

**Submission to the House of Representatives Standing
Committee on Family, Community, Housing and Youth Inquiry
into the content of Homelessness Legislation**

Submission by the Council to Homeless Persons

Submission No. 80
(homelessness legislation)
A.O.C. | Date: 28/08/09

Contact Individuals:

David Wright-Howie

Acting C.E.O

03 9419 8699

david@chp.org.au

Trish Westmore

Acting Policy and Project Officer

03 9419 8699

trish@chp.org.au

Submission to the House of Representatives Standing Committee on Family, Community, Housing and Youth Inquiry into the content of Homelessness Legislation

Submission by the Council to Homeless Persons

The Council to Homeless Persons (CHP) welcomes the opportunity to contribute to the National Inquiry into Homelessness Legislation.

The most recent homelessness figures from the 2006 census report that 122,172¹ people in Australia are homeless. CHP predicts that the actual number of homeless Australians may be greater due to the global financial crisis and the Victorian bushfires.

CHP is committed to working with all parties and stakeholders who hold an interest in homelessness towards an Australian landscape where every person has timely access to safe, affordable and secure housing.

CHP recognizes the crucial role new legislation has in addressing homelessness. We welcome a broad and collaborative approach to tackling the ongoing issues of housing and homelessness within our community.

As outlined in CHP's response to the Green Paper, we believe that in order to end homelessness, the community needs:

- A comprehensive national plan that recognizes the increasingly complex nature of homelessness and addresses the specific needs of different groups.
- Adequate government investment in homelessness-specific services and integrated mainstream responses to homelessness.
- Domestic human rights legislation to protect the rights of homeless people.
- A coordinated and multidisciplinary national research program on homelessness.

¹ Australian Bureau of Statistics (ABS), *Counting the Homeless 2006* (2008).

About the Council to Homeless Persons

Established in 1972, the Council to Homeless Persons (CHP) is the peak Victorian body representing individuals and organisations with a stake or interest in homelessness. Our mission is to work towards ending homelessness through leadership in policy, advocacy and sector development. We do this through:

- Promoting individual and systemic advocacy
- Promoting consumer participation
- Developing strategic relationships, partnerships and alliances to ensure the interest and issues of homeless people are addressed across all sector.
- Educating the wider community on issues of homelessness
- Leading state and national policy development
- Representing and assisting organisations on sector related issues
- Promoting, facilitating and disseminating research, evaluation and continuous improvement in collaboration with others.

CHP also incorporates the Homelessness Advocacy Service (HAS), which provides individual advocacy to homeless people and those at risk of homelessness, secondary consultation, training and consumer participation through the Peer Education Support Program (PESP). PESP is a consumer group, trained and supported to provide input into sector practice, community and government education and policy development relating to homelessness.

Key recommendations from the Council to Homeless Persons

CHP's overarching belief is that homelessness legislation must:

- Enshrine the right of all Australian's to adequate housing and protect the rights of people who are homeless or at risk of becoming homeless and act as a broad safety net.
- Provide mechanisms for redress to homeless people whose rights have been breached.
- Include a comprehensive definition of homelessness and 'at risk' populations that encompasses cultural, spiritual and societal interpretations of homelessness, exclusion and isolation.
- Include a comprehensive definition of adequate housing which takes into account the role of housing in promoting social and community inclusion.
- Provide the key principles for all service delivery responding to homelessness.
- Enshrine and preserve the role of specialist homelessness services who respond exclusively to the support and housing needs of people experiencing homelessness.
- Acknowledge the need for cross sector integration in addressing homelessness.
- Be linked with an ongoing monitoring process related to the COAG National Homelessness policy and service delivery approach, including mechanisms for research and evaluation, consumer participation and service investment and planning.
- Promote housing rights and homelessness through education, communication and information sharing.
- Be evolutionary and able to be evaluated and reviewed over time.
- Strengthen and improve the delivery of homelessness services through continued quality improvement
- To inform the development of service standards, monitoring and review processes.

- Promote evidence based practice and service improvement
- Be informed by a national review of all community service legislation related to homelessness.

