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Standing Committee on Legal Affairs
ACT Legislative Assembly
GPO Box 1020, Canberra ACT 2601
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4 June 2025

Dear Committee,

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

The Disability Directed Advocacy Caucus welcomes 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)*.

The Caucus consists of Disability Representative Organisations in the ACT including Women with Disabilities ACT, Advocacy for Inclusion, and ACT Down Syndrome and Intellectual Disability. As community organisations working with people with disabilities living in the ACT, we see firsthand how inadequate housing impacts people's health, safety, and ability to live with dignity.

Why this reform matters

The ACT is facing a housing and homelessness crisis — and this is fundamentally a **human rights crisis**. Thousands of Canberrans are homeless or living in housing that is unsafe, unaffordable, or inaccessible. These conditions undermine the rights to health, education, privacy, family life, and equality — rights already protected in the *Human Rights Act 2004*.

Homelessness and housing insecurity are, as the UN Special Rapporteur has noted, “a *profound assault on dignity, social inclusion and the right to life*.”

Enshrining the right to adequate housing will:

- **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 people with disabilities, Aboriginal and Torres Strait Islander peoples, 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 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.

Why this matters to people with disabilities

- The 2025 Anglicare Rental Affordability Snapshot shows only 0.1% of housing in the ACT is affordable to people with a disability on the Disability Support Pension. Housing plays a major role in the health and wellbeing of people with disability by providing shelter, safety, and security. In the ACT, the limited supply of accessible housing that is affordable and appropriate does not meet Australia's commitment to the UN CRPD and the right for people with disability to live with equality and choice. This places people with disability at a heightened risk of experiencing homelessness, housing insecurity, housing dissatisfaction, poor quality and/or inaccessible housing and housing unaffordability.
- People with disability face a double disadvantage in Canberra: a lack of affordable housing and a lack of appropriate built form. These issues are amplified by low rates of Disability Support Pension and JobSeeker, as well as Canberra's high-cost private rental market. Public and social housing remains the main viable form for people with disabilities, with more than half of these households (56 percent) including someone with disability. However, there are waitlists of over 5 years for a standard wait.
- Housing is largely unaffordable for many people with disabilities in Canberra. A DSP recipient could afford just 4 private rentals advertised for rent in the ACT and Queanbeyan in March 2025 – out of 1978 total properties. The median rental price for a unit or house was more than their entire primary income.
- Many people with disabilities remain in group homes and large cluster housing. This is inconsistent with the Convention on the Rights of People with Disabilities (article 19) as it erodes independence and capacity, limits choice, often breaks down and leaves people at risk of violence, rape, abuse and homelessness.
- For women and non-binary people with disabilities, the lack of accessible and affordable housing in Canberra presents additional concerns. For women with disabilities who experience domestic violence and abuse, there are limited options for affordable properties, temporary housing or crisis shelters that meet physical accessibility requirements. Much of the existing crisis housing is old and cannot be retrofitted to be accessible.
- We have long been calling for the introduction of human rights frameworks to protect the right of people with disabilities to accessible housing. This is especially relevant for considering and assessing unsolicited bids and housing

projects for people with disabilities, that limit them to group and congregate housing options in breach of the Convention on the Rights of People with Disabilities.

Support for the Bill

We support the Bill's explicit recognition that:

- Everyone has the right to adequate housing, 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, requiring the Minister to report to the Assembly within five years.

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.
- **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.
- **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 people with disabilities.
- **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. Targets should include accessible housing.

We also have recommendations to strengthen the implementation of the bill for people with disabilities in particular:

- **Reform the planning system to produce accessible housing** – progress requirements to ensure all new housing in the ACT complies with minimum accessibility standards for residential housing and apartments in the National Construction Code 2022 based on the Liveable Housing Design Guidelines silver

standards. Work should be undertaken to encourage more housing built to the Gold Standard.

- **Deliver public housing** – increase availability of public housing, improve maintenance and enable better provision of disability modifications.
- **Support community housing that complies with Article 19 of the CRPD** – focus on creating more affordable and accessible housing which enables people to live independently in the community rather than group housing or congregate settings
- **Encourage more accessible private rental** – a package of work is needed to encourage accessible private rental focussing on championing a need for the real estate sector and landlords to play a more socially responsive role in addressing the increased barriers faced by people with disabilities to access appropriate, affordable rental housing

The Disability Directed Advocacy Caucus would welcome the opportunity to engage further with the Committee 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 Craig Wallace, Head of Policy at Advocacy for Inclusion at craig@advocacyforinclusion.org or Pippa Newman, Senior Policy Officer at Women with Disabilities ACT at policy@wwdact.org.au