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To whom it may concern,

RE: Homelessness Bill 2013

The Australian Psychological Society (APS) welcomes the opportunity to provide feedback on the *Homelessness Bill 2013*. Our particular concern relates to the mental health, wellbeing and basic human rights of people at risk of, or experiencing, homelessness.

The Australian Psychological Society (APS) is the premier professional association for psychologists in Australia, representing more than 21,000 members. Psychology is a discipline that systematically addresses the many facets of human experience and functioning at individual, family and societal levels.

From a psychological perspective, adequate safe and secure housing is essential to both individual and community wellbeing, and provides a foundation for individuals and families to develop a sense of identity and belonging. By contrast, not having a stable home disrupts the connections they have with their family and communities and is associated with a sense of social exclusion and poor physical and mental health and wellbeing.

The links between homelessness and mental health problems, increased substance use, violence against others and self-harm, loss of self-esteem and self-confidence, and increased sense of social isolation are well documented. The sense of marginalisation and alienation from mainstream society that inevitably arises from homelessness also has profound effects upon the physical and

mental health of those experiencing such homelessness.¹ Being homeless or without a solid base can be a cause as well as a consequence of distress and potentially of mental illness. It obviously heightens anxiety and can lead to a sense of helplessness.

Furthermore, for those with existing mental illness, housing is an essential pre-condition to be able to initiate and receive treatment. When untreated and unsupported, mental health problems are often exacerbated, and these people can become further entrenched in the cycle of homelessness.²

In providing feedback on this Bill, we refer the Committee to our previous submissions:

- The *Inquiry into the Draft Homelessness Bill 2012*, where we focused our response on defining homelessness, social inclusion, supporting those with complex needs, and housing as a human right.
- The *Inquiry into Homelessness Legislation (2009)*, where we made a number of recommendations for inclusion in the Homeless Legislation. *We acknowledge that a number of changes have been made to the Draft Homelessness Bill 2012*, which include:
 - expanding the definition of homelessness to include people that do not have a safe place to live (Section 5);
 - committing to a cooperative approach which includes working with persons who are, or at risk of, experiencing homelessness (Section 9); and
 - acknowledging the diverse factors that contribute to homelessness (Section 7).

While a number of the recommendations in our submission to the *Draft Homelessness Bill 2012* were incorporated into the current *Homelessness Bill 2013*, several have been overlooked, and others could be strengthened. We focus this current response on the area we believe is critical to ensuring the objectives of the White Paper *The Road Home* are achieved: acknowledging that access to appropriate, affordable, safe and sustainable housing is a human right, not just an aspiration.

Our comments regarding specific provisions in the Bill are detailed below.

Object of the Act (Section 3)

¹ Frankish, C., Hwang, S., & Quantz, D. (2005). Homelessness and Health in Canada: Research Lessons and Priorities, *Canadian Journal of Public Health*, 96, S23-29.

² Mackenzie, D. & Chamberlain, C. (2003). *Homeless Careers: Pathways in and out of homelessness*, A Report from 'The Counting the Homeless 2001 Project'.

As previously stated, the APS supports the assertion that access to housing is a fundamental human right. Every Australian has the right to adequate, safe and affordable housing. The Homelessness Bill (and other related government policy, services and legislation), particularly Sections 3 (Object of the Act), should be strengthened to reflect this right.

Defining homelessness (Section 5, Meaning of homelessness)

The APS welcomes the expanded and broad definition of homelessness, in line with current understandings about what constitutes being homeless. In particular, we welcome the inclusion of 5(c) which means that people who have 'no safe place to live' are also acknowledged as experiencing homelessness. However, the APS still maintains that the range of experiences included in the definition should be examples rather than an exhaustive list, as it is important that a definition of homelessness works to be inclusive rather than exclusive.

Access to housing is a right, not an aspiration (Section 8, Access to housing)

Of concern to the APS is that it is still an 'aspiration' of the Commonwealth that all persons living in Australia have access to appropriate, affordable, safe and sustainable housing (8.1). The APS maintains that access to housing is a fundamental human right and essential to the maintenance of human dignity. The Homelessness Bill, particularly Section 8, should be strengthened to reflect this right, with acknowledgement by the Commonwealth that this is a responsibility and not merely an aspiration.

Social inclusion (Section 9)

The APS supports the extension of Section 9 (1) to acknowledge the many barriers that people experiencing homelessness face. However, the cooperative approach referred to in Section 9(2), in addition to involving "States and Territories, local government and the not-for-profit and for-profit sectors", needs also to include the participation of people who are, or are at risk of, experiencing homelessness.

Homelessness is about exclusion. Policy, legislation and service responses need to involve homeless people in solutions and processes. Legislation and policy should explicitly recognise that participation is part of a process to address homelessness, with full social inclusion only likely to be achieved with the provision of adequate, affordable and safe housing.

Section 9 could also include a recognition that collaboration between government departments to review and transform laws and practices that discriminate against and further marginalise homeless people (e.g., public space laws in recognition of the importance of civic places in providing safety, comfort

and connection for homeless people) is key to achieving social inclusion for homeless people.

