



Date: 31 July 2012

Homelessness Bill Consultation  
Homelessness Branch  
c/-FaHCSIA  
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## ***Submission on the Homelessness Bill 2012 to the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)***

### ***Introduction***

1. The St Vincent de Paul Society is a respected charitable Catholic organisation operating in 148 countries around the world. In Australia we operate in every State and Territory with more than 50,000 members and volunteers committed to our work of social assistance and social justice. We are accountable to the people in our community who are marginalised by structures of exclusion and injustice.
2. On 5 June 2012, the Minister for Housing and Homelessness, the Hon Brendan O'Connor MP invited written submissions on the draft Homelessness Bill 2012 ("the Bill") by 3 August 2012.
3. The National Council of the St Vincent de Paul Society ("the Society") welcomes the opportunity to comment on the Bill.

### ***The Society welcomes the Bill***

4. The Society warmly welcomes the introduction of the Bill.
5. While the Society has previously advocated a rights-based approach to homelessness we understand that the Commonwealth has no express Constitutional power to legislate on homelessness and so the draft Bill is severely limited, in that it cannot give rise to any rights or obligations. At best, the Bill captures the Commonwealth's goals and objective.

6. Nonetheless, the Society welcomes the broader definition<sup>1</sup> of homelessness, which includes people sleeping rough, living in an impoverished dwelling, people temporarily living with friends or relatives as well as people living in accommodation provided by specialist homelessness services, people who do not have a secure lease, and those that live on a short-term or long-term basis in any of the following:
  - (a) A boarding house;
  - (b) Caravan park;
  - (c) Hostel;
  - (d) Refuge;
  - (e) Shelter; or
  - (f) In similar accommodation.
7. The Society also welcomes the recognition of persons experiencing homelessness, the service delivery outcomes, the Commonwealth's aspiration to provide adequate housing to all people in Australia, recognition that homeless people face greater barriers to social inclusion, the steps for prevention of homelessness, Commonwealth co-operation with State and Territory Governments and in particular, the not-for-profit sector, and recognition that reducing homelessness is part of meeting Australia's international human rights obligations.

## **Concern**

8. However, the Society wishes to comment on a seemingly inadvertent error in the Bill.
9. The Society is concerned that the Bill seems to suggest that homelessness is a choice.
10. The definition of homelessness<sup>2</sup> includes rough sleepers as well as if "the person is living in a boarding house, caravan park, hostel, refuge, shelter or similar accommodation, whether on a short-term or long-term basis, in respect of which the person has no secure lease and the person is not living in that accommodation by *choice*".
11. The Society notes that there is a stark difference between choice and adaptation, namely some residents may adapt to that accommodation, not because they necessarily want to live there, but because the other option is not a viable one.

## **Recommendation**

12. We recommend that all words after the word "lease" in section 5(c) of the Bill be deleted.

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<sup>1</sup> Section 5, Homelessness Bill 2012.

<sup>2</sup> Section 5(c), Homelessness Bill 2012.