



**Council
to Homeless
Persons**

Submission

**National Housing and
Homelessness Plan Bill 2024
(No. 2)**

AUGUST 2024

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Acknowledgement

In the spirit of reconciliation, Council to Homeless Persons acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past, present and emerging, and extend that respect to all Aboriginal and Torres Strait Islander peoples today. Council to Homeless Persons is committed to honouring Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas, and their rich contribution to society.

A vision to end homelessness

Council to Homeless Persons welcomes the introduction of the Act to set out the process to develop, implement, and maintain a National Housing and Homelessness Plan. This Act has the potential to be the first step out of the disastrous predicament of the Australian, and Victorian, housing system towards a rights-based approach to housing.

Council to Homeless Persons appreciates the deep consideration and research that has gone into the development of this Act. As the peak body for homelessness services in Victoria, CHP has consistently advocated for the recognition of housing as a human right, and for the Government to articulate a clear ambition to make homelessness rare, brief, and non-recurring and, ultimately, end homelessness in Australia.

This Act takes important steps in laying the groundwork to end homelessness by requiring the Federal Government to regularly and consistently produce dedicated housing and homelessness plans. Measures contained in this Act provide for a greater level of government accountability over a housing market that has long been broken in Australia, and continues to grow more expensive, and more unequal.

Australians—and Victorians in particular—are facing a housing emergency. Australia's broken housing system has real consequences for real people: this is borne out every day, as more and more people are at risk of and forced into homelessness. There are multiple contributing factors to homelessness—like family violence, complex mental health and medical conditions, and workplace injuries—but the root cause is a lack of appropriately priced, dignified housing. To end homelessness, we need more housing. Resolving the housing crisis through multi-pronged, considered, and people-centred policy is of immediate importance. Australians, and Victorians, deserve to have a place where they feel safe; a place to call home.

This Bill proposes a path out of the quagmire; a path that works for Australian people who are struggling to find a home.

Recommendation 1: CHP recommends that this Bill be passed into law.

Summary of Recommendations

Recommendation 1: CHP recommends that this Bill be passed into law.

Recommendation 2: CHP strongly encourages the Government to pass the Bill with the inclusion of all four objectives.

Recommendation 3: Ensure that the National Housing and Homelessness Plan is supported with fully funded rolling action plans, building on the strengths and identifying opportunities to address emerging challenges as identified in the effectiveness reports.

Recommendation 4: CHP recommends the development of a dedicated and fully-funded Aboriginal and Torres Strait Islander Action Plan to sit alongside the rolling action plans.

Recommendation 5: Include a commitment to expanding the availability and accessibility of public housing in the Contents of the National Housing and Homelessness Plan as articulated in this Act.

Recommendation 6: The Government should directly invest in public housing.

Recommendation 7: Consider the role of a formal, permanent lived experience body as part of the Consumer Council.

Recommendation 8: CHP recommends the Advocate work closely with existing civil society organisation, drawing on the expertise of the sector and people with lived experience of homelessness.

Housing and homelessness in Australia

122,494 Australians were experiencing homelessness on Census night 2021, of whom 30,660 live in Victoria—and 70,000 requests for help nationally (11,800 in Victoria) are met without any response. Ending homelessness is a national priority.

25 per cent of people experiencing homelessness on census night were experiencing homelessness in Victoria—and nearly four in ten requests for help are met without *any* response across Victoria.

For a small (but far too large) number of people, homelessness is more than a period without a stable home during a one-off crisis. It is the result of complex, intersecting exclusions that cause repeated instances of homelessness. For those people for whom the private rental market has proved unable to provide consistent and stable housing, and those returning to homelessness multiple times over many years, housing and intensive supports are required to break the cycle of recurring homelessness. There has been significant innovation in homelessness practice in recent years and we have the potential to end homelessness for multiply excluded people. Currently, the availability of housing and intensive supports in Australia are insufficient to meet that goal. The National Housing and Homeless Plan should rise to the moment by delivering these necessary resources.

