

STANDARD BRIEFING NOTE

Human Right to Housing for South Australia

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This Briefing Note contains key points, key terms, background information and examples of practical application as well as links to further information and local contacts. It does not contain legal advice and should be used as a starting point for further research rather than an authoritative source. Feedback on its contents is welcome.

Key Points

- **Australia has international obligations.** As a signatory to the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social, and Cultural Rights (1966), Australia recognizes the right to an adequate standard of living, including housing.
- **Adequate housing - Seven Key Elements:** security of tenure, availability of services, affordability, habitability, accessibility, good location, and cultural adequacy (UN Special Rapporteur on Housing).
- **South Australia lags behind.** Australia has no national Human Rights Act. SA has no human rights charter, unlike the ACT, Victoria, and Queensland.
- **Housing rights are unprotected in SA.** There is no right to housing and no legal remedy when violations occur (Shelter SA, 2023).
- **A Human Rights Act could transform housing policy.** Legal protections would incentivize policymakers to consider adequate housing elements in policy design, give individuals legal pathways to challenge harmful decisions, enable earlier intervention, provide remedies for unfair evictions, and strengthen action on unsafe housing—particularly for vulnerable populations.

Key Concepts

Housing Affordability: The Market-Based Trap

Housing affordability means housing costs should not prevent households from meeting other basic needs (UNCESCR, 1991). Affordability is typically measured as the ratio of housing costs to household income (AIHW, 2025). In Australia, households spending over 30% of their income on housing are considered in "housing stress" (Crowe & Rowley, 2024), and over 26% of Australian households now exceed this threshold (AIHW, 2025).

However, a fundamental flaw undermines housing policy: "affordable housing" is typically pegged to market values, commonly set at 80% of market rates, rather than calculated from what households can actually afford from their income. As markets rise, so does the cost of so-called "affordable" housing, making it increasingly unaffordable for large sections of society, particularly vulnerable populations. This market-based definition serves the market, not people.

The hidden costs compound the problem. Lower-income households face impossible trade-offs: poor locations, inadequate transport, distant social networks, and substandard or overcrowded housing that undermines wellbeing, limits opportunity, and perpetuates cycles of disadvantage (Crowe & Rowley, 2024).

From a human rights perspective, person-centred affordability, based on actual household capacity to pay (such as the 30% of income measure), makes far more sense than market-based thresholds that rise with speculation and demand, leaving vulnerable populations further behind.

Beyond Affordability: Why Housing Adequacy Matters

Even when housing is technically "affordable," vulnerable populations face additional barriers: eligibility requirements, discrimination, lack of appropriate support services, and systemic exclusion from both private and social housing options.

We must think beyond affordability to housing adequacy.

The UN defines the right to adequate housing as everyone's "right to live somewhere in security, peace and dignity" regardless of income or access to economic resources (UNCESCR, 1991). The UN Committee on Economic, Social and Cultural Rights established seven key elements of adequate housing:

- **Security of tenure** with legal protection against forced evictions
- **Availability of services** including safe drinking water, adequate sanitation, and energy
- **Affordability** that doesn't compromise other human rights
- **Habitability** that guarantees physical safety, adequate space, and protection from environmental threats
- **Accessibility** that accounts for disadvantaged and marginalised groups
- **Location** close to employment, healthcare, schools, and social facilities, away from polluted or dangerous areas

- **Cultural adequacy** that respects cultural identity (UNCESCR, 1991)

Housing as a Gateway to Rights and Wellbeing

Adequate housing enables other human rights: freedom of expression, association, residence, participation in public decision-making, and privacy (UNCESCR, 1991).

The housing-wellbeing connection is powerful. Inability to access stable housing contributes to poor mental health and psychosocial distress, while psychiatric diagnosis can itself become a barrier to housing (Tseris et al., 2022). People experiencing homelessness face increased incarceration risk, while those exiting prison are at risk of homelessness (Doyle et al., 2022).

Vulnerable people, the economically marginalised, those living in poverty, and those suffering discrimination find it most difficult to access adequate housing (Hohmann, 2020), leaving them experiencing or at risk of homelessness (AIHW, 2025). The consequences are devastating malnutrition, violence exposure, long-term unemployment, criminalisation, chronic ill health, and severed social networks (AIHW, 2025).

The Double Lock-Out

We are in a housing crisis where vulnerable people cannot afford mainstream housing, yet are simultaneously locked out of social and community housing through restrictive eligibility criteria and conditions. Market-based affordability measures offer no solution when people are excluded from both private and public housing systems.

Addressing this crisis requires a comprehensive approach to adequate housing that moves beyond market-based affordability to encompass all seven elements of adequacy, with attention to the structural barriers, eligibility requirements, discrimination, lack of support, that prevent vulnerable populations from accessing their human right to housing.

GOVERNMENT INITIATIVES: THE SUPPLY-FOCUSED GAP

Federal and state governments have committed substantial resources to housing. The Housing Australia Future Fund (\$10 billion) and National Housing Accord target 1.2 million new homes by 2029, including 20,000 social and 20,000 affordable homes nationally. South Australia's Better Housing Future (Housing Road Map 2023) includes land releases, stamp duty abolition, and 1,000 new affordable homes, with projects at Playford Alive, Bowden, and Prospect delivering 249 homes and 190 affordable rentals.

