

About the Tenants' Union of NSW

The Tenants' Union of NSW is the peak body representing the interests of tenants in New South Wales. We are a Community Legal Centre specialising in residential tenancy law and policy, and the main resourcing body for the state-wide network of Tenants Advice and Advocacy Services (TAASs) in New South Wales.

The TAAS network assists more than 35,000 tenants, land lease community residents, and other renters each year. We have long-standing expertise in renting law, policy and practice. The Tenants' Union NSW is a member of the National Association of Renter Organisations (NARO), an unfunded federation of State and Territory-based Tenants' Unions and Tenant Advice Services across Australia. We are also a member of the International Union of Tenants.

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The Tenants' Union of NSW' office is located on the unceded land of the Gadigal of the Eora Nation.

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Recommendations

1. Introduce or amend Human Rights legislation in every State and Territory in Australia that recognises and implements the right to adequate housing for all residents.
2. Implement a strategy across all levels of government targeting 10% of all Australia's housing stock to be public or community housing by 2036, ensuring positive outcomes for residents is the key objective of social housing strategies.
3. Amend qualifying age for expedited wait-turn access to social housing to 55 for all applicants and 45 for Aboriginal and Torres Strait Islanders across all States and Territories
4. National Cabinet to expand the Better Deal for Renters to ensure the intention of ensuring renters can find and retain stable, long-term and affordable housing. The revised Better Deal should include additional principles from National Association of Renters' Organisation 'The National Nine Principles for strengthening renters' rights' regarding:
 - a. Stability
 - b. Affordability
 - c. Liveability
 - d. Compliance & accountability
 - e. Management and security of tenants' money (rental bonds)
 - f. Protection of private information and discrimination
 - g. Access to advice & advocacy for all renters
 - h. Universality of protections for all people renting their home
 - i. Using data to inform policy
5. Federal Government to implement robust mechanisms to monitor and incentivise the rollout of improved Better Deal for Renters.
6. Australia must coordinate with Aboriginal and Torres Strait Islander Peoples to establish a national action plan and an Indigenous independent monitoring body to implement the United Nations Declaration on the Rights of Indigenous People.
7. Australia must establish a Makarrata Commission to supervise negotiations on a national treaty and truth-telling to recognise the self-determination of Aboriginal and Torres Strait Islander People.
8. Australia must implement legal reforms to protect and facilitate the return of Indigenous lands and reform the Native Title Act by:
 - a. providing sufficient resources;
 - b. revising evidentiary requirements;
 - c. including non-economic loss compensation;

- d. ensuring Free Prior, and Informed Consent;
- e. remediating contamination;
- f. Enabling land acquisition; and
- g. enacting the Social Justice Package.

9. Ensure the tax treatment of property ownership, including for investment purposes, aligns with community expectations for residential occupation of housing to be stable, long-term and affordable for occupiers.

10. Remove capital gains tax discounts and other tax settings which incentivise owner behaviour away from providing stability of tenure for renters or prioritise the financial treatment of housing above its usage.

- a. The Capital Gains Tax Discount should be reduced by 5% each year for 10 years until it is removed and a limited indexation adjustment reinstated for capital gains tax through transition.
- b. Negative gearing and its impact on encouraging speculative investment practices should be considered as part of overall tax reform.
- c. Interaction with state property taxes - such as land tax and stamp duty - should be considered with reference to incentives geared towards long-term residential availability and stability rather than empty, underused or commercial use of residential dwelling.

11. Revise lending practice standards to ensure loans take proper consideration of costs and risks of owning property for investment purposes, including loans which facilitate an over-reliance on future (tax-free or reduced) capital growth at the cost of occupants' stability, health.

12. Direct expenditure, including that previously funding tax discounts, towards:

- a. funding gold standard energy-efficient public and community housing to meet existing and projected unmet need,
- b. funding work to deliver recommendations 4 and 5, in particular ensuring renters have access to advice and advocacy services at a level that meets the needs of the population, and supplementing state resources to do so.
- c. ensuring funding of the National Association of Renters' Organisations to provide national coordination and expertise to support and amplify renters' experience of federal housing issues and policy decision-making.

1. The extent and nature of intergenerational housing inequity in Australia across housing tenure types

Everyone deserves a home. Housing is the basis from which we ensure our communities' well-being. This is not simply about the material, physical and structural protections housing provides, but also a sense of home and belonging within a wider community. People require not just basic shelter but a good home to live a safe, healthy and dignified life. It is well accepted that improving housing outcomes leads to improvements in health and well being.

