

23 July 2025
www.alhr.org.au

Premier, the Hon. Jacinta Allan MP
Office of the Premier
1 Treasury Place
Melbourne, Victoria
Australia, 3002
BY EMAIL: jacinta.allan@parliament.vic.gov.au

Dear Premier

RE: Charter of Human Rights and Responsibilities Amendment (Right to Housing) Bill 2025

Australian Lawyers for Human Rights (**ALHR**) writes to urge you to support the [Charter of Human Rights and Responsibilities Amendment \(Right to Housing\) Bill 2025](#) (**the Bill**) when it comes before the Legislative Council for debate.

ALHR strongly supports the full incorporation of economic, social and cultural (**ESC**) rights into the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* (**The Victorian Charter of Human Rights**). This Bill represents a significant opportunity for Victoria to incrementally protect ESC rights through a staged approach, in this case, by enshrining the right to adequate housing. Doing so would bring Victoria into line with Queensland and the Australian Capital Territory, whose Human Rights Acts already include protection for some ESC rights.

ALHR is a strong supporter of the Victorian Charter of Human Rights and we acknowledge that, as one of only three states and territories to have introduced a legislated human rights framework, Victoria plays a significant role in leading the country on human rights compliance. However, the Charter notably omits explicit recognition of the right to adequate housing - a gap that is increasingly urgent to address in the context of Victoria's escalating housing and homelessness crisis.

The best estimates available suggest there are around 30,635 people experiencing homelessness in Victoria.¹ There is an estimated unmet housing need of 145,600 dwellings.²

¹ Australian Bureau of Statistics. (2021). Estimating Homelessness: Census. ABS

² van den Nouwelant, R., Troy, L. & Soundararaj, B. (2023). National Current and Projected Housing Needs 2022.

Not having a safe, secure and adequate home makes every part of life more difficult. Protecting the right to adequate housing in order to better address issues in the housing system is foundational to addressing the other social justice issues.³ Housing is not simply a matter of shelter; it is a human right, a cornerstone of dignity and a prerequisite for the realisation of many other human rights, such as the rights to health, education, privacy, family life, and equality.

Homelessness and housing insecurity are, as the UN Special Rapporteur on the Right to Adequate Housing has noted, *[“a profound assault on dignity, social inclusion and the right to life.”](#)*⁴ This crisis cannot be viewed in isolation from Victoria’s broader human rights framework. It is not just a social or economic issue, but a fundamental human rights issue.

Enshrining the right to adequate housing in the Victorian Charter of Human Rights would reframe how housing is considered across the Victorian government and its agencies, making it a requirement for consideration within new legislation, policy development and service delivery.

This reframing would improve accountability, requiring public authorities to assess housing impacts in decision making processes and to work proactively towards the full realisation of this right in practice.

This reform would also enhance protections for those disproportionately affected by the housing crisis. Aboriginal and Torres Strait Islander peoples, people with disability, children at risk of harm, victim-survivors of domestic and family violence, young people transitioning from out-of-home care, people and families on low incomes, and those relying on crisis accommodation, student housing, or insecure rental tenures are all overrepresented amongst Victorians experiencing or at risk of homelessness and insecure housing.

Recognising the right to housing would unify and reinforce existing Victorian policy and legislative frameworks. While various Victorian laws and strategies touch on aspects of adequate housing such as tenancy law and housing affordability initiatives, the right to adequate housing is not explicitly stated in any existing legislation or policy. This Bill provides an opportunity to create a unified legal foundation that strengthens and also connects existing commitments, filling the gap in the current human rights framework.

³ See <https://www.salvationarmy.org.au/socialjusticestocktake/vic/#fn2>

⁴ *Homelessness and human rights*, Special Rapporteur on the right to adequate housing, at: <https://www.ohchr.org/en/special-procedures/sr-housing/homelessness-and-human-rights>

This Bill has the potential to reduce long term costs shouldered by taxpayers: better housing is associated with improved health, education, [employment and social inclusion](#).⁵ Stable and adequate housing reduces the burden on [emergency services, hospitals](#)⁶ and the criminal justice system, making this reform not only a progressive step for human rights but also fiscally responsible.

