

3 August 2012



Homelessness Bill Consultation  
Homelessness Branch  
c/- FaHCSIA  
PO Box 7576  
Canberra Business Centre  
**CANBERRA ACT 2610**

**By email only:** homelessnesslegislation@fahcsia.gov.au

Dear Sir/Madam

### **Exposure Draft – Homelessness Bill 2012**

Thank you for the opportunity to comment on the draft Homelessness Bill 2012 (*the Bill*).

The Queensland Public Interest Law Clearing House (**QPILCH**) has coordinated a Homeless Persons' Legal Clinic (**HPLC**) in Queensland since 2002. We currently supervise volunteer lawyers from private firms who provide pro bono assistance at nine inner-Brisbane locations, one outer-metro suburb by telephone and two regional clinics, in Toowoomba and Townsville. We assist over 500 new clients each year who are experiencing, or at risk of homelessness.

### **Endorsement of other submissions**

We have had the opportunity to discuss the Bill with the following organisations:

- PILCH Homeless Persons' Legal Clinic, Victoria,
- Homeless Persons' Legal Service, New South Wales, and
- Welfare Rights and Legal Centre, Australian Capital Territory.

We support and endorse the submissions made by the above organisations to the Consultation.

### **Power to legislate**

We are disappointed that the Commonwealth considers that it has no power to legislate in relation to housing and homelessness, and on that basis is not enshrining an enforceable right to housing in the Bill. We submit that the external affairs power, under section 51(xxix) of the Australian Constitution, enables the Commonwealth to enact legislation which implements international covenants.

### **Enforceable right to adequate housing**

We refer to Recommendation 7 of the Standing Committee on Family, Community, Housing and Youth's inquiry into homelessness legislation that: "homelessness legislation specify the right of all Australians to adequate housing", especially in the

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## **Queensland Public Interest Law Clearing House Incorporated**

incorporating the Homeless Persons' Legal Clinic, Self-Representation Civil Law Service,  
Refugee Civil Law Clinic, Administrative Law Clinic, QLS Pro Bono Scheme and Bar Pro Bono Scheme.

A Member of the PILCH Network

absence of a Human Rights Act.<sup>1</sup> We had hoped this recommendation would come to fruition in the Bill.

We submit that in the context of homelessness, there is also a need to explicitly include and recognise a right to the necessary support to sustain housing, as explored in Recommendation 6 of the Standing Committee's inquiry.

We further submit that an enforceable right to adequate housing is the foundation upon which all aspirations and commitments to address homelessness in Australia must be based.

If you would like to discuss any of the above matters in further detail, please contact Cameron Lavery on (07) 3846 6317.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tony Woodyatt', with a stylized flourish at the end.

Tony Woodyatt

**Director**

Queensland Public Interest Law Clearing House Incorporated

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<sup>1</sup> The House of Representatives Standing Committee on Family, Community, Housing and Youth, 'Housing the Homeless – Report on the inquiry into homelessness legislation' (2009, Commonwealth of Australia, Canberra) at para 4.51.