



**Legislative Assembly for the
Australian Capital Territory**
Standing Committee on Legal Affairs

Inquiry into the Human Rights (Housing) Amendment Bill 2025

Legislative Assembly for the Australian Capital Territory
Standing Committee on Legal Affairs

Approved for publication

Report 2
11th Assembly
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About the committee

Establishing resolution

The Assembly established the Standing Committee on Legal Affairs on 3 December 2024.

The Committee is responsible for the following areas:

- Emergency management and the Emergency Services Agency
- Policing and ACT Policing
- Corrective Services
- Attorney-General
- Consumer Affairs
- Human Rights
- Victims of Crime
- Access to justice and restorative practice
- Public Trustee and Guardian

You can read the full establishing resolution [on our website](#).

Committee members

Ms Chiaka Barry, MLA, Chair (from 26 June 2025)

Mr Peter Cain MLA, Chair (until 26 June 2025)

Mr Taimus Werner-Gibbings MLA, Deputy Chair

Mr Shane Rattenbury MLA

Secretariat

Ms Kathleen de Kleuver, Committee Secretary

Mr Adam Walker, Assistant Secretary

Mr Satyen Sharma, Administrative Officer

Contact us

Mail Standing Committee on Legal Affairs
Legislative Assembly for the Australian Capital Territory
GPO Box 1020
CANBERRA ACT 2601

Phone (02) 6207 0524

Email LACommitteeLegal@parliament.act.gov.au

Website parliament.act.gov.au/parliamentary-business/in-committees

About this inquiry

The Human Rights (Housing) Amendment Bill 2025 was presented in the Assembly on 10 April 2025 and referred to the Standing Committee on Legal Affairs. Standing order 174 refers all bills presented to the Assembly to the relevant standing committee for inquiry. A Committee has three weeks from the date of presentation, or one week after the tabling of the relevant scrutiny report, whichever is later, to advise the Speaker on whether it will undertake an inquiry.

If the Committee does decide to undertake an inquiry, it must report within three months from the date of presentation of the bill, with the exception of bills presented in the last sitting period of a calendar year, in which case the Committee has four months to inquire and report.

The Committee decided to inquire into the bill on 30 April 2025. The report is due by 9 July 2025.

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Acronyms & Abbreviations

Acronym or Abbreviation	Long form
ACT	Australian Capital Territory
ACAT	ACT Civil and Administrative Tribunal
ACTCOSS	ACT Council of Social Service
ATODA	Alcohol Tobacco and Other Drug Association ACT
CITSA	Canberra Institute of Technology Student Association
ESC	economic, social and cultural rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
HRA	<i>Human Rights Act 2004</i>
MLA	Member of the Legislative Assembly
The bill	Human Rights (Housing) Amendment Bill 2025
HIA	Housing Industry Association
ISCCC	Inner South Canberra Community Council
GNCA	Griffith Narrabundah Community Association

Recommendations

Recommendation 1

The Committee recommends that the ACT Legislative Assembly pass the Human Rights (Housing) Amendment Bill 2025 and consider the other recommendations made by the Committee.

Recommendation 2

The Committee recommends that the ACT Government as part of implementing the legislative change, consider the impact on ACT Housing, in particular noting recommendations made by the Auditor-General and ACT Ombudsman in past reports, and people on the waiting list for public housing and put in place changes to address these issues.

Recommendation 3

The Committee recommends that the Assembly consider amending proposed new subsection 27D(2) in the bill, to move the existing immediately realisable aspects of the right listed in the provision to a note.

Recommendation 4

The Committee recommends that the ACT Government consult widely with impacted stakeholders in the implementation of this legislative change and in the statutory review after five years.

Recommendation 5

The Committee recommends that the ACT Legislative Assembly amend the bill to delay the commencement of the proposed new right to adequate housing by 12 months.

1. Introduction

Human Rights (Housing) Amendment Bill 2025

- 1.1. The intention of the Human Rights (Housing) Amendment Bill 2025 is to amend the *Human Rights Act 2004* (HRA) to enshrine the right to adequate housing for everyone.
- 1.2. The bill proposes to insert new section 27D which will have an explicit statement that everyone has the right to adequate housing and that immediately realisable aspects of this right include:
 - a) Everyone is entitled to enjoy this right without discrimination;
 - b) No-one may be unlawfully or arbitrarily evicted from their home; and
 - c) No-one may have an essential utility service to their home unlawfully or arbitrarily withdrawn.¹

- 1.3. The explanatory statement to the bill notes that this legislative change will be a first in Australia:

By enshrining the right to adequate housing in the Human Rights Act 2004, the ACT will pioneer a human rights-based approach to housing in Australia.²

- 1.4. The explanatory statement states that there are 5,000 people in Canberra who cannot afford a home on the public housing waiting list and that the law change will mean that the proposed new right will be taken into account by the Government when making decisions including in the development of legislation, policy and decision making.³ The explanatory statement summarises the impact of the bill as follows:

The impact of the Bill will be that the Government will need to consider housing as a human right in the following ways:

- The Attorney-General assesses and signs a compatibility statement to inform the Assembly that Government bills have been assessed for Human Rights Act consistency
- The Scrutiny of Bills Committee reports to the Assembly on Human Rights Act issues raised by Government and Private bills
- Considering the reasonable limits provision, which permits justifiable and proportionate limits on Human Rights Act rights
- Benchmarking the interpretation of rights, including any limits on rights, against international human rights standards

¹ Human Rights (Housing) Amendment Bill 2025, s 4.

