

Standing Committee on Legal Affairs
ACT Legislative Assembly
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4 June 2025

Dear Committee,

RE: SUPPORT FOR THE HUMAN RIGHTS (HOUSING) AMENDMENT BILL 2025

The ACT Council of Social Service (ACTCOSS) appreciates the opportunity to contribute to the *Inquiry into the Human Rights (Housing) Amendment Bill 2025*. We strongly support the inclusion of the right to adequate housing in the *Human Rights Act 2004 (ACT)*.

ACTCOSS is the peak body for the community sector in the ACT. We advocate for social justice and represent not-for-profit community organisations. Our member base includes organisations that provide and/or advocate for housing and support services to tenants and occupants, including those on low incomes and facing multiple and intersecting forms of disadvantage. Our vision is for an inclusive Canberra in which no one lives in poverty.

Why this reform matters

The ACT is facing a housing and homelessness crisis, which is fundamentally a **human rights crisis**.¹ Thousands of Canberrans are experiencing or at risk of homelessness, living in unsafe, inaccessible, or unaffordable housing, or waiting years for a public housing offer.

As of 31 March 2025, the average wait time for priority housing in the ACT is 220 days, over 7 months.² This is an increase from 180 days in October 2024, when [ACTCOSS highlighted the issue during Anti-Poverty Week](#).

Anglicare's latest [Rental Affordability Snapshot](#) (May 2025) found only 1% of rentals in Canberra were affordable for minimum wage earners — and none for those on JobSeeker or Youth Allowance.³ We currently have a housing system that is locking people in poverty.

These conditions undermine health, safety, social participation, and human dignity. They also jeopardise the realisation of rights already protected in the *Human Rights Act 2004* — including the rights to health, education, privacy, family life, and equality.

¹ Canberra Community Law, [Canberra Community Law's Submission on the Draft Human Rights \(Housing\) Amendment Bill 2024\(ACT\)](#), March 2025, pg 2

² ACT Government, [Waiting list for public housing](#), accessed 28th May 2025.

³ Anglicare Australia, [Rental affordability snapshot](#), Regional reports, 16th edition, pg 3, 2025.

As the UN Special Rapporteur has noted, “Homelessness is a profound assault on dignity, social inclusion and the right to life... and violates a number of other human rights”⁴

Enshrining the right to adequate housing will:

- *Reframe how housing decisions are made* — requiring government to view housing through a human rights lens, not simply as a market outcome. The Bill will embed a legal duty to consider the human right to adequate housing in policy development, legislation, and service delivery across the ACT Government.
- *Advance equity for those disproportionately impacted by the housing crisis* — including Aboriginal and Torres Strait Islander people, people with disability, children at risk of harm, victim-survivors of domestic and family violence, young people exiting care, people on low incomes and those in crisis accommodation, student housing, or insecure rentals.

A genuine commitment to equity requires systems that do more than prevent further harm, they must actively create the conditions for full participation. Ensuring access to adequate housing is essential not only to protect rights, but to enable inclusion, opportunity, and dignity.

- *Improve outcomes and reduce system costs* — secure, affordable housing improves individual health and wellbeing, supports participation in education and employment, and fosters stronger community connection. Conversely, housing insecurity is linked to higher rates of hospitalisation, poor mental health, and earlier mortality, with people experiencing homelessness facing life expectancies, on average, up to 20-30 years shorter than those that are housed.⁵

Investing in adequate housing also reduces demand on healthcare, justice, and crisis support services, delivering long-term social and economic benefits for the whole community.

- *Unify and reinforce existing ACT law and policy* — while existing ACT laws and policies such as the *Residential Tenancies Act 1997*, *Housing Assistance Act 2007*, and the ACT Housing Strategy protect some elements of the right to adequate housing, they do not enshrine the right itself. This Bill provides a unified legal foundation that strengthens and connects existing commitments. This is not a radical departure from current practice. Most elements of this right are already reflected in existing law and policy, but without a unifying human rights framework, protections remain piecemeal, and people still fall through the cracks.⁶
- *Strengthen advocacy and accountability* — the right provides communities, advocates, and service providers with both a legal and moral framework to hold decision-makers to account. The *Human Rights Act 2004* becomes not only a tool for compliance, but a foundation for advocacy — to influence policy design and drive long-term change that advances equity across the ACT housing system.

⁴ United Nations, [Guidelines for the Implementation of the Right to Adequate Housing: Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context](#), A/HRC/43/43, United Nations Human Rights Council, 2020, (n 1) 30, pg 7

⁵ The Senate Economics Legislation Committee, [Inquiry into the National Housing and Homelessness Plan Bill 2024 \(No. 2\)](#), Commonwealth of Australia, November 2024, pg 16-17

⁶ Canberra Community Law, [Canberra Community Law’s Submission on the Draft Human Rights \(Housing\) Amendment Bill 2024\(ACT\)](#), March 2025, pg 3-4

- *Reinforce the ACT's national leadership on human rights* — as the first jurisdiction to introduce a Human Rights Act, the ACT will continue leading the nation by enshrining housing as a human right. This reform sets a strong precedent for other jurisdictions and supports momentum toward a national Human Rights Act that includes the right to adequate housing.
- *Aligns with ACT Labor election commitment* — enshrining the right to adequate housing delivers on ACT Labor's election commitment to "finalise a roadmap and timeline for the inclusion of the remaining rights found in the International Covenant on Economic, Social and Cultural Rights in the ACT's Human Rights Act".⁷

Enshrining the right to housing will embed a shared commitment across government to protect this right progressively, and to do so in line with international standards, including the principles of adequacy, non-discrimination, and accountability. It will send a clear message that in the ACT, housing is not a privilege — it is a right.