Service delivery (Section 10)

The APS supports the addition that services need to be culturally appropriate (Section 10.5). However, we also believe two further issues need to be made explicit in this section of the Bill:

- Outline the minimum standards and obligations of mainstream and specialist homelessness services to enable proactive agreement by all states and territories.
- A requirement for services to engage with those who are homeless, or are at risk of experiencing homelessness, so that services reflect the needs and aspirations of their clients.

As we highlighted in our previous submission, there is a need to support those who are vulnerable and/or have complex needs. Being homeless or without a solid base can be a cause as well as a consequence of distress and potentially of mental illness. It obviously heightens anxiety and can lead to a sense of helplessness and defeat, both of which are characteristics of depression. When untreated and unsupported, these problems are often exacerbated, and those affected become further entrenched in the cycle of homelessness.

There are particularly detrimental outcomes for marginalised individuals and groups who are likely to experience homelessness and who have complex support and housing needs, such as those living with a mental illness, families facing homelessness, victims of family violence, Indigenous communities and young people.

In addition, people facing important transitions are at specific risk of homelessness (such as those being discharged from hospital or prison or those who are newly arrived to Australia) and therefore require focussed support if secure housing is to be achieved.

While there is an acknowledgement of the need to take into account the 'vulnerability' of a person when providing them with homelessness services, the APS believes the Bill could be strengthened to ensure that particularly vulnerable, at risk groups are protected. This includes:

- Making reference to the Government's stated policy approach of 'no exit to homelessness', where a no tolerance approach to discharge into unstable housing (combined with strengthening of post-release services) is clearly articulated in the Homelessness Bill
- Making reference to 'wrap-around services', which are designed to provide holistic and intensive services to those experiencing entrenched

homelessness. The APS believes this model would be particularly applicable to those experiencing mental illness, young people and Indigenous communities that request such services

- An acknowledgement of the need for service responses to be flexible, intensive, and long-term in support of those with complex needs
- Recognition that assertive outreach responses are important in addressing the barriers to those with complex needs accessing homelessness services
- Recognition of the need for integrated case management approaches to working with young people at risk of homelessness, and the need to offer holistic, intensive and youth-specific solutions to homelessness
- Making explicit the principle of 'No wrong doors' so that both homelessness-specific and mainstream services are obliged to support clients and not turn them away. This is particularly important for those with mental health issues as they often face difficulty navigating systems.

The APS acknowledges that this final point, the principle of 'No wrong doors', is important in principle and difficult to address in legislation and in practice. We also acknowledge the associated and significant resource implications. We are not suggesting that mainstream services in areas such as health and education assume a housing service provision role as well, but that they should be prepared to act as an advocate or referral agency when necessary. For example, if a family seeks housing support at their local primary school, the school would not be required under 'No wrong doors' to house the family. Rather, we would expect that the school's welfare coordinator should know *how* to follow up and secure emergency accommodation or refuge, or even emergency relief for weekend accommodation. The solution is found in promoting education and awareness within mainstream services of available housing services and support options, rather than duplicating direct service provision.

The APS's assertion of a human rights approach to homelessness is not intended to place additional strain and responsibility on a service system that is already under considerable pressure. We maintain that people have the right to be treated respectfully and given accurate, practical information, and to expect that the appropriate assistance is available. However it is not appropriate for frontline services to be made responsible for the realisation of rights to housing without the appropriate resources to deliver those rights.

Cooperation and consultation (Section 12)

The APS acknowledges and supports the inclusion of reference to the Commonwealth being "committed to working cooperatively" with people who are, or are at risk of, experiencing homelessness (Section 12.1). However, this commitment also needs to be explicit in Section 12.3 to ensure that people who are, or at risk of, experiencing homelessness are also consulted in relation to the development of policy. This could include provision to encourage, include and

support those who are, or at risk of becoming, homeless in the development and evaluation of homelessness policies and services, including the current draft Homelessness Bill.

Housing as a human right (Act does not create or give rise to rights or obligations, Section 14)

The APS is concerned that this section essentially undermines the whole Bill, by suggesting that rights cannot be enforced. We recommend that this section be removed.

Housing is a fundamental human right and essential to the maintenance of human dignity. Every Australian has the right to adequate, safe and affordable housing. We also acknowledge that homelessness in part is caused and further exacerbated by the failure to meet human rights.

As stated in our previous submission, the APS recommends a 'Housing First' approach which provides rapid rehousing of homeless individuals and families in independent, long term, affordable and sustainable housing, with properly funded services being provided beforehand and afterwards to enable those affected to work through problems that could jeopardise their housing stability (e.g., mental health, drug and alcohol counselling, employment support).

Investing in this kind of approach is key to ensuring that the objectives of the Homelessness Act can be realised. In addition, we recommend a review of existing SAAP services to ensure that those areas most disadvantaged are receiving equitable allocation of transitional and crisis housing resources and services.

Finally, we would like to urge that the legislation does not place further burdens of disclosure and administration on vulnerable people who already struggle with bureaucratic demands. For example, pressure to declare the presence of a transient 'couch surfer' may deter a leaseholder who is receiving income support from offering shelter to a person at risk of homelessness.

If you wish to discuss this further please feel free to contact me

Yours sincerely,

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Manager, Public Interest