

Parliamentary inquiry into homelessness legislation



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INTRODUCTION

Women's Health Victoria is a statewide women's health promotion, information and advocacy service. We are a non government organisation with most of our funding coming from various parts of the Victorian Department of Human Services. We work with health professionals and policy makers to influence and inform health policy and service delivery for women.

Our work at Women's Health Victoria is underpinned by a social model of health. We are committed to reducing inequities in health which arise from the social, economic and environmental determinants of health. These determinants are experienced differently by women and men. By incorporating a gendered approach to health promotion work that focuses on women, interventions to reduce inequality and improve health outcomes will be more effective and equitable.

Women's Health Victoria's vision is for a society that takes a proactive approach to health and wellbeing, is empowering and respectful of women and girls and takes into account the diversity of their life circumstances.

Women's Health Victoria's ways of working are guided by four principles:

- We work from a feminist framework that incorporates a rights based approach.
- We acknowledge the critical importance of an understanding of all of the determinants of health and of illness to achieving better health outcomes.
- We understand that the complexities involved in achieving better health outcomes for women require well-considered, forward thinking, multi-faceted and sustainable solutions.
- We commit to 'doing our work well'; we understand that trust and credibility result from transparent and accountable behaviours.

SUBMISSION

The experience of homelessness for Australian women

Women's Health Victoria advocates for an holistic approach to homelessness that considers the impact of gender on the causes, experiences and outcomes of homelessness for women. Women make up 44% of the homeless population in Australia.¹ Their experience of homelessness, and their reasons for experiencing homelessness, are frequently characterised by abuse, violence and mental illness.

In 2003-04, it was estimated that 33% of clients accessing the Supported Accommodation Assistance Program (SAAP) were women escaping domestic violence. In addition, 66% of accompanying children in SAAP were children who accompanied a female parent or guardian escaping domestic violence.²

In 2006, the United Nations Special Rapporteur on Adequate Housing, Miloon Kothari, noted in his report on his visit to Australia:

The lack of affordable housing, lack of timely access to public housing, and inadequate government provisions for long-term safe housing, particularly in rural areas, forces many women to either remain or return to situations of domestic violence, and continue to live in inadequate housing where they risk their safety and that of their children.³

These are critical issues that must be addressed in any review of homelessness legislation.

1. The principles that should underpin the provision of services to Australians who are homeless or at risk of homelessness

Women's Health Victoria advocates for a broader, holistic homelessness service model that incorporates gender sensitivity. A gender sensitive approach takes into account the impact of gender on the lives of women. It acknowledges that the experiences, as well as the biology, of women and men is different, and that effective policy responses cannot be gender neutral. It should build upon existing successful features of SAAP and state-based government and mainstream approaches.

The needs of women experiencing homelessness must be embedded into the principles that underpin the provision of services. Principles that refer to 'social inclusion', 'dignity and respect', 'rights and responsibilities' are important concepts however a principle of gender equity across all aspects of homelessness should be added. This would support the development of goals, targets and models that incorporate a gender sensitive approach.

The provision of services to Australians who are homeless or at risk of homelessness should be informed by human rights principles. Human rights should be used as a guide for service delivery and should act as the grounding for homelessness legislation. The human rights of people who experience homelessness are frequently violated, with the right to adequate housing – to access to safe and secure housing – the most obvious example. Others include violations of rights relating to health, personal safety, privacy, education, voting, work and non-discrimination.

Human rights provide a useful and comprehensive framework for homelessness legislation that recognises the complexity of needs and issues for homeless people. Commitment to a rights-based approach requires the participation of people experiencing homelessness. It is their voices that should be heard and incorporated into legislation.

In addition to this, the importance of prevention and early intervention should be embedded in the principles.

2. The scope of any legislation with respect to related government initiatives in the areas of social inclusion and rights

Women's Health Victoria would welcome the inclusion of human rights as the foundation for any legislation in this area (see comments at Question 1).