1. Principles that should underpin the provision of services to those who are homeless or at risk of homelessness

In outlining the principles that should underpin the provision of services to those who are homeless or at risk of homelessness, CHP draws on and expands its previous submissions outlined below:

- CHP submission to the National Green Paper on Homelessness ²
- CHP submission to the National Human Rights Consultation June 2009 ³

CHP asserts that homelessness is a direct result of social policy failure. Therefore, any legislation developed around homelessness must be focused on service integration, community collaboration and cross disciplinary input to address the complex causes, nature and implications of homelessness.

CHP's overarching belief is that homelessness legislation must:

- Enshrine the right of all Australian's to adequate housing.
- Protect the broader human rights of people who are homeless or at risk of becoming homeless and act as a broad safety net.
- Promote dialogue around housing right and homelessness through education, communication and information sharing.
- Be evolutionary and able to be evaluated and reviewed over time.

CHP believes the legislative aim of the current SAAP Act (1994), "to help people who are homeless to achieve the maximum possible degree of self-reliance and independence" should be maintained and expanded. We believe that the Australian government has a unique opportunity to create new legislation which helps those currently homeless, and asserts its goal to move individuals out of the homelessness cycle.

² http://www.chp.org.au/public_library/items/2008/07/00207-upload-00001.pdf

³ http://www.chp.org.au/public_library/items/2009/06/00241-upload-00001.pdf

1.1 Definition of homelessness and 'at risk' populations

Essential to any new legislation is a broad and representative definition of homelessness and risk of homelessness. The current SAAP definition of homelessness, which is loosely formed around a human rights framework, should be retained and expanded on.

CHP asserts that new legislation must include substantive, descriptive definition of homelessness, which acknowledges the social exclusion experienced by those who are homeless or at risk of homelessness. That is, the homelessness is not merely a lack of shelter, but encapsulates wider societal disadvantage.

CHP would like to would like to see the Australian Bureau of Statistics cultural definition of primary, secondary and tertiary homelessness integrated into legislation. This definition highlights the variety of physical conditions in which those who are homeless or at risk of homelessness are living.

CHP also advocates for the inclusion of a spiritual definition of homelessness encompassing separation from traditional land or family/networks⁴ specific to indigenous Australians and refugees.

Essentially, CHP would like to see the new definition of homelessness capture the physical, cultural, spiritual and social aspects of homelessness, in order to provide a broad safety net for all people experiencing or at risk of homelessness.

CHP asserts that legislation must include clear definitions of and protection for those at risk of becoming a victim of primary, secondary, tertiary or spiritual homelessness. This is in line with the "no exits into homelessness" policy outlined in the Australian Government white paper.

CHP recognizes the strength of the preamble in the current SAAP Act in acknowledging the need to protect the rights of those who are homeless and 'at risk' of homelessness, and the impact homelessness can have on an individual across all areas of life. We would like to see this expanded to include clear definitions of those 'at risk' as

⁴ Indigenous homelessness within Australia / prepared by: the Commonwealth Advisory Committee on Homelessness and the Australian Government Department of Families, Community Services and Indigenous Affairs and supported by the National Aboriginal and Torres Strait Islander Homelessness Consultations.

acknowledged in the Australian Government White Paper into Homelessness.

CHP believes that the inclusion of these definitions will ensure all Australians, regardless of current living situations, are guaranteed equitable access to adequate housing.

1.2 Adequate housing

CHP asserts that new legislation must be fundamentally based on the right to adequate housing. The right to adequate housing is recognized in international law and Australian legislation must ensure this is applied at a national and regional level. New legislation must include a clear articulation of what constitutes adequate housing. We encourage a clear and concise definition of minimum standards of housing in Australia, which encompasses all forms of tenure.

CHP believes new legislation should also incorporate the definition of adequate housing outlined in the International Committee on Economic, Social and Cultural Rights (CESCR) (Art.11(1)):⁵. We recommend that the definition of minimum standards be the converse of current SAAP classification of inadequate housing. That is, adequate housing:

- In no way damages, or threatens to damage, the persons health.
- In no way threatens the persons safety.
- In no way marginalizes the person.
- Provides access to:
 - adequate personal amenities; or
 - economic and social supports that a home normally affords
- In no way places the person in circumstances which threaten or adversely affect the adequacy, safety, security and affordability of that housing.
- Is long term and secure.
- Is affordable and accessible.

We believe adequacy of housing goes beyond a physical structure and also relates to the 'dwelling' promoting social wellbeing and social inclusion. This is achieved in its affordability, the secure of tenure, the networks and services that it provides and incorporates and the security and opportunity is affords a person.

