



13 August 2012

Homelessness Bill Consultation  
Homelessness Branch, c/- FaHCSIA  
PO Box 7576 Canberra ACT 2610  
By email: [homelessnesslegislation@fahcsia.gov.au](mailto:homelessnesslegislation@fahcsia.gov.au)

Dear Sir/Madam,

### Response to the Exposure Draft of the Homelessness Bill 2012

1. Women's Legal Services NSW (WLS NSW) thanks the Department of Families, Housing, Community Services and Indigenous Affairs for the opportunity to comment on the Homelessness Bill 2012.
2. WLS NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women's human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. We provide specialist legal services relating to domestic and family violence, sexual assault, family law, discrimination, victims compensation, care and protection, human rights and access to justice.
3. WLS NSW has read and we endorse the Homeless Persons' Legal Service (HPLS) submission in response to the exposure draft of the Homelessness Bill 2012. We reiterate the need for a human rights framework in approaching homelessness.<sup>1</sup> We share HPLS' concern that the reference in section 7 of the Homelessness Bill 2012 to the "aspiration" to "access to adequate housing" significantly derogates from the minimum requirement obligation contained in Article 2 of the *International Covenant on Economic, Social and Cultural Rights*.

### Domestic Violence and Homelessness

4. The Government has acknowledged the link between domestic violence and homelessness.<sup>2</sup> Significantly, the *National Plan to Reduce Violence against Women 2010-2022* recognises that escaping violence is the most common reason provided by people who seek help from specialist homeless services.<sup>3</sup>
5. In its 2010 *Concluding Observations* on Australia, the Committee on the Elimination of all forms of Discrimination Against Women recommended that "the State party develop strategies

<sup>1</sup> The right to adequate housing is found in Articles 11 and 2 of *International Covenant on Economic, Social and Cultural Right*, ratified by Australia on 10 December 1975; Article 14(2) *Convention on the Elimination of All Forms of Discrimination against Women*, ratified by Australia on 28 July 1983.

<sup>2</sup> *The Road Home: A National Approach to Reducing Homelessness*, Commonwealth of Australia, 2008 at 7.

<sup>3</sup> *National Plan to Reduce Violence against Women and their Children 2010-2022*, Commonwealth of Australia, 2012 at 8.



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to prevent homelessness resulting from domestic violence and ensure that women who are victims of domestic and family violence and their children are provided with appropriate ongoing accommodation and integrated support.”<sup>4</sup>

6. We refer to UPR recommendation 86.101 which called for adequate support services relating to accommodation, particularly for people living in remote and rural areas.<sup>5</sup> We note that Australia has accepted this recommendation.<sup>6</sup>
7. The *CEDAW Action Plan* was prepared on behalf of a broad coalition of Australian NGOs and sets out what the Commonwealth and State and Territory Governments should do to implement the CEDAW Committee's 2010 recommendations on women's human rights in Australia. Point 6 refers specifically to violence related homelessness.<sup>7</sup>
8. We note the *Supported Accommodation Assistance Act 1994 (SAAA)* will be replaced by the Homelessness Bill. The Committee on Family, Community, Housing and Youth recommended a broad definition of 'homelessness' in the new legislation.<sup>8</sup> We express our concern and disappointment that the explicit recognition of the link between domestic violence and homelessness included in the *SAAA* is not included in the Homelessness Bill.<sup>9</sup> The *Homelessness Bill 2012* should explicitly recognise the link between domestic violence and homelessness.

### Inconsistency of definitions

9. We further note, that the definition of “specialist homelessness services” in section 4 of the Bill is too restrictive. “Specialist homelessness services” includes services that assist persons who are, or are at risk of, “sleeping rough or living in an improvised dwelling”. Women and children leaving violence often try to escape to refuges or “couch surf” with family and friends.<sup>10</sup> The current definition of “specialist homelessness services” appears to exclude such people from accessing such services. Additionally, the definition of “specialist homelessness services” is inconsistent with the definition of “homelessness” proposed in section 5 of the Bill. Both a broader definition of homelessness and specialist homelessness services is required.
10. Should you require further information or you would like to discuss any aspect of this submission, please contact Liz Snell, Law Reform and Policy Coordinator or Jennifer Zadel, law student on 02 8745 6900 or [liz.snell@wlsnsw.org.au](mailto:liz.snell@wlsnsw.org.au)

Yours sincerely,  
Women's Legal Services NSW



Janet Loughman  
Principal Solicitor

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<sup>4</sup> *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Australia*, CEDAW/C/AUS/CO/7, 30 July 2010, paragraph 29.

<sup>5</sup> United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, A/HRC/17/10, 24 March 2011, accessed on 10 August 2012.

<sup>6</sup> *Australia's Response to Universal Periodic Review Recommendations*, 27 May 2011 at 6 accessed on 10 August 2012

<sup>7</sup> WLS NSW & YWCA, *CEDAW Action Plan for Women in Australia*, March 2011.

<sup>8</sup> House of Representatives Standing Committee on Family, Community, Housing and Youth, *Housing the Homeless: Report on the Inquiry into homelessness legislation*, November 2009, Recommendation 3.

<sup>9</sup> Section 4 *SAAA* defines a person as “homeless” where “he or she has inadequate access to safe and secure housing”. Section 3 specifically acknowledges this includes “people who are experiencing domestic violence and are at imminent risk of becoming homeless.”

<sup>10</sup> See, eg, K Wilcox ‘Middle-class and homeless’ *Sydney Morning Herald*, August 9, 2012, accessed on 10 August 2012; *The Road Home: A National Approach to Reducing Homelessness*, Commonwealth of Australia, 2008 at 7.