² Human Rights (Housing) Amendment Bill 2025, *Explanatory Statement*, p 2.

³ Human Rights (Housing) Amendment Bill 2025, *Explanatory Statement*, p 2.

- Public authority obligations to act in a way that is compatible with human rights; and to consider human rights when making decisions.
- The Human Rights Commissioner has a mandate to review the impact of laws on human rights, monitor the operation of the Human Rights Act and provide human rights education
- Government annual reports and public authorities to report on the steps taken to implement the Human Rights Act.⁴

1.5. The bill includes a requirement that the Minister must review the operation of proposed new section 27D (Right to Housing) and present a report of the review to the Legislative Assembly as soon as practicable after the end of five years after the day the section commences.⁵

Scrutiny report

1.6. The bill was considered by the Standing Committee on Legal Affairs (Legislative Scrutiny Role) in *Scrutiny Report 5*. The Scrutiny Committee made no comment on the bill.⁶

Conduct of the Inquiry

1.7. On 30 April 2025, the Committee resolved to conduct an inquiry into the Human Rights (Housing) Amendment Bill 2025 and called for submissions. Submissions closed 30 May 2025.

1.8. The Committee received 26 submissions, which were published on the inquiry webpage and are listed in [Appendix A](#). On 1 July 2025 the Committee met to consider the Chair's draft report, which was adopted on 2 July 2025, for tabling on 4 July 2025.

⁴ Human Rights (Housing) Amendment Bill 2025, *Explanatory Statement*, p 3.

⁵ Human Rights (Housing) Amendment Bill 2025, s 5.

⁶ Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Scrutiny Report 5*, April 2025, p 1.

2. General support for the bill

- 2.1. Many submissions provided general support for the bill, citing a housing crisis in the ACT with concerns about the availability of public housing and affordable housing in general.

Concerns about a housing crisis in the ACT

- 2.2. The Inner South Canberra Community Council (ISCCC) told the Committee that they heard from public housing residents of their difficulty in achieving adequate housing, and reliable connection of utilities.⁷
- 2.3. Other submissions noted that thousands of Canberrans were homeless or living in unsafe, unaffordable or inaccessible conditions and that there was a housing crisis in the ACT which many described as a human rights crisis.⁸
- 2.4. Various case studies of how people can fall into homelessness or insecure housing were provided, including the following example (aggregate client case study) of a refugee in a submission from Canberra Community Law:

Akil is a refugee. Akil had an occupancy agreement with a community housing provider. Akil had been living in his home for nearly a decade. Before this, Akil had been homeless for many years.

Akil fell into rent arrears when he had a serious health crisis. Akil was hospitalised for two weeks. When he came out of hospital, his home was boarded up and he realised that he had been evicted while he was away.

When Akil came to us for help, he had very few options for legal recourse as an occupant. Because of his poor health, Akil could not engage with the options he did have.

Akil was evicted into homelessness. When we last spoke to him, he was living in a friend's car.⁹

- 2.5. In their submission, Care highlighted that the ACT is one of the most unaffordable rental markets for low-income earners and students. They also highlighted the large number on the waiting list for public housing.¹⁰ They raised concerns that funding for the Rent Relief Fund that they deliver on behalf of the ACT Government was to end by 30 June 2025. The grant provided up to four weeks rent to a maximum of \$2,500 and they had provided 1,401

⁷ Inner South Canberra Community Council, *Submission 1*, p 2.

⁸ See, for example: Canberra Rape Crisis Centre, *Submission 2*, p 1; Australian Multicultural Action Network Inc, *Submission 3*, p 1; Susan Helyar, *Submission 4*, p 1; Families ACT, *Submission 6*, p 1; ATODA, *Submission 9*, p 1; The Salvation Army, *Submission 10*, p v; COTA (Ageing) ACT, *Submission 11*, p 1; Canberra Community Law, *Submission 15*, pp 1–2; Care, *Submission 18*, p 1.

⁹ Canberra Community Law, *Submission 15*, p 4.

