

14 August 2024

Attention: Committee Secretariat

Senate Standing Committees on Economics
PO Box 6100
Parliament House
Canberra ACT 2600



by email: economics.sen@aph.gov.au

Dear Committee members

Submission to Senate Inquiry: Housing and Homelessness Plan Bill 2024

Tenants Victoria is the peak body for the state's renters, who number almost 2 million people. Our vision is for a safe, secure and affordable home for Victorian renters in a fair housing system. We aim to empower all renters and make sure their voices are heard in our advocacy. We work in partnership with other community legal centres and housing sector organisations, and strategically with government to inform policy development and enhance service delivery.

Our services include information, legal representation and advice, financial counselling, and outreach. We aim to make the housing system fairer in several ways. We advocate for practices and attitudes that respect renting and for policies and laws that support the rights of renters. This includes strategic casework to support our advocacy. We increase the skills of the community workers who assist renters. We provide information that encourages rental providers and real estate agents to act responsibly.

We are pleased to provide input to the Senate Inquiry into the National Housing and Homelessness Plan Bill 2024 on behalf of renters and thank you for the short extension granted to make this submission.

Renters and renting today

For context, renters make up almost 30 per cent of Victorian households. In Victoria alone, some 681,419 households rented in 2021, up from 607,354 households in 2016, according to the latest Census. Close to 90 per cent of all tenants rent their homes in the private rental market. A significant proportion of renters work in lower-paying jobs that are crucial to the functioning of our economy, including as key workers in healthcare, aged care, childcare, disability services, education, law enforcement and emergency services.

Traditionally viewed as a transition step for Australians from the family home to home ownership, renting is now the fastest growing housing tenure. As purchasing a home in Australia becomes increasingly unaffordable, renters are already renting for longer, and a growing proportion of Victorians will rent for life. The combination of historically high house prices, stagnant wages, and housing supply failing to keep up with population growth has seen renters who would have previously moved on to home ownership stay in the private rental market.

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Safe, secure and affordable homes

The tightening of the private rental market in Victoria has seen vacancies hovering at record lows of 1 per cent in Melbourne and regional rental markets becoming intensely competitive. It is proving deeply challenging for lower-income renters to secure an affordable home. Victoria's affordable housing crisis sees a large and growing proportion of Victorians living in 'rental stress' (traditionally recognised as when renters pay more than 30% of gross household income on rent). Unfortunately, given the extent rents have increased, it is now likely that a large and growing number of Victorians are paying over half their income on rent¹.

In our experience, the scarcity of affordable accommodation options means renters are often reluctant to exercise their rights for fear of retaliation, particularly the risk of eviction. At the last Census, 30,660 Victorians did not have a home and in March 2024 there were a total of 58,459 applicants on the Victorian Housing Register seeking social housing for themselves and/or their families.

It is against this grim backdrop that Tenants Victoria strongly supports the proposed legislation. We believe that by acknowledging housing as a human right, the Bill can shape the framework for long term and co-ordinated national housing and homelessness plans (Plans) capable of delivering the basic dignity of housing to our population.

Support for National Housing and Homelessness Plan Bill 2024

In May 2024, Tenants Victoria along with over one hundred others, wrote to then Minister for Housing, Homelessness and Small Business to advocate for a legislated national housing and homelessness plan (see attached letter). We support the National Housing and Homelessness Plan Bill 2024 (the Bill) for the following reasons:

1. The legislation will 'reframe' housing policy because it is founded on Australia's international obligations to realise the human right to adequate housing

The right to adequate housing is a fundamental human right affirmed in international law. We applaud the fact that it is also the first objective of the Bill. Not only does this secure the constitutional basis for the legislation, it also marks a critical and necessary shift in the way housing is characterised and understood in modern Australian society.

Australia ratified the International Covenant on Economic, Social and Cultural Rights, in 1975,² which recognised 'the right of everyone to an adequate standard of living for himself and his family, including adequate ... housing'. However, for most of the last 50 years housing has been understood as investment or infrastructure and has not been framed as a human right.

In 2023 Tenants Victoria advocated to the Victorian Parliament's Inquiry into the Rental and Housing Affordability Crisis in Victoria to enshrine the right to adequate housing in Victoria's *Charter of Human Rights and Responsibilities Act 2006*.

¹ [Rental Affordability Index -November-2019-Final.pdf \(shelter.org.au\)](#)

² 'Chart of Australian Treaty Ratifications as of May 2012', Australian Human Rights Commission (Web Page) <<https://humanrights.gov.au/our-work/commission-general/chart-australian-treaty-ratifications-may-2012-human-rights-your>>.

