
The Parliament of the Commonwealth of Australia

Housing the Homeless

Report on the inquiry into homelessness legislation

House of Representatives

Standing Committee on Family, Community, Housing and Youth

November 2009

Canberra

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ISBN 978-0-642-79264-8 (Printed version)

ISBN 978-0-642-79265-5 (HTML version)

Cover design by Lisa McDonald, Department of the House of Representatives
Publishing and Printing Office, Canberra.



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Foreword

On any one night in Australia there are some 17,000 people sleeping rough and another 67,000 people or so staying temporarily with friends or family or in emergency accommodation. Then there are the more than 21,000 people living in private boarding houses with no secure lease or tenure. These numbers represent too many Australians – increasingly children, families and older people – cycling between absolute homelessness and substandard housing.

The current government has set ambitious targets to half homelessness by 2020 and to offer supported accommodation to all rough sleepers. This will be achieved by a significant boost in spending on homelessness, new agreements with the states and territories and an overhaul of the legislative framework that shapes the public response to homelessness. Between 2008-2013 the National Affordable Housing Agreement provides \$6.2 billion for a range of initiatives that are currently being implemented to ensure that all Australians have access to affordable, safe and sustainable housing. Work has also begun on the construction of around 20,000 new social housing dwellings to boost the availability of public housing for Australians who are homeless or struggling in the private rental market using \$5.6 billion provided under the Nation Building Economic Stimulus package.

It gives my Committee great pride to help influence the new legislative framework. The Committee's timeframes have been tight, but we have sought evidence from as wide a range of contributors as possible about the best form that new homelessness legislation should take. I hope that the Committee's recommendations will lead to robust legislation that helps set the direction for the nation's response to homelessness.

I thank all who have participated in the inquiry, either by providing written submissions or by giving evidence in person. As always, the inquiry could not

have been completed without the efforts and commitment of the members of the Committee whom I thank. I offer my special thanks to the Hon Judi Moylan MP who assumed the role of Acting Chair of the Committee while I was away.

It is the wish of all the Committee that the number of homeless people in Australia can be significantly reduced, and that this report can contribute in a modest way to this worthy goal.

A handwritten signature in black ink, appearing to read 'Annette Ellis', written in a cursive style.

Annette Ellis MP
Chair



Membership of the Committee

Chair	Ms Annette Ellis MP	
Deputy Chair	The Hon Judi Moylan MP	
Members	The Hon Tony Abbott MP	Mrs Sophie Mirabella MP
	Ms Jodie Campbell MP	Mr Scott Morrison MP
	Ms Julie Collins MP	Mr Brett Raguse MP
	Ms Kirsten Livermore MP	Mr Chris Trevor MP

Committee Secretariat

Secretary	Mr James Catchpole
Inquiry Secretary	Dr Alison Clegg
Research Officer	Ms Belynda Zolotto
Administrative Officers	Ms Fiona McCann
	Mr Shaun Rowe



Terms of reference

The Committee will make inquiries into the principles and service standards that could be incorporated in such legislation, building on the strengths of existing legislation, particularly the *Supported Accommodation Assistance Act 1994*.

The Committee shall give particular consideration to:

1. the principles that should underpin the provision of services to Australians who are homeless or at risk of homelessness;
2. the scope of any legislation with respect to related government initiatives in the areas of social inclusion and rights;
3. the role of legislation in improving the quality of services for people who are homeless or at risk of homelessness;
4. the effectiveness of existing legislation and regulations governing homelessness services in Australia and overseas; and
5. 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."



List of recommendations

Recommendation 1

That new homelessness legislation explicitly state that its objectives are to:

- achieve an overall reduction in homelessness by allowing access to adequate and sustainable housing; and
- achieve social inclusion for people experiencing homelessness or at increased risk of homelessness.

Recommendation 2

That the Minister for Housing include a preamble in new homelessness legislation which:

- establishes its relationship and alignment with the Australian Government's policy for addressing homelessness as set out in *The Road Home* and implemented through the National Affordable Housing Agreement and associated National Partnerships;
- establishes its relationship with housing legislation and policy, including initiatives to increase the supply of affordable housing;
- acknowledges the individual, socio-economic and structural causes of homelessness, including explicitly for Aboriginal and Torres Strait Islander peoples; and
- establishes its relationship with the Social Inclusion Agenda and other national reforms that target the structural and individual causes of homelessness.

Recommendation 3

That the Minister for Housing include a broad definition of homelessness in new homelessness legislation based on an extended version of the definition in the *Supported Accommodation Assistance Act 1994*. The revised definition of homelessness should be consistent with and complement the cultural definition as used by the Australian Bureau of Statistics, including recognition of primary, secondary and tertiary categories of homelessness.

Recommendation 4

That new homelessness legislation explicitly states a commitment to reducing homelessness through an integrated and coordinated approach involving partnerships between:

- all levels of governments and across portfolios; and
- governments and the not-for-profit and for-profit sectors.

Recommendation 5

That the Minister for Housing examine the full range of options for engaging innovatively with the for-profit sector, as well as the not-for-profit sector, to reduce homelessness.

Recommendation 6

That the Minister for Housing include in new homelessness legislation a commitment to reducing homelessness by:

- supporting prevention and early intervention strategies;
- providing an adequate supply of appropriate accommodation options for people who are experiencing homelessness; and
- providing ongoing services and support, including case management, to ensure transitions into suitable and sustainable housing.

Recommendation 7

That new homelessness legislation specify the right of all Australians to adequate housing. Such a provision should:

- include appropriate reference to Australia's international human rights obligations;
- include a clear definition of adequate housing; and
- explicitly recognise the right to adequate housing will be progressively realised.

Recommendation 8

That the Minister for Housing include provision in new homelessness legislation to give priority access within available resources to services and supports based on an assessment of the needs and vulnerability.

Recommendation 9

That the Minister for Housing include provision in new legislation for the independent monitoring of the progress towards the realisation of the right of all Australians to adequate housing. Data collection mechanisms should allow monitoring of progress for specified vulnerable and marginalised population groups.

Recommendation 10

That the Australian Government, in cooperation with state and territory governments, conduct an audit of laws and policies that impact disproportionately on people experiencing homelessness. Laws and policies that do not conform to anti-discrimination and human rights obligations should be amended accordingly. Priority should be given to review and amendment of:

- anti-discrimination laws;
- residential tenancy laws; and
- public space laws.

Recommendation 11

That new homelessness legislation provide overarching principles to underpin a national standards and accreditation framework for services used by homeless people and those at increased risk of homelessness. Prescriptive standards should be expressed in complementary non legislative agreements with state and territory governments and, through them, with service providers.

Recommendation 12

That the Minister for Housing, through the Housing Ministers' Conference, support the introduction of a national standards and accreditation framework which:

- provides a broad national service charter to guide mainstream services in their delivery of services to people experiencing homelessness or at risk of homelessness; and
- sets specific minimum quality standards for specialist homelessness services, leading progressively to accreditation.

Recommendation 13

That the Australian Government consult with state and territory governments, and other key stakeholders to develop a national regulatory system based on core service standards to be broadly applied to community services, including homelessness services.

Recommendation 14

That the Minister for Housing consult with the Housing Ministers' Conference and key sectoral stakeholders about the essential components of a national standards and accreditation framework to determine the broad principles and minimum standards to apply to specialist homelessness services.

Recommendation 15

That the Minister for Housing ensure provision for reciprocal recognition of existing quality service frameworks is incorporated into a national standards and accreditation system for homelessness services.