CHP asserts that all forms of housing tenure should be registered and required to meet the minimum standards set out in any legislation. Both state and federal government must take responsibility for monitoring and ensuring compliance.

1.3 Specialist homelessness services

CHP envisages that new legislation will mirror the three White Paper directives of turning off the tap, improving and expanding services and breaking the cycle. We also believe it is essential to acknowledge existing interventions to reduce homelessness.

Access to immediate crisis responses, early intervention into and prevention of homelessness, and the creating of permanent pathways out of homelessness must be provided to individuals free of charge and in haste.

We believe new legislation must acknowledge and strengthen the specialist homelessness services and provide a commitment to develop and better resource the sector. Legislation should focus on enhancing the skills set of workers, including minimum skills sets, and the promotion of best practice standards. Broad legislative principles should underpin the best practice standards of all programs and services. The best practice standards of each service and program should be specific to the service and client population.

CHP believes that the new homelessness legislation should include reference to funding provision and the funding arrangements between state and federal government. This will demonstrate a national commitment to the minimum standards set out. It should include an assurance that funding agreements can adapt to changes in the sector over time. This ability to change with the services would be realistic considering the ten year plan identified in the white paper.

1.4 Cross sector involvement

CHP commends the White Paper's focus on cross sector involvement in addressing, preventing and ensuring early intervention in relation to homelessness and those defined as 'at risk'. We believe new legislation must reflect this commitment and ensure

⁵ [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument)

mainstream services as well as specialist homelessness services are accountable. Accountability will include ensuring there are no barriers to service, access issues or 'closed doors' for those experiencing homelessness.

1.5 Commitment to research and evaluation

In line with the white paper principles, CHP believes legislation should uphold a commitment to ongoing research and evaluation in the housing and homelessness sector. Rigorous and thorough data collection and program and service evaluation should be undertaken regularly to ensure continued quality improvement, and to ensure those who are homeless or at risk of homelessness are receiving the best possible outcomes from the sector, and the wider community.

1.6 Commitment to consumer participation

CHP believes that new legislation should include a commitment from the government to include methods of consumer participation in research and evaluation of services, programs, outcomes and legislation reviews.

1.7 Legislation should evolve

CHP believes that any new legislation should have built into it mandatory legislative review. Such reviews allow for reflection on the success and limitations of the legislation both retrospectively and against future climates. We feel this is especially important considering the current ten year plan to reduce homelessness in Australia. Such reviews will also demonstrate an ongoing National commitment to eradicating homelessness and associated cultural and societal issues that are experienced by those who are homeless or at risk of becoming homeless.

1.8 Commitment to ongoing education around homelessness

Consistent with our previous submissions, CHP asserts that legislation should demonstrate a commitment to ongoing education, communication and information dissemination around homelessness and housing rights. CHP believes this is a valuable and important way of upholding rights, minimizing discrimination and upholding accountability and promoting awareness of the issues around housing and homelessness.

Educational strategies around homelessness and housing rights should be universally available and accessible to all and be culturally sensitive and specific. Education should focus on rights, discrimination and altering inaccurate public perceptions about homelessness and housing. CHP believes such strategies will begin to address the social exclusion and marginalization experienced by those who are homeless and at risk of homelessness. Models such as PESP could be expanded to ensure the direct input of consumers to this process.

2. Scope of homelessness legislation with regard to government initiatives in the areas of social inclusion and human rights

The Australian Government's white paper acknowledged that people experiencing homelessness are some of the most marginalized and disadvantaged in the community.

The scope of discrimination and marginalization homeless people experience spans across all areas of their life and includes and is not limited to: lack of access to education, medical treatment and health advice, exclusion from the wider communities, lack of privacy, discrimination based on social standing, lack of information, and, in the case of women and children, discrimination based on gender and age. Hereafter, this will be referred to as compounded disadvantage.

Having recognized and articulated the various forms of confounded disadvantage and marginalization those who are homeless or at risk of homelessness face, new legislation address this imbalance.

2.1 *Human rights and homelessness*

Within the homelessness sector there has been increased pressure on the government to include homelessness as a human rights issue on the grounds of social status.