Tenants Victoria’s vision is for “[A] safe, secure and affordable home for every Victorian renter in a fair housing system.” We believe that unless housing is understood, talked about and acknowledged by members of our community and governments as a fundamental human right, we will not have the right policy settings to achieve safe, secure and affordable in a fair housing system. Basing the framework for future national housing and homelessness plans on housing as a human right, will build different assumptions, language, expectations and measures into future housing policy development and its implementation.

2. A legislative framework for the development and review of a Plan, embeds long term planning for safe, secure and affordable housing in the agenda of all future governments

In Australia, all levels of governments, along with the private and community sectors have important roles to play in housing policy and implementation. Therefore, it is critical, but especially in a time of housing crisis, that there is a co-ordinated national plan to guide decision making and address that crisis.

A national plan is the only way to ensure that the full range of policy levers at federal, state and local levels, are engaged in complementary and efficient ways to achieve a fair and integrated system of public, community and private housing, including affordable homes. For the renters we advise and represent, a national housing and homelessness plan is not an academic or bureaucratic exercise. It is about where they will make their home next week, next year and next decade.

The Bill requires the relevant Minister to prepare a national Plan covering a 10-year period and sets out a decade long cycle of planning and review to meet key objectives. A key advantage of the legislated framework is embedding a planning process for housing in *any* government’s work plan and forward agenda, regardless of election cycles, departmental reorganisations and changes of government. The legislation can be amended of course, but the framework of Plans and reviews at regular times, will provide valuable structure, predictability and transparency to any government’s work and review schedule. It is hoped that a regularly reviewed national Plan, accountable to the Parliament, will become a key and reliable feature of every government term, leading to sustained housing security for current and future generations.

3. Energy efficient and climate resilient housing should be added to the Plan’s objectives so that housing is fit-for-purpose, and no-one is left behind in Australia’s energy transition

Tenants Victoria supports Clause 8 of the Bill that has a clear set of objectives for the Plan. Legislated high-level Plan objectives are likely to be stable over time and more consistently guide decision making in the short, medium and long term. This is particularly important given the long lead time for housing related projects.

The list of the Plan’s objectives is comprehensive and reflects a high level of expert and public consensus. Tenants Victoria support this list, however we also recommend adding a specific objective to improve the energy efficiency, thermal comfort and climate resilience of the nation’s housing. It may be argued this objective is implicit in many of the existing Plan objectives (particularly sub clause 8(e) of the Bill that targets improved housing quality), however we consider the importance of keeping climate at the forefront of housing planning in the coming decades to be so significant that it warrants making this a clear and separate objective.

Increasingly, homes will only be safe, secure and affordable if they are located, designed and built to meet the challenges of a warming climate, including more frequent and intense heatwaves and extreme weather events. As explained below, considering climate in housing planning is crucial to reduce both emissions and future adaptation costs. Specifically listing climate objectives will assist Australia's transition to net zero and also help ensure that no one in society is left behind in the transition to clean energy. To omit this specific objective in future housing plans would be a huge, missed opportunity.

Households are responsible for 42.4% of Australia's domestic emissions,³ so improving the energy and thermal efficiency of residential housing is a crucial aspect of climate mitigation. Poor quality inefficient housing is also a social equity issue because climate change disproportionately impacts low-income and vulnerable renters. The rental homes with the most affordable rent are often the oldest and draughtiest rentals, built before the introduction of National Home Energy Ratings Standards, with little or no insulation, and fitted with old inefficient appliances. As temperatures rise and hot spells become longer, disadvantaged renters must pay a disproportionate amount of their already limited incomes on higher-than-necessary utility bills to maintain their homes at a comfortable and healthy temperature. They then have less money to meet rent increases and other cost-of-living increases, which puts their already marginal tenancies further at risk. Ensuring that Australia's growing housing stock is adapted to its changing environment will mean Australians have fit-for-purpose homes that allow full participation in society in the decades ahead.

Balancing the long-term housing challenges arising from climate change in the face of the current affordable housing crisis is complex, but there are many opportunities to align both climate resilience and housing objectives, and the best time to do so is today. Adding climate to a comprehensive legislated list of objectives in the Plan means that policymakers must always consider it amongst the full range of competing policy issues, to meet all these objectives. A legislated list guards against policy 'tunnel vision' where, particularly in times of crisis, less immediate objectives might be deprioritised to the long-term detriment of the Plan and its resulting outcomes. This will be less likely when the objectives of the Plan, including our recommended inclusion, are set out in legislation.

