



POLICY BRIEFING # 5: MAY 2008

Background document

Pre Conference policy briefing papers for the NYCH Pre Conference Workshop at the 5th National Homelessness Conference 21-23 May 2008

What are the current legislative frameworks underpinning the homeless service system...?

- SAAP Act 1994

The SAAP Act in essence has provided a de-facto national homelessness response since 1994. In the preamble the SAAP Act notes;

The Parliament recognises the need to redress social inequalities and to achieve a reduction in poverty and the amelioration of the consequences of poverty for individuals. Homeless people form one of the most powerless and marginalised groups in society. Responses to their needs should aim to empower them and to maximise their independence. These responses should be provided in a way that respects their dignity as individuals, enhances their self-esteem, is sensitive to their social and economic circumstances, and respects their cultural backgrounds and their beliefs.

It goes on to outline the rights of all Australian citizens through the ratification of a number of UN conventions.

The preamble also outlines the importance of support;

Legislation relating to homeless people should include a focus on the provision of appropriate support to meet the individual needs of the clients of the Supported Accommodation Assistance Program ("SAAP") and on their right to an equitable share of the community's resources.

The preamble finishes by outlining the importance of community engagement and participation and the role of all levels of government to work towards assisting people who are homeless;

It is essential then that the community has the opportunity to be involved in the development of policies relating to, or impacting on, people who are homeless or at risk of homelessness. Accordingly, the Parliament intends that, under the law that follows, the Minister should establish an advisory committee drawn from members of the community with:

- (a) relevant expertise in, or experience of, homelessness; or*
- (b) an understanding of the principal issues affecting homeless people; or*
- (c) other relevant expertise or experience.*

The Parliament intends that the Commonwealth Government should work co-operatively with State and Territory governments to ensure that people who are homeless or at risk of homelessness are given opportunities to redress their circumstances and that their universal human rights are not prejudiced by the manner in which services are provided to them.

- **Housing Assistance Act 1996**

The Commonwealth *Housing Assistance Act 1996* provides a national housing framework and enables the CSHA agreement. There is no specific mention of the Crisis Accommodation Program within the *Housing Assistance Act 1996* and as a result the Act does not provide a safeguard for the continuation of a specific homelessness response.

The Commonwealth *Housing Assistance Act 1996* outlines that housing and shelter are basic human rights. It acknowledges the Universal Human Rights and that Australia is signatory to:

- International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights;
- Conventions on the Elimination of all Forms of Racial Discrimination;
- Elimination of all Forms of Discrimination against Women;
- Rights of the Child;
- Universal Declaration of Human Rights;
- Declaration on the Elimination of Violence Against Women; and
- the enactment of legislation such as the Human Rights and Equal Opportunity Commission Act 1986.

Commonwealth State Housing Agreement 2003/08

The 2003 Commonwealth State Housing Agreement is an agreement, authorised under the Housing Assistance Act 1996, between the Australian Government and the states and territories. The purpose of the Agreement is to provide funding to assist those whose needs for appropriate housing cannot be met by the private market.¹

What are some of the safeguards that the current legislation provides for homeless young people...?

- **The SAAP Act 1994 provides:**

- A legislative response to homelessness that ensures the responses to homeless people and that are not subject to the vagaries of political funding cycles;
- A national response to homelessness;
- A legislative response entrenches a human rights framework to homelessness;
- A right to access to services regardless of an ability to pay;
- A right to non discriminatory access to services;
- An engagement with the community;
- A programmatic response to homelessness that guarantees a level of funding; and
- A legislative focus on all levels of government to work together.

Challenges ahead ...

The Prime Minister has noted that the SAAP MoU and the CSHA will be replaced by the National Affordable Housing Agreement – this provides particular challenges for the legislative basis of responses to homelessness in Australia.

NYCH emphasis the importance of a legislative response that encapsulates a human rights approach to addressing homelessness.

¹ Commonwealth Department of Families and Community Services and Indigenous Affairs