CHP, in line with previous submissions, advocates for homelessness legislation to be created around a human rights framework. CHP acknowledges the work already done by government in consulting with the population in relation to a National Human Rights Charter and continues to lobby for this.

Most relevant to this submission is the right of all Australians to access safe, secure, affordable and adequate housing.

Considerable examination of the National Human Rights Charter, in relation to homelessness was conducted by the Public Interest Law Clearing House (PILCH) Homeless Persons Legal Clinic, and could be utilized by the government in addressing human rights and homelessness⁶. CHP acknowledges it is in no means an expert in legal matters, but points towards organisations such as PILCH who are authorities in legal issues surrounding homelessness.

CHP advocates for the Australian government to create legislation which mirrors and expands on the Victorian Human Rights Charter (2006).

CHP emphasizes the need for legislation to inscribe within it opportunity for recourse in the event of breaches of human rights. It must articulate strategies for ensuring compliance and monitoring. Particular attention, especially considering the marginalized nature of homeless people, must be given to promotion and education around homeless persons rights and responsibilities as consumers. It must also be culturally sensitive and inclusive. Legislation must be a living document that is upheld and promoted for those who are disadvantaged and marginalized.

In terms of the public sector, CHP believes that government can take an active role in ensuring those who are homeless or at risk of homelessness are not discriminated against based on non-recent rent arrears, criminal history, gender, marital status (single women with children) or culture. Such issues can preclude an individual from securing tenure and can perpetuate the cycle of homelessness.

2.2 Social Inclusion and Homelessness

The Australian Government has shown positive initiatives in the establishment of the Australian Social Inclusion board. Established in 2008, it is the “main advisory body to the Australian Government on ways to achieve better outcomes for the most

⁶ Promoting and Protecting the Human Rights of People Experiencing Homelessness in Australia accessed at: <http://www.pilch.org.au/Assets/Files/Promoting%20and%20Protecting%20the%20Human%20Rights%20of%20People%20Experiencing%20Homelessness%20in%20Australia.pdf>

disadvantaged in our community”⁷.

The aspirational principles and the principles of approach set out in the ‘Social Inclusion Principles for Australia’ should be at the forefront when creating new homelessness legislation.

As identified in ‘A compendium to Social Inclusion Indicators: How’s Australia fairing?’, government acknowledges:

“indicators that reflect critical dimensions of social exclusion... poverty and low income, lack of access to the job market, limited social supports and networks, the effect of the local neighborhood and exclusion from services”.⁸

Each and every one of these indicators are directly relevant to those who are homeless or at risk of homelessness.

Social inclusion within homelessness legislation must first acknowledge the need for a collaborative approach to the complex and different needs of the homeless population to tackle the aforementioned indicators. We push for a broad sector approach to social inclusion and we advocate for a collaborative and capacity-building focus across the community, private and public sector.

3. The role of legislation in improving the quality of homelessness services in Australia

A fundamental role of any legislation around homelessness is to strengthen and improve the delivery of homelessness services to people who access these services and to contribute to improved service outcomes.

3.1 Defining Quality

⁷ Australian Social Inclusion Board, 2009, <http://www.socialinclusion.gov.au/AusGov/Board/Pages/default.aspx#resources>

⁸ Australian Social Inclusion Board, 2009, *A compendium of social inclusion indicators. How's Australia faring?*, Australian Institute of Health and Welfare, Canberra. P. ix

CHP believes that new legislation must include a meaningful definition of what constitutes quality. A useful definition of quality (Maxwell, 1984⁹) measures service appropriateness, equity, accessibility, effectiveness, acceptability and efficiency. Enhancing the skills and capacity of both workers and their employing organisations must be taken into account to achieve this end. This is not a stand alone process and it links to other comments noted in this document.

3.2 Continuous Quality Improvement

Quality improvement needs to be seen as a continual process that enshrines capacity to adapt to new internal and external changes and requirements. Continuous Quality Improvement (CQI) could be seen as a number of related actions which include:

1. the establishment of agreed minimum standards to ensure consistency of service delivery
2. action to support and enhance individual worker and organisational capacity to meet standards requirements and improve or enhance service delivery
3. service assessment, monitoring, auditing and reporting requirements against standards and progress towards improvement
4. ongoing assessment of outcomes of the process for consumers, workers and organisations
5. ongoing reflection and improvement of standards and associated monitoring / reporting processes.