2021 census data demonstrates that while homelessness and inadequate housing are a problem for Australians of all backgrounds, the on-going impacts of colonisation and dispossession make them a particularly acute challenge for Aboriginal and Torres Strait Islander people in Australia and in Victoria: one in ten people experiencing homelessness in Victoria are Aboriginal and/or Torres Strait Islanders, but less than 1 per cent of Victorians identify as Aboriginal and/or Torres Strait Islander.ⁱ

This speaks to the critical importance of self-determination in homelessness and housing policy. Aboriginal and Torres Strait Islander peoples must be empowered to identify the best housing solutions for their communities—and the Government must be responsive to these identified needs. Australia has ratified the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Article 21 of the UNDRIP asserts that ‘Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions including...housing’ while Article 23 declares that ‘Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, [I]ndigenous peoples have the right to be actively involved in developing and determining...housing and other...programmes affecting them, and, as far as possible, to administer such programmes through their own institutions.’ⁱⁱ

This Act and a subsequent National Housing and Homelessness Plan are opportunities for State and Federal Governments to deliver the coordinated responses to homelessness that will reduce the incidence of homelessness in Australia, and make homelessness rare, brief, and non-recurring.

Objects of the Act

Council to Homeless Persons supports the objects of this Act.

Council to Homeless Persons has consistently advocated for adequate housing to be recognised as a fundamental human right in Australia. This Act would rightly bring Australia's domestic policy in line with international law and mechanisms, including the International Covenant on Economic, Social and Cultural Rights and the UN Declaration on the Rights of Indigenous Peoples.ⁱⁱⁱ

The Objects of this Act align with the vision as articulated in our October 2023 [submission to the Federal Government's "Developing the National Housing and Homelessness Plan" consultation](#).^{iv} Dignified and adequate housing must be recognised as a fundamental human right in Australian law. Doing so would give the Government a mandate to develop long-term, fully funded, and innovative solutions to Australia's housing crisis.

The Objects of this Act adequately provide a framework to make homelessness rare, brief, and non-recurring with the goal of ending homelessness in Australia.

National Housing and Homelessness Plan

Council to Homeless Persons is supportive of the mandated legislative requirement for a National Housing and Homelessness Plan. CHP urges the Government to capitalise on this unique opportunity to develop, in collaboration with the Specialist Homelessness Sector and people with lived experience of homelessness, an ambitious, clear, fully-funded, and long-term plan to end homelessness in Australia and ensure everyone in Australia has adequate housing that meets their needs.

CHP appreciates the long-term vision for the National Housing and Homelessness Plan. Much like the National Plan to End Violence Against Women and Children, developing a ten-year plan that provides a long-term view on what is needed, how it can be delivered, and sets timelines for much-needed planning and delivery of social change. A dedicated Aboriginal and Torres Strait Islander Action Plan will work alongside the First Action Plan, and support the vision set for in the Act. A three-yearly effectiveness report will play an important role in monitoring the progress of the Plan. CHP suggests that this would be supported with three-yearly, fully-funded rolling action plans that are developed iteratively and take emerging challenges and opportunities into consideration.

CHP supports the vision put forward in Division 2 of the Act. The Content of the National Housing and Homelessness Plan broadly aligns with the ambitions of the Specialist Homelessness Sector (SHS) in Victoria.

CHP appreciates the role envisioned for civil society organisations and for people with lived experience articulated in this section.

All Australians should have access to high-quality and affordable housing

The Bill puts forward a vision to improve housing quality and increase the supply of adequate, affordable housing. Australia's housing crisis is multi-faceted. Too many Australians are homeless for want of access to a home that they can afford. An inescapable part of this crisis is that housing stock cannot meet demand. Housing has become unaffordable, and the quality of housing that *is* affordable is often poor. Poor quality housing can mean higher bills and unsafe living conditions.

Housing affordability is a well-recognised and pressing issue—housing *quality*, however, is an under-researched issue that is particularly pressing for low-income households.^v Renters on very low incomes are

‘far more likely’ than their owner-occupier counterparts to have essential and urgent repair needs. Concerningly, research suggests that renters with low and very low incomes have greater difficulty keeping their homes warm during winter or cool during summer—likely due to the prevalence of uninsulated or poorly insulated housings and increasing energy unaffordability.^{vi}

Increasing the supply of affordable, accessible, and high-quality housing—with good quality insulation, appropriate and energy-efficient windows and appliances—would transform Australia’s housing market.