4. The lived experience of renters will inform the Plan and meet the needs of renters

Tenants Victoria believes that the voices of renters will be crucial to a Plan that recognises the needs of a wide range of renters, particularly vulnerable renters, including those with a disability and First Nations renters. The Bill sets out the process to develop, implement and maintain the Plan. Tenants Victoria welcomes this process and particularly the way the Bill embeds collaboration into the design and review of the Plan. Under the Bill, the Minister developing the Plan can get advice from both the National Housing Supply and Affordability Council and a newly created National Housing Consumer Council.

We support the broad composition of the Consumer Council so that the experience of people, whether they own or rent properties, will be represented and inform the Plans. Representation of both the

³ <https://www.rewiringaustralia.org/> accessed 5 August 2024

private and social housing sectors will also further promote understanding of the complex and complementary role that the different parts of rental sector play in delivering fair housing policy.

Sub-clause 13(2) of the Bill also requires a public submission process to Plan reviews. This requirement will also allow renters and the organisations that support and represent them, to contribute to and inform the planning process.

We hope that incorporating the lived experience of renters into long term Plans based on housing as a human right, will advance people's dignity, a vibrant economy and a fair and peaceful society. As Kevin Bell AM, KC, former Supreme Court Justice of Victoria and inaugural patron of Tenants Victoria wrote recently in *The Age*:

...In Australia, governments and policy makers tend not to think about housing in terms of human rights. Money and economics are the main frame or reference. This must change. Human rights are absolutely fundamental and must be taken seriously.... Realisation of this right [to a decent home] for everyone should be the primary purpose of the system; a legislative, rights-based housing strategy is needed to bring this about...⁴

Yours sincerely



Jennifer Beveridge
CEO

Encl: Open Letter to Federal Minister for Housing 28 May 2024

⁴ The Age 27 July 2024. An edited extract from *Housing: The Great Australian Right* by The Hon Kevin Bell AM, KC, Adjunct Professor, Monash University and former Supreme Court Justice of Victoria.

28 May 2024

Hon Julie Collins MP
Minister for Housing, Homelessness and Small Business
Australian Parliament

Dear Minister Collins,

The case for legislating the National Housing and Homelessness Plan

We write in support of the proposal to legislate a statutory basis for the National Housing and Homelessness Plan.

From our work in housing, homelessness and human rights we know that Australia's housing system is badly in need of fundamental long-term reform as well as short term relief. We acknowledge and welcome the successive expenditure announcements and reform initiatives pledged by the Albanese Government and its re-assertion of Commonwealth housing policy leadership. However, moves to date have been modest in scale and disparate in nature. We see a need for a strong and ambitious overarching framework that gives coherence to [the initiatives delivered since the 2022 election](#). And, more importantly, one that provides a roadmap for the much wider and more ambitious long-term housing reforms required.

We also acknowledge that the Government has been developing a National Housing and Homelessness Plan (NHHP), shortly due for release. But the [inadequacy of the Issues Paper](#) released in July 2023, and [the Consultation Summary](#) released January 2024, raise serious doubts about the likely outcome of the process. The Plan's omission from the Government's 2023 housing legislative package was also a missed opportunity to provide a robust framework for the venture, as well as to elevate its standing.

The absence of a meaningful and well-informed national housing plan or strategy has contributed significantly to the mounting housing and homelessness problems Australia now faces. While the Government's commitment to develop such a plan is welcome, it is essential that firmer foundations for the enterprise are established. We therefore support the proposals, as originally set out in the 2023 AHURI report '[Towards a National Housing and Homelessness Strategy](#)' as follows:

- A National Housing and Homelessness Plan Act should be passed by the Federal Parliament, obligating the Housing Minister of the day to implement such a Plan, with defined overarching objectives, and report to Parliament on its progress.
- Taking a cue from the Canadian National Housing Strategy Act 2019, the legislation should be founded on Australia's international obligations to realise the human right to adequate housing.
- The Act should nominate agencies to lead, advise on and monitor the Plan and other housing policy issues, including a consumer voice to advise on current housing problems, and an accountability agency to investigate progress and emerging housing policy issues.

The National Housing and Homelessness Plan due to be published shortly by the Australian Government should be treated as an interim output, with a more ambitious and more firmly founded iteration to be published in 2025 in conformity with the new legislation.

