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**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

**Standing Committee on Legal Affairs Report No 2 - Inquiry into the Human Rights
(Housing) Amendment Bill 2025**

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Government Response

**Presented by
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Minister for Human Rights
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Introduction

The ACT Government welcomes the Report of the Standing Committee on Legal Affairs Inquiry into the Human Rights (Housing) Amendment Bill 2025 (the Bill).

The ACT has a strong record in human rights protection, as the first Australian State or Territory to introduce a legislative charter of rights in the *Human Rights Act 2004* (HRA). Since the introduction of the HRA, the ACT has continued to expand the scope of rights protected to include Aboriginal and Torres Strait Islander cultural rights; the right to education; the right to work and most recently and most recently, the right to a healthy environment.

In 2024, the ACT Government committed to develop a roadmap and timeline for the inclusion of the remaining economic social and cultural (ESC) rights into the HRA, which would include the right to adequate housing. The purpose of the roadmap was to ensure that rights were introduced in a considered way, with appropriate time and support for implementation of these new obligations.

The Bill, introduced as a private member's bill, has a clear alignment with the Government's existing commitment to incrementally introduce ESC Rights into the HRA. Access to adequate housing is essential for human dignity and underpins the ability to exercise other human rights.

While supportive of the inclusion of the right to adequate housing in the HRA, it is important that there be sufficient time for ACT Government directorates and other public authorities to assess where changes may be required to policies and procedures to incorporate the right and to ensure that staff and members of the public understand what the right entails.

Accordingly, as set out in the response to the Committee's recommendations, the Government intends to support the Bill, but with Government amendments to allow additional time before commencement, and to provide for greater certainty regarding the immediately realisable obligations during the implementation period.

ACT Government Response to 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.

Agreed in Principle

The Government agrees in principle to support the Human Rights (Housing) Amendment Bill 2025, subject to Government amendments.

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.

Noted

All ACT Government Directorates will undertake appropriate processes to consider the impact of the right if the PMB is passed and to implement the right. The Government will propose an amendment to clarify the scope of immediately realisable aspects of the right during this implementation phase which will assist agencies including ACT Housing to ensure compliance with the right.

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.

Not Agreed

The Government considers that this amendment would make it more difficult for members of the public to understand the content of the right as understood in international law, as it would remove the clear articulation of core obligations that must be immediately realised.

The Government will introduce an alternative amendment that would limit the immediately realisable aspects of the right to the three listed aspects, to ensure greater certainty during the implementation phase. This amendment would sunset after 2 years from the date of commencement, after which the provision would return to its current form as proposed in the PMB, as an inclusive list.

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.

Agreed

Consulting widely with impacted stakeholders is existing Government practice for statutory reviews of legislative provisions.

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.

Agreed

The Government agrees that commencement should be delayed to 1 January 2027 to ensure that agencies have an opportunity to adjust their policies and practices to align with the right.

Conclusion

The Government welcomes the Committee's Report and its recommendations. The large quantity and the quality of submissions to the Inquiry demonstrate strong community support for the right to adequate housing, and is a positive reflection of the interest and engagement of our ACT community in our human rights framework.

The Government has carefully considered all of the views presented to the Inquiry and has taken these into account in formulating this response. It is important that in committing to a new right the responsibilities and obligations that flow from this legislative change are clear and that public authorities are able to effectively implement the right so that it can have a positive impact on decision-making.

The Government position and proposed Government amendments will provide further time for implementation and greater certainty regarding the content of obligations over an initial

implementation period. Under the proposed amendments, after a two year period the framing of the right and immediately realisable aspects will become an inclusive list, allowing for other aspects to be considered where these are recognised as immediately realisable in international law. This staged implementation of the right appropriately balances the need for clarity and certainty and the importance of aligning our human rights protections with Australia's human rights obligations.

The Government thanks the Committee for their work on this Inquiry process and everyone participating in the Inquiry.