Ending homelessness in Australia

CHP believes that we can end homelessness in Australia. This Bill seeks to deliver on that vision.

More than 273,000 people in Australia and 98,347 Victorians sought assistance from a homelessness service in 2022-23.^{vii} Many of them received the support they needed and ended their homelessness. Others were turned away from inadequately funded homelessness agencies; every one of them faced the prospect of losing their home during a significant crisis.

Experiencing homelessness is personally damaging. It causes harm that extends beyond physical deprivation, to include profound social deprivation. It involves a shift in people’s identity from being someone who is a part of their community, to someone who is pushed to the margins of that community.

CHP has previously identified two major barriers to ending homelessness in Australia: the scale of investment needed and the need to coordinate across areas of divided State and Federal jurisdiction. This Act is a step towards overcoming those barriers. In our submission on the National Housing and Homelessness Plan, CHP recommended that any future. Plan set the objective of ending homelessness.

This Act does just that.

If passed into law, the ambitious vision and clear articulation of ending homelessness should be included, in detail, in the National Housing and Homelessness Plan.

People with a disability should have the ability to live in community and have equal choice in housing

People with a disability often experience multiple and additional barriers to housing and homelessness service access. While the Specialist Homelessness Sector makes every effort to be inclusive and accessible,

too many people with a disability are unable to access the services they want and need. CHP has explored these barriers in previous submissions.^{viii}

Australia's Disability Strategy (2021-2031) identifies 'people with a disability live in inclusive, accessible and well-designed homes and communities' as a key outcome.^{ix} This is further articulated, identifying increasing that 'housing is accessible and people with disability have a choice and control about where they live, who they live with, and who comes into their home' as a key policy priority.^x

This Act aligns with the priorities articulated in Australia's ten-year disability strategy.

Self-determination for Aboriginal and Torres Strait Islanders in housing and homelessness programs

As noted elsewhere, Aboriginal and Torres Strait Islanders experience higher rates of homelessness, have less access to secure, dignified housing, and more frequently lived in severely over-crowded dwellings than do other populations. This acute marginalisation is one of the on-going impacts of colonisation and dispossession.

Embedding the principle of self-determination for housing and homelessness programs in this Act aligns with Sections 21 and 23 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Connecting Australian policy with the international frameworks to which we are a party is commendable.

Victoria's *Mana-na woorn-tyeen maar-takoort Every Aboriginal Person Has a Home* Framework is an example of an action-oriented framework for self-determination in housing and homelessness policy.^{xi} The principles of self-determination embedded in *Mana-na woorn tyeen maar-takoort* and its development process could be replicated to support the development of a dedicated and fully-funded Aboriginal and Torres Strait Islander Action Plan to sit alongside rolling action plans.

Recommendation 2: CHP strongly encourages the Government to pass the Bill with the inclusion of all four objectives.

Recommendation 3: Ensure that the National Housing and Homelessness Plan is supported with fully funded rolling action plans, building off of the strengths and identifying opportunities to address emerging challenges as identified in the effectiveness reports.

Recommendation 4: CHP recommends the development of a dedicated and fully-funded Aboriginal and Torres Strait Islander Action Plan to sit alongside the rolling action plans.

Contents of the National Housing and Homelessness Plan

CHP is broadly supportive of the proposed content of the National Housing and Homelessness Plan. In 2023, CHP provided a submission with specific recommendations for the National Housing and Homelessness Plan. Central to this submission was the ambition to end homelessness; this is included in the content identified in Section 8 of the Act.

CHP suggests that the contents of the Plan would be strengthened with a commitment to expand the availability of social housing. While item 'c) ensuring the social housing system meets needs and drives wider housing system improvement' does point to the role of social housing, CHP recommends this be strengthened with a commitment to expanding the availability and accessibility of social housing. In our CHP 2023 submission, CHP noted that 60,000 new social properties need to be delivered in Victoria alone to meet the current waitlist—this does not necessarily meet demand.

