

August 2012

Anglicare Australia commends the Minister for Homelessness, the Hon Brendan O'Connor, for following through on the Government's promise to establish legislation which enshrines a commitment to quality service provision aiming to end homelessness for people who are homeless or who are at risk of becoming so. The draft Bill is a laudable addition to the foundational documents which represent the experience of homelessness in Australia and how we, collectively, mean to overcome it. There are, however, elements of the draft Bill which have given us pause and these, along with those elements that we would particularly like to commend, are listed below.

Choice (Part 1—Preliminary ^5 Meaning of homelessness)

Anglicare Australia can appreciate why the element of choice might have been included in the draft Bill however, there is not sufficient disambiguation to protect against abuse of the term. Given that the 'choice' to live in one of the types of accommodation listed might in fact be an 'Hobson's choice' — ie the appearance of free choice when in reality individuals are likely to have no other option — the choice itself is at risk of being taken at face value. Although the Bill holds no enforceable power — that is, to the extent of judicial arbitration — its clauses may be used as an argument to deny/limit services. The removal of the term may provide for clearer interpretation of an otherwise comprehensive and inclusive definition.

Mandate to hold policy accountable

The government has been explicit and transparent in stating that the draft Bill has little to no authority as housing and homelessness is generally a state or territory legislated issue. It has also been explicit regarding the purpose of the Bill which rather than an enforceable edict is more a guide to good practice. However, the Commonwealth is ideally placed to provide leadership at both a conceptual and aspirational level; a Bill which is stronger in terms of emphasis on housing as a right and which is strong on its commitment to ending homelessness (ideally matched with sufficient funding) would provide an *aspirational mandate* for the jurisdictions to follow suit. In spite of a lack of enforceable power, the Bill should seek to establish a standard for states and territories to aspire to and develop policy accordingly. It is one thing to say that there is a desire to work cooperatively with the states and territories, it is another to hold all parties, even the Commonwealth itself, accountable to those who are experiencing the greatest disadvantage in our affluent society.

Linking with other national initiatives

The Bill would be strengthened if it referred to those instruments that currently exist which make up the national response to homelessness. Namely: the National Quality Framework; the National Affordable Housing Agreement (and associated National Partnerships); and Community Housing Regulation. These components are major protocols to which the jurisdictions have already agreed to comply and which have a national focus. Particularly so in the case of Community Housing Regulation where the states and territories are working together so that, although it will still be state-based legislation, it will be the same in each jurisdiction. There is already collaboration across the sectors and though this legislation will not bind any of the jurisdictions to the other it will be the cap-stone to those processes already in place. For that reason the legislation should seek to build as strong a position as possible on overcoming homelessness and ensuring that the principles and values that underpin all of those mechanisms are safeguarded within it.

Vulnerable groups in transition

Vulnerable groups in transition are some of the most likely in Australia to experience homelessness. Particularly, these include young people leaving care, and people moving back into the community from

correctional facilities or from mental health institutions.ⁱ Anglicare Australia is aware that changes to legislation once enacted can be a costly activity and for that reason specific groups or initiatives are seldom named due to the variability and changeability of policy focus. Yet the level of disadvantage experienced by these groups is such that it warrants the attention of being named within the Bill. Suggested wording has been provided below.

Non-economic participation

Anglicare Australia would particularly like to commend government for recognising that non-economic participation is vital to the general wellbeing of our communities (Part 2.6.(3)). It is imperative for government to acknowledge (and act accordingly) that participation other than employment can be as effective as paid work, if not more so, in developing in people the capabilities to access the various opportunities that exist within our society. Stating in the Bill that homeless people also make a contribution is a great display of leadership and a promising sign of a paradigm shift.

In addition to these general comments, we have listed below those clauses where we have suggestions for specific wording. Those words which are underlined are suggested additions; those words which are struck-through are suggested deletions.

6. **General Recognition**

(3) The Commonwealth recognises that children and young people who are, or are at risk of, experiencing homelessness, particularly vulnerable groups in transition, should have the same rights...

7. **Adequate Housing**

The Commonwealth's aspiration is that all persons living in Australia have access to adequate, appropriate and affordable housing.

8. **Social Inclusion**

(2) The Commonwealth recognises that a cooperative approach between the Commonwealth, States and Territories, local government, the not-for-profit sector, ~~and~~ the for-profit sector, including industry stakeholders, and the community to address the issue of homelessness helps more persons living in Australia achieve social inclusion.

9. **Service Delivery**

(3) The second outcome is that ... experiencing homelessness are based on priority of access, taking into account an assessment of the needs of those persons and of the vulnerability of those persons, and where the needs of all people shall be met.

(5) The fourth outcome is...experiencing homelessness address the specific needs of those persons, with particular reference to vulnerable groups in transition.

11. **Cooperation and Consultation**

(1) The Commonwealth is committed to working cooperatively with States and Territories, local government, the not-for-profit sector, ~~and~~ the for-profit sector, including industry stakeholders, and the community to reduce the number of persons who are, or are at risk of, experiencing homelessness.

Anglicare Australia

Anglicare Australia is a network of 45 independent local, state, national and international organisations that are linked to the Anglican Church and are joined by values of service, innovation, leadership and the faith that every individual has intrinsic value. Our services are delivered to one in forty Australians, in partnership with them, the communities in which they live, and other like-minded organisations in those areas. In all, over 17,771 staff and 17,908 volunteers work with over 480,000 vulnerable Australians every year delivering diverse services, in every region of Australia.

ⁱ FaHCSIA. 2008. *The Road Home: A national approach to reducing homelessness*. Canberra.