¹⁰ Care, *Submission 18*, p 3.

grants as of 31 March 2025. They noted that the Commonwealth Rent Assistance program for low-income earners was often insufficient.¹¹

- 2.6. ACT Shelter told the Committee that rates of rental stress in the ACT were higher than other jurisdictions, noting that over 20 percent of private renters were in rental stress and 46 percent of people receiving Commonwealth Rental Assistance in the ACT were in rental stress.¹² They highlighted that in addition to access to affordable accommodation, there were often issues with the living conditions of available housing which might be unsafe, overcrowded or not suited to their needs, particularly for people with a disability or older people.¹³ The Youth Coalition of the ACT raised concerns about ongoing impacts in the lives of young people experiencing housing problems during their key developmental periods.¹⁴
- 2.7. Canberra Community Law told the Committee that conditions for their clients with public, social or community housing conditions were often very poor, noting that they provide assistance to tenants who live with inadequate heating and cooling, mould, asbestos, water ingress and damage, and dilapidated kitchens and bathrooms.¹⁵
- 2.8. COTA (Ageing) ACT noted the difficulties faced by older people in the ACT. They cited how they had provided support through the Older Women's Housing Program and highlighted the plight of low-income older people who did not qualify for public housing but could not afford market rent. They highlighted this with a case study. They called on the ACT Government to introduce income-based rental pricing for all affordable rentals for older Canberrans.¹⁶
- 2.9. Better Renting provided a case study to illustrate issues with living conditions despite the introduction of recent rental reforms:

I do feel hesitant to raise anything with my landlord that may lead to eviction (though understanding there are now some stronger protections around this). I have outstanding repair requests made the day after I moved in, but I'm also unlikely to see that as being worth taking any further (e.g., pushing my landlord harder and/or taking anything to ACAT).

My most recent issue is that I had water leaking from the hydronic heating system onto the floor. The solution has been to cap the pipes so that I now have no built-in heating system (not that the system in place was very effective). My gas hot water system was installed in 1995 and seems passed [sic] its useful life in terms of providing consistent hot water, but I don't see much chance of my landlord replacing it until it fails completely (or there is a requirement to electrify for rental properties). A key thing is, I love the location of where I live, its proximity to work, shops, bushland and friends, so there are compromises I'm making to stay connected to the things I love.

¹¹ Care, *Submission 18*, p 2.

¹² ACT Shelter, *Submission 23*, p 2.

¹³ ACT Shelter, *Submission 23*, pp 2–3.

¹⁴ Youth Coalition of the ACT, *Submission 26*, p 1.

¹⁵ Canberra Community Law, *Submission 15*, p 4.

¹⁶ COTA (Ageing) ACT, *Submission 11*, p 2.

–Geoff, Canberra-based renter, from our 2024 Cost of Renting Survey¹⁷

Public housing in the ACT

- 2.10. ACTCOSS noted that the current average wait time for priority housing in the ACT is 220 days, an increase from 180 days in October 2024. They said that in research conducted by Anglicare in May 2025, only one percent of rentals in Canberra were affordable for minimum wage owners and ‘none for those on JobSeeker or Youth Allowance’.¹⁸
- 2.11. The Disability Directed Advocacy Caucus also noted that Anglicare research indicated that for people on the Disability Support Pension, the proportion of affordable rental properties was even lower at four out of 1,978, or 0.1 percent.¹⁹
- 2.12. In support for the bill, St Vincent de Paul raised concerns about the shortage of public housing in the ACT and the long waiting lists, noting that this can be a very stressful and traumatic time for those on the waiting lists.²⁰
- 2.13. Public housing in the ACT is run by Housing ACT. Community housing is run by community organisations. The size of house and number of bedrooms provided depends on ages, genders and relationships of household members.²¹ Public housing and community housing is for Canberrans on low incomes, 16 years of age or older, who have lived in the ACT for more than six months and are in Australia legally. There are also asset and household income limits.²² There are three types of waiting lists for public housing depending on need, with the average waiting times as of 31 March 2025 as follows:²³

Waiting list	Approved applications	Average waiting time (days)
Priority housing	58	220
High needs housing	1,920	1,086
Standard housing	1,211	1,886
Total	3,189	

- 2.14. The amount of rent paid by public housing tenants depends on income. A discount or rental rebate (bringing rent to 25 percent of total household income) may be available.²⁴

¹⁷ Better Renting, *Submission 25*, p 2.

¹⁸ ACTCOSS, *Submission 20*, p 1.

¹⁹ Disability Directed Advocacy Caucus, *Submission 21*, p 2.

²⁰ St Vincent de Paul, *Submission 12*, p 3.

²¹ ACT Government, Types of public housing and community housing, <https://www.act.gov.au/housing-planning-and-property/public-housing/types-of-public-and-community-housing>, accessed 3 June 2025.

²² ACT Government, Check if you can apply for public or community housing, <https://www.act.gov.au/housing-planning-and-property/public-housing/check-if-you-can-apply-for-public-or-community-housing>, accessed 3 June 2025.

²³ ACT Government, Waiting lists for public housing, <https://www.act.gov.au/housing-planning-and-property/public-housing/waiting-lists-for-public-housing>, accessed 3 June 2025.

²⁴ ACT Government, Apply for a discount on your public housing rent, <https://www.act.gov.au/housing-planning-and-property/public-housing/apply-for-a-discount-on-your-public-housing-rent>, accessed 3 June 2025.