CHP acknowledges that the details of the Plan will be articulated elsewhere; however, identifying the need for increased availability and accessibility of public housing—as distinct from community housing—is important to embed from the outset.

In recent years, the Government has had a distinct focus on affordable housing, including community housing at the expense of public. Community housing is operated by individual non-profit agencies, who have individual agreements with government; community housing residents are generally charged about 25-30 per cent of their income *plus* the entirety of their Commonwealth Rental Assistance. In public housing, renters are charged a maximum of 25 per cent of their income.

Research has shown that public housing is a very strong protective factor against homelessness—while community housing has a less protective effect.^{xii} People living in public housing are less likely to experience homelessness than people in community housing and people in the private rental market. Public housing is a particularly strong protective factor—meaning it is strongly correlated with preventing homelessness—because it is affordable and offers long-term and secure housing options for people who would not otherwise be able to access housing stability. Community housing, on the other hand, does not offer the same level of protection.^{xiii}

The protective effect of public housing is so strong that research has suggested that 73 per cent of cases of homelessness could be avoided if at-risk and marginalised people were housed in public housing.^{xiv}

Building more public housing would, therefore, have a significant impact on preventing and ending homelessness, and ensuring that when homelessness does occur, it is rare, brief, and non-recurring.^{xv}

Despite the strong evidence for the important of public housing in preventing and ending homelessness, the Victorian government has continued to support the development of community housing over public housing.

It is not an ideal use of public funds to focus solely on community housing. The Government has previously expressed commitment to evidence-based policy: investing in community housing while de-prioritising public housing flies in the face of evidence. If the Government is serious about ending homelessness and investing in evidence-based policy, it must invest in public housing alongside community housing.

CHP suggests that recommendations made by CHP and our colleagues in 2023 as part of the National Housing and Homelessness Plan submission process be embedded in the Plan.

Recommendation 5: Include a commitment to expanding the availability and accessibility of public housing in the Contents of the National Housing and Homelessness Plan as articulated in this Act.

Recommendation 6: The Government should directly invest in public housing.

Establishment of new national bodies

Council to Homeless Persons supports, in principle, the establishment of the National Housing Consumer Council and strongly supports the establishment of the National Housing and Homelessness Advocate.

Council to Homeless Persons supports the establishment of these new bodies.

CHP strongly believes in the importance of a cohesive specialist homelessness sector (SHS); both bodies would facilitate a streamlined approach to national advocacy, with the political will of Government, that is currently lacking.

CHP notes, however, that consideration should be given to how the National Housing Consumer Council and the National Housing and Homelessness Advocate will interact with existing homelessness and housing civil society.

National Housing Consumer Council

CHP encourages the Government to expand the role of people with lived experience of homelessness in the National Housing Consumer Council. The areas of advice the Consumer Council will receive is appropriate.

While Section 18 identifies that the Consumer Council will receive advice on current issues relating to housing from the perspective of persons with lived experience of homelessness, CHP suggests the Government may want to go further. Establishing a consultative body made up of people with lived experience of homelessness would bring a higher level of sophistication to the consultative processes and advice delivered to the Consumer Council. CHP is hesitant to agree that any one individual—from any of the priority groups identified in Section 20, pg. 13—can or should have the responsibility of representing the experience of an entire cohort.

As the long-standing Peer Education Support Program (PESP) at CHP has demonstrated, lived experience expertise plays a vital role in enhancing understandings of homelessness and developing solutions. A nationally representative body of people with lived experience of homelessness should be built into the National Housing Consumer Council.

Recommendation 7: Consider the role of a formal, permanent lived experience body as part of the Consumer Council.

National Housing and Homelessness Advocate

CHP is particularly supportive of the role of the National Housing and Homelessness Advocate and their Office. As described in the Bill, the Advocate will play an important and independent role in monitoring the implementation of the Plan, reviewing systemic housing issues and providing evidence-based advice to the Minister; and raising awareness of housing issues.

