

Referral and Conduct of the Inquiry

Background

- 1.1 The most recent estimate of the number of homeless people in Australia is based on data from the Australian Bureau of Statistics (ABS) 2006 Census of Population and Housing. Despite over a decade of relative national prosperity, on the 8 August 2006 (Census night), it was estimated that there were around 105,000 homeless people in Australia.¹
- 1.2 Also in August 2006, the then United Nations (UN) Special Rapporteur on Adequate Housing, Mr Miloon Kothari, undertook a mission to Australia. The purpose of the mission was to examine progress towards the realisation of adequate housing in Australia, and to review Australian policies to protect human rights relating to adequate housing. At the end of his visit, Mr Kothari concluded that:
- Australia has failed to implement its international legal obligation to progressively realize the human right to adequate housing to the maximum of its available resources, particularly in view of its possibilities as a rich and prosperous country.²
- 1.3 Among the recommendations made in Mr Kothari's report to the UN, was that Australia as a priority should address homelessness and its

1 Australian Bureau of Statistics (ABS) (2006), *Counting the Homeless 2006*, 2050.0.

2 Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living: Mission to Australia (31 July to 15 August 2006), UN Doc A/HRC/4/18/Add.2 (2007), p 32.

underlying causes.³ Housing and homelessness have become dynamic policy areas, with a range of new initiatives intended to increase housing affordability and address homelessness. Addressing homelessness has also been identified as a priority under the current Australian Government's Social Inclusion Agenda.⁴

1.4 In January 2008, the Prime Minister, the Hon Kevin Rudd MP, and the Minister for Housing, the Hon Tanya Plibersek MP, announced the development of a comprehensive, long term plan to tackle homelessness.⁵ The stated intent of the Government's new approach to homelessness was to:

- prevent homelessness;
- improve crisis services;
- create exit points to secure longer term housing; and
- stop the cycle of homelessness.⁶

1.5 To progress this new approach, in May 2008 the Government released a Green Paper on homelessness.⁷ The Green Paper, *Which Way Home? A New Approach to Homelessness*:

... sought to promote public discussion, highlight the challenges faced by people who are homeless and suggest ways to reduce homelessness in the long term.⁸

1.6 Over 600 written submissions addressing issues raised in the Green Paper were received and 13 public consultations were held across the country during May and June 2008. The Green Paper and subsequent consultation provided the foundation for a White Paper *The Road Home: A National Approach to Reducing Homelessness*.⁹ *The Road Home*, released in December 2008, sets out a plan for a national approach to reducing homelessness in

3 Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living: Mission to Australia (31 July to 15 August 2006), UN Doc A/HRC/4/18/Add.2 (2007), p 33.

4 Australian Government website, viewed on 22 August 2009 at <http://www.socialinclusion.gov.au/Initiatives/Pages/homelessness.aspx>.

5 Australian Government (2008), *Homelessness: A New Approach*.

6 Australian Government (2008), *Homelessness: A New Approach*, p 7.

7 A Green Paper is a document prepared by Government for discussion/consultation purposes. A Green Paper is usually followed by a White Paper. A White Paper provides an authoritative guide which sets out government policy in relation to a particular matter.

8 Australian Government (2008), *Which Way Home? A New Approach to Homelessness*, p v.

9 Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*.

Australia over the next 12 years. This national approach focuses on the following three strategies:

- ‘turning off the tap’ – better prevention of homelessness;
- improving and expanding services to help more homeless people; and
- breaking the cycle of homelessness by providing long term housing and support.¹⁰

1.7 Tangible interim targets presented in *The Road Home* include an undertaking by the Council of Australian Governments (COAG) to halve the overall numbers of homeless people in Australia and to offer supported accommodation for all rough sleepers by 2020.¹¹

1.8 *The Road Home* also indicates the Government’s intention to implement new homelessness legislation to replace the existing *Supported Accommodation Assistance Act 1994* (the SAA Act).¹² Specifically in relation to the development of new homelessness legislation *The Road Home* states:

The *Supported Accommodation Assistance Act 1994* sets out important principles and has guided the response to homelessness in Australia since first legislated in 1985. A number of submissions to the Green Paper made suggestions for strengthening the legislation or bringing it up to date.

