

Standing Committee on Legal Affairs
ACT Legislative Assembly
GPO Box 1020, Canberra ACT 2601
LACommitteeLegal@parliament.act.gov.au

29 May 2025

Dear Committee,

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

ATODA 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 Alcohol, Tobacco and Other Drug Association ACT (ATODA) represents the Alcohol Tobacco and Other Drug (ATOD) sector in the ACT. Members include specialist alcohol and other drug treatment organisations, distinguished drug experts with deep knowledge of the legal and custodial systems and population health; and the peer-based organisation for people with lived experience of drug use 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*.

Poor housing conditions often worsen the health of people who use alcohol, tobacco and other drugs (ATOD) and who use ATOD services, and this bill underpins a key model of care that ATODA supports, a Housing First approach.¹ This approach could dramatically improve the health outcomes for people who use ATOD, by connecting people experiencing homelessness to long-term housing without pre-conditions.^{2,3} This is particularly necessary where there are a considerable number of people accessing specialist ACT ATOD services who are experiencing homelessness or at risk of becoming homeless (39 percent in 2023), which has increased in recent years (30 percent in 2018).⁴ Enshrining adequate housing as a human right would contribute to better health and wellbeing for priority populations, such as people who use ATOD and ATOD services.

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 Aboriginal and Torres Strait Islander peoples, people who use alcohol, tobacco and other drugs, 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 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.

The most common harms experienced in the context of homelessness or insecure housing include poor physical and mental health; violence and victimisation; long-term unemployment; lack of quality social relationships; and increased interaction with the criminal justice system. Homelessness or insecure housing can make it prohibitively difficult for people to change their ATOD use and can increase the likelihood of recurrent ATOD harms.⁵ Without providing assistance to the subsections of the ACT population experiencing homelessness, achieving lasting population-level improvements to health and wellbeing in the context of ATOD use is unlikely.⁵

ATODA notes from discussion with ATOD treatment service providers that, currently, there can be several barriers for people who use ATOD to acquire housing.¹ These barriers include:

- A long waiting list to receive social housing, extensive paperwork, the pressure to acquire support letters to progress on the waiting list, and requirements for proof of identification;
- The requirement to obtain multiple support letters, from practitioners and other support workers to assist them in moving up as a matter of priority;
- The lack of personal connections between social housing services and ATOD treatment workers that would facilitate providing people with the help they need;
- Limited communication between housing services, ATOD treatment services, and people using ATOD, such that physical and mental health can worsen in the time waiting for housing; and
- Technological requirements which can limit some people who use ATOD from accessing necessary forms.

These examples are not stand alone and are applicable to the many people who use ATOD services that are seeking adequate housing in the ACT. This amendment could ensure that these barriers would not be common occurrences, and housing without pre-conditions was instead the standard experience. Recognising this human right in the ACT means that people who use ATOD can't be denied or limited access to adequate housing on the basis of their perceived 'risky behaviours', and other related stigma and discrimination.

A Housing First approach, underpinned by this human right, prioritises reducing harms and improving the health of people who use ATOD through the security of their living conditions. This could significantly affect the health and wellbeing for people across the ACT and, as such, this amendment is a logical addition to existing human rights to health and equality.

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.
- **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.
- **Implement a Housing First Approach** — such that the ACT and particularly its priority populations have access to adequate and stable long-term housing without pre-conditions.

ATODA appreciates the opportunity to provide a submission into this inquiry, and we welcome the opportunity to provide any additional information that may be required by the Committee and other stakeholders.

Yours sincerely,



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References:

1. Alcohol Tobacco & Other Drug Association of ACT (ATODA). *Better Health through Housing*. 2024: ATODA.
2. Australian Alliance to End Homelessness. *Housing First*. 2016; <https://aaeh.org.au/assets/docs/Publications/2017-Housing-First-Factsheet.pdf>.
3. Mercy Foundation. *Housing First*. 2017; <https://www.mercyfoundation.com.au/our-focus/ending-homelessness/housing-first/>.
4. Alcohol Tobacco & Other Drug Association of ACT (ATODA). *Service Users' Satisfaction and Outcomes Satisfaction and Experience (SUSOSE) 2023: a survey of people accessing alcohol, tobacco and other drug services in the ACT*. 2025: ATODA.
5. Center on Budget and Policy Priorities. *Meeting the housing needs of people with substance use disorders*. 2019; <https://www.cbpp.org/sites/default/files/atoms/files/5-1-19hous.pdf>.