Housing as a wealth generator

Housing is one of the drivers of inequality in Australia and creates socio economic polarisation based on tenure type and location. Housing is seen as a way to make money rather than an essential service that provides security and a safe place for people to live. Renting is not valued in society and has been seen as a temporary step before home ownership which we know does not match up with reality for many. The value we place on different tenure types and the structures, laws and policies that have been developed in Australia have resulted in inequity across tenure types

The Australian intergenerational housing wealth gap widened from 161% in 1997–98 to 234% in 2017–18, favouring the older generation. The growing housing wealth gap between the income-poor young and income-rich old has climbed from 532% to 1230% over two decades.¹ In 2017, the top 10% richest households in Australia, held 45% of total net housing wealth.²

Those that can afford to invest in private rental housing are able to use this as a vehicle for wealth creation due to the specific tax policies that apply in Australia. The capital gains tax discount disproportionately benefits higher income earners in Australia. The greater the number of properties and the higher one's income the greater the benefits of capital gains tax discounts. Housing is being used as a tool to generate wealth with significant support from the current tax system to the detriment of housing being viewed as a human right and an essential service. The tax incentives in our housing system are increasing inequality in our communities in a number of ways. The presence of debt-financed housing investors on a large scale is a potential source of instability in the housing market. In our current system investors are encouraged to borrow money to invest in

¹ Ong Vifor J, R., & Phelps, C. (2023). The Growing Intergenerational Housing Wealth Divide: Drivers And Interactions In Australia. *Housing, Theory and Society*, 40(2), 238–257. <https://doi.org/10.1080/14036096.2022.2161622>

² Hochstenbach, C., Kadi, J., Maalsen, S., & Nethercote, M. (2025). Housing as an engine of inequality and the role of policy. *International Journal of Housing Policy*, 25(1), 1–17. <https://doi.org/10.1080/19491247.2024.2444043>

property as a leveraged investment will result in a higher capital gain where the growth in property prices exceeds the interest rate. This can also encourage people to over leverage and when interest rate rises it can create instability for renters who are renting these homes.

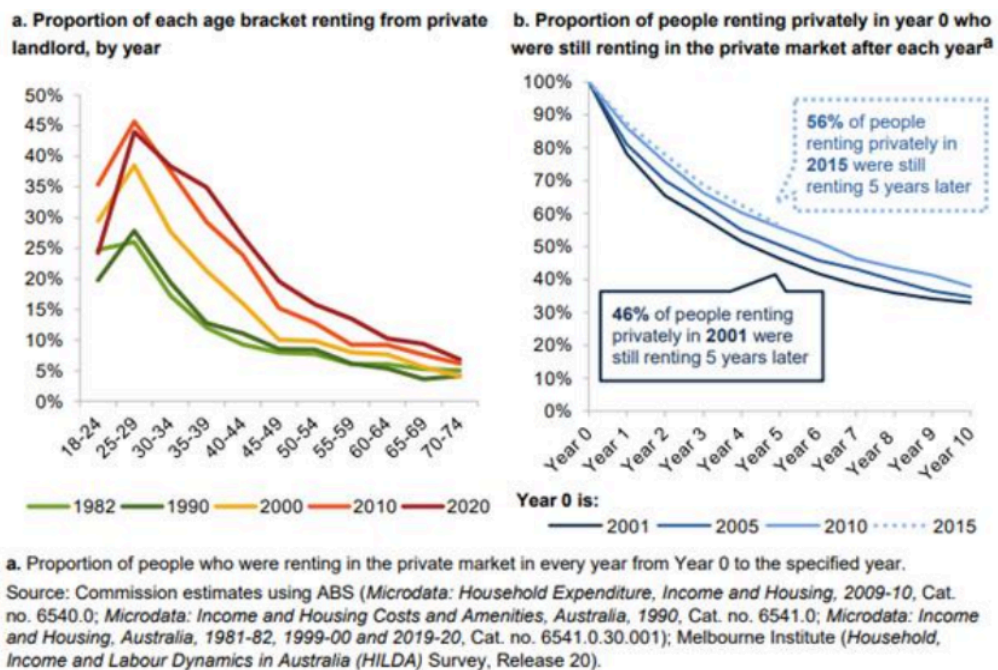
Housing has been transferred from a place to live into a mechanism to consolidate and pass on family wealth. Over generations those households with property wealth have been able to pass it on and this has allowed the wealth to be kept in the family. The only way many younger adults will be able to afford to buy a home is where they have the opportunity to leverage family wealth. Those families that have not had access to property wealth have immense barriers to buying a home in our current housing crisis and as a result these families are renting and it's very likely that younger generations in the same family will also be renting for life. The social contract that rewarded hard work and allowed for social mobility is breaking down. Instead, the ability to buy a home is increasingly reliant on parental assistance, essentially turning homeownership into an inherited trait rather than an earned one. This has created a wealth transfer divide rather than an old versus younger generation divide.

Growing numbers of renters

Home ownership in Australia has become less and less affordable for a number of reasons. At the same time we are seeing a growing number of Australian renters. Around two in five of these households include dependent children, and a growing number of people are long-term renters who will rent through their entire life, including into retirement. Renting is not a temporary step, it is a way of life for many people whose ability to have a decent home is determined by the conditions in the rental sector.