Yours sincerely, the signatories – see pp2-4.

Signatories (117)

	Michele	Adair	Housing Trust	Community housing CEO
	John	Alexander*		Former federal MP 2010-22
	Mike	Allen	Link-Wentworth Housing	Director; Former CEO, Housing NSW
	Carol	Atkinson	CHIA Northern Territory	Co-ordinator
	Maiy	Azize	Everybody's home campaign	Campaign Co-ordinator
Prof	Emma	Baker	University of Adelaide	Housing academic
Prof	Eileen	Baldry	UNSW	Criminologist and former Deputy Vice Chancellor
	Ben	Bartl	Tenants' Union of Tasmania	Principal Solicitor
Prof	Andrew	Beer	University of South Australia	Housing academic
Prof	Kevin	Bell	Monash University	Legal academic
Prof	Rebecca	Bentley	University of Melbourne	Housing academic
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Prof	Terry	Burke	Swinburne University	Housing academic
Prof	Paul	Burton	Griffith University	Housing academic
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	Sharon	Callister	Mission Australia	CEO
	Doug	Cameron		Former Senator for NSW
	Penny	Carr*	Tenants Queensland	CEO; Convenor, National Association of Renters Organisations
	Kasy	Chambers	Anglicare	CEO
	Patti	Chugg	Shelter Tasmania	CEO
	Kate	Colvin	Homelessness Australia	CEO
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Dr	Richard	Denniss	Australia Institute	CEO
	Joel	Dignam	Better Renting	Campaigner
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Prof	Hazel	Easthope	UNSW	Housing academic
Prof	Brendan	Edgeworth*	UNSW	Legal academic
	John	Engeler	Shelter NSW	Executive Officer
	Saul	Eslake		Independent economist
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	Adrian	Harrington		Former Chair, NHFIC and AHURI
	Wendy	Hayhurst	Community Housing Industry Association (CHIA)	CEO
	Jackson	Hills	Shelter Queensland	Policy Manager
Prof	Jessie	Hohman	UTS	Human rights academic
Prof	Sue	Holliday	UNSW	Former Secretary, NSW Dept of Planning
Prof	Ralph	Horne	RMIT University	Housing academic
Prof	Kath	Hulse	Swinburne University	Housing academic
	Jonathan	Hunyor	Public Interest Advocacy Centre	CEO
	Katrina	Ironside	Women's Legal Service NSW	CEO
Prof	Keith	Jacobs	University of Tasmania	Housing academic
Prof	Guy	Johnson	RMIT University	Housing academic
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	Scott	Langford*	SGCH	CEO
Prof	Julie	Lawson	RMIT University	Housing academic
	Tim	Leach	Community Legal Centres Australia	CEO
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Prof	Chris	Leishman	University of South Australia	Housing academic
Dr	Iris	Levin	RMIT University	Housing academic
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	Peter	Mares	Monash University	Broadcaster and author
Dr	Chris	Martin	UNSW	Housing academic
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	Shorna	Moore	Melbourne City Mission	Head of Policy, Advocacy and Govt Relations
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Prof	Bill	Randolph	UNSW	Housing academic

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Prof	Steven	Rowley	Curtin University	Housing academic
Prof	Kristian	Ruming	Macquarie University	Housing academic
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	Tom	Slockee	SEARMS Housing	Director
A/Prof	Ben	Spies-Butcher	Macquarie University	Housing academic
Prof	Frank	Stilwell	University of Sydney	Economist
Dr	Rob	Stokes	Former NSW Planning Minister	Chair, Faith Housing Alliance; Former NSW Planning Minister
Prof	Wendy	Stone	Swinburne University	Housing academic
	Judith	Stubbs	Judy Stubbs Associates	CEO
	Vicki	Sutton	Melbourne City Mission	CEO
	Philip	Thalis	Hill Thalis Architecture	Director; RAI Gold Medallist
	Rose	Thomson	Faith Housing Alliance	CEO
	Kylea	Tink	Parliament of Australia	MP for North Sydney
	Julijana	Todorovic	Labour for Housing	Co-convenor
	Sarah	Toohey	CHIA Victoria	CEO
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	Luke	Westenberg	CHIA South Australia	CEO
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Dr	Tim	Williams	Grimshaw Architecture and Planning	Cities Practice Lead; Former CEO, Committee for Sydney
	Kieron	Wong	Shelter WA	Chairperson
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*Signatories added subsequent to dispatch of original letter to Minister Collins