However, these supply-focused solutions reveal critical gaps:

First, the market-based affordability trap persists. "Affordable" housing in Greater Adelaide is priced at \$495,000–\$569,250, with rentals at 75%–80% of market rates. These thresholds remain inaccessible to the vulnerable populations most in need, for example, people exiting prison, rehabilitation, or out-of-home care who have minimal or no income.

Second, supply alone doesn't address the seven elements of adequate housing. New construction may increase availability, but does nothing to ensure:

- Security of tenure for people cycling through institutions
- Cultural adequacy for First Nations people maintaining kinship connections
- Accessibility for people with complex support needs
- Habitability when people lack independent living skills

Third, public and community housing, the safety net for the most disadvantaged, receives comparatively less funding than homeownership and private rental assistance programs. This prioritizes those already closer to housing security while leaving the most vulnerable behind.

The government has identified supply as the solution. But for people exiting institutions, facing discrimination, lacking support networks, or requiring wraparound services, more houses alone will not provide access to adequate housing. What's missing is a model that separates housing from preconditions, provides flexible support, and ensures housing is retained during life disruptions.

VULNERABLE POPULATIONS: LIVED EXPERIENCE AND SYSTEMIC BARRIERS

Our research focused on the most overlooked populations: people exiting prisons, mental health facilities, alcohol and other drug (AOD) rehabilitation programs, and young people transitioning from out-of-home care (OOHC). These groups face complex needs, no stable income, experiences of institutionalisation, and lack family, community, or service supports. They are consistently deprived of their human right to adequate housing.

Affordability & Availability: The Double Lock-Out

Long waiting lists, complex bureaucracy, and strict criteria lock people out of social housing (Martin et al., 2021; AHURI, 2024). High rental costs and low or no income block private rental access (Martin et al., 2021).

The result: People are forced into couch surfing, caravan parks, or violent and abusive family environments (Guardian for Children and Young People (SA), 2025; Martin et al., 2021). These

situations violate **habitability** and **availability**, they don't protect from violence or environmental threats.

Cultural Adequacy: Invisible Needs, Impossible Systems

First Nations young people and those exiting prison cannot find housing that supports kinship ties and community connection. Mainstream housing systems cannot accommodate fluid, extended family structures central to First Nations life (Walsh et al., 2023). Research shows that, they experience more challenging transitions than their non-indigenous peers due to disruption to cultural identity and connections, and the associated ongoing impact of colonisation and historical trauma including the impact of the stolen generations and systemic racism (Walsh et al., 2023). The "cultural adequacy" element is completely absent.

Security of Tenure: Housing as Conditional

The effect of temporary absences destroys security of tenure. Public housing tenants lose homes if absent for more than six months, including for family obligations, cultural responsibilities, medical treatment, or incarceration. People don't have guaranteed rights to retain housing during life disruptions that are often symptoms of systemic disadvantage itself.

Stigma: Structural Discrimination

People leaving prison, rehabilitation, or OOHC face discrimination in private rental (MaDowall, 2020). Young people face age-based stigma (assumptions they'll damage property) and care-related stigma (stereotyped as unreliable due to child protection involvement). Discrimination operates as an invisible eligibility criterion that no policy addresses.

Institutionalisation: Disempowerment by Design

Extended time in institutions, prisons, mental health facilities, AOD programs, or OOHC, strips away autonomy through imposed rules, routines, and dependency (Brett, 2024). The result: "reduced self-esteem, loss of identity and depression" (Grenade & Boldy, as cited in Boamah et al., 2021, p. 472).

Young people leaving OOHC at 18 lack independent living skills after institutional care. They lose tenancies and face eviction, compromising secure legal tenure (Anon., 2022). They're expected to achieve independence earlier than peers, without family safety nets (Campo & Commerford, 2016).

The Holistic Support Gap: Policy vs. Reality

For young people leaving OOHC:

- 43% had no transition plan (CREATE Foundation, 2021; MaDowall, 2020)
- Post-care support exists but is need-based, not mandatory (Martin et al., 2021; Campo & Commerford, 2016)

For people exiting prison:

- Released without transportation, money, food, water, medicine, or guidance
- Women released late Fridays when services are closed
- Bail hostels offer only 10 days to secure housing while coping with trauma (Martin et al., 2021)

For people leaving rehabilitation:

- Poor integration between mental health and AOD services
- Fragmentation places people at high risk of homelessness and relapse (Martin et al., 2021)

Ontological Insecurity: The Cycle of Instability

These populations experience profound ontological insecurity, uncertainty and instability where trust, reliability, and continuity are absent.

The cycle: Young people face family separation → multiple placements → homelessness. People in rehabilitation experience treatment → release → relapse → re-admission.

People exiting prison face incarceration → release → recidivism.