The table below provides an overview of the proportion of each age bracket renting in the private rental sector each year from 1982 to 2000. We can see that the largest cohort of renters are those aged under 30 and therefore the housing inequity experienced by renters is experienced most by this generation. The second table highlights the growing numbers of renters who are renting for longer.

Figure 1: More Australians renting for longer



Source: Productivity Commission, In need of repair: The National Housing and Homelessness Agreement: Study Report, August 2022, p. 297.

Rental affordability crisis

Australia is currently in a rental housing crisis with a lack of affordable housing supply across the whole country. Over the ten years to March 2025, median advertised rents in Australia rose by approximately 48% for both houses and units. The strongest increases in advertised rents for houses were recorded in Hobart (64%), Adelaide (57%), and Perth (50%).³

The housing affordability crisis in Australia is hitting renters hard with many in the lowest 40% of household incomes living in housing stress and paying well over 30% of their income in rent. The ramifications of the housing affordability crisis extend beyond mere financial strain. Lack of affordable rental housing impacts all aspects of a person's life from ability to access services, employment, educational opportunities, strains household relationships, and detrimentally impacts physical and mental health.

Failure to provide adequate housing

Adequate housing is more than having a roof over one's head. There are other key criteria

³AIHW (Australian Institute of Health and Welfare) (2025) Housing affordability, AIHW, Australian Government, accessed 24 April 2026.

that rental housing must meet in Australia in order for it to be adequate. Currently a failure to meet these elements adds to the housing inequity that many renters experience.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) in Article 11 states:

"The 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 Special Rapporteur on the right to adequate housing outlines a number of conditions that must be met before particular forms of shelter can be considered to constitute "adequate housing." These elements are just as fundamental as the basic supply and availability of housing. For housing to be adequate, it must, at a minimum, meet the following criteria: security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy.⁴ Australia's current rental laws and policies are not leading to a rental system that meets these elements and therefore is failing to ensure renters have adequate housing and this only increases housing inequity.

Rental system is flawed

The experience of residential renting is built on the threat of homelessness as behavioural control. Across private, public and community housing people renting their homes are constantly reminded that they are always potentially one infraction and a matter of weeks away from homelessness.

The rental market is characterised by instability, insecurity, and a lack of adequate protections for renters. Market rents are unaffordable with many renters struggling to secure a new rental property in the fiercely competitive private rental market. Most renters continue to face significant insecurity, making it very difficult to assert their rights such as requesting repairs. Many rental homes provided are of a poor standard.

There has been long-term underinvestment and shortages in social and affordable housing which has forced low-income and vulnerable households into the private market. The average tenancy in NSW is currently 2 years which means that renters are moving homes and sometimes suburbs and towns on a frequent basis. This has implications financially with the average move costing \$4000 and many other social and health impacts for renters.⁵

⁴ Office of the United Nations High Commissioner for Human Rights. (n.d.). The human right to adequate housing.

<https://www.ohchr.org/en/special-procedures/sr-housing/human-right-adequate-housing>

⁵ Tenants' Union of NSW. (2022, February 14). Eviction, hardship and the housing crisis.

<https://www.tenants.org.au/reports/hardship>

Within renting there is also inequity depending on whether the renter is protected by rental regulation and the extent of the protection. This can vary depending on where a renter lives in Australia due to the wide range of rental protections in each State and Territory. National Cabinets commitment to the Better Deal for Renters has not led to consistency and we have a patchwork of implementation across the country. There is also wide inequity across the range of different rental homes where renters live. For example in NSW if you are living in shared accommodation for example in a Boarding house and you are not covered under Residential Tenancies Act then you have less rights and importantly no security of tenure.

There is a power imbalance between renters and landlords that is embedded into our policies and laws. This leaves renters at the whim of landlords' decision on whether to repair and maintain the home, give a rent increase and decide when they want to end the agreement. The renter has no say and their particular circumstances are not relevant in these key decisions. If the landlord does not comply with tenancy law then the onus is on the renter to take steps to try and ensure compliance by the landlord which ultimately requires action in a Tribunal or Court. For a number of reasons and factors this is not a step that many renters take. The power imbalance being a crucial factor at play which can exacerbate housing inequity.

All these flaws in the rental system compound the housing inequity that we see between renters and those who are able to use housing as a wealth generator or those that inherit this wealth.

2. The experience of intergenerational housing inequity on different population cohorts

There is a greater impact of housing inequity on different population cohorts of renters.

Young people

Young people are the largest group of renters in Australia. They are under financial stress with an increasing lack of affordable housing supply. Due to rising costs and shortage of supply many young people are living in unstable and overcrowded housing. There is also a growing increase in younger people living in shared accommodation. This is having detrimental effects on the wellbeing of young people in Australia as they do not have adequate housing.

