

Standing Committee on Legal Affairs
ACT Legislative Assembly
GPO Box 1020, Canberra ACT 2601

LACommitteeLegal@parliament.act.gov.au

6 June 2025

Dear Committee,

ACT Shelter welcomes the opportunity to contribute to the Inquiry into the Human Rights (Housing) Amendment Bill 2025 (the Bill). We strongly support the inclusion of the right to adequate housing in the *Human Rights Act 2004 (ACT)*.

ACT Shelter acknowledges the Ngunnawal peoples as the traditional custodians of the lands on which we live and work and recognise any other peoples or families with connection to the lands of the ACT and region. In the context of this submission, we further recognise that the right to adequate housing is of particular significance for many Aboriginal and Torres Strait Islander peoples in the ACT, given the enduring legacy of colonisation, dispossession, and systemic racism. These injustices have directly contributed to the disproportionate levels of housing insecurity and homelessness experienced by Aboriginal and Torres Strait Islander individuals and families today. Any realisation of the right to housing in the ACT must prioritise redressing these historical and continuing harms.

Introduction

ACT Shelter is the peak housing body in the ACT. We are an independent, not-for-profit organisation that provides advocacy and strategic advice on systemic housing issues in the ACT, with a focus on factors affecting the ability of people on low, moderate or no incomes to have a home that is safe, secure, appropriate, and affordable. The right to adequate housing for all Canberrans underpins everything we do.

As the peak housing organisation in the ACT, we work with a diverse range of members and stakeholders, individuals and organisations. Based on this work, we are aware of the significant interest in and support for the reforms proposed in the Bill. Following the introduction of the Bill in the Legislative Assembly, ACT Shelter convened a public forum on the implications of enshrining the right to housing in the ACT's Human Rights Act, and this elicited strong engagement and discussion.¹ This submission is informed by our engagement

¹ ACT Shelter website, ['Housing as a human right in the ACT'](#) (web page), accessed 5/6/25.

with community stakeholders and builds on ACT Shelter’s longstanding advocacy for embedding the right to housing in the ACT’s Human Rights Act.

ACT Shelter urges the Committee to support the Bill’s passage and to consider additional recommendations to further strengthen its scope and effectiveness. Legislating for housing as a human right is a timely and necessary step that will provide a coherent framework to guide policy and resource decisions, strengthen accountability, and offer a foundation for progressive realisation of housing justice in the ACT. We consider this a vital and overdue recognition that safe, secure, and adequate housing is not a commodity or privilege, but a fundamental human right, and one that underpins all others.

Why legislating adequate housing as a human right matters

The housing crisis is a human rights crisis

The ACT, like much of Australia, is experiencing a deepening housing crisis. Rental affordability is declining over the long term, homelessness is rising, and low-income households are being increasingly excluded from secure and appropriate housing. Despite these trends, social housing has been steadily declining as a proportion of overall housing in the ACT over a number of decades.^{2,3}

While ACT households may have the highest average incomes, for low-income earners and students the ACT is one of the most unaffordable rental markets.⁴ The social housing system is under strain, with long wait times for public housing and limited pathways into secure tenancies leaving thousands of Canberrans in unstable or inappropriate accommodation for extended periods. Over 20% of private renters are in rental stress, while nearly half (46%) of people receiving Commonwealth Rent Assistance in the ACT are in rental stress – a rate that is higher than any other jurisdiction.^{5,6} According to the most recent *Rental Affordability Snapshot*, only one per cent of rental properties in Canberra and Queanbeyan are affordable for minimum wage earners, while for full pensioners and people on JobSeeker or Youth Allowance there are no affordable private rental options.⁷

For those experiencing or at risk of homelessness, the failure to realise the right to adequate housing is even more stark. Access to crisis accommodation is limited, and rates of homelessness remain persistently high, disproportionately affecting Aboriginal and Torres Strait Islander people, women and children escaping violence, and people with disabilities. The ACT has the highest rate of persistent or chronic homelessness in Australia, with 43 per

² National Housing Supply and Affordability Council, 2025, [State of the Housing System 2025](#), accessed 5/6/25.