Support for the Bill

We support the Bill's explicit recognition that:

- Everyone has the right to adequate housing (*new s 27D(1)*), consistent with Australia's obligations under Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).
- A review mechanism is built in (*new s 44*), requiring the Minister to report to the Assembly within five years.

We note that these amendments build on the legal and policy recommendations advanced by the [ACT Human Rights Commission \(ACT HRC\)](#) and [Canberra Community Law \(CCL\)](#) in prior consultations. We also welcome the decision to adopt two key recommendations from their submissions, namely:

- the removal of the phrase "access to", which brings section 27D(1) into alignment with Article 11(1) of the ICESCR; and
- the removal of s 27D(3) which outlined the definition of "essential utility service" linked to the *Utilities Act 2000*.

We support the position articulated by both the ACT HRC and CCL that the list of "immediately realisable" aspects of the right should *not* be embedded in the text of section 27D itself. Instead, this non-exhaustive, illustrative list should be included in a note following the section. This would:

- avoid limiting the scope of the right too narrowly — placing examples in a note rather than in the section itself reduces the risk that courts or decision-makers treat only those examples listed in the section as enforceable, leaving out other critical immediately realisable rights, such as the provision of emergency accommodation;
- allow the content of the right to grow over time — so that as community needs evolve and new guidance emerges from international human rights bodies, public authorities and tribunals can respond appropriately;

⁷ ACT Labor, [Policy Position Statement 2024](#), pg 80, accessed 26 May 2025

- make the right easier to understand and apply in practice — by providing clear examples that can be used by community advocates, service providers, and people asserting their rights, without confining the law to a fixed list; and
- support the principle of progressive realisation — by avoiding the impression that only the listed examples require immediate action, this approach helps ensure governments continue to expand housing protections over time, rather than treating the right as already fulfilled or complete.⁸

Such examples listed in the note would incorporate key components of adequacy, including the factors outlined in [General Comment 4 of the ICESCR](#) on the right to adequate housing.

The ACT has led the country in embedding human rights into law and public decision-making. This Bill is a principled and practical next step.

Key Points and Recommendations

We urge the Committee to recommend that the *Human Rights (Housing) Amendment Bill 2025* be passed, with the following considerations to strengthen its intent and implementation:

- **Do not reintroduce the term “access to”** — as it risks diluting the enforceability of the right and weakening alignment with international law which should remain the guiding framework for interpreting the right.
- **Avoid linking definitions to other statutes** — as human rights should be interpreted in line with international human rights standards, not shifting definitions in unrelated laws.
- **Move and expand the list of immediately realisable rights into a note** — to preserve flexibility, support progressive realisation, and prevent courts or public authorities from treating the listed items as an exhaustive or fixed limit on enforceable obligations.
- **Ensure the note incorporates the key factors to determine adequacy of housing**, as identified in [General Comment 4 of the ICESCR](#), including: legal security of tenure; affordability; habitability; accessibility; location; cultural adequacy; and access to essential services and infrastructure.
- **Support the Bill with clear implementation guidance and community education** — to help public authorities, advocates, and community members understand and apply the new right in practice.

⁸ *Progressive realisation* is a principle in international human rights law that recognises not all aspects of economic and social rights can be achieved immediately. However, governments are required to take deliberate, concrete, and timely steps to expand access to these rights using the maximum of available resources. In the context of housing, this includes making steady improvements in areas such as affordability, habitability, accessibility, and availability — and avoiding any backwards steps unless clearly justified. The principle is outlined in Article 2(1) of the *International Covenant on Economic, Social and Cultural Rights* and further explained in UN Committee on Economic, Social and Cultural Rights, *General Comment No. 3 (1990)*.

- **Ensure the five-year review (s 44) includes meaningful consultation** — particularly with people experiencing housing stress, homelessness, and groups disproportionately affected by housing inequality.
- **Fund an independent review of the ACT Housing Strategy** — to ensure it aligns with human rights obligations, includes clear targets and baseline data, and reports regularly on housing outcomes and stock by category.

Further engagement

ACTCOSS welcomes the opportunity to engage further with the ACT Government and other stakeholders in the inquiry into the Human Rights (Housing) Amendment Bill 2025.

If you would like to discuss any of the issues raised in this submission please contact Ms Jenny Sandilands, Head of Policy at ACTCOSS, at jenny.sandilands@actcoss.org.au or on (02) 6202 7223.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michelle Barclay".

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