Proportion of households spending more than 30% of disposable income on housing by age

By age of the head of the household, 1984 to 2024-25

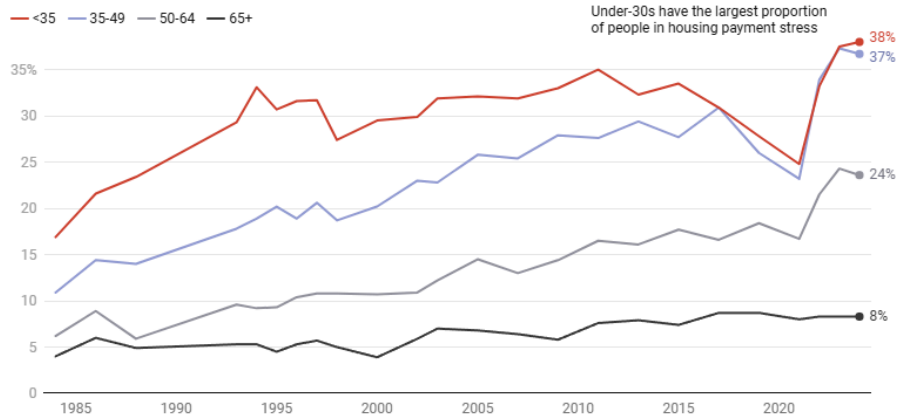


Chart: The Conversation • Source: AIHW • Embed • Download image • Created with Datawrapper

Households under 30 have the largest proportion of people in housing stress with 38% in 2024-2025. Historically from the data we can see that this demographic has consistently had more households in housing stress than other age groups. ⁶

Low income households

Low income families who are experiencing severe rental stress (spending more than 50% of income on rent) has risen from 17% in 2020 to 21% in 2023. Low income families are particularly vulnerable due to the incredibly limited availability of social housing across Australia and the waiting lists that mean people are having to wait multiple years before they can live in social housing and for many they will never. Governments have not acted with urgency to expand social housing. AHURI research has shown that just over 6% (close to 565,000) of Australian households are living in or have requested to live in a form of social housing. These figures do not include those households who are daunted by the application process or due to long waiting lists don't ever lodge an application. By failing to ensure necessary supply of social housing homes for those who need it we are further exacerbating housing inequity.

For those low income families that can access social housing due to the poor condition of homes and the policies and practice of tenancy management by social housing providers they still face housing inequity. An Australian study has found that children in public housing had widening gaps in wellbeing compared with their peers in privately owned houses. ⁷ This study also found that children in low income families were likely to have

⁶Chowdhury, I. (2025, October 26). 5 charts that show how young Australians are getting screwed. The Conversation

⁷O'Donnell and Kingsley (2020) is published in Children and Youth Services Review, Volume 117, article 105303. <https://www.sciencedirect.com/science/article/abs/pii/S0190740920302140?via%3Dihub>

moved house three or more times the average child at the same age, live in a townhouse or apartment and live in housing of fair or poor/badly deteriorated condition. All of these factors impact on the emotional, physical and mental wellbeing of children.

Older renters

Australia's private rental sector is not fit for purpose for affordability or security which has implications for all renters but particularly for older renters. The insecurity of the private rental sector undermines the ability to age in place and housing stress intensifies. Our shortage of social housing and unregulated rent increases (except for ACT) and short, insecure leases especially impacts older Australians on lower incomes who may not have sufficient savings or superannuation funds to depend on in times of crisis.⁸ In 2021, 11% of people aged 55 and over rented a home from a private landlord. This is an increase from 8% in 2011. Older people that earn low incomes, particularly those that receive government benefits and allowances, are over-exposed to marginal housing and homelessness. The private market does not supply housing that is affordable to these groups.⁹ The fastest growth in private renting has been among households that include at least one Indigenous person, a person aged over 65 years, or a person with a disability or long-term health condition.

There are barriers for older people to access social housing with a range of eligibility criteria across Australia. This form of housing could play an important role in providing more security for older renters but the proportion of people aged 55 and over living in social housing has decreased as a proportion of the population, from 4.6 per cent in 2011, to 3.8 per cent in 2021.¹⁰ In NSW an older renter is not eligible for priority social housing status until they turn 80.

Aboriginal and Torres Strait Islander Renters

In Australia, there is a severe shortage of housing for Aboriginal and Torres Strait Islander people. For many, homeownership is not financially accessible and the private rental market is also largely prohibitive, particularly to young people, as a result of high cost, uncompetitive tenancy and work histories and discrimination.¹¹ This has resulted in a

⁸ Baker, E., Beer, A., Leishman, C., Vij, A., Stone, W., Morey, C., Veeroja, P., Indraratna, K., Dunn, J., and Pomeroy, S. (2024) Planning for a two-tenure future, AHURI Final Report No. 431, Australian Housing and Urban Research Institute Limited, Melbourne, <http://www.ahuri.edu.au/research/final-reports/431>, doi: 10.18408/ahuri3130901

