

3 July 2024

Submission to the independent review of the Human Rights Act

Q Shelter is a peak organisation working to ensure every Queenslanders has a home. We seek to influence policy and investment in housing and homelessness solutions, and we work to build system capacity to achieve those solutions.

The Human Rights Act is an important framework and the Independent Review is an opportunity to consider:

- The addition of a right to housing
- Resolution of ways the rights outlined in the Act are limited or prevented because of changes to the Youth Justice Act.

A right to housing

Unmet housing needs are well-documented in Queensland evidenced by:

- The number of households on the social housing register of need
- The low vacancy rates in private rental housing (<1 percent)
- Declining lower-cost private rental housing supply forcing many households into post-housing hardship or poverty
- Declining rates of home ownership
- Population growth not matched by housing supply in the overall housing market
- The increasing demand for assistance through Specialist Homelessness Services (SHS)
- Significant investment in crisis responses without adequate exit options into permanent housing.

Homes for Queenslanders is helping to chart a new trajectory however the current challenges in ensuring that every household has a secure, affordable and appropriate home remain.

The Queensland Human Rights Act took consideration of the Universal Declaration of Human Rights which does refer to housing as a right. Yet the Queensland Act does not currently enshrine a right to housing despite its fundamental role in safety, health and wellbeing.

Despite this challenging context, Q Shelter does consider it essential to add a right to housing to the Act. This would provide a framework and avenue for households to seek to have their rights addressed when finding, getting and keeping housing. It would also most likely maintain momentum and commitment to adequate levels of resources to address unmet housing needs so that a right to housing is achievable.

This right has recently been legislated at a national level in Canada in the National Housing Strategy Act. Another important role for the State is to advocate and negotiate for a right to housing to be legislated at the national level in Australia as part of the emerging national plan.

Consideration of the needs of young people and children

Q Shelter considers that changes to the Youth Justice Act 1992 negatively impact the rights outlined in the Human Rights Act including that every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.

In particular Q Shelter reinforces the following:

- Children should not be detained in watchhouses
- the human rights declaration override declaration should be removed from the Youth Justice Act.

It should be noted that many children involved in the youth justice system themselves have been victims of violence and crime. They have been the subject of serious adverse childhood experiences that negatively impact their long-term health, well-being and participation in the community. We note the funding of preventative support programs and multi-agency panels which we endorse. We do consider it essential that more is done through preventative support from pregnancy and early childhood to prevent such adverse experiences which in turn would most likely improve retention in education, reduce child safety interventions, and prevent longer-term issues with drug and alcohol abuse, reduced cognitive ability, poor mental health, behavioural issues and complex homelessness. Q Shelter has written other submissions relating to the needs of young people and children and how they can be addressed to truly achieve prevention.

The dichotomy of youth offenders and victims of crime is too binary a proposition in working to solve such complex matters. It must be noted that many young people who offend are themselves victims of crime and violence. We propose therefore that support for all victims is achieved through genuine prevention and additional support programs for all people who are unfortunately experience the impacts of crime.

Participation duty

We note that the current Act doesn't incorporate a participation duty. There is growing momentum to ensure the voices of people with living experience and expertise can be actively involved in policies and decisions that impact them. Q Shelter has standing policy and investment recommendations to ensure that people who are tenants and people with lived expertise of homelessness and unmet housing needs are supported and resourced to participate in the development of policy, programs and service models. As such, the Act could provide the overarching framework to achieve a consistent and embedded approach across State Agencies.

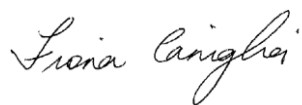
Additional investment in Community Legal Centres

People often need support to exercise their rights under this or any Act. Q Shelter strongly supports better resources for CLCs to help people understand and exercise their rights.

Contact

We appreciate the opportunity to provide input into this independent review of the Human Rights Act in Queensland. Q Shelter can be contacted through the Policy & Strategic Engagement Manager, Jackson Hills, at jackson.hills@qshelter.asn.au or 0411 395 842.

Yours sincerely



Fiona Caniglia
Chief Executive Officer

APPENDIX A

About Q Shelter

Q Shelter is a peak body working to ensure every Queenslanders has a home. We advocate for policy and investment solutions while also working to build system capacity to deliver those solutions. Our members consist of Specialist Homelessness Services, Community Housing Providers, private sector entities, other peak organisations, local government representatives, academic institutions, broader human services, and interested individuals, including people with lived experience of unmet housing needs and homelessness. We have an extensive network of 6000 subscribers throughout Queensland, and we work with 17 regions through a network of regional representatives.

We draw our mandate from members and stakeholders working to end homelessness and achieve enough housing supply and diversity to meet the community's needs. At present, the level of demand for housing and support is unprecedented. Building system capacity to deliver housing targets that include social and affordable housing is critically important, which is why PDAs play a role in this.

About the needs of children and young people who offend

[Q Shelter made the following submission regarding the prevention of youth offending.](#)