International Human Rights Law Obligations

Finally, enshrining the right to adequate housing in Victoria will bring the State into alignment with Australia's obligations under international human rights law. Article 11(1) of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*⁷ which was ratified by Australia in 1975, recognises the right of everyone to an adequate standard of living, including adequate housing:

'States parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.'

UN Committee on Economic, Social and Cultural Rights (**CESCR**), *General Comment No. 4 on The Right to Adequate Housing*⁸ defines "adequate" housing as including:

1. legal security of tenure;
2. affordability;
3. habitability;
4. accessibility;
5. location;
6. cultural adequacy; and
7. access to essential services and infrastructure.

Further, the right to housing is protected in various ways in several of the other core international human rights treaties to which Australia is a party, such as:

- article 27(3) of the *Convention on the Rights of the Child*,⁹

⁵ Australian Institute of health and Welfare, *Housing for health and welfare* - section 5 - Australia's welfare 2007 at:

<https://www.aihw.gov.au/getmedia/fd721f62-91f7-47b8-b5ae-e64a0f828d47/aw07-c05.pdf.aspx>

⁶ Australian Institute of health and Welfare, *Health of people experiencing homelessness*, 13 February 2025 at:

[https://www.aihw.gov.au/reports/australias-health/health-of-people-experiencing-homelessness#:~:text=Homelessness%20can%20expose%20people%20to,general%20population%20\(Morrison%202009\).](https://www.aihw.gov.au/reports/australias-health/health-of-people-experiencing-homelessness#:~:text=Homelessness%20can%20expose%20people%20to,general%20population%20(Morrison%202009).)

⁷ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966

⁸ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, E/1992/23, 13 December 1991

⁹ UN General Assembly, *Convention on the Rights of the Child*, United Nations, Treaty Series, vol. 1577, p. 3, 20 November 1989,

- articles 28(1) and 28(2)(d) of the *Convention on the Rights of Persons with Disabilities*.¹⁰

This Bill offers the opportunity for Victoria to show national leadership and demonstrate how economic, social and cultural human rights can be meaningfully translated into domestic law and public policy.

Further it offers the opportunity to protect current and future generations by shifting conversations about housing away from commodification, and to reframe decisions about housing to emphasise all Victorians' right to live in peace, with security and dignity.

ALHR submits that the Bill does not involve a significant or radical law reform step, yet it will provide highly significant benefits to the people of Victoria by creating a framework that offers increased protection in areas such as:

- forced evictions;
- the right to habitable premises;
- the right to live free from discrimination;

If passed, the Bill will provide all Victorians with a framework for stronger, clearer arguments to avoid or exit homelessness.

ALHR urges you to support the inclusion of the right to adequate housing in the Victorian Charter of Human Rights.

We note a similar Bill is currently before the Australian Capital Territory (**ACT**) Parliament. The *Human Rights (Housing) Amendment Bill 2025 (ACT)* has recently been the subject of a Legislative Standing Committee on Legal Affairs Inquiry, which on 11 July 2025, delivered its final [Report](#)¹¹ recommending that the Bill be passed and the ACT's Human Rights Act be amended to include the human right to adequate housing.

Conclusion

ALHR urges you to support the addition of the right to adequate housing to the Victorian Charter of Human Rights. This is a landmark reform which will provide important and necessary protection to people in Victoria, and particularly to vulnerable and marginalised groups.

If you would like to discuss any aspect of this Bill, we would be very happy to arrange to meet with you: president@alhr.org.au

¹⁰ UN General Assembly, *Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly, A/RES/61/106*, 24 January 2007

¹¹ See here:

https://www.parliament.act.gov.au/__data/assets/pdf_file/0005/2876747/Report-Inquiry-into-the-Human-Rights-Housing-Amendment-Bill-2025-FINAL.pdf

Australian Lawyers for Human Rights

About Australian Lawyers for Human Rights

ALHR was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialist thematic committees. ALHR seeks to utilise its extensive experience and expertise in the principles and practice of international law and human rights law in Australia to:

- Promote Federal and State laws across Australia that comply with the principles of international human rights law;
- Engage with the United Nations in relation to Australian human rights violations;
- Promote and support lawyers' practice of human rights law in Australia;
- Engage internationally to promote human rights and the rule of law.

Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.

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