⁹Wendy Stone, Margaret Reynolds, Piret Veeroja, Emma R. Power, Francesca Perugia, Amity James (2023), Ageing in a housing crisis: Older people's insecurity and homelessness in Australia, Swinburne University of Technology. <https://doi.org/10.26185/87bq-4190>

¹⁰ Ibid

¹¹ Melanie J. Andersen et al, "There's a housing crisis going on in Sydney for Aboriginal people": focus group accounts of housing and perceived associations with health, (2016) BMC Public Health, <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4877811/>>.

focus on accessing social housing, with its limited availability and lengthy waiting periods. Aboriginal and Torres Strait Islander People are six times more likely than non-Indigenous Australians to live in social housing.¹²

The housing deficit for Aboriginal and Torres Strait Islander tenants equates to approximately 10,855 dwellings for social housing and 13,506 dwellings for affordable housing. These deficits are projected to increase by 62 per cent by 2031.¹³ This acute unmet housing need within the social housing system is due to inadequate resources and a severe imbalance between housing demand and supply with respect to the number of dwellings, housing quality, amenities and size.¹⁴ The limited availability of housing is correlated with high rates of homelessness. Aboriginal and Torres Strait Islander people are significantly overrepresented in the homeless population. In the 2021 Census, 24,930 Aboriginal and/or Torres Strait Islander people were estimated to be experiencing homelessness, up 6.4 per cent from 23,437 in 2016.¹⁵

3. Policy, legislative and other options for tackling intergenerational housing inequity and evening the playing field for current and future generations

There is a key role for policy and legislative intervention in supporting a housing system that prioritises values beyond wealth generation. When housing is prioritised as an asset, housing functions effectively as an engine for inequality and creates housing inequity. When it prioritises housing as home, housing meets a range of socially beneficial needs and wants.¹⁶ Security and affordability must be the aim for all forms of tenure and for all

¹² Melanie J. Andersen et al, Housing Conditions of Urban Households with Aboriginal Children in NSW Australia: Tenure Type Matters, (2018) BMC Public Health, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5540447/pdf/12889_2017_Article_4607.pdf>.

¹³ Gavin Brown and Shane Hamilton., Self-determination and Smarter Housing Policy Can Improve the Health of Indigenous Australians, PwC Australia (2019), <<https://www.pwc.com.au/health/health-matters/improving-indigenous-health-and-wellbeing.html>>.

¹⁴ Ong et al., (2017) 'Housing Supply Responsiveness in Australia: Distribution, Drivers and Institutional Settings' (Final Report 281, Australian Housing and Urban Research Institute, May 2017), <https://www.ahuri.edu.au/__data/assets/pdf_file/0012/13242/AHURI-Final-Report-281-Housing-supply-responsiveness-in-Australia-distribution-drivers-and-institutional-settings.pdf>.

¹⁵ Baker, E., Beer, A., Leishman, C., Vij, A., Stone, W., Morey, C., Veeroja, P., Indraratna, K., Dunn, J., and Pomeroy, S. (2024) Planning for a two-tenure future, AHURI Final Report No. 431, Australian Housing and Urban Research Institute Limited, Melbourne, <http://www.ahuri.edu.au/research/final-reports/431>, doi: 10.18408/ahuri3130901

¹⁶ Hochstenbach, C., Kadi, J., Maalsen, S., & Nethercote, M. (2025). Housing as an engine of inequality and the role of policy. *International Journal of Housing Policy*, 25(1), 1–17.

generations.

Housing as a human right

The Australian government has made commitments under international law to not violate human rights but there is currently no legislative requirement for the government to uphold our right to adequate housing and limited avenues for people to seek redress for violations. A Human Rights Act in every State and Territory which includes the right to adequate housing as a human right would assist in ensuring a more equitable housing system. It would require the right to adequate housing to be at the centre of all decision making by governments on service provision, policy development and legislation. It would be an important consideration for all Courts and Tribunals making decisions on whether to terminate a tenancy agreement to look at the impact of the decision from a human rights framework.

Recommendation:

1. Introduce or amend Human Rights legislation in every State and Territory in Australia that recognises and implements the right to adequate housing for all residents.

Invest in Social Housing

Investing in and improving existing social housing will have many benefits for various stakeholders. It goes beyond just providing shelter; it fosters stability, improves wellbeing, and promotes social inclusion. High-risk groups, including families on low incomes, people with a disability, First Nations people and single older women, benefit directly from improved housing options, leading to better access to education, jobs, and community services, ultimately breaking the cycle of poverty.

Increasing the availability of social housing also reduces homelessness and housing insecurity. It provides stable living arrangements, reducing reliance on emergency shelters and lowering societal costs associated with homelessness. Moreover, quality housing positively impacts health and social cohesion, leading to better health outcomes and a stronger sense of community.