- 2.15. The Housing ACT Occupational Therapy Service helps Canberrans with disability or changing needs to live more independently in their Housing ACT homes.²⁵

ACT Housing policy

- 2.16. The Housing Institute of Australia (HIA) raised several contributing factors that could lead to issues with housing affordability. These included land supply, taxes, charges on land and housing, zoning and development approval processes, as well as other factors such as regulatory burdens and consumer and business financial settings. The HIA told the Committee that as part of the introduction of a human right to housing, it was necessary to consider impacts over a broad scope of policy areas.²⁶
- 2.17. The ACT Government stated that the *ACT Housing Strategy (2018 to 2028)* was their policy document and they were committed to improving access to adequate housing, noting initiatives in the 2024–25 ACT Budget including:
- \$118 million to boost social housing assistance and homelessness services;
 - \$80 million in planning initiatives to strengthen housing choice and quality;
 - \$67 million to support private renters and help more people to buy their own home, through the Rent Relief Fund and expanding a range of stamp duty concessions and exemptions; and
 - an extra \$20 million for the Affordable Housing Project Fund.²⁷
- 2.18. Housing initiatives in the *ACT Planning Strategy 2018* and election commitments included:
- 5,000 additional public, community and affordable rental dwellings in Canberra by the end of 2030;
 - conducting dedicated annual land releases for public and community housing;
 - increasing public and community housing every year and growing the Housing ACT property portfolio to 13,200 homes by end of 2030; and
 - investing additional funding of \$5 million to target chronic homelessness, youth homelessness, older women and those escaping domestic violence.²⁸

Government commitment to a human right on housing

- 2.19. Two submissions noted past government commitments to extend the *Human Rights Act 2004* (HRA) to include rights to housing.
- 2.20. St Vincent de Paul noted that this had happened as early as 2012 but there didn't seem to be any progress since then.²⁹ The ACT Government advised the Committee that they had

²⁵ ACT Government, Help to make your home easier to live in, <https://www.act.gov.au/housing-planning-and-property/public-housing/make-your-public-housing-home-easier-to-live-in>, accessed 3 June 2025.

²⁶ Housing Institute of Australia, *Submission 8*, p 2.

²⁷ ACT Government, *Submission 19*, p 6.

²⁸ ACT Government, *Submission 19*, pp 6–7.

²⁹ St Vincent de Paul, *Submission 12*, p 2.

made a commitment during the 2024 election to include outstanding Economic, Social and Cultural (ESC) rights under the International Covenant on Economic, Social and Cultural Rights (ICESCR) into the HRA.³⁰

- 2.21. St Vincent de Paul also noted that increasing public housing was also a priority issue in the supply and confidence agreement between the ACT Government and Mr Thomas Emerson MLA.³¹
- 2.22. The ACT Human Rights Commission told the Committee that the introduction of this right was part of the incremental evolution of the HRA. They said that there are already various policies and strategies in place to protect the right to adequate housing, and that the bill would further protect that right.³² Australian Lawyers for Human Rights added that the bill would have the benefit of unifying and reinforcing existing ACT legislative frameworks, noting that:

While various ACT laws and strategies touch on aspects of adequate housing such as tenancy law and housing affordability initiatives, the right to adequate housing is not explicitly stated in any existing legislation or policy. This Bill provides an opportunity to create a unified legal foundation that strengthens and also connects existing commitments, filling the gap in the current human rights framework.³³

- 2.23. The ACT Government said it was still considering its position on the bill, but ‘the introduction of new ESC rights is part of a broader trajectory to offer increasingly more comprehensive human rights protections to the ACT community’.³⁴

Benefits of enshrining the right to adequate housing

- 2.24. Many submissions cited the following benefits to enshrining the right to adequate housing:
- Reframe housing decisions and improve accountability — requiring government to consider housing as a human right within legislation, policy development and service delivery across the ACT government.
 - Strengthen protections for those disproportionately impacted by the housing crisis — including Aboriginal and Torres Strait Islander peoples, 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.
 - Unify and reinforce existing ACT law and policy — while current ACT policy and legislation protect some aspects of a right to adequate

³⁰ ACT Government, *Submission 19*, p 4.

³¹ St Vincent de Paul, *Submission 12*, p 3.

³² ACT Human Rights Commission, *Submission 14*, p 7.

³³ Australian Lawyers for Human Rights, *Submission 17*, p 4.

³⁴ ACT Government, *Submission 19*, p 7.

housing, they do not enshrine the right itself. This Bill provides a unified legal foundation that strengthens and connects existing commitments.

- Improve outcomes and reduce system costs — the progressive realisation of the right to housing will oblige governments to take deliberate, concrete steps toward fully realising this right and improving housing outcomes. Improved housing outcomes is in turn linked to better health, education, and social outcomes, and reduced demand on the healthcare and justice systems.³⁵

2.25. Greater Canberra warned that the adoption of rights to housing could involve trade-offs that would impact housing supply and this needed to be considered as part of developing housing policy. They provided an example of this:

To take a simple example, habitability (which in the General Comment includes the amount of space available to inhabitants of a dwelling) can be in direct conflict with affordability. Smaller dwellings can be provided more cheaply, which promotes the affordability element. However, beyond a certain point this will impinge on the habitability element. Conflicts between the different dimensions of adequacy are questions of values that are better adjudicated by individual housing consumers, professionals such as planners, architects and economists, and democratically-accountable ministers and MLAs, rather than the judiciary.³⁶

Commonly made recommendations in submissions

2.26. A large number of submissions made the same recommendations, in most cases in the same words:

- 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.