³ ACT Shelter & ACTCOSS, 2024, [Housing and Homelessness ACT Election Platform: A secure home for all](#), accessed 6/6/25.

⁴ SGS Economics and Planning, 2024, [Rental Affordability Index, November 2024](#), Research Report undertaken for National Shelter, accessed 6/6/25.

⁵ Australian Bureau of Statistics (ABS), 2022, [Housing Occupancy and Costs](#) (2019–20), state and territory data, accessed 5/6/25.

⁶ Australian Institute of Health and Welfare, 2025, [Commonwealth Rent Assistance in Australia: quarterly data](#), Table CRA.3: Income units(a) receiving Commonwealth Rent Assistance, by rental stress(b) level, and states and territories, June 2016 to December 2024 AIHW, Australian Government, accessed 6/6/2025.

⁷ Anglicare Australia, 2025, [Rental Affordability Snapshot: Collated Regional Reports 2025](#), accessed 5/6/25.

cent of people seeking support from homeless services experiencing chronic homelessness.⁸

In addition, many people in the ACT live in housing that is unsafe, overcrowded, or not suited to their needs. This includes people with disabilities who cannot access homes that meet basic accessibility standards, and older people living in poorly maintained or energy-inefficient dwellings that undermine their health and wellbeing.⁹ Discrimination in the private rental market also prevents some people from accessing housing that is safe and secure. These systemic barriers reflect a broader, systemic failure to treat housing as a human right rather than a commodity.

Housing is a prerequisite to the realisation of other human rights

Adequate housing is foundational to wellbeing and dignity and is “integrally linked to other human rights”.¹⁰ Without access to safe, secure, and affordable housing, individuals struggle to exercise rights to education, healthcare, privacy, and freedom of movement. Enshrining the right to housing in legislation would not only uphold this right in its own terms—it would reinforce and give meaning to all the other interconnected rights to which individuals are entitled under the ACT’s Human Rights Act.

The social and economic costs of housing inadequacy and homelessness

The current housing crisis incurs significant social and economic costs – not just to individuals, but to government and the wider community. Inadequate and unaffordable housing contributes to poorer health and mental health outcomes, lower educational attainment, reduced workforce participation, and increased exposure to violence and instability.^{11,12} This, in turn, translates into greater demand on public services, including health, mental health, justice, and emergency accommodation systems, leading to escalating government expenditure on crisis responses.¹³ Housing insecurity and unaffordability also weaken community cohesion, entrench inequality, and stifle economic productivity by limiting mobility and workforce availability.¹⁴ In short, the ongoing failure to ensure access to adequate housing undermines social wellbeing and imposes avoidable long-term costs on the ACT community as a whole.

Affirming the ACT’s leadership on human rights law

The ACT was the first Australian jurisdiction to enact a Human Rights Act, and has long been a leader in embedding human rights into law and public policy. Recognising housing as a

⁸ Productivity Commission, 2025, [Report on Government Services 2025, Part G, Section 19](#), Table 19A.43. Accessed 6/6/25.

⁹ Advocacy for Inclusion, 2022, [White Paper on Housing](#), accessed 6/6/2025.

¹⁰ Committee on Economic, Social and Cultural Rights (CESCR), [General Comment No. 4: The right to adequate housing \(Art. 11 \(1\) of the Covenant\)](#) (13 December 1991), E/1992/23, at para 7, accessed 5/6/25.

¹¹ Keough, B., Skinner, V., Williams, C., Tually, S., Rowley, C., & Jones, R., 2020, [Housing and health: a multidirectional relationship](#), Don Dunstan Foundation: Adelaide, accessed 6/6/25.

¹² Ong ViforJ, R., Singh, R., Baker, E., Bentley, R. and Hewton, J., 2022, [Precarious housing and wellbeing: a multidimensional investigation](#), AHURI Final Report No. 373, Australian Housing and Urban Research Institute Limited, Melbourne,

¹³ Davison, J., Brackertz, N. and Alves, T., 2021, [Return on investment for social housing in the ACT](#), report prepared for ACT Shelter, Australian Housing and Urban Research Institute, Melbourne, accessed 6/6/25.