Investments in social housing stimulate economic activity and employment, particularly in construction and related industries. Additionally, social housing helps stabilise the overall

housing market by providing affordable rental options, reducing the number of households in the private market and ensuring housing affordability for low-income households.¹⁷

Australia's stock of social housing has fallen consistently over decades failing to keep pace with population growth and increasing need. Public housing has not been supported by governments. Transfers of property and / or management, and availability of lower cost finance to community housing, does not ensure the number and diversity of social housing dwellings increases at a rate sufficient to keep up with demand for genuinely affordable homes. The waiting list in each State and Territory is over 10 years.

The Federal Government needs to build new social housing at a rapid pace and target 10% of all housing stock to be social and affordable housing by 2036. This should not be the final goal but working towards this in the next 10 years will ensure Australia is in a better position to keep pace with the growing need for social housing.

In addition we recognise that accessing appropriate private rental housing can be more difficult for older people. The age consideration for expedited wait-turn access to social housing should be reduced to 55 and 45 for Aboriginal and Torres Strait Islanders in all States and Territories. Currently in NSW the consideration age is 80 which is not consistent with policies in other States and Territories. This policy change will improve housing outcomes for older people and help provide a framework for aging in place..

Recommendations

2. Implement a strategy across all levels of government targeting 10% of all Australia's housing stock to be public or community housing by 2036, ensuring positive outcomes for residents is the key objective of social housing strategies.
3. Amend qualifying age for expedited wait-turn access to social housing to 55 for all applicants and 45 for Aboriginal and Torres Strait Islanders across all States and Territories

Improved tenancy regulation

When addressing intergenerational housing inequity we need to start by acknowledging the policy foundations of our renting sector and ensure that the sector is fit for purpose. There is a need to reform legislation that regulates the private rental system to ensure the protections it provides aligns with the needs of renters of all ages.

¹⁷Douglass, M., & Lefebvre, M. (2024, April). Security through social housing: The need for a generational investment in NSW. The McKell Institute; St Vincent de Paul Society NSW.
<https://mckellinstitute.org.au/wp-content/uploads/2024/04/McKell-Institute-St-Vincent-De-Paul-Society-NSW-Security-Through-Social-Housing-2024.pdf>

Primarily, we need to recognise that the purpose of the rental sector is to provide housing for people. With other essential services such as healthcare, energy, food and water, we ensure that the systems set up to deliver services hold that primary purpose in mind. Even in privatised or market-driven essential services there is a consensus across government, across industry and across the community about the primary purpose of the sector. Investment is made with that goal in mind, and with an acceptance of regulation that is in aid of ensuring the purpose is met. That's primarily what we've been missing in the renting sector.

People particularly on lower incomes have not been well served by the private renting sector for a long time. The Whitlam poverty inquiry identified this and a number of areas to address, including no-grounds evictions and minimum standards. Nearly 50 years later, these issues are not resolved. It took until 1 April 2023 for any jurisdiction in Australia to end no-grounds evictions. We have widespread repairs and maintenance concerns that aren't attended to, and we have displacement of people from their communities and their connections to family, friends and social and economic support and opportunities.

We have a system that is very individualised. People are meant to try and enforce the contracts and rules as they are the primary actor, and those contracts are somewhat standardised. For instance, if a property is not in a good state of repair it is the tenant who is the actor in enforcing repair rights. Their rights don't start until the tenancy begins and they end when the tenancy ends. Quite often we hear from people who want to make sure the next tenant doesn't face the same issues they have and is moving into a place where the repair issues are well known, but there is no mechanism to prevent that — and that's a source of great frustration for people. It also means the knowledge and experience of former consumers of a particular service aren't able to translate into better outcomes for the next person. This is very different to other essential services like food or health care, where there are a range of standards checked prior to the customer, consumer or client ever walking through the door. Individual complaints can be heard and attended to but they are not the sole and primary actor that has to take that heavy load.

We have to develop a strategy to address intergenerational housing inequity that works across the creation and ongoing experience of homes, to ensure that homes of good quality are available in good locations and that these homes are safe, stable and affordable places for people to live. We have to acknowledge that relying on market forces alone is insufficient; if they were sufficient, we could simply build and market dynamics would deliver on everything else. We can also acknowledge that regulations can't overcome the pressures of a lack of availability. The two levers have to work together across all aspects of delivery of homes for people who rent.

The National Association of Renters Organisation report, The National Nine: Principles for

Strengthening Renters' Rights outlines key priorities for change in the rental sector. The report identified the need for greater stability and security for people who rent their homes; stronger protections and fair limits on rent and rent increases; safe and healthy homes for renters, including minimum standards particularly around energy efficiency and accessibility; better enforcement, oversight and accountability around the system of renting; access to free advice, assistance and advocacy services.

Ending no grounds evictions in all States and Territories for all agreements is essential to ensure renters have greater stability and security. There also needs to be a consideration of the tenants circumstances and needs when a landlord seeks to terminate an agreement on specified reasonable grounds. In Victoria this is a requirement of their Tribunal process. The tenants' circumstances and potential hardship are weighed up against the landlord's needs. This is not something that is required in all States and Territories and is an important principle that should be incorporated in the rental sector to align with its purpose of providing a home for people.