³⁵ See, for example: Canberra Rape Crisis Centre, *Submission 2*, p 1; the following submissions also used the same or similar words: Australian Multicultural Action Network Inc, *Submission 3*, p 3; Susan Helyar, *Submission 5*, p 2; Families ACT, *Submission 6*, p 2; Housing for the Aged Action Group Inc, *Submission 7*, pp 3–4; ATODA, *Submission 9*, pp 1–2; COTA (Ageing) ACT, *Submission 11*, p 2; St Vincent de Paul, *Submission 12*, p 3; CITSA, *Submission 13*, pp 1–2; Australian Lawyers for Human Rights, *Submission 17*, pp 3–4; Care, *Submission 18*, p 2.

³⁶ Greater Canberra, *Submission 22*, p 4.

- 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.³⁷

Committee comment

- 2.27. The Committee notes the support in most submissions for the bill, the benefits that the bill is expected to bring to improve access to adequate housing to the ACT, and past election commitments with respect to the human right to adequate housing.

Recommendation 1

The Committee recommends that the ACT Legislative Assembly pass the Human Rights (Housing) Amendment Bill 2025 and consider the other recommendations made by the Committee.

³⁷ See, for example: Canberra Rape Crisis Centre, *Submission 2*, p 3; the following submissions also used the same or similar words: Australian Multicultural Action Network Inc, *Submission 3*, pp 3–4; Susan Helyar, *Submission 5*, pp 2–3; ATODA, *Submission 9*, p3; COTA (Ageing) ACT, *Submission 11*, p 3; St Vincent de Paul, *Submission 12*, p 5; CITSA, *Submission 13*, p 2; Australian Lawyers for Human Rights, *Submission 17*, pp 5–8; Care, *Submission 18*, pp 4–5; ACTCOSS, *Submission 20*, pp 4–5; Disability Directed Advocacy Caucus, *Submission 21*, p 3; ACT Shelter, *Submission 23*, pp 8–10.

3. Issues identified by the ACT Ombudsman and ACT Auditor-General

ACT Ombudsman

- 3.1. The ACT Ombudsman advised that they considered that the right to adequate housing would have a direct impact on Housing ACT's role in 'ensuring that the ACT's public housing tenants are provided with safe, appropriate and habitable residences'. The ACT Ombudsman urged the Committee to look at how the ACT Government could improve and model best practice in public housing.³⁸
- 3.2. The ACT Ombudsman noted common issues identified as part of his oversight of ACT public housing were around maintenance and repairs, waitlists and anti-social behaviour impacting public housing tenants and neighbours. The ACT Ombudsman also noted issues raised in:³⁹
 - a) his own-motion investigation *How do you tell someone they have to move? Housing ACT's implementation of mandatory relocation under the Growing and Renewing Public Housing program* (July 2023);⁴⁰
 - b) an ongoing investigation his office commenced in July 2024; and
 - c) a recent ACT Civil and Administrative Tribunal decision regarding the timeliness of Housing ACT's repairs (including water leaks, fence repairs, mould growing in children's bedrooms) under the *Residential Tenancies Act 1997*.⁴¹
- 3.3. The ACT Ombudsman received 47 complaints about Housing ACT in 2023–24 and 28 in the first six months of 2024–25.⁴²

ACT Auditor-General

- 3.4. The ISCCC drew the attention of the Committee to an Auditor-General report, *Management of the Growing and Renewing Public Housing Program*, released on 8 May 2024.⁴³

The audit found that Housing ACT failed to effectively manage risks to tenant wellbeing and program delivery associated with required relocation of public housing tenants from homes selected for sale or demolition. The report recommends improvements to program governance, to support a collaborative, cross-sector approach to growth and renewal of public housing.⁴⁴

³⁸ ACT Ombudsman, *Submission 24*, pp 1–2.

³⁹ ACT Ombudsman, *Submission 24*, p 2.

⁴⁰ Also referenced by Inner South Canberra Community Council (ISCCC) in *Submission 1*, p 2.

⁴¹ *Frey v Commissioner for Social Housing (Residential Tenancies)* [2024] ACAT 87. In this case, ACT Housing were found liable to pay compensation of \$24,450 to the tenant for failure to address maintenance issues and for general damages, with the tenant receiving a 100 percent rent reduction until certain maintenance issues had been addressed.

⁴² ACT Ombudsman, *Submission 24*, p 2.

⁴³ Inner South Canberra Community Council, *Submission 1*, p 2.

⁴⁴ ACT Audit Office, *Management of the Growing and Renewing Public Housing Program, Media Release*, 8 May 2024.

