



**Submission on**  
**Homelessness Bill 2012**

**August 2012**

## About ACTCOSS

ACTCOSS acknowledges that Canberra has been built on the traditional lands of the Ngunnawal people. We pay our respects to their elders and recognise the displacement and disadvantage they have suffered as a result of European settlement. We celebrate Aboriginal and Torres Strait Islander cultures and ongoing contribution to the ACT community.

The ACT Council of Social Service Inc. (ACTCOSS) is the peak representative body for not-for-profit community organisations, people living with disadvantage and low-income citizens of the Territory.

ACTCOSS is a member of the nationwide COSS network, made up of each of the state and territory Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS' vision is to live in a fair and equitable community that respects and values diversity and actively encourages collaborations that promote justice, equity and social inclusion.

The membership of the Council includes the majority of community based service providers in the social welfare area, a range of community associations and networks, self-help and consumer groups and interested individuals.

ACTCOSS receives funding from the ACT Government - Community Services Directorate.

ACTCOSS advises that this document may be publicly distributed, including by placing a copy on our website.

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## Introduction

The ACT Council of Social Service Inc. (ACTCOSS) is the peak representative body for not-for-profit community organisations, people living with disadvantage and low-income citizens of the Territory. ACTCOSS' vision is to live in a fair and equitable community that respects and values diversity and actively encourages collaborations that promote justice, equity and social inclusion.

ACTCOSS appreciates the opportunity to provide comment on the exposure draft of the Homelessness Bill 2012 (the 'Bill'). The recognition of people who are, or are at risk of experiencing homelessness is a welcome step toward addressing the underlying causes of homelessness and alleviating the pressure of an inadequate housing and rental market.

## Choice

The concept of choice can be somewhat confusing when considering the experience of homelessness. There is a discrepancy between choice and adaptation, the latter of which includes one becoming adjusted to new conditions regardless of whether or not they are there through choice.

It should be noted that choice in homelessness could only exist when there is adequate housing for everyone<sup>1</sup>, as choice, by definition, involves two or more options. Australia's housing and rental markets offer few options for people on low incomes, with often unaffordable rental prices and house prices rising faster than increases in salaries and wages. From 2001 to 2011, house prices in Australia have risen 87 percent and rents 81 percent, yet earnings have only risen 58 percent.<sup>2</sup> In an environment such as this, it becomes apparent homelessness is involuntary, and people without adequate and sustainable shelter rarely choose to live so by choice. ACTCOSS recommends the removal of the concept of choice from the Bill, as it does not accurately reflect the determinants of homelessness in Australia.

## Right to housing

The Bill does not declare a 'right to housing' despite Australia being party to a number of international human rights treaties, specifically the International Covenant on Economic, Social and Cultural Rights (ICESCR) which acknowledges everyone has the right to adequate housing.<sup>3</sup> It should be noted, however, while access to safe and secure housing is one of the most basic human rights, homelessness is not just about housing. As stated in *Homelessness is a Human Rights Issue* by the Human Rights & Equal

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1 Australian Human Rights Commission, *Homelessness is a Human Rights Issue*, Australian Human Rights Commission, 2008, viewed 30 July 2012, <<http://www.hreoc.gov.au>>.

2 S Toohey, *New report shows housing shortages, and affordability, worsen*, Australians for Affordable Housing, 14 June 2012, viewed 30 July 2012, <<http://housingstressed.org.au/2012/06/14/new-report-shows-housing-shortages-and-affordability-worsen/>>.

3 D Nicholson, *The Human Right To Housing in Australia*, Centre on Housing Rights and Evictions for the 'Housing is a Human Right Project', Melbourne, 2004.

Opportunity Commission, 'Fundamentally, homelessness is about lack of connectedness with family, friends and the community and the lack of control over one's environment.'<sup>4</sup>

## Adequate housing

By including people living in caravans in the definition of homeless, the Bill provides a blanket statement which does not address the heart of the problem. In reality, for some people living in caravans – among others who may live in insecure housing – the problems faced with regard to shelter are not about mode of accommodation, but about a lack of safety, security and stability. It is the lack of these attributes that truly characterise homelessness. While some people living in caravans may find they lack these attributes in their dwellings, others may not, as has often been discussed during the Narrabundah Longstay Caravan Park community consultations over the past five years.

Discussion with other community organisations in the ACT has raised concerns the Bill, in its current form, mentions but does not redefine 'adequate housing'. In line with a 'right to housing', the Bill should include a clear definition of adequate housing which is based on a human rights framework. Defining sufficient housing allows for accountability and measurement standards when assessing quality service delivery.

According to the UN Committee on Economic, Social and Cultural Rights General Comment Number 4, the seven aspects of adequate housing include: legal security of tenure, availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.<sup>5</sup> ACTCOSS recommends the Bill align its definition of affordable housing with these characteristics.

## Other issues to be addressed

In order to adequately meet the housing needs of Canberra's diverse population, an ideal housing market is one which offers a variety of options for residents. It is also important people who are experiencing, or are at risk of experiencing homelessness are assisted in accessing appropriate services and supports.

Additionally, consultation with the homelessness sector in particular, and the community sector more broadly is vital to strengthen the understanding of homelessness, its determinants, and a way forward for all Australians.

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4 Australian Human Rights Commission, *Homelessness is a Human Rights Issue*, Australian Human Rights Commission, 2008, viewed 30 July 2012, <<http://www.hreoc.gov.au>>.

5 Third Periodic Report to CESCR: Australia 32/7/98, E/1994/104.Add/22, para 7.