To be relevant, these processes must appropriately involve consumers of homelessness services at each stage.

Based on sector and consumer feedback and what has been learnt from the Victorian quality improvement across homelessness and housing services, CHP recommends a minimum six year National staged process to:

- provide initial opportunity to consult and develop standards relevant to homelessness and related sectors

⁹ Maxwell RJ (1984). Quality assessment in health. British Medical Journal; 288: 1470-1472.

- introduce an agreed streamlined approach or model of standards that recognises relevant existing standards
- undertake examination and consultation on the current external compliance requirements of orgs;
- implement a funded peer review process initially to support quality capacity building throughout the sector
- consider, develop and fund an external accreditation process, as required, taking into account and recognising existing cycles of accreditation and accreditation models

This will allow time for the cultural change required in a CQI process. As stated in the 'Compendium to Social Inclusion Indicators':

*"Charting societal progress... would encourage the more systematic appraisal of the actual outcomes of social policies"*¹⁰ This supports CHP's position that any legislation should be evolutionary

3.3 Operating within a human rights framework

Legislation and standards created around a human rights framework will ensure service provision is fundamentally directed by the rights, dignity and autonomy of the individual. It also ensures that those who are homeless or at risk of homelessness can address breaches against these rights. Standards need to be applied to all services that work with homeless people.

The Victorian Homelessness Assistance Service Standards (HASS) have a rights based focus and were developed in consultation with the sector and consumers, contributing to their relevance and acceptance.

3.4 The development of service standards, monitoring and review processes

CHP believes that service standards need to be developed and legislated in consideration and not isolation of existing cross sector and statewide standards and compliance requirements; including the option for recognition of existing core standards within and across state boundaries.

¹⁰ Australian Social Inclusion Board, 2009, *A compendium of social inclusion indicators. How's Australia faring?*, Australian Institute of Health and Welfare, Canberra.

The move from standards implementation to an agreed monetary and review or accreditation process needs to be carefully planned and staged in consultation with the sector.

Service assessment, monitoring and reporting requirements against standards must take into account the diversity of the sector at a national level, including service type, current compliance requirements and capability. Existing accreditation models, cycles and compliance requirements need to be considered and recognized where agreed and appropriate. CHP continues to advocate that if external accreditation is required, this model is separate from government but includes an ongoing transparent structure for consultation between all parties.

Many Victorian services are required to comply with more than six different but overlapping service standards. This is inefficient, ineffective and drains already stretched time and financial resources. CHP believes that existing industry accreditation providers should be consulted during the development of standards, to ensure standards and model development are consistent with their models.

An initial peer to peer review model, similar to that undertaken by some UK housing services will support sector and government understanding of worker and organisational needs and capability. Initial organisational reporting of outcomes back to government will need to be developed in the spirit of quality improvement, not compliance. A peer review model will build sector capability and shared learning in service quality improvement.

In addition, CHP suggests the inclusion of baseline and subsequent data to measure the outcomes for evaluation of the standards and the review / accreditation model for workers, organisations, government and consumers. There is a dearth of research into the actual outcomes for consumers of standards and accreditation processes. Outcome of evaluations should support and inform future standards and sector development work by being accessible to all relevant parties.

3.5 Resources to meet need

CHP urges that new legislation provides a commitment to ensure the sector is

adequately resourced to comply with all new standards arising from legislation. Service improvement processes can never be seen as a quick or easy task. Services can only improve with ongoing government resourcing to meet standards and improve service quality over time.

In order for agencies to gain accreditation, there must be sufficient support and time allowed to ensure that standards are still met. Smaller agencies especially have reported to CHP that accreditation processes are costly and take a lot of time away from direct client services. Agencies must be resourced appropriately to meet any new legislative requirements. Standards implementation requires cultural as well as practical change. Sector resource and peer support/ resourcing models are of immense value to support the process, to ensure consistency of approach and a shared focus on the task and overall sector development.

Organisational resource requirements may include enhanced IT capacity; improved access to worker, manager or Board level training; mentoring and supervision opportunities and ensuring that governance and practice meets legislative requirements in culturally appropriate ways. Specific sub sectors, such as Indigenous services, youth services and family violence all need dedicated support and resource in the process to ensure quality compliance and improvement consistent with the nature of their work.