- 3.5. The ISCCC told the Committee that there needed to be a collaborative approach with Housing ACT noting that the Griffith Narrabundah Community Association (GNCA) were involved in a lengthy administrative review of five decisions that could have been better addressed through ‘open-minded and constructive consideration of their suggestions’.⁴⁵

Recommendation 2

The Committee recommends that the ACT Government as part of implementing the legislative change, consider the impact on ACT Housing, in particular noting recommendations made by the Auditor-General and ACT Ombudsman in past reports, and people on the waiting list for public housing and put in place changes to address these issues.

⁴⁵ Inner South Canberra Community Council. *Submission 1*, p 2.

4. Immediately realisable rights

- 4.1. The bill provides that everyone has the right to adequate housing and that immediately realisable aspects of this right *include* the following in proposed new section 27D:
- (a) everyone is entitled to enjoy this right without discrimination;
 - (b) no-one may be unlawfully or arbitrarily evicted from their home;
 - (c) no-one may have an essential utility service to their home unlawfully or arbitrarily withdrawn.⁴⁶
- 4.2. The right to adequate housing was recognised in Article 11(1) of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR).⁴⁷ Australia is a party to the ICESCR and ‘it is legally binding under international law.’⁴⁸ Under this right are obligations that must be met by governments, immediately realisable obligations and progressively realisable obligations (that must be implemented over time).
- 4.3. While the wording in proposed section 27D(2) is that the list is to ‘include’ rather than describing it as a fixed list, many submissions recommended in the same or similar words that the list of immediately realisable rights in the bill should be moved into a note with a view to (and in the same words) ‘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’.⁴⁹
- 4.4. They also recommended that such a note incorporate the key factors to determine adequacy of housing as identified in General Comment 4 of the ICESCR: ‘Legal security of tenure, affordability, habitability; accessibility; location; cultural adequacy; and access to essential services and infrastructure.’⁵⁰
- 4.5. The ACT Human Rights Commission noted that these seven key factors were the minimum requirements of the obligations in the ACT. They also said there were already ways that the immediately realisable obligations in the list were being met in the ACT, for example, there are regulations and oversight by the ACAT in relation to provision of utilities.⁵¹
- 4.6. The ACT Human Rights Commission also recommended removing the list of ‘immediately realisable’ rights from proposed subsection 27D(2) to make it clear that these were just examples rather than an exhaustive list. Nevertheless, they also said they would not oppose the current drafting.⁵²

⁴⁶ Human Rights (Housing) Amendment Bill 2025, s 4.

⁴⁷ ACT Government, *Submission 19*, p 2.

⁴⁸ ACT Human Rights Commission, *Submission 14*, p 2.

⁴⁹ See, for example: Canberra Rape Crisis Centre, *Submission 2*, p 3; the following submissions also used the same or similar words: Australian Multicultural Action Network Inc, *Submission 3*, pp 2–3; Susan Helyar, *Submission 5*, p 2; ATODA, *Submission 9*, p 3; COTA (Ageing) ACT, *Submission 11*, p 3; St Vincent de Paul, *Submission 12*, p 3; CITSA, *Submission 13*, p 2; Care, *Submission 18*, p 3; ACTCOSS, *Submission 20*, p 4; Disability Directed Advocacy Caucus, *Submission 21*, p 3; ACT Shelter, *Submission 23*, p 8.

⁵⁰ Canberra Rape Crisis Centre, *Submission 2*, p 3.

⁵¹ ACT Human Rights Commission, *Submission 14*, pp 4–5.

⁵² ACT Human Rights Commission, *Submission 14*, p 7.

- 4.7. ACT Shelter also raised concerns with the list included in the proposed provision being seen as limiting recognition of future rights, as the list could be seen as prescriptive and exhaustive.⁵³ This was also seen as a risk by Canberra Community Law, saying it would be difficult to convince housing providers that the right was broader than the elements in the list and that courts and tribunals would also be reluctant to expand the list as part of litigation, noting that the elements in the current list were already substantially protected under existing ACT law.⁵⁴
- 4.8. Greater Canberra however supported the list, noting that the immediately realisable rights listed would have a positive impact through ‘enhanced parliamentary and judicial scrutiny and additional complaint handling mechanisms’. They considered the list was framed as a non-exhaustive list but wanted it made explicitly exhaustive, with any expansion implemented through the Assembly. They considered this to be the same approach used in the drafting of subsection 27A(3) in relation to the right to education.⁵⁵

Committee Comment

- 4.9. In considering these views, the Committee recognises the concerns raised by stakeholders with the list being considered as a limited list and, while noting the alternative views raised by Greater Canberra, would like to ensure that the list of immediately realisable rights does not limit the new right to those specific immediately realisable rights only.

Recommendation 3

The Committee recommends that the Assembly consider amending proposed new subsection 27D(2) in the bill, to move the existing immediately realisable aspects of the right listed in the provision to a note.

⁵³ ACT Shelter, *Submission 23*, pp 8–9.