¹⁴ Maclennan, D., Long, J., & Leishman, C. (2021). [Housing and productivity: all or nothing at all?](#) UNSW City Futures Research Centre, accessed 6/6/25.

human right is a natural and necessary extension of that leadership and would demonstrate the ACT's Government commitment to a more comprehensive and effective human rights framework.

Consolidating disparate laws and protections

Housing issues are broad and complex and there are many legislative mechanisms that have been introduced, implemented and improved on by the ACT Government to ensure that these issues are identified and addressed. These laws, regulations and protections protect many aspects of the right to adequate housing, however gaps remain.

Rental housing is regulated by the *Residential Tenancies Act 1997 (RTA)*¹⁵. This Act covers private, public, community rental housing and includes a uniquely ACT element to capture all other renters – including those in crisis and transitional accommodation, caravan parks, student and boarding accommodation – as “occupants”. This Act protects various elements of the right to adequate housing, such as security of tenure, habitability and affordability. However, there are gaps and limitations to the protections covered in this Act, particularly as not all of the protections apply to occupants.

In relation to the management and operation of public housing in the Territory, Housing ACT is the provider of public housing and is regulated by the *Housing Assistance Act 2007 (ACT)*.¹⁶ The objects of this Act include maximising the opportunities for everyone in the ACT to have access to housing that is affordable, secure and appropriate to their needs; and facilitating the provision of rental housing that has adequate amenity, is of an adequate size, and is appropriately located for employment opportunities and necessary services and facilities.

Community housing providers are regulated at a Federal level through the National Regulatory System for Community Housing.¹⁷ The *Agents Act 2003 (ACT)* relates to the conduct of real estate agents to ensure they act within ethical guidelines, protecting the public. Other legislative mechanisms that provide partial protections to the right to adequate housing include the *Planning Act 2023 (ACT)*, the *Discrimination Act 1991 (ACT)*, *Unit Titles Act 2001 (ACT)*, *Unit Titles (Management) Act 2011 (ACT)*, and the *Building Act 2004 (ACT)*.

While these mechanisms protect many of the elements of the right to housing, none of them protect the right itself, or clearly encapsulate the seven key elements identified by the UN Committee on Economic, Social and Cultural Rights, namely: legal security of tenure, availability of services, affordability, habitability, accessibility, appropriate locations, and cultural adequacy.¹⁸

¹⁵ ACT Government [Residential Tenancies Act 1997](#), accessed 3 June 2025

¹⁶ ACT Government, [Housing Assistance Act 2007](#) accessed 3 June 2025

¹⁷ National Regulatory System for Community Housing, [National Regulatory System for Community Housing](#), accessed 3 June 2025

¹⁸ Special Rapporteur on the right to adequate housing, [The human right to adequate housing | OHCHR](#) accessed 3 June 2025

Enshrining housing as a human right in law would help consolidate the ACT's currently disparate housing laws and protections by providing a unifying legal framework. At present, housing-related rights and responsibilities are scattered across various laws and in a piecemeal manner, without a consistent overarching principle to guide how housing should be designed, delivered, and regulated. This Bill provides the perfect opportunity to pull all of this together and make a clear commitment to the right to adequate housing.

Policy coherence and consistent and equitable decision making

Enshrining housing as a human right in law would provide a clear, legally binding standard and reference point against which housing policies and decisions can be developed and assessed, helping to ensure greater coherence, consistency, and equity in government action. This will help to align housing, planning, homelessness, and urban development strategies with human rights principles of equity, participation, and non-discrimination, and support a more consistent foundation for decision-making.

Promoting transparency and enhancing accountability

Including the right to adequate housing in the *Human Rights Act 2004* will strengthen transparency and accountability by placing a number of reporting and/or procedural obligations on government, including:

- assessment of all new Bills for compatibility with right to the adequate housing by the Legislative Assembly's Scrutiny of Bills Committee
- requiring the Attorney General to prepare a written statement about whether proposed ACT laws are consistent with human rights and, if not, how the proposed law is incompatible and why
- requiring public authorities and agencies to act in a way that is compatible with human rights, and to give proper consideration to human rights when making decisions
- mandating the ACT Human Rights Commission to review the impact of laws on human rights and monitor the operations of the *Human Rights Act*
- provision of annual reports by the ACT Government and public authorities outlining the steps taken to implement the *Human Rights Act*.