Regulation of prices in the private rental housing market is necessary to stabilise rents and ensure access to affordable housing at a decent standard. Under the current system in most States and Territories, rents are being set at a price that renters are 'willing to pay', that is – they accept the rent increase and may not move out – but this is only because they feel forced to. They are facing undue pressure given the current housing crisis.

In the ACT there is regulation of rental prices. A landlord is required to prove that a rent increase is not 'excessive' where a rent increase exceeds 110% of the change in CPI since the last rent increase or since the tenancy agreement began. Unless the renter consents to the increase a landlord must apply to the Tribunal for the increase, and provide evidence for why an increase above the threshold is justified. If the increase is below that threshold (110% of change in CPI for rents) the increase is considered reasonable. In this case, the renter who wants to challenge an increase must apply to the Tribunal and provide evidence as to why they feel it is excessive in the circumstances.

Renters have a right to live in a safe, accessible and healthy home that meets a clearly articulated basic minimum standard. This must include basic energy efficiency standards to reduce the energy required to heat or cool a home, and ensure access to an affordable energy supply. Renters must also have the right to modify their home where necessary to ensure it is accessible and they can live safely and independently. Better enforcement, oversight, and accountability so that compliance is the norm. The current enforcement paradigm relies on renters to enforce the laws – despite having less power and being vulnerable to retaliation through eviction or rent increases. Government agencies should be better resourced to respond to and support tenant self-advocacy, while also pro-actively enforcing rental laws and applying penalties to deter non-compliance.

Introduction of landlord registration (or licensing) schemes that provide greater transparency, accountability and data to our renting systems should be considered.

It is vital renters across Australia have access to high quality tenancy advocacy advice and assistance. Tenancy Advice and Advocacy Services have demonstrated they are effective at sustaining tenancies, reducing evictions directly into homelessness, and reducing debts. Resourcing of services across Australia has not kept pace with the growth in the number of residential tenancies and the growth in the number of disadvantaged households in the rental market whose tenancies are especially precarious. There is also very limited resourcing provided to housing advocates with experience and expertise in residential tenancy systems to take part in consultation and conversations and ensure renters' voices are heard, in particular at the national level.

Recommendations

4. National Cabinet to expand the Better Deal for Renters to ensure the intention of ensuring renters can find and retain stable, long-term and affordable housing. The revised Better Deal should include additional principles from National Association of Renters' Organisation 'The National Nine Principles for strengthening renters' rights' regarding:
 - a. Stability
 - b. Affordability
 - c. Liveability
 - d. Compliance & accountability
 - e. Management and security of tenants' money (rental bonds)
 - f. Protection of private information and discrimination
 - g. Access to advice & advocacy for all renters
 - h. Universality of protections for all people renting their home
 - i. Using data to inform policy

5. Federal Government to implement robust mechanisms to monitor and incentivise the rollout of improved Better Deal for Renters.

Treaty and Land back

Treatment of land since colonisation is a foundational element of current intergenerational housing inequity. The impacts of dispossession, displacement on housing outcomes are recognised within the principles of Closing the Gap. Housing inequity could be addressed by returning further land control to Aboriginal and Torres Strait Islander People. This would enable the development of culturally appropriate, secure, and sustainable housing on ancestral lands. Establishing community-controlled housing and supporting self-determination will help to combat overcrowding and

homelessness for Aboriginal and Torres Strait Islanders.

Even where First Nations Peoples rightful connection to their land is recognised through Native Title and freehold title this has not resulted in decision making power for Aboriginal and Torres Strait Islanders. Despite 54 percent of Australian landmass being covered by exclusive and non-exclusive Native Title and freehold title, only 26 percent of Australia's land mass includes decision-making power and exclusive possession.¹⁸

Land Back is about caring for Country in a way that allows the land and Aboriginal and Torres Strait Islander People to coexist in harmony and to thrive alongside– as opposed to at the detriment of– one another.¹⁹ It's not about owning the land and using it as a means of generating wealth for individuals which we have seen creates inequity. We recognise the recommendations in this regard, developed by Aboriginal people and organisations in the 2025-26 Joint NGO Report to Australia's 4th Universal Periodic Review.²⁰

¹⁸ Josh Nicholas, Calla Wahlquist, Andy Ball and Nick Evershed, 'Who Owns Australia?', The Guardian, 21 May 2021

¹⁹ ANTAR. (2024). *Land Back factsheet*.

