Homelessness Bill 2013

No. , 2013

(Housing and Homelessness)

A Bill for an Act to provide for the recognition of persons who are, or are at risk of, experiencing homelessness, and for related purposes
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A Bill for an Act to provide for the recognition of persons who are, or are at risk of, experiencing homelessness, and for related purposes

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act may be cited as the *Homelessness Act 2013*. 

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*Homelessness Bill 2013 No. 1, 2013 1*
Part 1 Preliminary

Section 2

2 Commencement

This Act commences on the day this Act receives the Royal Assent.

3 Object of Act

The object of this Act is to increase recognition and awareness of persons who are, or are at risk of, experiencing homelessness.

4 Definitions

In this Act:

- **homelessness**: see section 5.
- **mainstream services** means general services provided by government or non-government agencies that are available to the general population, such as Centrelink, public and community housing, aged care and community health centres.
- **specialist homelessness services** includes services to assist persons who are, or are at risk of, sleeping rough or living in an improvised dwelling.

5 Meaning of homelessness

For the purposes of this Act, a person is experiencing **homelessness** if:

- (a) the person is sleeping rough or living in an improvised dwelling; or
- (b) the person is temporarily living with friends or relatives, has no other usual address and does not have the capacity to obtain other suitable accommodation; or
- (c) the person has no safe place to live (including because the person is, or is at risk of, experiencing domestic violence); or
- (d) the person is living in accommodation provided by a specialist homelessness service; or
- (e) the person is living in a refuge, shelter or similar crisis accommodation; or
(f) the person is living in a caravan park, boarding house, hostel 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.
Part 2—Recognition of persons who are, or are at risk of, experiencing homelessness

Section 6

(1) The Commonwealth recognises that persons who are, or are at risk of, experiencing homelessness should have the same ability to exercise their rights, and have the same choices and opportunities, as other Australians, regardless of age, race, sex, disability, sexuality, religious or political beliefs, Aboriginal or Torres Strait Islander heritage, cultural or linguistic differences, socioeconomic status or locality.

(2) The Commonwealth recognises that persons who are, or are at risk of, experiencing homelessness face more challenges than other Australians in exercising their rights.

(3) The Commonwealth recognises that children and young people who are, or are at risk of, experiencing homelessness should have the same ability to exercise their rights as all children and young people and should be supported to reach their full potential.

(4) The Commonwealth recognises that persons who are, or are at risk of, experiencing homelessness contribute to family, social and community life.

(5) The Commonwealth recognises that persons who are, or are at risk of, experiencing homelessness should be supported to enjoy optimum health, safety and social wellbeing.

(6) The Commonwealth recognises that support for persons who are, or are at risk of, experiencing homelessness 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.

(7) The Commonwealth recognises that persons who are, or are at risk of, experiencing homelessness should be supported to achieve greater economic wellbeing and sustainability and greater

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participation in civic affairs and should have opportunities to participate in employment and education.

7 Factors contributing to homelessness

(1) The Commonwealth recognises that factors contributing to homelessness include unemployment, a lack of appropriate, affordable, safe and sustainable housing, physical or mental health issues, substance abuse, family conflict, discrimination, domestic violence and physical, emotional or sexual abuse.

(2) The Commonwealth recognises that certain persons leaving institutional settings such as custodial, juvenile detention or mental health institutions, or non-institutional settings such as guardianship and foster care arrangements, may be at risk of experiencing homelessness.

8 Access to housing

(1) The Commonwealth’s aspiration is that all persons living in Australia have access to appropriate, affordable, safe and sustainable housing.

(2) The Commonwealth recognises that having access to such housing contributes to a person’s social and economic participation.

9 Social inclusion

(1) The Commonwealth recognises that persons who are, or are at risk of, experiencing homelessness face barriers in achieving social inclusion, including barriers to participating in education, employment and civic affairs, to accessing basic needs such as healthcare and to maintaining community and social links.

(2) The Commonwealth is committed to a cooperative approach with the States and Territories, local government and the not-for-profit and for-profit sectors to address the issue of homelessness in order to help more persons living in Australia achieve social inclusion.
Part 2  Recognition of persons who are, or are at risk of, experiencing homelessness

Section 10

10 Service delivery

(1) The Commonwealth is committed to the following 5 service delivery outcomes.

(2) The first outcome is that mainstream services, and specialist homelessness services, for persons who are, or are at risk of, experiencing homelessness are of the highest quality.