In order to address the intersection of homelessness with social inclusion and human rights, the determinants and impact of homelessness must be considered. The scope of the legislation must be broad and must link to existing laws, regulations and policies. Such an approach also has the capacity to address the gender differences in the causes, experiences and effects of homelessness.

An holistic approach to homelessness would see government and non-government services, including crisis services, health, justice, education and employment services, adopt gender sensitive policies, strategies and programs. These would recognise differences in women's and men's experiences of homelessness, their related support-seeking behaviours, healthcare needs, employment and educational requirements, and disparities in their social and economic participation.

Legislation must address the impact of family violence on housing and homelessness for women. Safe, adequate and affordable housing for women and children should be the minimum standard. The benefits in the short-term are clear, and in the long-term may break the cycle of homelessness. With satisfactory support structures in place, young people will not be exposed to the damaging impact of homelessness and violence in their formative years.

However, assigning one jurisdiction or department, such as Justice, to working with people escaping violence would greatly oversimplify and underestimate the impact of violence in women's lives. Such an approach does not take into consideration the fact that many women escaping violence do not engage with the justice system. Legislative reform should be broad enough to ensure that the different services that women experiencing homelessness may connect with (housing, health etc) are linked and work together for a shared outcome for women and their children.

3. The role of legislation in improving the quality of services for people who are homeless or at risk of homelessness

Reviewing legislation is useful and can provide the guidelines and principles necessary to improve services for people who are homeless or at risk of homelessness. Legislation can provide the foundation for safe choices and better outcomes for women. It should also be framed to accommodate the needs and concerns of different population groups (see discussion of the Gender and Diversity Lens at Question 4).

There are a number of areas in which legislative reform can make a considerable improvement. At present, there are a range of laws that impact disproportionately on people experiencing homelessness. These must be addressed. They include laws relating to tenancy, the use of public space, begging, voting and discrimination. For example:

- Anti-discrimination laws could be amended to include homelessness as an additional ground for discrimination.
- A review of residential tenancy laws by state and territory governments to ensure compliance with international human rights standards, particularly with respect to guaranteeing minimum acceptable accommodation standards, and prohibition on forced evictions.⁴
- Onerous proof of identity requirements frequently have a discriminatory impact on people experiencing homelessness who are unable to provide the necessary documents. This is particularly evident in relating to social security, voting and healthcare.⁵

In addition to this, Women's Health Victoria would like to see the definition of homelessness that is used in The Road Home White Paper enshrined in legislation. This definition encompasses primary, secondary and tertiary homelessness and is very important in recognising and responding to the complexity of homelessness.

4. The effectiveness of existing legislation and regulations governing homelessness services in Australia and overseas

Homelessness is an issue that affects men and women very differently. Policies and programs need to be gender sensitive in order to deliver the most effective outcomes for both women and men. This should be built into legislative requirements. The application of, for example, Victoria's Department of Human Services Gender and Diversity Lens, is one way of ensuring that this can occur in a systematic and consistent way. The Gender and Diversity Lens is a tool that considers:

- the promotion of gender analysis and principles of diversity in program, project and policy design;
- the potential impact that a program, project and policy may have on the targeted area by taking into account the cultural and gender issues; and
- the needed adjustments in the program, project and policy components to make it culturally relevant and meet gender equity objectives for all targeted groups.⁶

This tool could enhance the effectiveness of homelessness legislation and regulations by ensuring that gender (and diversity) is at the forefront of policy design and program delivery. It also allows for a greater understanding of the reasons that people may experience homelessness, which, in turn, makes for more effective services and improved outcomes for women and men.

References

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- ³ UN Human Rights Council (2007) Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari. Available at <http://daccessdds.un.org/doc/UNDOC/GEN/G07/125/72/PDF/G0712572.pdf?OpenElement>.
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- ⁶ DHS (2008) Gender and diversity lens for health and human services. Available at: <http://www.health.vic.gov.au/vwhp/publications/genderdiversity.htm>.