These accountability mechanisms already exist in relation to legislated human rights in the ACT, so extending them to the right to housing is unlikely to prove onerous. However, it will help provide additional mechanisms for scrutinising public decisions that impact housing outcomes, and will encourage more transparent and consistent legislative processes and government decision making. It will also require government to monitor and report on progress in meeting housing needs in a way that promotes dialogue between all arms of government, fostering a culture of continuous improvement and responsiveness. In this way, legal enshrinement empowers both the public and civil society to play an active role in evaluating whether housing systems are fair, inclusive, and rights-compliant.

Improving housing outcomes over time through progressive realisation

The Bill sensibly reflects international human rights principles, which acknowledge that the right to adequate housing is to be achieved through both immediately realisable obligations

and through progressive realisation. While full realisation of the right to housing may not be immediately achievable, progressive realisation obliges the government to take deliberate, concrete and effective steps to move towards it.

Progressive realisation would prevent backsliding and ensure that housing policy remains focused on long-term, structural improvements. Progressive realisation, however, means more than simply demonstrating the government is making progress in realising the right to housing. As the UN Committee on Economic and Social Rights has stated, it requires governments using “all appropriate means”:

In essence, the obligation is to demonstrate that, in aggregate, the measures being taken are sufficient to realize the right for every individual in the shortest possible time in accordance with the maximum of available resources.¹⁹

This obligation in turn requires establishing “clear goals and timelines for achieving specific outcomes and the right to adequate housing for all in the shortest possible time”, as well as “effective monitoring and accountability mechanisms”.²⁰ Accordingly, progressive realisation will require the government to establish robust benchmarks and a much more comprehensive, timely and transparent means of measuring progress on housing outcomes.

Benefits and implications

For people experiencing housing insecurity of homelessness

Legislating adequate housing as a human right will provide a clearer legal pathway to protect housing rights. While these rights are partially protected by existing protections in law that relate to housing, directly enshrining the right to adequate housing in itself will provide clarity to individuals living in unsafe housing and at risk of homelessness, as well as preventing violations from occurring in the first instance by enhancing clarity to policy makers and other decision makers. It will also improve housing outcomes over time through systemic change and the obligation of progressive realisation.

For government and public authorities

Incorporating housing as a human right would require public authorities to act compatibly with this right and to give proper consideration to it in administrative decision making. This will enhance the fairness, consistency, and transparency of government action and ensure a rights-based approach is integrated into urban planning, housing allocation, and homelessness strategies, ultimately supporting more coordinated and coherent policy approaches.

For broader policy development

Embedding housing as a right would encourage more holistic approaches to improving housing outcomes and preventing homelessness. It would help promote investment in long-

¹⁹ Committee on Economic, Social and Cultural Rights (CESCR), [General Comment No. 4: The right to adequate housing \(Art. 11 \(1\) of the Covenant\) \(13 December 1991\) E/1992/23](#), accessed 6/6/25.

²⁰ Special Rapporteur on adequate housing, [Guidelines for the implementation of the right to adequate housing A/HRC/43/43](#), accessed 6/6/2025.

term, systemic responses rather than short-term crisis management, with potential benefits across health, education, employment, and justice systems.

For individual and systemic advocacy

Legislating the human right to housing would provide a powerful tool for both individual and systemic advocacy by establishing a clear foundation for claims, challenges, and demands for reform. For individual advocacy, it would offer a recognised legal standard of housing adequacy against which housing circumstances can be assessed. At a systemic level, enshrining the right to housing would provide a means of holding government accountable and pushing for broader structural change, providing a framework to assess policy and budget decisions and to benchmark progress toward better and more equitable housing outcomes.

