



14 August 2009

The Secretary of the Committee
Standing Committee on Family, Community, Housing and Youth
PO Box 6021
House of Representatives
Parliament House
CANBERRA ACT 2600

BY EMAIL - fchy.reps@aph.gov.au

Dear Secretary

Inquiry into homelessness legislation

The Queensland Public Interest Law Clearing House (QPILCH) has coordinated a Homeless Persons' Legal Clinic since 2002. We currently supervise lawyers from private firms who provide pro bono assistance at nine inner-Brisbane locations, one outer-metro suburb by phone, and three clinics in Toowoomba and Townsville. We have assisted over 1800 clients experiencing, or at risk of homelessness since inception.

We support the submission of our colleagues at PILCH in Victoria to the Inquiry into federal homelessness legislation, and support the introduction of a Homelessness Act.

In response to the questions of the Standing Committee, we note that:

1. A human rights framework should be adopted in the Act in the form of directive principles and minimum standards for all agencies in the homelessness sector, and the Government should be held responsible to implement these principles, which are well summarised in the PILCH submission as: *availability, accessibility, acceptability and quality*.
2. The Federal Government's commitment to addressing homelessness and its causes in a social inclusion framework, as indicated in *The Road Home*, will be well-served if the Government enshrines the human rights of all Australians. If human rights legislation is not introduced, it remains imperative that at least the right of all citizens to adequate housing be enshrined in a Homelessness Act, as the only effective means by which the Government's broader social and homelessness agenda may be achieved.
3. The quality of homelessness services cannot be uniformly improved without targeted legislation. Legislation that specifically incorporates the rights of the most marginalised members of our community will necessarily influence government decision-making, resulting in fairer

Queensland Public Interest Law Clearing House Incorporated

incorporating the Homeless Persons' Legal Clinic, Self-Representation Civil Law Service,
Refugee Civil Law Clinic, Administrative Law Clinic, QLS Pro Bono Scheme and Bar Pro Bono Scheme.

A Member of the PILCH Network

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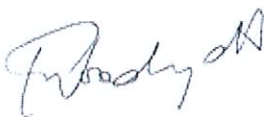
processes, higher quality services and the promotion of the principles under-pinning the legislation.

4. The existing *Supported Accommodation Assistance Act* has not provided clear mechanisms for the enforcement of human rights. We agree with the recommendations of PILCH to consider the *Homelessness Act 2003 (Scotland)* and section 26 of the *Constitution of the Republic of South Africa* as being viable and balanced models of homelessness legislation.
5. The Federal Government has demonstrated that it has a clear understanding that homelessness is not just an issue of insufficient housing. It requires specific legislation which reflects the multi-faceted and complex contributors to homelessness. For this reason, adopting existing legislative and regulatory models from other sectors would fail to provide the framework within which homelessness can be sufficiently addressed.

Further to improving homelessness legislation, we also submit that there is an urgent need to review the impact of all laws and policies on people experiencing or at risk of homelessness in Australia. Accordingly, we submit that it should be a recommendation of the Committee that the Government review all legislation and policies to identify those that impact disproportionately and in a discriminatory manner on people experiencing or at risk of homelessness. This should be done with a view to repealing and/or amending legislation and policies which perpetuate the cycle of poverty and disadvantage and which operate as a barrier for people attempting to transition out of homelessness.

If you would like to discuss any of the above matters in further detail, please contact Andrea de Smidt on (07) 3846 6319.

Yours faithfully



Tony Woodyatt
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