencing homelessness, we believe they should have recourse to remedy those violations. Rewording of this section should also include the *right of all Australians to adequate housing* as recommended by the House of Representatives Standing Committee on Family, Community, Housing and Youth Inquiry into Homelessness Legislation.

In conclusion, Shelter WA welcomes the release of the Exposure Draft of the Homelessness Bill 2012 and appreciates the opportunity to comment. We look forward to reviewing the redrafted Bill.

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<sup>i</sup> AUSTRALIAN HOUSING AND URBAN RESEARCH INSTITUTE, 2009, Service Integration and Indigenous Housing. <http://www.ahuri.edu.au/publications/p70569/>