

2025

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

**GOVERNMENT AMENDMENTS TO THE
HUMAN RIGHTS (HOUSING) AMENDMENT BILL 2025**

SUPPLEMENTARY EXPLANATORY STATEMENT

**Presented by
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Minister for Human Rights
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Overview

This supplementary explanatory statement outlines Government amendments to the *Human Rights (Housing) Amendment Bill 2025* (the Bill) as presented to the Legislative Assembly by Mr Shane Rattenbury MLA.

The Bill would incorporate the right to adequate housing into the *Human Rights Act 2004* (HRA). This reform has a clear alignment with the Government's existing commitment to incrementally introduce Economic, Social and Cultural 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 the scope of the right.

Accordingly, the Government supports the Bill, subject to proposed Government amendments to allow additional time before commencement, and to provide for greater certainty regarding the immediately realisable obligations during a two year implementation period.

Commencement

The Government amendments will delay commencement of the Bill to 1 January 2027 to allow additional time to prepare for implementation of the new right.

Scope of immediately realisable aspects of the right to adequate housing

The Government amendments will amend the scope of the immediately realisable aspects of the right to adequate housing in new s27D(2) of the Bill to provide that the three listed aspects:

- (a) that everyone is entitled to enjoy this right without discrimination;
- (b) that no-one may be unlawfully or arbitrarily evicted from their home; and
- (c) that no-one may have an essential utility service to their home unlawfully or arbitrarily withdrawn;

form an exhaustive rather than an inclusive list of the immediately realisable aspects of the right.

This amendment is then subject to a sunset clause, so that after two years from commencement the list will become an inclusive list of immediately realisable aspects.

This approach will enable Government agencies to have greater certainty and to focus on the implementation of the three listed immediately realisable aspects of the right during the first two years before other aspects that may fall within this scope at international law may be considered.

Human rights implications

The Bill supports the protection of human rights, including the progressive inclusion of economic, social and cultural (ESC) rights in the HRA. The inclusion of ESC rights in the HRA reflects a recognition of the interconnection and indivisibility of human rights and that rights are mutually reinforcing. Access to adequate housing is critical for the effective exercise of many other rights.

The objective sought to be achieved by the Government amendments is to enable effective implementation of the right to adequate housing from commencement and to provide clarity regarding the scope of immediate obligations of public authorities during the implementation phase. The phased approach is intended to ensure that following that two year implementation period there is full alignment with the definition of the right in international law.

The Government amendments do not limit rights currently protected in the HRA. There are areas of overlap between the right to adequate housing and existing human rights under the HRA, including the right to equality and non-discrimination (section 8) as well as the right to privacy (section 12). These rights will continue to have full effect during the delayed commencement and implementation period.

Clause notes

1

Proposed new clause 2

Page 2, line 3

This clause substitutes section 2 which sets out the commencement date of the Act.

This new section provides that the Act (other than section 4A as indicated below) commences on 1 January 2027. Section 4A would commence on 1 January 2029.

2

Clause 4

Proposed new section 27D(2)

Page 2, line 15

This amendment substitutes a new sub-section (2) of the new section 27D.

This amendment provides that the immediately realisable aspects of the right are the three aspects listed in this sub-section.

3

Clause 4A

Proposed new section 27D(2)

Page 2, line 20

This amendment substitutes a further sub-section(2) of section 27D after two years from commencement.

This amendment operates as a sunset clause, and has the effect that after 2 years from commencement, the immediately realisable aspects of the right will *include* the three aspects listed in this sub-section.