Dispelling misconceptions

Several misconceptions have previously been raised in response to efforts to enshrine the right to adequate housing in the ACT's Human Rights Act. These concerns can be readily dispelled with reference to legal principles, international practice, and the actual operation of the human rights currently protected ACT law:

- **Concerns about opening the floodgates to litigation are misplaced.**

The two decades over which the Human Rights Act has been in operation in the ACT demonstrate that including the human right to adequate housing in the ACT will not overwhelm the courts with litigation. Most human rights matters are resolved through policy change, administrative action, or dispute resolution mechanisms well before reaching the courts. Legal remedies are typically used only in egregious rights violations or discrimination. Moreover, enshrining the right to housing provides a clear legal framework that helps guide consistent decision-making, which can actually reduce confusion and disputes in the long term. Importantly, the ACT's Human Rights Act is not designed to create unlimited personal entitlements but to ensure that government decisions are reasonable, proportionate, and rights-compliant.
- **It will not require government to house every homeless person immediately.**

The Bill reflects international human rights norms, which recognise that governments are obliged to take steps toward realising the right to housing progressively over time, within available resources. It does not mandate immediate provision of housing to all, but it does require that policies and programs move intentionally and effectively toward that goal. Like other human rights in the ACT's Human Rights Act, the right to housing is subject to reasonable and proportionate limits and progressive realisation.
- **It will not restrict government policy flexibility.**

On the contrary, the Bill provides a framework that supports better policy outcomes by requiring transparent justification for decisions, consideration of rights impacts, and a clearer focus on equity. It does not prescribe specific policies or programs.
- **It will not be too costly or complex to implement.**

The cost of failing to act – measured in homelessness, family violence, poor health and education outcomes, and lost productivity—far exceeds the investment needed to

progressively realise the right to adequate housing. The Bill helps ensure that future investment in housing and related services is better aligned with human rights and community need. While realising the right to adequate housing does require investment, it ultimately promotes smarter, more accountable use of public resources, ensuring that housing policy is directed toward long-term, equitable outcomes. In administrative terms, embedding the right to housing in existing human rights frameworks and impact assessments (already required under the ACT Human Rights Act) is a manageable and proportionate extension of current practice.

Overall, these concerns reflect a misunderstanding of how human rights operate in law and policy.²¹ Far from being a blunt or burdensome instrument, recognising the right to housing strengthens governance, improves accountability, and ensures that all people – especially those most at risk – are treated with dignity, fairness, and respect in housing decisions.

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.

- **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.**

While the proposed section 27D(2) does not explicitly limit the immediately realisable aspect of the right to those listed in the provision, setting out a list in this way does risk limiting the recognition of future rights.

We recognise that providing concrete examples assists public authorities to better understand their obligations, and can also support individuals and community organisations to better understand the concepts and their application. However, any list of immediately realisable obligations should be clearly framed as illustrative rather than exhaustive, to avoid unduly narrowing the scope of enforceable rights. Accordingly, we support including examples but recommend that this be retained as a note and not as a list in the main text of the Act.

This approach would preserve the flexibility required for the principle of *progressive realisation* to operate effectively and avoid inadvertently creating a rigid or narrow interpretation of the right. By including a closed list in the main text of the Act, there is a risk that courts, public authorities, or decision-makers may treat these elements as

²¹ OHCHR, [Fact Sheet No. 21\(Rev. 1\): The Human Right to Adequate Housing](#), pp6-8, accessed 3/6/25

exhaustive or as the sole enforceable components of the right – undermining the holistic and evolving nature of the right to housing under international law. A note, by contrast, can provide clear interpretive guidance without constraining the broader legal meaning or application of the right over time.

In addition, expanding the note to incorporate the seven interrelated criteria for housing adequacy identified in *General Comment 4* of the UN Committee on Economic, Social and Cultural Rights would ensure that the ACT's framework aligns with international human rights standards and best practice. These criteria – legal security of tenure, affordability, habitability, accessibility, location, cultural adequacy, and access to essential services and infrastructure – provide a well-established benchmark for assessing whether housing is truly adequate. Their inclusion in the note would help guide public authorities, policymakers, and courts in interpreting and applying the right to housing, while avoiding undue prescription in the primary legislation. This approach strikes an appropriate balance between legal clarity and the necessary adaptability to respond to future social, cultural, and economic developments, ensuring the right to housing is meaningfully and effectively realised in the ACT.