Current housing models provide no continuity of support. When people lose housing or return to institutions, support disappears precisely when most needed. Support must follow people through transitions, actively helping secure housing regardless of setbacks.

Why Current Models Fail

From a holistic social work perspective:

- Systems demand "readiness" that institutionalisation makes impossible. Disempowerment is structural.
- Cultural needs are invisible. First Nations kinship systems don't exist in policy frameworks.
- Stigma operates as informal policy. Discrimination blocks access with no remedy.

- Fragmented services create gaps. No one is responsible for the whole person.
- Temporary Absences Policies punish life disruptions.
- Wraparound support sometimes on paper, rarely in practice.

Without addressing these systemic failures, from policy gaps to stigma to fragmented services, these populations will continue cycling through institutions and homelessness, unable to realize their fundamental human right to adequate housing.

Policymakers focus on supply. Lived experience reveals the real barriers are systemic, relational, and deeply connected to how we understand vulnerability, support, and the human right to live in security, peace, and dignity.

HOUSING FIRST: THE RIGHTS-BASED SOLUTION:

The traditional "staircase model" demands treatment compliance, sobriety, and independent living skills before housing. People get stuck, fail to meet requirements, and face eviction, deepening the very instability that prevents recovery.

Housing First flips the script: stable housing enables recovery, not the other way around.

Why Housing First Fulfills Human Rights Obligations

Housing First isn't just better practice—it's a rights-based framework that operationalizes the UN's seven elements of adequate housing. Where current models fail on security of tenure (Temporary Absences Policy), cultural adequacy (ignoring kinship systems), and accessibility (eligibility barriers), Housing First embeds these elements as core principles, not aspirations.

The model treats housing as an unconditional right—retained during absences, accessible without preconditions, affordable based on income capacity (30%), and defined by the person's own cultural and social needs. Support services ensure habitability, location meets individual requirements, and wraparound care provides the availability of services necessary for wellbeing.

Most critically: Housing First acknowledges that all seven elements must exist simultaneously. A house isn't adequate if it's affordable but culturally inappropriate, or secure but without support services, or accessible but located far from kinship networks. Current supply-focused models deliver housing that fails on multiple elements. Housing First delivers adequate housing:

- Separating housing from support means people keep homes during relapse, treatment refusal, or setbacks—solving the continuity crisis that perpetuates homelessness.

- Flexible, no-end-date support means people aren't abandoned when needs change—solving the fragmentation problem that leaves people cycling through institutions.
- Choice and self-determination means people define home and control their support—solving the ontological insecurity that makes stability impossible.
- Active engagement without coercion means trust replaces punishment—solving the stigma problem that blocks access to private rental.
- Harm reduction without housing withdrawal means rights don't disappear when people struggle—upholding the unconditional nature of human rights.

Evidence-Based Findings

NSW implemented Housing First in 2012 through community housing partnerships.

Results: significant reductions in homelessness and recidivism (Scott, 2013).

SA's community housing sector is best placed to implement Housing First with wraparound support. Community housing providers already support tenant wellbeing and strengthen communities through social inclusion, building social capital and cohesion (Community Housing Industry Association, 2018). Some providers specialize in supporting key vulnerable groups such as people living with disability. Their existing expertise in wraparound support and community integration makes them the ideal partners for operationalizing Housing First principles in practice.

Recommendations

What Housing First Means for Policy:

Federal Level: Reorient Housing Australia Future Fund (HAFF) implementation to prioritize Housing First principles, not just supply targets. HAFF's \$10 billion fund aims to deliver 20,000 social and 20,000 affordable homes—but without Housing First principles, these homes risk remaining inaccessible to the most vulnerable populations. HAFF funding should require:

- No preconditions for tenancy (removing "readiness" barriers)
- Guaranteed security of tenure during absences
- Integrated wraparound support funding (not just bricks and mortar)
- Cultural adequacy provisions for First Nations people
- Partnership requirements with community housing providers experienced in supporting vulnerable groups

This shifts HAFF from measuring success by units built to measuring success by vulnerable people housed and supported.

Reform the Temporary Absences Policy to guarantee security of tenure during absences for cultural obligations, family care, medical treatment, or incarceration—treating housing as a right, not a privilege contingent on continuous occupancy.

Mandate wraparound support, not just housing supply. Fund multi-professional support teams with manageable caseloads and flexible hours, ensuring support follows people through transitions, tenancy loss, and institutional stays.

Eliminate preconditions for social housing access. Remove "readiness" requirements that demand sobriety, treatment compliance, or independent living skills before housing eligibility—these criteria perpetuate the very barriers that cause homelessness.

Make post-care support mandatory, not need-based. Guarantee support until age 25 for young people leaving OOHC, with enforceable transition care plans and accountability for implementation.

Design housing systems that accommodate First Nations kinship structures. Enable flexible arrangements for extended family and community connections.

Partner with community housing providers who already build social capital and provide wraparound support, using their expertise to operationalize Housing First principles in practice.

These policy changes transform housing from a supply problem to a rights realization, ensuring that the houses being built through HAFF and the National Housing Accord are actually accessible to those who need them most, with the support necessary to maintain them.

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