HOUSING FOR THE AGED ACTION GROUP INC.

Submission to the Inquiry into ACT Human Rights (Housing) Amendment Bill 2025

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About Housing for the Aged Action Group (HAAG)

Housing for the Aged Action Group (HAAG) is a member-based, community organisation specialising in the housing needs of older people. HAAG has over 900 members across Australia actively working towards achieving housing justice. Established over 40 years ago as a grassroots movement, HAAG has developed a robust service delivery arm in Victoria and has a strong presence in advocacy for older people experiencing housing and homelessness related issues across Australia. During the 2023-24 financial year, HAAG supported over 1,800 older Victorians.

In 2016, HAAG was funded by the Wicking Trust (a philanthropic organisation) to conduct research in every state and territory to understand the depth and breadth of housing and homelessness issues of older people. In consultation and engagement with services, people with lived experience, advocates and peak advocacy bodies across Australia, the research project produced a number of reports on the housing issues of older people.[1] HAAG was funded in 2020 for a further four years to continue this work.

HAAG welcomes the opportunity to provide input into the ACT Legislative Assembly Standing Committee on Legal Affairs inquiry into Human Rights (Housing) Amendment Bill 2025. Everyone needs a stable, secure home as the basis for a good life. Secure, adequate housing is fundamental to the wellbeing of individuals and families. Indeed, housing is considered a fundamental human right, with the Universal Declaration of Human Rights stating that 'Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.'

Sadly, for too many people – including older people - the housing market does not make this possible.

As an organisation representing older people, including older renters, older people in retirement villages, residential parks and experiencing other housing challenges, HAAG supports measures to ensure older people's rights are protected and they are empowered to exercise those rights.

However, to date the right to housing is not enshrined in legislation in the ACT, or elsewhere in Australia. Including the right to housing in the Human Rights Act would assist people, and those who support them, to advocate for improvements to housing at individual and systemic levels.

We strongly support the inclusion of the right to adequate housing in the *Human Rights Act 2004 (ACT)*, and urge the Committee to recommend that the *Human Rights (Housing) Amendment Bill 2025* be passed.

Recommendation

That the ACT Legislative Assembly Standing Committee on Legal Affairs recommends that the *Human Rights (Housing) Amendment Bill 2025* be passed.

[1] See further: Housing for the Aged Action Group, Ageing on the Edge National Action Project, accessible at: https://www.oldertenants.org.au/ageing-edge-national-action-project

Context

Having access to safe, affordable, accessible and long-term housing is fundamental to healthy ageing and the wellbeing of older people. Cost of living pressures, mainly due to skyrocketing rent, coupled with the significant inadequacy of Age Pension and Jobseeker payment are pushing older renters into severe housing stress and poverty. The rental market is particularly challenging for older people who are on low-incomes or relying on government income support payments as their main source of income. Even before the current rental crisis, the Retirement Income Review Final Report found that renters and involuntary retirees experience higher levels of financial stress and poverty than the working-age population.[2]

HAAG research based on the 2021 Census found there were approximately 6,500 older renters over 55 in ACT and close to 2,000 of them were in households in the lowest two income quintiles.[3] This research also identified about 3,400 people over 55 in the lowest two income quintiles paying off a mortgage on their primary residence.[4] Across Australia 67% of retired people who rent in the private market are living in poverty, and these rates are even higher among single men and single women, at 74% and 78% respectively.[5] It is important to note that this data was collected prior to rental crisis started and it is likely that the number of older people in severe rental stress, experiencing or at risk of homelessness is significantly higher.

These figures demonstrate that a significant proportion of older people are financially vulnerable and can be at risk of homelessness without necessary protections.