The establishment of the National Affordable Housing Agreement provides an opportunity to reconsider the legislative framework for providing services to people who are homeless or at risk of homelessness. ... the Australian Government will work with specialist homelessness services and state and territory governments to amend the *Supported Accommodation Assistance Act 1994* and will ensure people who are homeless or at risk of homelessness receive quality services and adequate support.¹³

10 Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*, p 15.

11 Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*, p 14.

12 See *Supported Accommodation Assistance Act 1994* at Appendix D.

13 Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*, p 68.

Referral of the Inquiry

- 1.9 On 16 June 2009, the Minister for Housing referred the inquiry into homelessness legislation to the House of Representatives Standing Committee on Family, Community, Housing and Youth. The referral from the Minister emphasised the need to develop new homelessness legislation to ensure that people who are homeless or at risk of homelessness receive quality services and adequate support to meet their needs. Specifically the Committee was asked to inquire into the principles and service standards that could be incorporated in such legislation, building on the strengths of existing legislation, particularly the SAA Act. The terms of reference were formally adopted by the Committee on 17 June 2009.
- 1.10 In addition, the referral highlighted the value of conducting this inquiry in the context of the Australian Government's National Human Rights Consultation.¹⁴ Subsequent correspondence from the Minister also directed the Committee's attention to research commissioned on the regulatory environment relating to service standards and accreditation systems that apply to homelessness services in Australia.¹⁵
- 1.11 Following referral of the inquiry, advertisements calling for written submissions were placed in *The Australian* on 24 June and 22 July 2009. Information on the inquiry, including its terms of reference and how to make a submission, was made available on the Parliament of Australia website. The inquiry was also advertised through a mail out to interested parties, including peak bodies and state and territory governments.
- 1.12 The inquiry received 97 written submissions. These are listed at Appendix A. Nine exhibits for the inquiry were also received and details are provided at Appendix B. The Committee held five public hearings between August and October 2009. Details of the public hearings for the inquiry are listed at Appendix C.

14 National Human Rights Consultation website, viewed on 10 October 2009 at <http://www.humanrightsconsultation.gov.au/www/nhrcc/nhrcc.nsf>.

15 Urbis Pty Ltd (2009) Unpublished, *Quality Frameworks for Homelessness and Related Services - Literature Review and Environmental Scan*.

Structure of the Report

- 1.13 Chapter 2 establishes the context of the inquiry. The Chapter looks at the extent of homelessness in Australia and the changing demographics of homelessness. It also provides a brief overview of the Government's former strategies for addressing homelessness in Australia and describes new approaches as set out under the National Affordable Housing Agreement (NAHA) and associated National Partnership Agreements (NPs). The Chapter concludes with a review of other relevant Government activities, including the Government's Social Inclusion Agenda and the National Human Rights Consultation.
- 1.14 Chapter 3 considers the rationale for new homelessness legislation before examining options for the development of an Act that builds on the strengths of the SAA Act, while recognising the new policy and funding context. Specifically the Chapter considers the scope of new homelessness legislation and the broader underlying systemic principles that should provide the structure for a new legal framework.
- 1.15 Chapter 4 examines the case for new homelessness legislation to be founded on principles of human rights and social inclusion. The case for human rights based homelessness legislation is considered in the context of the Government's Social Inclusion Agenda, Australia's international human rights obligations and the outcomes of the recent National Human Rights Consultation. The Chapter also includes a brief examination of issues associated with broader legislation that impacts disproportionately and may discriminate against people who are homeless.
- 1.16 Chapter 5 examines legislative and non-legislative strategies for improving the quality of services used by homeless people and those at risk of homelessness. The Chapter includes consideration of a broad range of issues associated with the development and implementation of a national standards and accreditation framework for services.

