



DV Vic
Domestic Violence Victoria

Peak body for domestic violence services for women & their children

Submission No. 49
(homelessness legislation)
A.O.C. | Date: 24/08/09

**Submission to the
House Standing Committee on
Family, Community, Housing
and Youth**

**Inquiry into Homelessness
Legislation**

August 2009

DRAFT

About Domestic Violence Victoria

Domestic Violence Victoria (DV Vic) is the peak body for family / domestic violence services in Victoria that provide support to women and children to live free from violence. With the safety and the best interests of women and children as central, DV Vic provides leadership to change and enhance systems that prevent and respond to family violence.

DV Vic Objectives

- To enhance services available to women and children experiencing family violence in Victoria;
- To support practice development and critical best practice in service delivery to women and children experiencing family violence;
- To facilitate coordinated responses and provide commentary representing the family violence service system to government regarding relevant issues, policy initiatives and directives;
- To facilitate communication between services and other key stakeholders to inform policy, protocol and other requirements of systems integration;
- To provide a central point for services, government and other relevant stakeholders regarding information and advocacy related to family violence and the service system;
- To inform public policy and research;
- To raise community awareness and promote community responsibility for violence prevention.

Domestic Violence Victoria (DV Vic) is the peak body for women and children's family violence services in Victoria. Our membership comprises 45 family violence agencies working directly with women and children experiencing violence. We commend the Australian government on undertaking an inquiry into homelessness legislation, and welcome the opportunity to have our contribution considered. This submission will respond to the first and fifth of the inquiry's terms of reference and will focus on the needs of women and children experiencing domestic and family violence.

Principles that should underpin the provision of services to Australians who are homeless or at risk of homelessness

In our submission to the Commonwealth's Homelessness Green Paper, *Which Way Home*, DV Vic and member agencies recommended that the new agenda for addressing homelessness is underpinned by a Homelessness Act, and that this legislative framework should recognise, value and build upon the core features of the existing *Supported Accommodation Assistance Act 1994*. The SAA Act aims to promote and protect the rights of people experiencing homelessness.

Access to safe and secure housing is a fundamental human right. DV Vic urges that this review considers the findings of the National Human Rights Consultation due to report later this year. The new Homelessness legislation should aim to respect, protect and fulfil Australia's international human rights obligations consistent with the UN Special Rapporteur on Adequate Housing's recommendation that: *Federal and state authorities should make bigger efforts to explicitly incorporate the wide range of international human rights instruments to which Australia is a party, into the domestic legal system*¹. For example, the International Convention on Economic, Social and Cultural Rights obligates states to include a minimum provision of immediate support for the needs of individuals deprived of shelter and housing. All Australian governments therefore have an obligation that should be articulated within the new Homelessness Act to provide people experiencing homelessness the right to access emergency and supported accommodation.

DV Vic supports the inclusion of a broad definition of homelessness in a new Homelessness Act and recognises that it will be important for the legislation to articulate clearly what homelessness is and how different groups of people experience it. To this end, it is critical that the definition of homelessness captured within new legislation extends beyond 'rooflessness' or 'rough sleeping' to acknowledge secondary and tertiary forms of homelessness. It is also critical that the legislation recognises the broad range of population groups that can be affected by homelessness.

The Australian Government's White Paper on Homelessness, *The Road Home* recognises that domestic and family violence is the primary reason that women and their accompanying children become homeless in Australia. Domestic and family violence can be rendered invisible in mainstream discourse surrounding homelessness, yet agencies and workers at the forefront of supported accommodation and mainstream services come into contact with women and children affected by violence every day. It is critical that the new Homelessness Legislation explicitly recognises and protects the rights of women and children escaping domestic and family violence.

Family violence infringes women's right to an adequate standard of living including the right to housing. Family violence is the most common reason that women become homeless. Women and their children who leave violence in their homes and families are frequently faced with additional challenges, most notably a struggle to find safe and affordable housing, and are placed at an increased risk of homelessness.

¹ *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*, Miloon Kothari, Mission to Australia, A/HRC/4/18/Add.2, 11 May 2007, para 32

Women and children can experience extensive trauma and are often physically, emotionally, psychologically and economically displaced when they are forced to leave their homes due to violence². The onus has traditionally been on women to escape violent domestic situations and services have evolved to meet this practice. The availability of appropriate accommodation is a critical factor in women's decisions about whether or not to leave a violent situation, particularly the cost of alternative accommodation, safety, location and tenure. For women with children these decisions may be more complex, with changes having to be made to school and childcare arrangements and loss of connection to local community and support networks. Disruption to children's education due to frequent movement is demonstrated to result in poor educational outcomes³. Balancing the level of disruption to their lives can sometimes result in women staying in violent situations⁴.

The existing SAA Act recognises that inadequate housing extends to circumstances where a person's only available housing damages their health, and/or threatens their safety. For women and their children experiencing family violence, the concept of homelessness includes not having access to safe, secure and adequate housing. While someone may have a physical home but is not safe in that environment, such as in the case of family violence they may effectively be experiencing homelessness. "*Repeated physical, sexual and verbal abuse in the home renders women homeless, negating feelings of control and security*"⁵. Women can lack control over their lives, choosing to enter into and remain in unsafe relationships in order to meet their and their family's need for shelter.

The applicability of existing legislative and regulatory models used in other community service systems, such as disability services, aged care and child care, to the homelessness sector

The new Homelessness legislation should aim to protect the rights of people experiencing homelessness by providing for the right of access to support services and by guaranteeing that crisis and supported housing fulfils minimum quality standards. We understand that the Australian Government has commissioned research into the existing regulatory environment relating to existing homeless sector service standards and accreditation systems.

DV Vic has role in supporting member agencies to undertake accreditation under the Homelessness Assistance Service Standards in Victoria. While it requires significant investments of time and resources, accreditation has been largely embraced by the Victorian family violence sector. It provides an opportunity for organisations to review their policies, procedures and practices, to undertake development work in these areas and implement clearer and more consistent processes across and within organisations. It has also provided an opportunity for workers to focus specifically on their practice in relation to the support, information and other interventions they undertake with women and children experiencing violence. An open and regular reflection and review of practice ensures workers are abreast of contemporary information, theories and ideas about practice, have a strong awareness of the impact of their practice on the outcomes for the women and children with whom they work, and contribute to the continuing development of knowledge and expertise in the family violence sector.

DV Vic would support the establishment of a Homelessness Commissioner or Ombudsman.

² Chung, D Kennedy, R O'Brien B et al (2000) *Home Safe Home: Preventing Homelessness for Women Experiencing Domestic and Family Violence*, FACS.

³ Bridge c, Flatau P, Whelan S (2007), How does housing assistance affect employment, health and social cohesion? AHURI research Bulletin, Issue 87

⁴ Chung, D Kennedy, R O'Brien B et al (2000) *Home Safe Home: Preventing Homelessness for Women Experiencing Domestic and Family Violence*, FACS.

⁵ Nunan, C., & Johns, L., (1996), Raising the Roof on Women's Homelessness – A framework for Policy Development, WESNET, Canberra.