The role of the Advocate in conducting reviews of systemic housing issues, including those experienced by people with lived experience of homelessness, will play an important role on building the evidence base on structural issues and will—if advice is acted upon by Government—be a new opportunity to implement a strategic approach to policy making to remedy the mistakes of previous decades. The Family Violence Reform Implementation Monitor (FVRIM) could provide a framework for establishing participatory accountability processes. Policy submission and inquiry processes will be a critical part of the role of the Advocate.

The development of yearly reports of the progress of the National Housing and Homelessness Plan is an important part of the role of the Advocate; Government should consider the extent to which this annual reporting process will interface with the three-yearly reporting process identified in Division 1, Section 6.

CHP appreciates the establishment of this Office and looks forward to working closely with the Advocate.

Recommendation 8: CHP recommends the Advocate work closely with existing civil society organisation, drawing on the expertise of the sector and people with lived experience of homelessness.

References

- ⁱ CHP, “Victorian Aboriginal and Torres Strait Islander Homelessness” (Council to Homeless Persons, 2022), <https://chp.org.au/wp-content/uploads/2022/04/Victorian-Aboriginal-and-Torres-Strait-Islander-Homelessness-Factsheet.pdf>.
- ⁱⁱ UN General Assembly, “United Nations Declaration of the Rights of Indigenous Peoples,” Pub. L. No. A/RES/61/295 (2007), arts. 21 and 23, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.
- ⁱⁱⁱ UN OHCHR, “International Covenant on Economic, Social and Cultural Rights,” Pub. L. No. 14531 (1976), art. 11, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>; UN General Assembly, United Nations Declaration of the Rights of Indigenous Peoples, art. 21.
- ^{iv} CHP, “Developing the National Housing and Homelessness Plan,” Submission (Council to Homeless Persons, 2023), <https://chp.org.au/wp-content/uploads/2023/10/Submission-to-the-National-Housing-and-Homelessness-Plan-FINAL.pdf>.
- ^v Chris Martin, “Poor-Quality Housing and Low-Income Households: Review of Evidence and Options for Reform” (Sydney: City Futures Research Centre, UNSW, 2019), <https://cityfutures.ada.unsw.edu.au/research/projects/poor-quality-housing-and-low-income-households/>.
- ^{vi} Martin, 5.
- ^{vii} AIHW, “AIHW Data Exploration Tool - Table View,” 2024, <https://dataexplorer.aihw.gov.au/webapi/jsf/tableView/tableView.xhtml>.
- ^{viii} CHP, “Council to Homeless Persons Submission to the Parliamentary Inquiry into the Rental and Housing Affordability Crisis in Victoria,” Submission (Council to Homeless Persons, 2023), <https://chp.org.au/wp-content/uploads/2023/07/230713-Submission-to-the-Parliamentary-Inquiry-into-the-rental-and-housing-affordability-crisis-in-Victoria-FINAL.pdf>; CHP, “Developing the National Housing and Homelessness Plan.”
- ^{ix} DSS, “Summary of Australia’s Disability Strategy 2021-2031” (Commonwealth of Australia, Department of Social Services, 2021), 6.

^x DSS, 6–7.

^{xi} Aboriginal Housing Victoria, “Mana-Na Woom-Tyeen Maar-Takoort: Every Aboriginal Person Has A Home The Victorian Aboriginal Housing and Homelessness Framework” (Aboriginal Housing Victoria, 2020).

^{xii} Guy Johnson et al., “How Do Housing and Labour Markets Affect Individual Homelessness?,” *Housing Studies* 34, no. 7 (August 1, 2019): 1089–1116, <https://doi.org/10.1080/02673037.2018.1520819>; Julie Moschion, David Ribar, and Yi-Ping Tseng, “Melbourne Institute Response to Parliament Inquiry into Homelessness in Victoria” (Melbourne Institute, 2019), 8.

^{xiii} Johnson et al., “How Do Housing and Labour Markets Affect Individual Homelessness?,” 1106.

^{xiv} Johnson et al., 1107.

^{xv} Johnson et al., 1106.