

SENATE ECONOMICS LEGISLATION COMMITTEE

NATIONAL HOUSING AND HOMELESSNESS PLAN BILL 2024 (NO 2)

SUBMISSION

THE HON KEVIN BELL AO KC

I thank the committee for the opportunity to make this submission.

I am a former justice of the Supreme Court of Victoria and president of the Victorian Civil and Administrative Tribunal (Victoria's state planning tribunal). In this capacity I wrote many judgments on human rights under the *Charter of Human Rights and Responsibilities Act 2006* (Vic), especially on the right to home, which is inter-connected with the broader right to adequate housing. I have been a member of the Residential Tenancies Tribunal before it was folded into VCAT. I am also a former professor in the area of international human rights law at Monash University and director of the Castan Centre for Human Rights Law. I served as a commissioner with the Yoorrook Justice Commission. I am the author of a number of articles and book chapters on housing (including rental housing), homelessness and human rights and the author of the recently published book *Housing: The Great Australian Right* (Monash Publishing, 2024). I am the inaugural patron of Tenants Victoria and a Victorian patron of the Justice Reform Initiative.

At the request of the Senate, the committee is conducting an inquiry into the *National Housing and Homelessness Plan Bill 2024 (No 2)* at a critical point in the development of Australian public policy, law and human rights. The Bill provides the committee with an outstanding opportunity to consider and endorse a new approach to housing and homelessness where existing approaches have clearly failed. The new approach is based on *legislated* national planning and human rights. After that consideration, I submit that the committee should report to the Senate that it supports this approach and the Bill.

Housing: the Great Australian Right makes the case for the kind of legislation that the committee is examining. It describes the present disastrous state of housing in Australia and how this situation came to be. It argues that the situation represents a human rights disaster which is impacting millions of Australians and crueling the just aspirations of a whole generation of people, and possible another. The book succinctly explains what the human right to housing is and how to implement this right. It argues for a national legislated housing and homelessness plan based on human rights as part of a package of measures to address the situation, including residential tenancies law reform. There is not much more for me to submit to the committee than is not already in the book, which I adopt as my submission. I am happy to elaborate in a further submission or an oral submission if this would assist the committee.

In the book, I emphasise the importance of the *United Nations Declaration on the Rights of Indigenous Peoples* in relation to housing, homelessness and First Peoples. I draw attention to the importance of the foundational right of First Peoples to self-determination as this relates to housing, homelessness and addressing the continuing injustices of colonisation. I note that the National Aboriginal and Torres Strait Islander Housing Association has submitted to the committee that there should be a specific housing and homelessness plan for First Peoples as this would give best effect to that right. I support this submission.

9 August 2024