

**SUBMISSION TO THE HOUSE OF
REPRESENTATIVES' STANDING COMMITTEE ON
FAMILY, COMMUNITY, HOUSING AND YOUTH:
*INQUIRY INTO HOMELESSNESS LEGISLATION***

Submission prepared by: *The Inner Sydney Catholic Social Justice Group*

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The Inner Sydney Catholic Social Justice Group consists of members of the parishes of St James' (Forest Lodge), St Benedict's (Broadway) and St Bede's (Pymont).

Introduction

1. The proposals set out in this document are based on principles drawn from Catholic social teaching and the United Nations' *Universal Declaration of Human Rights* (UDHR).¹
2. Homelessness and the threat of homelessness are social justice issues. Addressing them and eliminating them world-wide requires an approach that has human dignity at its core and embraces basic human rights.
3. Legislation addressing homelessness will be more likely to be effective if:
 - a. it rests on a clear foundation of four principles: human dignity, the common good, subsidiarity and solidarity²
 - b. it statutorily encodes the right to housing, and also the other basic rights of Article 25 of the *Universal Declaration of Human Rights* such as the rights to enough food, clothing, health care and social services.
4. Legislation in this area should approach homelessness as a particular symptom of a more general problem of marginalisation and exclusion from society experienced by homeless people and other marginalised individuals and groups such as refugees and forced migrants, Indigenous people, aged people and others.

Principles that should underpin the provision of services to homeless people

5. Homelessness is a human rights issue. Homeless people and those at risk of homelessness are vulnerable and in danger of losing their dignity and sense of inclusion in the community. They are also likely to have reduced access to nutrition, clothing, health care and social services. Access to all these are regarded as rights under Article 25 of the UDHR.

¹ <http://www.un.org/en/documents/udhr>

² Sandie Cornish (August 2006) "Four Key Principles of Catholic Social Teaching", Loyola Institute, Sydney. <http://www.faithdoingjustice.com.au/docs/FourKeyPrinciplesOfCatholicSocialTeaching.pdf>.

6. The principles that should underpin the provision of services to Australians who are homeless or at risk of homelessness should include the following:

- Unequal access to a reasonable standard of housing is discriminatory and a denial of human dignity. It thus fails to acknowledge the Catholic social teaching principle that “every person is equal in dignity and rights”³ and also the UDHR’s assertion that “everyone is born free and equal in dignity and with rights”.⁴
- Everyone has the right to freedom of movement within their country and also the right to leave a country and return home.⁵
- Everyone has a right to social security.⁶
- Everyone has the right to a decent life, including enough food, clothing, housing, medical care and social services.⁷
- The principle of the common good requires that all people must work to ensure that all others have a right to meet their needs and realise their potential⁸ and that nobody is to be stopped from participating in the cultural life of a community.⁹
- Social isolation is often a consequence of homelessness and the provision of services to homeless people should take this into account. Socially isolated people need proper access to services and to people who can advocate on their behalf to policy makers and service providers.

The scope of legislation dealing with social inclusion and rights

7. Legislation addressing homelessness should focus principally on the needs of the most vulnerable person rather than the needs of stakeholders such as property owners, neighbours, service providers or governments. This conforms with the principle in Catholic social teaching of the *preferential option for the poor*, which places the needs of the poor, marginalised or powerless at the centre of our thinking and action with regard to justice.¹⁰ For example, when residents near homeless persons’ refuges and shelters seek to limit access by homeless persons to public areas, greater emphasis must be placed on consulting with marginalised people and meeting their needs. Similar principles operate, for example, in legislation regarding asylum seekers (whose needs should be given priority over the perceived needs and interests of the host nation) or family law (where access is seen as a right of the child rather than of the non-custodial parent).

³ Cornish, op cit at 1

⁴ UDHR, Article 1

⁵ UDHR, Article 13

⁶ UDHR, Article 22

⁷ UDHR, Article 25

⁸ Cornish, op cit at 1

⁹ UDHR, Article 27

¹⁰ See ‘What is the option for the poor?’, Faith Doing Justice, <http://www.faithdoingjustice.com.au/docs/WhatIsTheOptionForThePoor.pdf>.

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

8. Legislation needs to promote systems that are customer focused in that they seek to identify the needs of the client before case-based decisions are made.
9. The efficacy of legislation in this area should be reviewed no less than annually using two measures:
 - a. compliance with natural justice
 - b. compliance with the principles of human dignity outlined above.¹¹

Conclusion

10. A legislative template that addresses the problem of homelessness would be based on the principles of human rights and social justice.

Such a template would require the following elements:

- a. It must rest on a framework of human dignity, common good and equality, and must give priority to the needs of underprivileged people.
- b. It must provide for consultation with vulnerable and marginalised people to identify their needs.
- c. it must be reviewed annually by reference to first principles rather than by reference to pre-determined 'key performance indicators'.

Signed.....
on behalf of the Inner Sydney Catholic Social Justice Group

¹¹ Para 6 supra