⁵⁴ Canberra Community Law, *Submission 15*, p 14.

⁵⁵ Greater Canberra, *Submission 22*, pp 2–3.

5. Stakeholder consultation

- 5.1. Various submissions raised the importance of stakeholder consultation in the implementation of the proposed legislative change and at the time of the review to be conducted five years after commencement.
- 5.2. Many submissions used the same or similar wording when it came to recommending consultation as part of the review.⁵⁶
- 5.3. The bill includes a requirement for the relevant Minister to review the proposed right to housing with a report due to the ACT Legislative Assembly five years after commencement.⁵⁷
- 5.4. The Salvation Army recommended that as part of implementation the ACT Government engage the ‘extensive expertise of experienced stakeholders ... in addressing homelessness’. They also noted the potential for the review to consider expanding or clarifying the new provisions.⁵⁸
- 5.5. Families ACT thought that the review clause should include a specific reference to consultation with the ACT Human Rights Commission including the ACT Commissioner for Children and Young People and the ACT Commissioner for Aboriginal and Torres Strait Islander Children and Young People.⁵⁹
- 5.6. Canberra Community Law also noted this possibility and added that the five-year timeframe was reasonable to give sufficient time to see the results of the proposed legislation. They highlighted the importance of public consultation, particularly with participation from Aboriginal and Torres Strait Islander people, people with disabilities and other sectors of the community in the review as well as in the design and implementation of the proposed legislative change.⁶⁰
- 5.7. Australian Lawyers for Human Rights emphasised that the review should include consultation with ‘people experiencing housing stress, homelessness and particular sectors in the community including Aboriginal and Torres Strait Islander people, people with disabilities, migrant and refugee communities, single parent families, young people and victim survivors of domestic and family violence.’⁶¹
- 5.8. This view was also reiterated by ACT Shelter who highlighted the importance of consulting with those most impacted by issues with access to adequate housing as part of ongoing implementation and as part of the review:

⁵⁶ See, for example: Canberra Rape Crisis Centre, *Submission 2*, p 3; the following submissions also used the same or similar words: Australian Multicultural Action Network Inc, *Submission 3*, p 3; Susan Helyar, *Submission 5*, p 3; ATODA, *Submission 9*, p 3; COTA (Ageing) ACT, *Submission 11*, p 3; St Vincent de Paul, *Submission 12*, p 3; CITSA, *Submission 13*, p 2; Australian Lawyers for Human Rights, *Submission 17*, p 3; Care, *Submission 18*, p 4.

⁵⁷ Human Rights (Housing) Amendment Bill 2025, s 5.

⁵⁸ The Salvation Army, *Submission 10*, p vi.

⁵⁹ Families ACT, *Submission 6*, p 2.

⁶⁰ Canberra Community Law, *Submission 15*, p 14.

⁶¹ Australian Lawyers for Human Rights, *Submission 17*, p 7.

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.⁶²

5.9. Better Renting also called for involvement by renters, housing advocates and community organisations in the implementation plan for this proposed legislative change.⁶³

5.10. In his submission, Matthew Watts raised concerns that if enacted, the bill could override property rights, in particular raising concerns about issues with evicting tenants for non-payment of rent, and risks around possible conflicts with family violence orders.⁶⁴

Committee comment

5.11. Given the range of implementation issues raised by stakeholders, the Committee acknowledges that the ACT Government will need to carry out consultation to ensure that the proposed measure is implemented properly without unintended consequences. This will also be needed as part of the statutory review.

Recommendation 4

The Committee recommends that the ACT Government consult widely with impacted stakeholders in the implementation of this legislative change and in the statutory review after five years.

⁶² ACT Shelter, *Submission 23*, p 9.

⁶³ Better Renting, *Submission 25*, p 3.

⁶⁴ Matthew Watts, *Submission 4*, p 1.

6. Commencement date

- 6.1. The start date for the legislative change in the bill is the later of 1 January 2026 and the day after its notification day⁶⁵ (that is, the date it is notified on the Legislation Register if it has not been passed and notified in time for January 2026).⁶⁶
- 6.2. Canberra Community Law told the Committee that they thought the proposed commencement date was reasonable given that there was already a range of measures in place in the ACT that protect rights to adequate housing.⁶⁷
- 6.3. However, several submissions raised issues that needed to be considered as part of the implementation of this legislative change and the time required to do so.
- 6.4. The Housing Industry Association (HIA) noted the costs of regulation, and called for any proposals for regulatory change to be subject to a 'genuine cost benefit analysis that specifically considers the impact of the reforms on housing affordability'. This called for a coordinated approach across housing policy programs.⁶⁸ They further said that this needed to be considered as part of the implementation of the measure:

Care must be taken in the implementation of the Bill to ensure it supports, rather than complicates, the delivery of diverse and affordable housing options, and does not impose unintended compliance burdens on businesses. It is important that those responsible for implementing the Bill, within the various government offices and departments clearly understand the requirements of the proposed human right.⁶⁹

- 6.5. The HIA also noted the need for development of internal policies, procedures, education and guidance for use by government, third party consultants, the general public and industry as well as adequate time and resourcing for proper consultation.⁷⁰ This was also raised by Australian Lawyers for Human Rights.⁷¹
- 6.6. The Salvation Army said that there were a range of issues not addressed in the bill that should be considered in implementation plans and operational guidance, including:
 - Definitions;
 - Enforceability;
 - Benchmarking, accountability and reporting;
 - Funding, resources and investment; and
 - Scope – inclusion of public and private housing.⁷²

⁶⁵ Human Rights (Housing) Amendment Bill 2025, s 2.