3.6 *Evidence based practice and service improvement*

Moves towards evidence-based practice have been made to ensure that interventions are successful, that practice is appropriate to the client and that interventions are based on research and proven methods of practice. This demonstrates a commitment to working with the sector in a fluid manner to consciously and consistently provide the best outcomes for clients.

CHP firmly believes in evidence based practice as a method of service improvement, and stresses that the application of research findings must be in line with appropriate geographical, cultural etc. considerations. CHP advocates for legislation to commit to research across the many sub-groups of the homelessness sector.

3.7 *Bidirectional commitment to standards, targets and outcomes*

CHP believe that committing to standards, measurable targets and /or outcomes in the homelessness sector should be bi-directional. That is, both government and services are mutually and equally accountable in legislation for taking steps to ensure that legislation and standards are upheld in their respective fields of service delivery and compliance regimes. Feedback from the sector has consistently been “why are government housing services not accountable to these same service standards?”

3.8 *Flexibility and evolution*

In terms of producing the best possible outcomes for people experiencing homelessness, and, in line with the social inclusion philosophy, CHP would like to see legislation allow for flexibility of existing housing stock. CHP believe this will allow for a flow between crisis and long term housing solutions. It will also allow people to maintain links with the communities they are establishing links with, thus stopping further disadvantage and social isolation.

4. Effectiveness of existing legislation and regulations governing homelessness services in Australia and overseas

SAAP Act

CHP asserts that existing Commonwealth SAAP case management standards and legislation has provided a unique and relevant framework for the complexity and holistic nature of homelessness support. We believe that many elements of the current SAAP legislation should be retained and/or adapted for new homelessness legislation.

Specifically we believe that the preamble contained in the current SAAP act should be incorporated into new legislation and adapted to incorporate Australia's renewed focus on eliminating homelessness. We also believe the aims of the SAAP act are still relevant and essential, and should be expanded within new legislation.

As part of the reflection of the current SAAP Act, CHP believes it is useful to look first at what has not worked. In examining the effectiveness of SAAP legislation, the main question to consider is whether evaluation demonstrates that the legislation is meeting its aim. The legislative aim of SAAP is to “help people who are homeless to achieve the

maximum possible degree of self-reliance and independence“.

Concerning to CHP is the recent release of 2007-2008 data on the demand for SAAP. Figures released in May 2009 show that 59% of applicants requiring new and immediate accommodation were turned away in 2007-08.¹¹ ¹² Lack of available accommodation was most often cited as the reason for refusal of services.

As such, CHP believes that while the SAAP act has been extremely beneficial in creating legislation to protect those who are homeless or at risk, the current demand outweighs availability. This points to the need for broader legislation that addresses housing and homelessness.

The Homelessness Assistance Service (Industry) Standards (Vic)

By the end of 2009 all services funded through the Office of Housing (Department of Human Services) will be required to meet industry standards through accreditation. The five standards outlined include: consumer rights, access, service delivery and case management, service delivery to specific groups and working with the community.

Services covered by the HASS include: crisis accommodation, Homelessness assistance, Office of Housing funded family violence services, housing information & referral, social housing advocacy and support providers, peaks, homelessness networks, Children's Resource Program Providers and other state-wide resource services. Continuous quality improvement is a core element of accreditation.

CHP believes that new legislation should reflect on and learn from the Victorian initiative. In the event that any form of across-the-board accreditation occurs, government must take active steps to ensure that smaller agencies are not disadvantaged by the financial and economic impact of accreditation. Government's commitment to improving standards and accountability must be supported with a commitment to increasing resources for agencies and ensuring that any model adds to the quality of outcomes for the consumers instead of a primary focus on compliance.

¹¹ Access at <http://www.aihw.gov.au/publications/aus/bulletin71/aus-114-10773.pdf>

¹² <http://www.pilch.org.au/Newsletter.aspx?ID=22>

Private Rooming Houses

In July 2009 a coalition of peak bodies, organisations and individuals committed to safe rooming houses in Victoria launched the “Call this a Home?” campaign. The campaign called on state government to make all private rooming houses in Victoria safe, affordable and secure for residents. “Call this a home?” called for government to:

- Develop a set of comprehensive minimum standards to ensure the basic needs of all rooming house residents are met
- Introduce more effective registration, monitoring and enforcement to bring hundreds of unregistered private rooming houses into the system and ensure compliance with standards
- Establish a licensing system to regulate the management of private rooming houses, to prevent exploitative practices
- Enforce compliance with serious penalties for breaches
- Uphold residents’ rights, including an increase in outreach support and better access to information on consumer rights

Following the campaign launch, the Victorian government announced the creation of a rooming house taskforce which will work with the government around new minimum standards and enforcement of standards¹³. The government also announced funding for 12 Consumer Affairs Victoria inspectors to be employed to undertake inspections of rooming houses, ensure they are properly registered and complying with the minimum standards, Consumer Affairs Victoria has also launched a hotline for the public to report substandard rooming houses.

CHP advocates for national schemes based on the Victorian model to be rolled out to protect the rights of rooming house residents.

¹³ Premier of Victoria Victorian Government, Media Releases, 2009, <http://www.premier.vic.gov.au/premier/new-blitz-on-sub-standard-rooming-houses.html>

International models

CHP has selected two international models from which new homelessness legislation may draw inspiration from.

Scotland

In 2003, Scotland introduced legislation specific to homelessness and housing. Scotland's The Homeless etc Act (2003) has been described as some of the most progressive homelessness legislation in Western Europe. The Act makes a public housing policy guarantee of "the right to a permanent home for all unintentionally homeless households by the end of 2012 and ensure no one sleeps rough" (FEANTSA European Report).

The Act sees the gradual phasing out of priority housing by gradually including all 'at risk' groups to priority housing, which will effectively make priority housing a redundant term as all Scottish people have access.

The first group to be included in the 'extended' definition of needing priority housing includes those with mental illnesses, people exiting prison or the armed forces, and people who whether due to sexual orientation, violence, religion, race, colour, ethnic or national origin are at risk of violence.

Each housing authority has signed a Local Outcome Agreement in line with this vision and both local authorities and housing associations have a legal duty to give, what is defined as 'reasonable preference' to homeless households. In fact, the onus on a housing association is to provide 'good reason' for refusal of any referral from local authorities.

The Scottish Act also places an emphasis on support to short tenancies with the view of the short tenancies transferring into full tenancy. It is being developed alongside ongoing work to develop homelessness service provision. The intentionality changes to the Act mean workers become enablers in the provision of service rather than gate-keepers to the services.

CHP believes the Scottish legislation could be a valuable model when looking at implementing a new homelessness legislation in Australia.

England

The Homelessness Act 2002 (UK), which is applicable in England and Wales placed responsibility on local authorities to provide local solutions to homelessness. The aim of this was to move away from crisis responses to responses which were strategic. In other words, a focus towards prevention rather than cure. Under the Act local authorities were required to ensure long term accommodation for the unintentionally homeless, i.e. those in priority need. The Act also extended the definition of group in priority need to include those leaving care, and people 16-17 considered at risk or vulnerable. In addition, local authorities were required to prepare regional strategies for allocating social housing and tackling homelessness which are reviewed every five years. The reviews serve to present a current picture of homelessness in each area and predict changes and trends which inform the updated strategies. Each local authority must define and demonstrate 'activities and services to prevent homelessness', which may include appropriate housing stock, appropriate levels of support. The Act also incorporates an ability for consumers to appeal decisions of local authority.

5. The applicability of existing legislation and regulatory models used in other community service systems such as disability services, aged care and child care, to the homelessness sector.

As stated earlier in this submission, CHP believes that any homelessness legislation should provide a broad safety net for those who are homeless or at risk of homelessness. We believe the right to adequate housing must be enshrined throughout all National legislation.

CHP calls for a national review of all community service legislation related to homelessness, particularly legislation which relates to sub-populations (e.g. children, young people, people with disabilities, indigenous people).

This review will assist to determine the relationship between the new homelessness legislation and existing legislation, and could lead to further legislation review and change.

The review would also clarify the homelessness legislative approach across and between Australian and State and Territory Government jurisdictions.

CHP believes that the review of existing community service legislation could assist in information some of the key principles in a new Homelessness Act. An example of this is the Disability Service Standards 2007, which broadly relates to the White Paper directives.

The Council to Homeless Persons would welcome the opportunity to further commit to assisting the Australian Government in developing legislation around homelessness and are grateful for the opportunity to contribute already in the form of this submission.