(3) The second outcome is that, within available resources, mainstream services, and specialist homelessness services, for persons who are, or are at risk of, experiencing homelessness are based on priority of access, taking into account an assessment of the needs of those persons and of the vulnerability of those persons.

(4) The third outcome is that mainstream services, and specialist homelessness services, for persons who are, or are at risk of, experiencing homelessness are timely, responsive, appropriate, accessible and integrated.

(5) The fourth outcome is that mainstream services, and specialist homelessness services, for persons who are, or are at risk of, experiencing homelessness address the individual needs of those persons, and are culturally appropriate to those persons, taking into account the views of those persons.

(6) The fifth outcome is that mainstream services, and specialist homelessness services, for persons who are, or are at risk of, experiencing homelessness are provided in a way that does not prejudice the universal human rights of those persons.

11 Strategies to reduce homelessness

(1) The Commonwealth recognises the importance of having strategies to reduce the number of persons who are, or are at risk of, experiencing homelessness, including the following:

(a) prevention and early intervention;

(b) increasing the supply of affordable housing;

(c) increasing the range of appropriate accommodation options;

(d) ongoing support and services, including individual case management where appropriate.
(2) The Commonwealth recognises that research helps to identify and
target strategies to address the individual needs of those persons.

12 Cooperation and consultation

(1) The Commonwealth is committed to working cooperatively with
the States and Territories, local government, the not-for-profit and
for-profit sectors and persons who are, or are at risk of,
experiencing homelessness to reduce the number of such persons.

(2) The Commonwealth is committed to its agencies working
cooperatively to reduce the number of such persons.

(3) The Commonwealth is committed to maintaining a consultative
approach to the development of policy to address the issue of
homelessness.

13 Australia’s international human rights obligations

(1) The Commonwealth has acted to protect the rights of all of its
citizens, including persons who are, or are at risk of, experiencing
homelessness, by recognising international standards for the
protection of universal human rights and fundamental freedoms
through:

(a) the ratification of the International Convention on the
    Elimination of all Forms of Racial Discrimination done at
    New York on 21 December 1965 ([1975] ATS 40); and
(b) the ratification of the International Covenant on Economic,
    Social and Cultural Rights done at New York on
    16 December 1966 ([1976] ATS 5); and
(c) the ratification of the International Covenant on Civil and
    Political Rights done at New York on 16 December 1966
    ([1980] ATS 23); and
(d) the ratification of the Convention on the Elimination of All
    Forms of Discrimination Against Women done at New York
    on 18 December 1979 ([1983] ATS 9); and
(e) the ratification of the Convention Against Torture and Other
    Cruel, Inhuman or Degrading Treatment or Punishment done
    at New York on 10 December 1984 ([1989] ATS 21); and
Part 2 Recognition of persons who are, or are at risk of, experiencing homelessness

Section 13

(f) the ratification of the Convention on the Rights of the Child
done at New York on 20 November 1989 ([1991] ATS 4); and

(g) the ratification of the Convention on the Rights of Persons
with Disabilities done at New York on 13 December 2006
([2008] ATS 12); and

(h) the acceptance of the Universal Declaration of Human
Rights; and

(i) the acceptance of the Declaration on the Elimination of
Violence Against Women; and

(j) the statement of support for the United Nations Declaration
on the Rights of Indigenous Peoples; and

(k) the enactment of legislation such as the Human Rights
(Parliamentary Scrutiny) Act 2011 and the Australian Human

Note: In 2013, the text of an international agreement in the Australian Treaty
Series was accessible through the Australian Treaties Library on the
AustLII website (www.austlii.edu.au).

(2) Accordingly, the Commonwealth recognises that reducing the
number of persons who are, or are at risk of, experiencing
homelessness is part of meeting Australia’s international human
rights obligations.
Part 3—Other matters

14 Act does not create or give rise to rights or obligations

(1) This Act does not, by its terms or operation, create or give rise to any rights (whether substantive or procedural), or obligations, that are legally enforceable in judicial or other proceedings.

(2) No action, suit or proceeding is to be instituted in reliance on the terms of this Act or the operation of this Act.

15 Act not intended to exclude similar State or Territory laws

This Act is not intended to apply to the exclusion of any law of a State or Territory that provides for the recognition of persons who are, or are at risk of, experiencing homelessness.