<https://antar.org.au/wp-content/uploads/2024/05/ANTAR-Land-Back-Factsheet.pdf>

²⁰ Australian NGO Coalition (2025, 2025-26 Joint NGO Report, accessed 1st May 2026 at <https://www.hrlc.org.au/app/uploads/2025/07/2025-26-UPR-Joint-NGO-report.pdf>

Recommendations

6. Australia must coordinate with Aboriginal and Torres Strait Islander Peoples to establish a national action plan and an Indigenous independent monitoring body to implement the United Nations Declaration on the Rights of Indigenous People.
7. Australia must establish a Makarrata Commission to supervise negotiations on a national treaty and truth-telling to recognise the self-determination of Aboriginal and Torres Strait Islander People.
8. Australia must implement legal reforms to protect and facilitate the return of Indigenous lands and reform the Native Title Act by:
 - a. providing sufficient resources;
 - b. revising evidentiary requirements;
 - c. including non-economic loss compensation;
 - d. ensuring Free Prior, and Informed Consent;
 - e. remediating contamination;
 - f. Enabling land acquisition; and
 - g. enacting the Social Justice Package.

CGT and negative gearing

Tax settings and lending practices have facilitated an ability to borrow large amounts of money and contribute to fast-rising property purchase prices. The capital gains tax discount, particularly in conjunction with negative gearing, has made highly leveraged property investment method a viable and attractive option. This increases purchase prices for both investors and owner occupiers, which further embeds highly leveraged investments as not only a normal but for many, a required, route to ownership.

The interaction of capital gains tax discounts and negative gearing have contributed to housing inequality. Both of these tax settings encourage speculation in housing investment which most concerns us is the flow on impact this has on rental prices and quality of the housing experience.

The capital gains tax discount disproportionately benefits higher income earners in Australia. The greater the number of properties and the higher ones income the greater benefits of capital gains tax discounts.

Over the last fifteen years, the amount of money borrowed and spent on housing has increased hugely. This speculative spending has inflated house prices and priced out many would-be owner-occupiers so they are renting longer. It has also distorted the shape of the rental market, with more high-value, high-rent stock being brought into the rental

sector, and low-cost, low-rent properties dropping out and becoming scarcer and less cheap.²¹

We need people who are investing into the renting sector to do so on the basis of providing people with a home and recognise that there are needs within that sector that have to be met. We also need to better frame the investment expectations to align with the needs of the sector—so a long-term, stable investment with modest reward, rather than the more speculative chase of capital gain and taking on very large risks with highly leveraged investment strategies.

Assisting owner occupiers is the stated aim of all parties of government in Australia. Reducing capital gains tax discount and making changes to negative gearing would assist in reducing the number of people competing in the property market and open the way for prospective owner occupiers to purchase a home.

House prices in Australia have risen faster than incomes for several decades and the tax discounts primarily facilitate trading in existing homes rather than either incentivising new market supply, or funding directly the supply of public and community homes. The added revenue from reducing the capital gains tax discounts and negative gearing could be spent on building or buying dwellings to be used as public and community housing which will significantly improve rental affordability in the private rental market.

ACOSS reported that for a few years now annual revenue foregone from the tax breaks for investment property has been greater than annual federal expenditure on all other housing assistance combined.²²

At a time where we have an increasing housing affordability crisis this highlights the disconnection between our tax policies and the need for everyone to have a home. Responsible governance requires shifting priorities and focus to reducing housing inequality and improving housing affordability.

²¹ Reynolds, M., Parkinson, S., De Vries, J and Hulse, K. (2024) Affordable private rental supply and demand: short-term disruption (2016–2021) and longer-term structural change (1996–2021), AHURI Final Report No. 416, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/finalreports/416>, doi: 10.18408/ahuri5128501

²² Davidson, P and Hall, J (2025), Homes for living, not wealth creation: Tax and expenditure reforms to improve housing affordability and equity, ACOSS, Sydney

Recommendations

9. Ensure the tax treatment of property ownership, including for investment purposes, aligns with community expectations for residential occupation of housing to be stable, long-term and affordable for occupiers.
10. Remove capital gains tax discounts and other tax settings which incentivise owner behaviour away from providing stability of tenure for renters or prioritise the financial treatment of housing above its usage.
 - a. The Capital Gains Tax Discount should be reduced by 5% each year for 10 years until it is removed and a limited indexation adjustment reinstated for capital gains tax through transition.
 - b. Negative gearing and its impact on encouraging speculative investment practices should be considered as part of overall tax reform.
 - c. Interaction with state property taxes - such as land tax and stamp duty - should be considered with reference to incentives geared towards long-term residential availability and stability rather than empty, underused or commercial use of residential dwelling.
11. Revise lending practice standards to ensure loans take proper consideration of costs and risks of owning property for investment purposes, including loans which facilitate an over-reliance on future (tax-free or reduced) capital growth at the cost of occupants' stability, health.
12. Direct expenditure, including that previously funding tax discounts, towards:
 - a. funding gold standard energy-efficient public and community housing to meet existing and projected unmet need,
 - b. funding work to deliver recommendations 4 and 5, in particular ensuring renters have access to advice and advocacy services at a level that meets the needs of the population, and supplementing state resources to do so.
 - c. ensuring funding of the National Association of Renters' Organisations to provide national coordination and expertise to support and amplify renters' experience of federal housing issues and policy decision-making.