



**McAuley Community
Services for Women**
a ministry of the Sisters of Mercy

**McAuley Community Services for Women's Response to the Inquiry into
Homelessness Legislation.
September 2009**

Context:

McAuley Community Services for Women is a Ministry of the Sisters of Mercy. It is based in Melbourne's North and Western Suburbs, but operates on a State-wide basis. It provides accommodation, support and advocacy for women and their children who are homeless, resulting primarily from family violence and mental illness.

This submission was developed in consultation with 10 Residents of the Regina Coeli Program.

Principles:

Changes that need to be made to the SAAP Act:

Redress social inequalities:

Adopt PILCH Recommendation 2: ('Righting the Wrongs of Homelessness', C. Adler & A. Barry-Macauley, Melbourne 2008

- "The Federal Government must review and amend all legislation, policies and procedures that
- impact disproportionately and discriminatorily on people experiencing homelessness, including:
- residential tenancy laws, anti-discrimination laws, electoral laws, public space laws", *mutual obligations (my italics) etc.*

Respects their dignity:

- Prioritisation waiting lists should be abolished as they focus on unfairly categorising and labelling people and work against human dignity 'strength' based practise.

Protection of Rights:

- Adopt wording from Universal Declaration of Human Rights, art 11 (1) "requires state parties to recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing..."
- Adopt wording from the Victorian Charter of Rights: Part 1(c) imposing an obligation on all public authorities to act in a way that is compatible with human rights and (d)
- That "a mechanism to monitor compliance" is put in place to ensure state bodies meet their obligations and that adequate appeals mechanisms are also put in place.
- Section 5f (related to grievance/appeals/charters) should remain.

- The Advisory group and eligibility criteria for that group should remain.

Focus on the provision of appropriate support to meet the individual needs of the clients:

There was considerable discussion on prioritisation of needs, however there was universal agreement that women and children's needs must be given a high priority given their specific vulnerability.

- Should include fair and equitable access to housing as a right for all which is: affordable, adequate, secure of tenure and allocated within a 'reasonably short period of time'
- The issue of adequate income was a high area of concern for women and came up repeatedly: Rent increases shouldn't happen in supported housing (there is not enough income to live off)

Definition of homelessness to include:

- Capacity to access housing (ie: provision of adequate income and free from discriminatory labelling)
- Should include the provision of support early enough to prevent homelessness

The Aim of SAAP:

- Purpose of the Act should provide equitable access to: *safe, affordable, suitable, long-term housing*
- The wording under 3 (b) needs to change from '*helping*' to '*the right to*'
- Accommodation and support should be: *not time limited/ flexible to include more or less intensity of support (including case management)*
- Support should also include access to medical, dental care and possibly other services given the low level of income support that most people who are homeless have.
- In the aim of the Act (3b) the word 'helping' should be replaced by: *Ensure (or Guarantee) access ...to accommodation and support.*
- The Act should include provision for earlier access to support (in order to *prevent* homelessness)

Image of People: Section 4 (d)

- The New Act has the capacity to "provide an important impetus for social and economic change." The Family Violence Act '08 attempts to do this through its preamble, recognising a number of principles eg: "that non-violence is a fundamental social value that must be promoted". A similar value statement

needs to be included in the new Act which says something to the effect that 'housing is a right for all and that homelessness is unacceptable'

- Inconsistent use of language. There are parts of the existing Act that use the phrase 'Homeless people' (eg: paragraph 3 in the preamble). That language is hurtful and should not be used. We recommend the consistent use of the terminology: *people who are.....*

Applicability of existing legislation used in other service systems:

Children and Families Need Priority:

- The Children, Youth and Families Act. 2005: Best Interest Principles:
- Section 10 (1) (2) and (3) should be given priority over the New SAAP Act
- Section 17 Protection of Families and children (the Government must provide appropriate institutions to facilitate protection of the family should also be given priority of the New SAAP Act
- HREOC'S Declaration of the Rights of the Child' – all children have the right to receive adequate housing' should take precedents (housing will enable participation in education which will enable social participation)

Role in improving quality of services:

- We agree with the following statement and think it applies to the review of this Act:
"Governments role is to assisting individual capacity to participate by the provision of: adequate housing provides the conditions necessary to maintain an adequate standard of living. "Specifically that stable housing helped people hold down jobs, live healthy lifestyles, attend schools and connect with communities – enjoyment of the right to adequate housing was central to them realising associated human rights such as the right to work, right to education, right to health and the right to participate" ('Rooming Houses are NOT Adequate Houses', C. Adler & A. Barry-Macauley, PILCH Homeless Person's Clinic. 'Parity' June 09)

Effectiveness of existing legislation:

- SAAP Act is currently inadequate to protect the right to adequate housing because it only defines 'housing assistance' and doesn't cover access to housing – maximising opportunities for access to housing, focussing on those most in need of assistance..." doesn't require any 'positive obligation' on government to provide housing. ('Housing Assistance Bill 2006
- We believe that the New Homelessness Act Should be an *Australian* Human Right (not an obligation under International rights which have nounder domestic law.
- This could be recognised by inserting the 'and *abiding by*' into the Preamble as such: "Australia has acted to protect the rights of all of its citizens, including people who are homeless.....by recognising *and abiding by*, international standards for the protection of universal human rights...."

Evidence based:

- There is a need to fully understand the extent of the problem, therefore evidence needs to be collected that reflects the true numbers of those experiencing homelessness or at Risk of need to be counted and the percentage of those seeking assistance who actually receive the assistance they need? (measure unmet need)
- Count the Number of people in prison as a result of homelessness (ie: denied bail because of homelessness; drug affected on presentation to court and denied access to immediate treatment)
- The Enquiry should look at equivalent legislation international especially in relation to income support for those who are homeless (eg: Scandinavian countries)

Reference:

'Homelessness, human rights and the law', Justice Ronald Sackville. Australian Journal of Human Rights 2004

'Rooming Houses are NOT Adequate Houses', C. Adler & A. Barry-Macauley, PILCH Homeless Person's Clinic. 'Parity' June 09

Housing Assistance Bill 2006 Explanatory Statement, J. Hargreaves MLA Minister for Housing

'Sex and Social Justice', M. Nussbaum. Oxford University Press, New York 1999

'Righting the Wrongs of Homelessness', PILCH Homeless Persons' Legal Clinic submission to the Federal Government's Green Paper: 'Which Way Home?'. C. Adler & A. Barry-Macauley, Melbourne 2008

Family Violence Act, 2008