⁶⁶ Human Rights (Housing) Amendment Bill 2025, *Explanatory Statement*, p 12.

⁶⁷ Canberra Community Law, *Submission 15*, p 14.

⁶⁸ Housing Industry Association, *Submission 8*, pp 1– 2.

⁶⁹ Housing Industry Association, *Submission 8*, p 3.

⁷⁰ Housing Industry Association, *Submission 8*, p 4.

⁷¹ Australian Lawyers for Human Rights, *Submission 17*, p 7.

⁷² The Salvation Army, *Submission 10*, p 6.

- 6.7. The ACT Human Rights Commission noted that they expected that certain legislation, government policies and actions would need review as part of the implementation of the proposed new right to housing.⁷³
- 6.8. Better Renting called on the ACT Government to develop a detailed plan on how the proposed provision would be implemented, in consultation with renters, housing advocates and community organisations. They also identified several measures that would be required to enable enforcement, including compliance systems, monitoring powers, penalties and legal avenues to address breaches of the proposed new rights.⁷⁴
- 6.9. The ACT Ombudsman noted that the new right would involve some overlap in their complaint-handling jurisdictions but advised that this had been managed well in the past in similar circumstances through a relationship protocol.⁷⁵
- 6.10. While not stating how long this would take, the ACT Government said that there should be an implementation period that was adequate to allow work to meet obligations prior to the commencement of the proposed new right. This would include consideration of how enforcement mechanisms under the HRA would intersect with existing enforcement mechanisms (for example regulation of essential utilities).⁷⁶

Committee Comment

- 6.11. The Committee notes that the implementation of the proposed new right in consultation with key stakeholders of the community is likely to require more time prior to commencement. While it is acknowledged that there are already various initiatives in place in the ACT that will contribute to satisfying the proposed right, more arrangements are required to be put in place for it to work effectively.

Recommendation 5

The Committee recommends that the ACT Legislative Assembly amend the bill to delay the commencement of the proposed new right to adequate housing by 12 months.

⁷³ ACT Human Rights Commission, *Submission 14*, p 6.

⁷⁴ Better Renting, *Submission 25*, pp 3–4.

⁷⁵ ACT Ombudsman, *Submission 24*, pp 2–3.

⁷⁶ ACT Government, *Submission 19*, p 6.

7. Conclusion

- 7.1. The Committee would like to thank the witnesses who participated in this inquiry.
- 7.2. The Committee makes five recommendations.

Ms Chiaka Barry MLA
Chair, Standing Committee on Legal Affairs
2 July 2025

Appendix A: Submissions

No.	Submission by	Received	Published
1	Inner South Canberra Community Council	13/05/2025	21/05/2025
2	Canberra Rape Crisis Centre	19/05/2025	21/05/2025
3	Australian Multicultural Action Network Inc	20/05/2025	21/05/2025
4	Matthew Watts	23/05/2025	28/05/2025
5	Susan Helyar	26/05/2025	28/05/2025
6	Families ACT	27/05/2025	04/06/2025
7	Housing for the Aged Action Group Inc.	27/05/2025	04/06/2025
8	Housing Industry Association Ltd.	29/05/2025	04/06/2025
9	ATODA	29/05/2025	04/06/2025
10	The Salvation Army	29/05/2025	04/06/2025
11	COTA (Ageing) ACT	30/05/2025	04/06/2025
12	St Vincent De Paul Society Canberra/Goulburn	30/05/2025	04/06/2025
13	CIT Student Association (CITSA)	30/05/2025	04/06/2025
14	ACT Human Rights Commission	30/05/2025	04/06/2025
15	Canberra Community Law	30/05/2025	04/06/2025
16	Dr Robyn Seth-Purdie	30/05/2025	04/06/2025
17	Australian Lawyers for Human Rights	30/05/2025	04/06/2025
18	Care	03/06/2025	04/06/2025
19	ACT Government	03/06/2025	11/06/2025
20	ACTCOSS	04/06/2025	11/06/2025
21	Disability Directed Advocacy Caucus	05/06/2025	11/06/2025
22	Greater Canberra	06/06/2025	11/06/2025
23	ACT Shelter	10/06/2026	18/06/2025
24	ACT Ombudsman	11/06/2025	18/06/2025
25	Better Renting ACT	12/06/2025	18/06/2025
26	Youth Coalition of the ACT	16/06/2025	18/06/2025