- **Ensure the five-year review (s 44) includes meaningful consultation – particularly with people experiencing housing stress, homelessness, and groups disproportionately affected by housing inequality.**

Including a requirement for meaningful consultation, particularly with people experiencing housing stress, homelessness, and groups disproportionately affected by housing inequality (such as Aboriginal and Torres Strait Islander people, people with disabilities, and low-income renters), is essential to upholding the participatory principles that underpin human rights law. A review that lacks the voices of those most impacted by housing inadequacy risks being disconnected from lived realities and may fail to identify systemic barriers or inequities. Embedding consultation in the legislation ensures the review process is inclusive, transparent, and informed by those with direct experience of housing challenges. It would also promote public trust, support more responsive policymaking, and give practical effect to the principle that human rights should be shaped and evaluated by those most affected.

- **Establish stronger consultation and community engagement mechanisms to support the implementation of the right to adequate housing.**

To support the ongoing implementation of the right to adequate housing, it is vital that ongoing, structured mechanisms are established to strengthen engagement with people affected by housing insecurity and the organisations that advocate with and for them. Realising the right to housing requires more than legal recognition – it depends on responsive policy informed by those most impacted. As affirmed by the UN Special Rapporteur on adequate housing:

Participation is central to human rights-based housing strategies because it challenges exclusion and silencing. Strategies must recognize that violations of the right to adequate housing and other human rights emanate from failures of democratic accountability to people... [and they must] provide for participatory processes to ensure the ongoing

inclusion and engagement of civil society, stakeholders, vulnerable groups and persons with lived experience of housing need, as well as those with lived experience of homelessness.²²

Regular consultation with renters, people experiencing homelessness, Aboriginal and Torres Strait Islander peoples, people with disabilities, and frontline service providers ensures that government decisions are informed by lived experience and remain responsive to changing needs and systemic barriers. These mechanisms would strengthen the Act's capacity to deliver equitable outcomes, build trust, and uphold the dignity and agency of those often excluded from decision-making.

- **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.**

As noted above, progressive realisation must be underpinned by robust monitoring and timely reporting, with clear benchmarks and a comprehensive framework to meaningfully measure housing outcomes and track the social and economic factors that shape housing outcomes.

An independent review of the ACT Housing Strategy would also ensure that the Strategy is consistent with the ACT's new legal obligations under the right to housing. This review should assess whether the Strategy includes measurable goals, timeframes, baseline data, and disaggregated reporting on housing outcomes by tenure and population group. Independence is key to ensuring objectivity, credibility, and transparency – especially in evaluating the alignment of the Strategy with human rights principles such as non-discrimination, accountability, and progressive realisation. Without clear targets and regular public reporting, it is difficult to monitor progress or hold government accountable. This amendment would support a rights-based policy infrastructure and help translate legislative commitments into concrete, measurable actions that drive meaningful improvements in housing outcomes.

- **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.**

Conclusion

The *Human Rights (Housing) Amendment Bill 2025* represents a landmark step toward recognising that everyone in the ACT has the right to live with dignity, safety, and security. Amid a national housing crisis and growing local demand for action, enacting this Bill would send a powerful signal that the ACT Government values and upholds housing as a basic human right.

ACT Shelter strongly supports the Bill and urges the Committee to recommend that it is passed, with the additional amendments and implementation measures outlined above. This

²² UN Human Rights Council, [Report of the Special Rapporteur on adequate housing \(January 15, 2018\)](#) A/HRC/37/53, accessed 6/6/25.

reform will not, by itself, resolve the ACT's housing challenges—but it provides the essential legal and normative foundation for a housing system that prioritises people, equity, and human rights.

We would welcome the opportunity to provide further information or appear before the Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Corinne Dobson". The signature is written in a cursive, flowing style.

Corinne Dobson
CEO, ACT Shelter