Older people who are renting experience such high levels of poverty and housing stress because rents in the private rental market are unaffordable. Anglicare's Rental Affordability Snapshot for 2023 found that only 1% of rentals in the ACT and Queanbeyan were affordable for someone on an income support payment.[6]

Older people, especially those on income support payments or from low-income households are less likely to be able to afford the cost of repairing their dwellings if they own the house. Older people in the private rental market who are expected to move due to structural issues of the properties are in a worse position given the current rental crisis in ACT. Finding an affordable place to live close to

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[2] The Department of Treasury, Retirement Income Review Final Report, 2020, accessible at: https://treasury.gov.au/sites/default/files/2020-11/p2020-100554-00bkey-observations_0.pdf

[3] Margaret Raynolds, Prof. Wendy Stone, et al, Older People's Housing and Housing Precariousness in the Australian Capital Territory (2011-2021), 2023. https://figshare.swinburne.edu.au/articles/report/Older_People_s_Housing_and_Housing_Precariousness_in_the_Australian_Capital_Territory_2011-2021_/26281987?file=47646409

[4] Margaret Raynolds, Prof. Wendy Stone, et al, Older People's Housing and Housing Precariousness in the Australian Capital Territory (2011-2021), 2023. https://figshare.swinburne.edu.au/articles/report/Older_People_s_Housing_and_Housing_Precariousness_in_the_Australian_Capital_Territory_2011-2021_/26281987?file=47646409

[5] Coates, B., Bowes, M., and Moloney, J. (2025). Renting in retirement: Why Rent Assistance needs to rise. Grattan Institute. https://grattan.edu.au/wp-content/uploads/2025/02/Renting-in-retirement-Why-Rent-Assistance-needs-to-rise-Grattan-Report.pdf

[6] https://www.anglicare.asn.au/wp-content/uploads/2023/04/Rental-Affordability-Snapshot-Regional-Reports.pdf

amenities, health facilities and their community and networks is a significant challenge. These challenges are exacerbated by the cost of moving as well as the physical demands of moving house.

Older people face additional vulnerability to the impacts of increasing housing costs, due to limited earning capacity, ageism and increasing frailty, placing them at risk of precarious housing and homelessness. Enshrining housing as a human right would provide additional protections to ensure that older people have the housing they need.

Housing as a human right

Australia is a party to the International Covenant on Economic, Social and Cultural Rights, which enshrines the right to adequate housing, and requires that Parties will take appropriate steps to ensure the realisation of this right. This Treaty recognises that decent housing is fundamental to people's ability to live in security and dignity, and to their health and wellbeing. However, Australia, including in the ACT, has not embedded the right to housing into domestic law, despite our international commitments. As Justice Connect argue 'this means that many people in Australia don't have access to affordable, secure housing and are often evicted into homelessness because our laws don't protect them'.[7]

Benefits of enshrining housing as a human right

Housing in Australia has been seen as primarily a commodity, or a vehicle for wealth creation, with policies supporting private ownership – often for multiple investment properties – at the expense of those who rent, and fuelling the escalation of rents and house prices. People on low incomes are left to the whims of an increasingly expensive private rental market, or waiting years for a chance to access social housing that has seen decades of underinvestment. As a result, people on low incomes, including older people, are vulnerable to rent increases, evictions, and homelessness.

Enshrining the right to housing in law would help to reorient the way housing is perceived, providing greater protection for tenants and ensuring government planning and policy development considers the right to housing.

The right to housing is integrally linked to other human rights that are protected under the ACT's Human Rights Act, including the right to health, education, privacy, family life, and equality. However, the right to housing is not currently included in the ACT Human Rights Act. Incorporating the right to housing into the Human Rights Act would:

- Reframe housing decisions and strengthen accountability - requiring the 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 older people
- Provide legal recourse if the right to adequate housing is violated, and

[7] https://justiceconnect.org.au/fairmatters/housing-should-be-a-human-right/

- Foster better policy and planning processes by ensuring the right to housing is systematically considered in ACT Government policy development and decision-making processes.[8]

Recommendation

That the ACT Legislative Assembly Standing Committee on Legal Affairs recommends that the *Human Rights (Housing) Amendment Bill 2025* be passed.

[8] ACTCOSS and ACT Shelter Housing and Homelessness Election Platform 2024 https://actcoss.org.au/publication/actcoss-and-act-shelter-housing-and-homelessness-election-platform-2024/